

# Agenda



## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 16 March 2016 at 10:30am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

### Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the meeting held on 9 March 2016 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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## Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning) or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

# Development Management Committee Schedule

## 16 March 2016

Item Number: 1

Committee Date: 16 March 2016

<b>Application Reference:</b>	15/0763	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Wainhomes (North West) Ltd	<b>Agent :</b>	Sedgwick Associates
<b>Location:</b>	LAND NORTH OF PRESTON OLD ROAD, NEWTON WITH CLIFTON		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 74 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Design Improvements		
<b>If viewing online this is a Google Maps link to the general site location:</b>			
<a href="https://www.google.co.uk/maps/@53.7674032,-2.8195468,580m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7674032,-2.8195468,580m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Approve Subj 106

### March Update to members:

A decision on the application was deferred by members of the Development Management Committee on 10 February for a site visit in order to allow members to examine the location of the proposed site access and parking arrangements in the vicinity.

Since the Development Management Committee meeting on 10 February, the appeal against the Council's refusal of outline application 15/0065 for up to 55 dwellings at 'Land North of Blackpool Road' has been dismissed (appeal reference APP/M2325/W/15/3138447). The Inspector considered there to be three main issues in this appeal as follows:

- (i) the effect of the proposal on the character & appearance of the locality;
- (ii) the connectivity of the site in relation to Clifton, local services and facilities there; and
- (iii) the design and location of a possible new access to the site.

The Inspector makes the following observations (emphasis added in bold lettering) in respect of each of the main issues above:

- *The effect of the proposal on the character & appearance of the locality:*
  - "This issue includes whether there would be any loss of an open aspect, and the appearance of a small settlement set within a rural, countryside area and any effect of scale of development relative to the village. **The nucleated settlement of Clifton has grown along Preston Old Road with later expansions to the north.** Development on the south side of Preston Old Road appeared to me to have been limited to a couple of cul-de-sacs to the

western end of the village, but otherwise there is a strong boundary at the southern end of the unusually long gardens to the Silver Street and Preston Old Road properties” (paragraph 13).

- “The long back gardens of the Silver Street and Preston Old road properties together with those of Mulberry Close and Highfield Close back onto the appeal site and form a distinct and firm boundary to the settlement [...].**The appeal site is at a considerably lower level than the existing settlement**” (paragraph 14).
- “I find that the scheme would **introduce a sprawl of built development across open countryside, which would be perceived as an incongruous extension out onto the lower flat lands. The appeal site and the field of which it is a part create the setting to the small scale settlement on the ridge, in its open countryside landscape.** This would be a negative change to the distinctive character and appearance of the settlement. The most significant views of the site are from close by. Thus while [the appellant] argued that the houses on the southern edge of Clifton would still be seen above the proposed development, any understanding of the topography would be lost. **The obvious defined edge to the village, set on its ridgeline above the open flat fields below, would be concealed and the appearance of a nucleated settlement within an open setting would be lost**” (paragraph 25).
- *The connectivity of the site in relation to Clifton, local services and facilities there:*
  - “The Council is concerned that the appeal site, and its proposed vehicular access onto Blackpool Road, is such that the development would be detached from the remainder of Clifton. New residents would, therefore, be likely to join the A583 in private vehicles and then drive to services and facilities in nearby settlements rather than turn off the main road back into Clifton. Thus new residents from the appeal development would not contribute to the vitality of Clifton” (paragraph 27).
  - “I understand the importance of supporting the local shop and the Post Office in the village which I saw during my site inspections. However, **the services in Clifton are limited; existing residents will already need to travel to schools, medical services, employment, larger scale shopping opportunities and for leisure trips anyway**” (paragraph 28).
  - “I have examined the two other sites for development [15/0165 & 15/0763] shown on in Appendix B to [the LPA’s] statement and, it is possible that new residents from those sites may pass along Preston Old Road and stop at the village shop/Post Office. **It is equally likely, though, that they would seek the quickest route out onto the A583 anyway and not drive along Preston Old Road,** just as the Council fears would be the case with new residents from the appeal. **Clifton has been identified for some growth even when it is clear that most Clifton residents will need to travel for such facilities in any event.** Thus I agree with the appellant company’s comparison of the appeal site and the Ash Lane site, in terms of connectivity” (paragraph 29).
  - “I therefore conclude that **the location of the proposed development would not be so detached from the village, such that new residents would not contribute to the vitality of Clifton’s services, or reach public transport links,** such that the appeal should be dismissed on this issue” (paragraph 31).
- *The design and location of a possible new access to the site:*
  - “First of all, I consider that any judgement on the acceptability of any proposed access onto the A583 should take account of the latest information on average speeds, as collected by the Highway Authority in January this year. This found northbound speeds of 55mph and southbound 57mph, despite the 50mph speed limit along the road and the presence of a speed camera” (paragraph 32).

- **“Considering the results of the latest speed survey, I find 4.5m x 160m visibility splays would be appropriate for the main access of this development to join a road with these characteristics, in order for it to be safe”** (paragraph 33).
- **“Tpm Drawing 2146 03, contained in the bundle submitted at the hearing indicate 4.5m x 160m splays could be achievable but, as I have stated earlier, I remain unconvinced concerning any effect on the protected trees”** (paragraph 35).
- **“Appendices I and J to the appellant Company’s statement also suggested an alternative of 2.4 x 56m visibility splays, assuming that traffic speeds could be reduced to 40mph on the A583. This does not seem efficient or convenient for road users on such a main route however and, given that recorded speeds are in excess of the speed limit already, even with a speed camera in operation on the road, I have no evidence that speeds would be reduced to the extent that the appellant company claims in any event”** (paragraph 36).
- **“I conclude on this issue that the various access points suggested would be unsatisfactory due to the tree and hedgerow loss that would result. Regarding the reduced visibility splay scheme, I find this would not result in a safe and suitable access as the Framework requires and would conflict with Local Plan policy HL2 in that it would have an adverse effect on the safe and efficient operation of the highway network”** (paragraph 37).

*Implications for the proposed development:*

It is an established principle of the planning system that each application must be considered on its own merits. The application site at Preston Old Road differs substantially from the appeal site at Blackpool Road with respect to its relationship with the settlement, its impact on the character and appearance of the surrounding area and the proposed means of access (this being onto a different highway). The main issues in this application are, however, similar to those considered as part of the Blackpool Road appeal and, accordingly, this appeal decision is a material consideration in the decision making process. With respect to the three main issues, the Inspector’s conclusions in the Blackpool Road appeal indicate that:

- The appeal development was found to cause substantial harm to the character and appearance of the area by virtue of its scale, location and relationship with the settlement. In dismissing the appeal on these grounds, the Inspector makes particular reference to harm arising as a result of the topography of the appeal site (this falling significantly below the remainder of the village set at a higher level to the north) and its failure to integrate with and follow the pattern of the existing settlement. Further harm was identified in this respect as the provision of a suitable visibility splay at the junction with the A585 would necessitate the removal of a substantial length of roadside hedgerow and several protected trees.
- The appeal development was not found to be in an isolated location and was not considered to be unacceptably detached from the village such that it would not contribute to the vitality of Clifton’s Services or be inaccessible by public transport. Moreover, the Inspector did not consider that the need for travel away from Clifton in order to access other facilities such as “schools, medical services, employment, larger scale shopping opportunities and for leisure trips” meant that the site should be considered inaccessible by virtue of its location. Accordingly, the appeal was not dismissed on these grounds.
- The appeal development was found to be incapable of providing a safe and suitable means of access to the site. Two access strategies were presented as part of the appeal showing visibility splays of 2.4m x 56m and 4.5m x 160m onto the A583 (Blackpool Road). The Inspector considered that visibility splays of 2.4m x 56m would be insufficient with respect to highway safety. Whilst the Inspector stated that, in principle, visibility splays of 4.5m x



160m could provide a safe means of access into the site, this would necessitate the removal of long stretches of hedgerow and several protected trees which, in turn, would unacceptably harm the character and appearance of the area. Accordingly, the appeal was also dismissed on the grounds that “a safe and suitable access” to the development could not be provided.

The Inspector’s decision in respect of the Blackpool Road appeal identifies an “absence of harm concerning connectivity issues” and, with respect to access, concludes that a safe engineering solution is capable of being achieved through the provision of suitable visibility splays in accordance with guidance in Manual for Streets 2, albeit that the provision of these visibility splays would necessitate the removal of roadside trees and hedgerow which would contribute to the development’s harmful visual impact. Having regard to these conclusions, it is not considered that it would be sustainable to refuse planning permission for this application on grounds relating to the accessibility of the site’s location or its impact on the safe and efficient operation of the highway network – in particular, as the proposed visibility splays accord with guidance in Manual for Streets 2 (without the need for removal of the existing roadside hedgerow on Preston Old Road) and the Local Highway Authority have not objected to the scheme on these grounds.

Given the above, it is considered that the main issue to be assessed as part of the application is with respect to the development’s impact on the character and appearance of the area. In this regard, it is noted that:

- Paragraph 13 of the Inspector’s decision makes specific reference to Clifton’s growth “along Preston Old Road with later expansions to the north” (and, in turn, an absence of growth to the south of the settlement and a strong boundary along this edge).
- Particular harm is identified in respect of the appeal proposal as this lies on open flat lands at a significantly lower level to the remainder of the settlement and, accordingly, makes an especially valuable contribution to the village’s open, countryside setting. The Inspector concludes that the appeal development would be seen as a “sprawl of built development across the open countryside which would be perceived as an incongruous extension out onto the lower flat lands [and] the obvious defined edge to the village, set on its ridgeline above the open flat fields below, would be concealed and the appearance a nucleated settlement within an open setting would be lost”.
- Further damage to the character and appearance of the area is identified through the loss of roadside vegetation required in order to create a safe access onto the A583.

The application site falls to the northern end of Preston Old Road and is bounded along its eastern perimeter by housing on Stanagate and Clifton Green. The scheme would follow the existing pattern of built development to the western fringe of the village and would continue the northerly and westerly extensions to the settlement which have characterised its growth in the past. A large area of open space along the development’s northern edge would provide a substantial buffer with open countryside beyond and would limit the visual impact of any encroachment beyond the rear garden boundaries of houses on Clifton Green. The development would also follow the topography of adjacent land and there is no significant difference in levels between the site and adjoining built development within the settlement which would result in a sprawl of urbanisation onto land which is seen as being obviously detached or distinct from the remainder of the village, nor would the development unacceptably diminish the settlement’s open countryside setting. Accordingly, the application site is readily distinguishable from the appeal site in this respect and is not directly comparable.

Approximately one-third of the application site is allocated as a non-strategic site for development

within the Emerging Local Plan (ELP). This allocation seeks to 'infill' a square-shaped parcel to the northeast corner between houses on Clifton Green and Stanagate. Whilst the ELP carries limited weight as it is unadopted and is yet to be examined, the allocation of this parcel as a non-strategic site for housing demonstrates a general principle in favour of development on this *circa* 0.9 hectare area of the site. The application site extends to the north and west of this allocation. In respect of the northerly extension, this would be dominated by 0.5 hectares of open space and landscaping which would largely preserve the site's open aspect to adjoining countryside within this parcel. The remainder of the site (an area of *circa* 1.45 hectares) would result in a westerly 'dog-leg' extension to the settlement which would be screened by bankside planting on the fringes of the watercourse which forms the western boundary and, to its southwest corner, development would be seen against the backdrop of existing housing flanking the eastern site boundary on Stanagate.

Whilst the development involves a degree of encroachment into the open countryside which would result in a loss of openness through urbanisation of the site, the scale and location of the development, its relationship with the existing built-up fringe of the settlement and the layout of open space and landscaping on the edges of the site would ensure that this impact is suitably minimised and mitigated in order that the development would not unacceptably harm the character and appearance of the area. Therefore, it is not considered that significant and demonstrable harm which would clearly outweigh the benefits of the development would arise in this respect and, accordingly, it is not considered that permission should be refused on grounds relating to the development's visual impact.

#### Updates to committee report since 10 February meeting:

The committee report has been updated to reflect the change in circumstances following the dismissal of the Blackpool Road appeal and includes the additional representations received from the Parish Council and members of the public (and associated officer responses) which were reported as late observations at the committee on 10 February. Additional representations received after that committee are also reported. The officer recommendation and suggested conditions are unchanged.

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

The application seeks outline planning permission (access only) for a residential development of up to 74 dwellings on a 2.85 hectare parcel of land to the western edge of Clifton. The site is presently used as pastureland for grazing animals and falls within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the development falls outside the settlement boundary and, accordingly, would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, therefore, FBLP policy SP2 which acts to resist residential development within the Countryside Area is in conflict with the NPPF. As a result, policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, a *circa* 0.9 hectare parcel to the northeast corner of the site is allocated as a non-strategic housing site in this Plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the emerging Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The proposed development, in combination with other applications which have a positive resolution (namely application 15/0165 for a development of up to 30 dwellings at Ash Lane), would result in an expansion

of the village in the order of approximately 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The proposed development represents a proportionate extension on the edge of the village which would be well related to the existing settlement and development on the periphery of Clifton. The proposal, by virtue of the density and number of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

Satisfactory arrangements (including infrastructure improvements) would be made for access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding, drainage and contamination, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The application is for major development and the Officer recommendation is for approval. In addition, Newton with Clifton Parish Council have objected to the application.

### **Site Description and Location**

The application relates to an irregularly-shaped parcel of land extending approximately 2.85 hectares in area to the north side of Preston Old Road and the west side of Stanagate/Clifton Green, Clifton. The site is located to the western edge of the village in close proximity to the signalised junction of Preston Old Road and the A583 (the dual carriageway of Blackpool Road). The site is set at a lower level (approximately 0.5m below) to Preston Old Road, with its southern boundary

characterised by a combination of hedgerow and fencing atop a shallow banking, with a low retaining wall towards its western end. The site follows an undulating topography, with ground level falling gently away from the southern boundary towards a central low point before rising towards the northern end. A farm gate is located within the eastern boundary onto Clifton Green, though it appears that the principal means of access to the field is via an opening to the northeast (outside the site) off Clifton Lane.

The western boundary of the site is flanked by a narrow ordinary watercourse (not classified as a main river), with a linear belt of trees forming a strip of bankside planting marking this boundary. The site narrows to its southwest corner where the watercourse meanders along the western boundary, before merging with a large expanse of open farmland to the north. A row of tall pylons and overhead lines follow a linear trajectory running latitudinally and mark the northern perimeter, with lower columns supporting other overhead lines running diagonally across the site from its northwest corner towards Clifton Green. The eastern site boundary runs alongside a collection of dwellings on Stanagate and Clifton Green to the east. A vehicle sale showroom (Autologic) lies to the south of the site on the opposite side of Preston Old Road and a vehicle repair garage (Taylor's Garage) is located further to the east, along with a row of houses flanking Preston Old Road up to its junction with Lodge Lane. Dobbies Garden Centre, a large two-storey building, is located to the southwest of the site on the opposite side of the A583 beyond the signalised junction.

The land falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The site presently forms pastureland for grazing livestock and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map. A *circa* 0.9 hectare parcel off Clifton Green to the northeast corner of the site is allocated for a residential development of approximately 20 houses in the Revised Preferred Option version of the emerging Local Plan (RPO).

### **Details of Proposal**

The application seeks outline permission for a residential development of up to 74 dwellings and associated infrastructure on the site. The only matter applied for is access. This is defined in the Development Management Procedure Order as follows:

*Access* – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Matters of layout, scale, external appearance and landscaping are reserved for later consideration.

Access to the development is proposed from the southern boundary of the site via Preston Old Road. This access would take the form of a priority (give way) junction located to the southeast corner, with its centreline located approximately 53m east of the signalised junction with Blackpool Road. The access would open onto a 5.5m wide estate road flanked by 2m wide footways. Visibility splays of 2.4m x 48m (westbound) and 2.4m x 35m (eastbound) would be provided at the junction, and involve a build out of the junction with a consequential localised 1m narrowing of the carriageway of Preston Old Road to a minimum of 7.7m in order to achieve the abovementioned visibility splays. The following off-site highway improvements are also proposed to the carriageway of Preston Old Road as part of the scheme:

- The formation of a T-shaped raised table around the junction between the site

access and Preston Old Road.

- The upgrading of two existing bus stops (eastbound and westbound) located to the east of the site on Preston Old Road through the provision of raised boarding areas and road markings.
- The introduction of speed reducing surfaces including 'slow' and 'gateway' speed markings with traffic signs.
- The provision of a new footway on the northerly side of Preston Old Road from the site access to the bus stop which lies to the east.

An illustrative masterplan has been submitted as part of the scheme. Whilst layout is not applied for at this stage and, accordingly, this drawing is for indicative purposes only, this shows the provision of approximately 0.5 hectares of open space within a triangular strip alongside the northern site boundary and a mix of 2, 3 and 4 bed dwellings comprising a mix of detached, semi-detached and terraced housing, and two blocks of apartments constructed around the main estate road and three cul-de-sacs. The masterplan also shows the retention of tree and hedgerow planting along the southern and western boundaries, with additional planting around the perimeter of the open space to the northern boundary where the development flanks open countryside.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0765	ERECTION OF 8NO. SEMI-DETACHED DWELLINGS FOR SOCIAL HOUSING.	Withdrawn by Applicant	06/07/2010
06/0191	RESUBMISSION OF APPLICATION 04/1012 FOR 8 NO. DWELLING HOUSES AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, ALL FOR USE AS SOCIAL HOUSING.	Finally Disposed Of	08/08/2013
04/1012	ERECTION OF 8 DWELLINGS FOR USE AS SOCIAL HOUSING	Refused	08/03/2005

### **Relevant Planning Appeals History**

None

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

Newton with Clifton Parish Council were notified of the application on 10 November 2015, and subsequently of amended plans received by the Council on 3 December 2015 and 21 January 2016. Following their meetings of 7 January 4 February 2016, the parish Council object to the application on the following grounds:

- The proposed development does not conform to the LPA Local Plan revised Preferred Option in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed "Brownfield" sites to be used before "Greenfield" and, consequently, agricultural land and NPPF paragraph 7.
- Policy SP2 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.

- The transport assessment provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is Preston Old Road, Clifton. It is therefore reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety in the locality generally and particularly the A583 Kirkham Bypass. The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF. The revised highway proposals remain insufficient and will not ensure traffic speeds do not exceed prevailing levels. The proposed development still fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF.
- Drainage is a key issue highlighted in Policy HL2. It is considered that the proposed development does not fully address the capacity issues related to the sewer network. The current proposal will increase the number of dwellings in the parish by c. 18% and is therefore considered to have an adverse impact on the sustainability of existing infrastructure.
- The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process. The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes. Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its Draft Local Plan to 2032 – Revised Preferred Option this application must be considered premature.
- The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy. The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17. The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much development in the recent past to the detriment of parish amenity, character and tranquility.
- The proposed development is to the detriment of the biodiversity, ecology and wildlife as it impacts on field pond(s) in the area.
- Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in the parish and the surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.
- The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2 in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.
- The Parish Council request that the Development Management Committee defer consideration of the application at the meeting on 10 February in order to enable them to

undertake a site visit. This will allow Members to assess highway safety issues and to become familiar with the site, its surrounding environment and to gain a clear understanding of the issues associated with the proposal, particularly those relating to parish amenity and highway safety, before determining the application.

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

#### *County Archaeologist:*

- The development site appears to form part of the town fields of the settlement, with the two western fields shown on the 1849 mapping having a characteristic medieval shape; it is also crossed by an earlier line of the road to Newton and Kirkham. Aerial photography shows that earthworks representing the former road line and 'ridge and furrow' ploughing survive on the western side of the plot. The majority of the site has however been subject to later ploughing and drainage, which is likely to have damaged or destroyed most of the potential for earlier archaeological remains. The surviving features are of some local significance, but are not thought to be so important as to require preservation at the expense of development. They do, however, merit recording before they are destroyed by the development process.
- The surviving earthworks on the west side of the site should be surveyed, a plan and appropriate sections drawn up, and the area of the former road should be subject to a rapid archaeological excavation and recording exercise. These works do not need to be undertaken before a planning decision is reached, but can be required by the imposition of an appropriate planning condition.

#### *Electricity Northwest:*

- The development is shown to be adjacent to Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- There is a 6.6kV over head line and air break switch crossing the site. These will have to be diverted and removed from the site to allow the development to take place. The cost of this diversion will need to be borne by the applicant.
- There is a 33kV over head tower line to the north of the site. The developer will need to ensure safe clearances and wayleaves from this line and towers.

#### *Greater Manchester Ecology Unit (GMEU):*

- The Ecology Surveys and Assessments carried out by ERAP in support of the application have been undertaken to appropriate and proportionate standards. No further surveys are considered to be necessary prior to deciding the application.
- The application site is not designated for its wildlife value and is not adjacent to such sites. It is considered to have only low potential to support any specially protected or priority species, except for providing limited feeding opportunities for bats. The habitat features of most value to bats (trees, hedgerows and ditch) are capable of being retained as part of any development.
- While most open fields in this area could be considered to have at least some potential to support birds associated with the Ribble and Alt Estuaries SSSI, this site is close to a main road and existing built development such that it is considered unlikely to be of high value for birds. The site is dominated by species-poor improved agricultural grassland.
- The development will result in the loss of open grassland, with a consequent loss of openness, and may result in some limited harm to small areas of habitat of local nature conservation value. Mitigation for potential harm is possible, and enhancement of the site

for wildlife may be possible. Overall, the site is not of substantive value for nature conservation and there are no objections to the application on nature conservation grounds. It is recommended that conditions should be attached to any permission granted requiring that:

- Hedgerows, trees and ditches on the site should be retained and protected, or if losses are caused, these should be compensated by new landscaping;
- At least 10% of the site should be retained as functional greenspace;
- A Landscape Plan should be required for the development, including proposals for incorporating biodiversity enhancement features into the scheme.

*Health and Safety Executive:*

- HSE does not advise, on safety grounds, against the granting of planning permission in this case.

*Housing Services:*

- The required 30% affordable housing element of the development should be delivered on site. Under present market conditions, the desired 80:20 tenure split between social rent and shared ownership under policy H4 of the RPO is difficult to achieve. Therefore, a split of 60:40 (rent to shared ownership) is likely to be more appropriate. My Home Choice Fylde Coast currently has 235 households who have Newton with Clifton as an area of preference on their application. A mixture of 1, 2 and 3 bed provision would be most appropriate to meet existing needs. Any S106 agreement should, however, include provision for affordable housing to be offered to households Boroughwide.

*Landscape Officer:*

- The southern part of the site fronts onto the Preston Old Road/Blackpool Road junction, which is a busy interchange providing open views across the countryside to the north and the edge of Clifton village. There are medium to long range views from the eastern and western development boundaries which are interrupted by existing woodland planting. The overall character of the landscape is typical of Fylde, with an undulating landscape and hedgerows to the field boundaries with pockets of woodlands and single stand trees to the road side.
- The development will be highly visible from the Preston Old Road/Blackpool Road junction. The current layout has the potential to affect the surrounding landscape in this location. In particular, the development would be located in close proximity to the junction and, due to the location of the garage and 4 plots fronting onto Preston Old Road, would be highly visible from this vantage point. More landscaping than is presently shown on the masterplan is required along this frontage in order to mitigate this impact. There appears to be a sufficient set back from the road to allow for such a planting buffer to be introduced. The aim of this would be to screen the development from the Preston Old Road and the Blackpool Road junction.
- Clifton Green is located to the east of the site and part of the development will address this road and be prominently in view from it. The current layout will require the construction of a high timber fence to form the rear gardens of properties backing onto Clifton Green, thus blocking views into/across the open countryside in this location. If this boundary treatment was brought forward in the current manner, this would have an undesirable effect on the public realm of Clifton Green at this location, and would physically and visually disconnect the two neighbourhoods.

*LCC (Education) - Position as of 29.01.16:*

- There is predicated to be a shortfall of 28 and 194 new primary and secondary school places



respectively at schools within 2 (primary) and 3 (secondary) miles of the site by 2020. Therefore, the proposed development is required to make an off-site contribution towards the delivery of new school places in order to offset its impact in this regard. As the application is in outline, it has been assumed that all dwellings delivered as part of the development would have 4 bedrooms. Whilst any planning obligation will need to include a formula to account for the exact bedroom mix applied for at reserved matters stage, a development of wholly four-bedroom properties would result in a requirement for:

- 28 new primary school places at a cost of £12,029.62 per place.
- 11 new secondary school places at a cost of £18, 126.38 per place.

*Lead Local Flood Authority (LLFA):*

- No objections subject to the imposition of conditions requiring:
  - The submission of a surface water drainage scheme to demonstrate that the post-development rate of surface water runoff does not exceed the pre-development (greenfield) rate.
  - A SUDS management and maintenance scheme.
  - A surface water lifetime management and maintenance plan.
  - A construction phase surface water management plan.

*Local Highway Authority (LHA):*

- The C299 (Preston Old Road) in the vicinity of the development site is subject to a 20mph speed limit. To the northwest of the proposed means of access is the junction of Preston Old Road and the A583 (Blackpool Road) which is controlled by traffic signals. Blackpool Road is subject to a 50mph speed limit.
- Data provided by the developer shows that the two way traffic flow on Preston Old Road to be 140 and 173 vehicles in the AM and PM peak hour respectively and the developer states that this "shows that Preston Old Road is a relatively lightly trafficked road." LCC do not hold any traffic count data for this road, however, following site observation there is no reason to doubt the accuracy of the information provided.
- The speed count data provided by the developer indicates that the 85th percentile speed of vehicles on Preston Old Road to range from 23mph to 33.6mph depending upon direction of travel and time of day. There is no reason to doubt the accuracy of this information.
- The developer has used the TRICS database to estimate the quantum of traffic that the development will generate. The data shows that the proposal is likely to generate a maximum of 44 two-way vehicle movements in each of the AM and PM peak hours. This data has been checked and is considered to be acceptable for this site. Similarly, the trip distribution methodology is considered to be sound.
- The developer has taken into account relevant committed developments and allowed for traffic growth for future years. The committed developments and growth factors are considered acceptable for this site.
- The developer has undertaken capacity assessments for five nearby junctions. The assessment shows that all junctions apart from the A583 / A584 junction currently operate within capacity and will continue to operate within capacity in future years. The exception to this is the A583 (Blackpool Road)/A584 (Preston New Road) junction. This mainly operates within capacity, however, in the PM peak there are approaches to the signalised junction which are over capacity. The proposed development adds to the capacity issue here leading to an additional 5 vehicles in the MMQ (Mean Maximum Queue). Whilst under certain circumstances this would be a significant concern to LCC, the effect of the Preston Western Distributor (PWD) road on traffic on the highway network should be borne in mind. The PWD will reassign some traffic movements to other roads in the Fylde / Preston area and a number of improvements to junctions such as the A583 / A584 will be required.

With this in mind the additional impact that this proposal will have here is relatively minor and not sufficient to substantiate a highways objection.

- The TA identifies 4 injury accidents, over a 5 year period, at the junction of Preston Old Road and Blackpool Road, of these 3 were serious. No injury accidents in the last 5 years have been recorded for Preston Old Road in the vicinity of the site access.
- Where the development site fronts Preston Old Road there is only a footway on the southern side of the road. The site access plan does show that footways will be provided into the site on both sides of the access road and that a footway will be provided on the northern side of Preston Old Road from the access to the east.
- Although Clifton, due in part to its size, has few facilities (no schools and limited employment opportunities), those facilities that do exist (e.g. Post Office, shops, garden centre) are within an accepted walking or cycling distance. There are bus stops close to the site access where service 61 (Blackpool – Preston) runs at 30 minute intervals in each direction.
- The developer has produced a Framework Travel Plan (FTP). The FTP can be considered to meet the minimum requirements, though timetables for travel surveys and additional measures to promote sustainable travel modes should be incorporated into a full travel plan.
- The developer proposes a simple priority junction onto Preston Old Road as the means of access to the development. The form of access is considered acceptable. However, in order to achieve sightlines to meet the existing 85th percentile speed of traffic the developer proposes to "build out" the access into Preston Old Road. Modifications to the original access arrangement have been agreed and are shown on drawing A090876-004 Rev B. The agreed access arrangements show a reduced "build out" and the introduction of a junction table at the access, a modification of the existing road marking, the introduction of a "gateway" treatment (at the change in speed limit together with traffic signs) and the provision of road markings for the existing bus stops. These features should have the effect of reducing vehicle speeds on this section of Preston Old Road, thus allowing for a reduced sightline. These works, along with the provision of a new footway on the northerly side of Preston Old Road from the site access to the bus stop to the east, will need to be delivered under a S278 agreement in accordance with the details shown on drawing no. A090876-004 Rev B.
- A contribution of £6,000 should be secured towards the development, implementation and monitoring of a full travel plan by LCC for a period of up to 5 years.
- In conclusion, the development proposal does not have an unacceptable impact on the highway network and providing that highway mitigation measures are introduced on Preston Old Road, there are no highway objections to the proposal.
- Conditions should be attached to any permission granted requiring:
  - A scheme for wheel washing for construction traffic.
  - A scheme for the construction of the site access and off-site highway improvement works, which should be completed prior to first occupation of the dwellings.
  - The submission of a full travel plan.

#### *Natural England:*

- The site is relatively small and has constraints such as roads, built development and pylons which make it less likely to be favoured by SPA bird species. Therefore the development, in isolation, is not likely to have any significant effect on the SPA bird species for which the Ribble and Alt Estuary has been notified.
- The LPA should however, consider the potential for in-combination effects and will need to undertake a Habitat Regulations Assessment to consider the development's in combination effects with other plans and projects. There are an increasing number of solar farm and

housing developments which could have an in-combination effect in terms of SPA bird displacement. Any necessary mitigation measures to ensure no adverse effect on the Ribble and Alt Estuaries, either alone and in-combination, will need to be agreed before planning permission is granted

*National Grid:*

- National Grid has a Major Accident Hazard Pipeline (MAHP) in the vicinity of the site (named Lostock Hall – Kirkham). The building proximity distance for this pipeline is 14.5m. From the information provided, it does not appear the proposed works will directly affect this pipeline.

*Office for Nuclear Regulation (ONR):*

- Lancashire County Council is responsible for the preparation of the Springfields off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. LCC have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.
- The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

*Police (Lancashire Constabulary):*

- The development should be built to Secured By Design Standards.
- The dwellings will be required to have PAS 24/2012 doorsets and windows or an equivalent standard in accordance with Approved Document Q as of 1 October 2015.
- Encouraging clear lines of sight across the scheme discourages criminal activity. Dwellings should be orientated so that passers-by, both vehicles and pedestrians and occupiers of other dwellings provide natural surveillance over the houses and vehicles.
- Front and rear doorsets should be fitted with a dusk till dawn security light unit and a 13 amp non switched fused spur suitable for an alarm system.
- The rear of the properties should be protected with a 1.8m close boarded fence arrangement and a lockable gate fitted as flush with the front of the building line as possible that restricts access to the rear of the property.

*Planning Policy:*

- The proposed development site is located in the Countryside Area as defined by policy SP2 of the adopted Local Plan. SP2 operates so as to resist development proposals in this area, except where it falls within one of five identified categories. The proposed development does not represent one of these exceptions and so is contrary to SP2. Policies EP10 and EP11 serve to protect the distinctive character of Landscape and Habitat features in Fylde.
- The Revised Preferred Option (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 17 June 2015 and approved to go out for consultation at Development Management (Policy) Committee on 16 September 2015. The consultation process runs until 3 December 2015. The draft RPO allocates land for the provision of up to 50 homes in Clifton at two locations. It proposes land north of 43 Stanagate which will accommodate 20 homes (part of the application site) and land east of Rowan Close, Ash Lane which will accommodate 30 homes, over the plan period from 2011 to 2032.
- The RPO identifies Clifton as a “Tier 2: Smaller Rural settlement”, as it has fewer essential services and employment opportunities, with poorer transport connections than those of the larger rural settlements within Fylde. For this reason development here is proposed to be limited to 50 new homes. Outline planning approval has already been granted at land east of Rowan Close and Ash Lane for 30 homes (planning application: 15/0165), and although the location site as part of this current application encompasses land identified in

the emerging RPO, the land identified in the RPO is at a much smaller scale and is intended for only 20 new homes. The boundary of the RPO Stanagate site has been tightly drawn such that it rounds-off the existing settlement boundary. It is therefore envisaged any new development in this location would not extend beyond the existing building line, thereby reducing any visual impact on the surrounding landscape and reducing built up development sprawling into the open countryside.

- The council's published Five Year Housing Supply Statement shows that the borough has a 4.3 year supply of deliverable housing land at 31 March 2015. This calculation is based upon the annual housing requirement figure of 370 dwellings per year, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.

#### *Tree Officer:*

- Trees are only peripheral to the site and the layout as indicated poses no immediate threats from development to them. The stream that bounds the western edge of the proposed development is lined with trees, being initially a stretch of lapsed hedgerow but then becoming effectively a linear woodland as it moves north towards the pond at Stanagate Plantation. Despite some trees that need safety work or felling, the trend is that the quality of this line of trees improves as it meets Stanagate, with many oaks, beech, sycamores and ash growing either side the stream.
- The suggested layout places these trees in domestic rear gardens which, if it transpired as a detailed layout, would remove any fear of construction in proximity to them. A tree survey identifies these trees and can be referred to for tree protection fencing in a planning condition.
- If development proceeds here, these trees will have a strategic function as a screen from the main road and so should be preserved for their intrinsic qualities.

#### *United Utilities:*

- Two public sewers cross the site and UU may not permit these to be built over. An access strip of 6m (3m to either side of the centre line of each sewer) will be required for maintenance/replacement purposes. A modification of the site layout or diversion of the affected public sewer at the applicant's expense may be necessary. Both sewers presently outfall to the watercourse that crosses the site and these existing outfalls should remain.
- The site should be drained on separate systems for foul and surface water disposal.
- The hierarchy in the NPPG identifies preferences for surface water drainage as follows: (1) infiltration; (2) a surface water body; (3) a surface water sewer, highway drain or another drainage system; (4) a combined sewer. A condition should be attached to any permission granted requiring details of foul and surface water disposal to be submitted before any development takes place. The condition should require that no surface water discharges to the public sewerage system.

#### **Neighbour Observations**

**Neighbours notified:** 10 November 2015

**Site notice posted:** 10 December 2015

**Press notice:** 10 December 2015

**Amended plans notified:** All neighbouring occupiers who were originally notified of the application, along with those who made representations in response to the first round of public consultation, were notified following the receipt of amended plans on 4 December 2015 and 25 January 2016. A further 14 days (until 8 February 2016) was given for comments following the latest round of public consultation. The points of

objection summarised below reflect all letters received by the Council at the date of writing the report (up to 2 March 2016). Any additional representations will be reported to committee as late observations.

**No. Of Responses Received:** 33 individual letters and a petition containing 44 signatures.  
**Nature of comments made:** All letters and the petition are submitted in objection to the application.

The points raised in the objections are summarised as follows:

*Principle of development:*

- The proposed development site is located outside the settlement boundary of Clifton village within a designated Countryside Area. The proposal is contrary to Policy SP2 which limits development in the countryside to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.
- Policy HL2 of the adopted Fylde Local Plan identifies criteria against which housing proposals will be considered including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location (criteria 2 and 7). The policy is consistent with two core planning principles set out in paragraph 17 of the NPPF. There have been a number of recent developments in Clifton which have increased the size of the village. These have, however, been on a smaller scale to what is now proposed. A development of 74 dwellings on the edge of the village would be peripheral to the village centre and its scale would fundamentally and adversely alter the nature and character of the settlement.
- There are already a number of existing houses for sale in Clifton at a range of prices and a mix of dwellings are available in the village. Accordingly, there is no need or demand for additional housing in Clifton. The recent Rural Housing Survey carried out by Fylde Borough Council shows that the greatest need in Clifton is for purpose built housing for the elderly. This proposal does not meet this need.
- The proposed application is extending the village too much, bearing in mind the limited services it provides. Locating housing in Clifton should be in response to local need not to address any housing shortage across the Borough. There are larger towns like Kirkham and Lytham St. Annes which have many more facilities and better public transport that are more suited to accommodate any shortage. These towns are more sustainable locations for housing development than rural villages.

*Landscape character:*

- The proposal is on 2.85 hectares of land to the west of the village lying outside the settlement boundary. The boundary of the village at this point is defined by the residential properties which comprise Stanagate which has defined the boundary at this point for over half a century. From Preston Old Road the aspect north and west is open countryside with open views to the wooded area called Stanagate Plantation and beyond with views to the local parish church and the windmill. The development would extend the settlement well beyond its current, well-defined boundaries and would create an awkward, staggered edge to the village.
- The proposed development would occupy a greenfield site which is currently open countryside impacting on the open aspect at this location and the proposed developed would appear as a substantial 'urban style' extension to the village. Policies EP10 and EP11 are concerned with the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy. The strategy recognises the importance of both protecting and enhancing the character of each of the defined landscapes. Clifton Village and the

proposal site lie within Characterisation type 15d – Coastal Plain. The strategy highlights the need to enhance the distinct character and setting of rural villages and avoid the introduction or proliferation of suburban building styles, materials and layouts. The proposed development in this location is exactly what the strategy seeks to avoid. Incremental development on the edge of Clifton is cumulatively undermining the rural role, character and setting of the village.

- The applicant suggests that the over head power lines and pylons have an urbanising effect on the land between them and the existing village Power lines and pylons are a common feature across open countryside and can hardly be used to justify that they have an urbanising effect.
- The illustrative layout shows a development which would fail to integrate sympathetically with the remainder of the village and, in particular, with houses on Clifton Green. Dwellings would breach existing building lines and fail to address the frontage of Clifton Green, including one property stepping out with its gable end facing the road. The siting of the houses would also have an adverse impact on the privacy and amenity of surrounding occupiers through overlooking and loss of outlook.
- The applicant's Planning Statement states that they consider the rear garden elevation when approaching Clifton is "visually prominent and unattractive, giving the appearance of a harsh urban edge with residential paraphernalia being particularly apparent". Therefore, any similar development which extends this boundary would be equally harmful.
- The committee report indicates that if this development is approved, along with the other two sites earmarked for development in the village, the size of the village, with few amenities, will be increased in size by circa 30%. This is far too much for a small rural community and is of a scale that would demonstrably harm the village character, the appearance of the area and the amenities of local residents.

*Sustainability of location and availability of employment and services:*

- The character and role of the village is such that there are limited services within the village. The facilities in the village comprise the post office which is also a general store which is at the heart of the village along with a sandwich shop and a hairdressers, all of which are located on Preston Old Road in close proximity to one another. There is no pub or restaurant in the village and the closest supermarkets are in Kirkham or Preston. The nearest primary school is located in Newton Village around 2 miles towards Kirkham, the latter being the nearest town centre some 3 miles away. There is also St. Mary's Primary School at Lea Town some 2 miles away to the north east. Accordingly, the development would be heavily reliant on travel by car.
- With respect to the nearest primary schools the evidence indicates that there will be a shortfall of places within 4 years. The ability for Newton Bluecoats to expand to accommodate additional places is not clear at this stage. The Fylde Local Plan to 2032 Revised Preferred Option is allocating around 115 new dwellings in Newton Village and 50 new dwellings in Clifton Village which will increase the need for places at the local schools. In addition, other than Newton Bluecoats school, the local primary schools in the rural area (St. Mary's at Let town, Lea Endowed at Cottam and Treales Primary School) are not accessible by bus, therefore these primary schools would have to be accessed by car.
- In employment terms the village has limited business with the majority of residents employed in the wider area in Preston, Kirkham, Warton and Blackpool. Whilst Springfields nuclear processing plant lies to the north of the village at Salwick and has in the past provided jobs for those living in the village this business has been and is currently downsizing therefore providing reduced opportunities for employment. The same is true of BAE in Warton.
- The bus routes through the village are limited to one bus route the no 61 which runs

between Preston and Blackpool via Kirkham and operates around a half hourly service until only 9.40pm. The majority of residents in the village use their cars to access services including shopping, education, employment recreation and other uses such as medical services. It is therefore highly likely that the majority of new residents from the proposed development will use the private car therefore there will be increased car trips on the road network. This would be contrary to paragraphs 17, 34 and 37 of NPPF as well as Policy HL2.

- The applicant claims the site has good public transport links to Warton (and its Enterprise Zone). However there is no direct bus from Clifton to Warton. To access Warton one either has to take the No. 61 bus to Kirkham and change buses in Kirkham to Warton; or walk 20 minutes along the Blackpool Road (which is a fast and busy road) to the A584 and catch the No. 68 at Three Nooks. In addition reference is made to Salwick station which requires a 25 minute walk from the village to access a very limited train service, which is not a realistic option for residents.

#### *Highway impacts and access:*

- Point 9 of Policy HL2 requires satisfactory access and parking with no adverse impact on the safe and efficient operation of the highway network. This is consistent with paragraph 32 of NPPF. The access from the proposed development is on to Preston Old Road a few metres from the traffic lights and the exit off Blackpool Road into the village. Traffic in Clifton is already increasing due to demographic changes and there are more vehicles than ever before in the village. This has resulted in increased demand for on-street parking along Preston Old Road. This part of Preston Old Road has a bus stop opposite the proposed entrance to the new estate. It is regularly down to single file traffic and already suffers from poor visibility around the cars and vans parked for both garages close to the junction.
- The applicant is proposing to narrow the road at the point of the site access. This narrowing, combined with the fact that the village bus stop is almost directly opposite the proposed access; that cars exit Blackpool Road into the village at this point at speed; that a significant number of cars are normally parked on the roadside during the day as part of the daily business for Taylor's Garage, make the access from the proposed site extremely hazardous. In addition as the proposed site lies at least 1 metre below the level of Preston Old Road this also adds to the hazard of exiting the site.
- Business premises opposite the proposed entrance to the site rely on the availability of on-street parking on Preston Old Road. The proposed alternations to Preston Old Road would reduce the width of the carriageway and necessitate the introduction of waiting restrictions which would prevent parking in the vicinity of the access and, accordingly, remove this parking provision for surrounding residents and businesses. This would adversely affect the viability of these businesses and has the potential to remove these sources of employment from the village. The revised site access plan further compromises the future viability of Taylor's garage (and the consequential loss of employment in the village) through the loss of on-street parking which is crucial to the garage business. However, the committee report makes scant reference to the adverse impact that the proposed site access arrangements will have on the ongoing viability of the Taylor's garage business. Because the garage business relies heavily on on-street parking facilities with no ready alternative, the loss of this parking will seriously impact upon the future viability of the business. Committee members should be absolutely clear and in no doubt that approval of the access proposals could well result in the closure of the business with the consequent loss of employment.
- The proposed site access onto Preston Old Road will be approximately 45 metres from the signalised junction with Blackpool Road. Vehicles frequently exit Blackpool Road at 50mph (the speed limit of that road) and, with a breaking distance of 38m at that speed, will be almost upon the access point before being able to stop after leaving the dual carriageway.

The proximity of the site access to the signalised junction will make this a dangerous junction, particularly at peak times when there is queuing along Preston Old Road up to the junction, exacerbated by obstructions caused through on-street parking. The proximity of the site access to this junction would increase the risk of collisions to the detriment of highway safety. In addition, if the proposed fracking is allowed, this junction will also be used by HGVs visiting and returning from the Roseacre Wood site.

- The development should be accessed off Clifton Green rather than Preston Old Road in order that the houses follow the alignment and orientation of existing dwellings on Clifton Green.
- Between 8am and 9am on Thursday 9 November there were 150 vehicles passing through this stretch of Preston Old Road. The signalised junction is the safest exit onto Blackpool Road for vehicles travelling from Salwick or Lea so traffic is funnelled down this route. The proposed development will more than double the number of vehicles travelling along Preston Old Road. This route is incapable of accommodating these levels of traffic as it is already down to a single lane due to parked vehicles. Further use of the signalised junction on Preston Old Road will cause greater queuing for traffic on Blackpool Road.
- The proposed access to the development remains hazardous despite the amendments to the access strategy. Cars exit Blackpool Road (which has a limit of 50mph) into the village at speed. The distance from the Blackpool Road junction to the site access is not sufficient to allow vehicles sufficient time and space to slow down to the 20mph limit along Preston Old Road, the sign for which lies immediately adjacent to the proposed site access. Even though the applicant is now proposing not to narrow the road at this point, issues still remain with the position of the bus stop on the opposite side of the road in close proximity to the site access and the parked vehicles that are related to the day to day running of Taylors Garage.

*Loss of agricultural land:*

- Policy EP22 protects the best and most versatile land which includes Grades 1, 2 and 3A agricultural land and proposals that involve the loss of such land will not be permitted where it could reasonably take place on alternative sites. The applicant has submitted an agricultural Land use Assessment. However, this assessment does not provide a detailed survey of the soil and the site characteristics, it merely outlines the ALC system and provisional ALC grade along with a brief outline on other issues such as climate, geology and flood risk. No detailed survey of the soil has been undertaken and no soil profiles have been examined in accordance with the recommendation set out in Natural England's Technical Information Note 049 Agricultural Land Classification. The Acorus assessment only states that the soil is likely to be Subgrade 3b and is based on observation only without any examination of soil profiles. Other areas around the village have been identified as Subgrade 3a. Establishing the Subgrade is important as where Subgrades 1, 2 or 3a are identified, Policy EP22 requires consideration of alternative sites on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land.

*Five year housing land supply:*

- The NPPF at paragraph 47 requires authorities to have a 5 year supply of specific deliverable sites against their housing requirement. Fylde Council's latest position on their 5 year housing supply is set out in their statement dated March 2015 which highlights that according to the methodology applied by Fylde that they only have a 4.3 year housing supply. It is, however, contended that Fylde does have a 5 year supply. The 5 year Housing Supply Statement (March 2015) makes reference to the Housing Requirement Paper (2015) which concludes that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need (OAN) for housing. This figure of 370 is based on the 2013 Fylde Coast Strategic Housing Market Assessment (SHMA) (published 2014) and two Addendums.



- Fylde's approach to determining its housing land supply deals with its undersupply by applying it over the first five year period. However, some other authorities deal with undersupply over the plan period. It is worth noting that this approach has been adopted by Blackpool and their approach has been found sound by the Core Strategy Inspector. In his report on the examination into the Core Strategy, the Inspector indicates that whilst Planning Practice Guidance encourages addressing any housing shortfall within the first five years of the plan period where possible, there is nothing in national policy to indicate that this is an absolute requirement.
- In applying the undersupply to the first 5 years, this results in Fylde having an annual housing requirement of 591. This is a significant figure to deliver bearing in mind past delivery rates in Fylde. In light of the Inspector's report on the Blackpool Core Strategy in that there is no absolute requirement in NPPF for undersupply to be applied to the first 5 years of the plan period, it would be more realistic for Fylde to address the shortfall in supply over the plan period, rather than in the first five years. In adopting this approach it would result in a figure which is deliverable and will potentially provide Fylde with a 5 year housing supply.
- As set out in Fylde's 5 Year Housing Supply Statement, a 10% discount is applied on all Fylde sites. However, there does not appear to be clear evidence that schemes will not be implemented within five years. Not all authorities apply such a discount and national policy/guidance does not require an additional discount for non-delivery on sites. It is important to highlight that to address the persistent under delivery and in line with paragraph 47 of NPPF, Fylde does apply a 20% buffer to their 5 year housing requirement figure which equates to 1,850 dwellings. Whilst a 10% discount approach may have merit on small sites that are not individually assessed as part of the process, it seems unnecessary to apply a further discount to the supply figure for larger sites (10 units or more). Not applying a 10% discount to the larger sites will also assist in increasing the housing supply.
- In addition, recent planning permissions since March 2015 need to be taken into account. Of significance are the 360 additional dwellings in Warton which have recently been granted on appeal on land that is not currently included in Fylde's identified supply. These additional dwellings add to the housing supply and some of these units could potentially give the five year supply a boost.
- The Planning Committee should reconsider the approach Fylde has adopted to determining their 5 year housing supply to ensure that the Borough has a realistic supply figure that can be delivered.

*Revised preferred option Local Plan:*

- The new Fylde Local Plan is at the Revised Preferred Option stage and is a material consideration. The Proposed Settlement Hierarchy - Policy S1 identifies Clifton in the fourth category of the settlement hierarchy, a 'Tier 2 Smaller Rural Settlement'. The policy recognises that these smaller settlements have fewer essential services and employment opportunities and tend to have poorer transport connections.
- Paragraph 7.81 of the RPO states that 50 homes will be provided on 2 sites in Clifton over the lifetime of the plan (to 2032), 30 homes on land east of Rowan Close on Ash Lane and 20 homes on land north of 43 Stanagate. The land east of Rowan Close has already been the subject of an application and there is a resolution to grant permission. The land north of Stanagate is incorporated into the applicant's site. The applicant's site is much larger site proposing 74 new dwellings (amended application), 54 dwellings over and above the allocation in the Fylde Local Plan RPO. This increases the amount of housing proposed in the village by 108%.
- The larger site which is the subject of this application was rejected by the Council when assessing sites for future housing development to be included in the RPO. The larger site

would have extended the village further than the existing development along Clifton Green and would result in an unsustainable amount of development at Clifton adversely affecting the size and scale of the settlement. Instead, the proposed allocation site in the RPO of 20 dwellings can be seen as a rounding off of the village at this location – a gap site between the northern edge of Stanagate and the western edge of Clifton Green. NPPF states at paragraph 54 that rural areas housing development should be planned to reflect local needs. The scale of this development of some 74 dwellings goes well beyond the local need.

*Affordable housing:*

- In the supporting text at paragraph 6.12 of the RPO it states that affordable housing should be of an appropriate scale within a rural settlement to meet particular local need. It should be noted that the local need for affordable housing for Clifton, Newton and Treales villages combined is 21 over the plan period (2011 – 2032), equating to only 1 a year. The contribution of affordable housing from the application would be an over provision.
- The proposed allocations in the village including the allocations in Newton (some 115 dwellings) will be able to meet the local need for affordable homes. Providing in excess of the affordable local need in rural settlements is not sustainable, as these settlements and in particular Clifton, have limited local services and public transport. Any 'above local need' affordable housing should be located where the need arises in the higher order settlements which is evidenced in the SHMA; the focus for affordable housing being Lytham and St. Annes, Kirkham/Wesham, Freckleton/Warton. These settlements provide the opportunity to access a much wider range of services and public transport options and are more sustainable locations for housing development than rural villages.

*Other matters:*

- There would be substantial noise, dust, construction traffic and other hazards associated with the development which would cause a nuisance to surrounding residents during the construction period.
- The land is regularly waterlogged with large ponds forming within the field. Surrounding properties on Clifton Green have suffered from surface water flooding in the past. The topography of surrounding land directs runoff towards the watercourse at the western boundary of the site and the existing drainage system cannot cope with the volume of water entering it. The introduction of additional hard surfaces and dwellings would reduce the site's ability to absorb existing runoff and is likely to increase the potential for flooding both on the site itself and elsewhere.
- The development appears to involve the construction of dwellings over sewers which run through the site.
- Dwellings on the lowest part of the site appear to be below the level of the sewers that serve the village. Therefore, there is a possibility of effluent backing up after heavy rain. There does not appear to be a pumping station included in the plan to deal with this.
- The area of open space to the northern end of the site should be relocated to the eastern side in order to provide a greater buffer with adjacent houses.
- The two doctors practices in the area are already over subscribed and there is no apparent new provision planned.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02

Development in countryside areas

HL02

Development control criteria for new housing proposals

EMP5	Hazardous installations
TR01	Improving pedestrian facilities
EP04	Alteration and adaptation of listed buildings
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

**Other Relevant Policy:**

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

**Draft Fylde Local Plan to 2032 – Revised Preferred Option (emerging Local Plan):**

S1 – The proposed Settlement Hierarchy  
SD1 – The Spatial Development Framework  
DLF1 – Development Locations for Fylde  
H4 – Affordable Housing

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (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 for the purposes of the Regulations and, accordingly, is not EIA development.

**Comment and Analysis**

**Background:**

*Amended plans:*

When originally submitted, the application sought permission for a development of up to 80 dwellings on the site. Amended plans were received on 3 December 2015 which indicate a reduction in this number to a maximum of 74 dwellings and the provision of a *circa* 0.5 hectare area of open space to the northern end of the site. In addition, plans showing a revised access arrangement at the development's junction onto Preston Old Road were received on 21 January 2016. The revised access arrangements follow concerns expressed by local residents and businesses with respect to the narrowing of the carriageway of Preston Old Road and also reflect changes requested by the Local Highway Authority.

All properties who were originally notified of the application, along with those who have made representations in response to the initial rounds of public consultation, have been notified of the amended plans. The application is to be determined on the basis of the changes proposed in the amended plans received by the Council on 21 January 2016.

Principle of development:

*Policy context and site allocation:*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; or
  - specific policies in [the] Framework indicate development should be restricted.

The site is located within the Countryside Area as defined on the FBLP Proposals Map. Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

A number of representations have been made which refer to Fylde Borough's emerging Local Plan which has reached the Revised Preferred Options (RPO) stage (as of October 2015). Policy S1 of the RPO identifies Clifton as a "Tier 2 Smaller Rural Settlement" and recognises that "the smaller rural settlements have fewer essential services and employment opportunities and tend to have poorer transport connections".

Policy DLF1 of the RPO sets out strategic and non-strategic locations for new housing development. Clifton is noted as a location for non-strategic development sites (between 10 and 99 dwellings) in the policy, with paragraph 7.81 identifying two sites which are anticipated to deliver a total of 50 new homes. One of these sites (referred to as "Land North of 43 Stanagate") is anticipated to deliver 20 houses on a smaller parcel of land to the northeast corner of the application site. An extract from the allocations map to the RPO which indicates the extent of the two non-strategic sites in Clifton is shown in Figure 1.

In addition to the non-strategic locations for development mentioned in policy DLF1, the policy also states that an allowance should be made for other non-strategic sites "within and adjacent to Tier 2: Smaller Rural Settlements".



Figure 1 – extract from RPO allocations map.

Paragraph 216 of the NPPF indicates that “from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the RPO Local Plan is a material consideration, it remains in its early stages of preparation. A submission version of the emerging Local Plan has not been prepared and it has not been subject to examination. Therefore, it carries only limited weight in the decision making process and this has been emphasised in a number of recent appeal decisions. For example, with respect to the appeal at Blackfield End Farm (BEF), the Secretary of State concludes as follows with respect to the weight to be attached to the emerging Local Plan:

- “In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the *Fylde Borough Local Plan as altered – October 2005* (LP). The Secretary of State has also taken account of the emerging Local Plan (ELP); and he agrees with the Inspector and the main parties to the appeal that, **as it is at a relatively early stage in its preparation, it carries only limited weight**” (emphasis added).

Given the limited weight which can be given the emerging Local Plan, the figure of 50 dwellings in policy DLF1 cannot be relied upon to restrict the scale of housing development in Clifton. Moreover, whilst the figure in the policy refers to the amount of housing to be delivered on allocated, non-strategic sites, it also recognises the potential for additional housing development on windfall sites outside these non-strategic allocations within and adjacent to the Tier 2 settlements. Accordingly, the figure cited in policy DLF1 should not be seen as a cap or threshold on the level of housing development which is permissible in Clifton, beyond which a moratorium would apply, but as a figure to guide development upon the allocated non-strategic sites.

*Five year housing land supply:*

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside.

Paragraph 47 of the NPPF requires Local Planning Authorities to “boost significantly the supply of housing” in order to “provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Paragraph 49 of the NPPF states that: “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Council’s latest five year housing land supply position statement (dated March 2015) indicates that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

Objectors have questioned the Council’s methodology in calculating its five year supply figure. These fall into three broad categories as follows:

- *Dealing with the backlog arising from previous under delivery:*

Objectors contend that, rather than applying the backlog over the first five year period of the Plan (the ‘Sedgefield’ approach), this should be spread over the whole of the Plan period (the ‘Liverpool’ approach) in order to reduce the annual housing requirement. Objectors indicate that the ‘Liverpool’ approach has been successfully adopted as part of Blackpool’s Core Strategy.

Paragraph 35 of the ‘Housing and economic land availability assessment’ chapter to the NPPG advises that “local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.” Therefore, applying the backlog to the first five years of the plan is in line with best practice in the NPPG and this approach has been accepted

- *Applying a 10% discount on all sites:*

The Council’s calculations include a blanket 10% lapse rate to account for circumstances where all existing and potential supply does not come forward within time or at the amount envisaged. This provides a buffer for the Council in order to account for situations where there has been a lack of or under delivery on allocated sites and those with planning permission and reduces the likelihood of being successfully challenged on the grounds of sites not being deliverable or developable (as required by paragraph 47 of the NPPF).

Whilst objectors consider this approach to be overly pessimistic and, instead, contend that the Council should assume that all sites will be delivered within five years, the Council's methodology in applying a generic rate of delivery (including the 10% lapse provision) has been accepted as being robust when tested at recent appeal inquiries. For example paragraph 140 of the BEF appeal decision states that:

- "Assessments of the delivery of housing from individual sites may vary over time, and for the purposes of calculating supply, I agree with the Council that there is merit in applying a generic rate of delivery. Moreover the build-out rates used by the Council are consistent with those achieved on large sites in Fylde. On the information submitted, I consider that the level of housing land supply is closer to the 4.1 years figure of the Council than the lower figure of 3.5 years promoted by the Appellant."
- *Updated position since March 2015:*

Objectors contend that the Council's position statement dated March 2015 is out of date as it does not factor in large scale developments allowed since this date (specifically, the 360 dwellings at BEF are mentioned).

The BEF decision post-dates the base date of the latest housing land supply position statement. Accordingly, permissions granted since March 2015 cannot simply be added to the supply as any uplift in the housing requirement and backlog would also need to be factored in over the same period. As BEF is an outline permission, it would only contribute 105 dwellings to the five year supply in any case and clearly would not tip the balance considering that the latest supply is 4.3 years.

The Council's approach to calculating its five year supply is informed by best practice within national guidance and has been tested at (and informed by) a number of recent appeal inquiries, all of which have concluded that the Council does not have a five year supply of housing land. The most recent example is provided by an appeal at Willow Drive (reference 3005671 with decision dated 14 January 2016) which concludes as follows with respect to the Council's five year supply:

- "It is agreed by the parties that, **using methodologies which meet current guidance**, Fylde Borough cannot demonstrate a five-year supply of deliverable housing land. There is disagreement as to whether the agreed number of permissions represents 3.8 or 4.3 years supply, however, for the purposes of this appeal, the difference carries little significance. The essential point is that the Council cannot demonstrate a five supply of housing land. In which case paragraph 49 of NPPF states that relevant policies for the supply of housing should not be considered up-to-date [emphasis added]."

Given the above, reasons for refusal which, in effect, seek to place a moratorium on housing development outside the settlement boundary (and within the Countryside Area) in accordance with the provisions of out-of-date policy SP2 will not be sustainable. Therefore, despite conflicting with FBLP policy SP2, the release of housing sites in the countryside area is, in principle, permissible in accordance with paragraphs 47 and 49 of the NPPF providing that there are no overriding policy or other material considerations to indicate that development should be resisted for other reasons. Accordingly, the delivery of housing in the absence of a five year supply weighs in favour of the development.

#### *Location and sustainability:*

Criteria (1) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.

- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

Paragraph 55 of the NPPF states that:

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Paragraphs 34 and 38 of the NPPF state that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).
- “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties” (emphasis added).

The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:

- The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Objectors have suggested that there are a lack of services in Clifton which are capable of supporting a development of the size proposed. Particular reference is made to a lack of shops, services, employment opportunities and access to public transport. The table in Figure 2 below is taken from the Institution of Highways and Transportation (IHT) document “Providing for Journeys on Foot” (2000). It indicates suggested acceptable walking distances for pedestrians without a mobility impairment for some common facilities in different locations.



Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 2 – suggested acceptable walking distances (IHT).

Clifton is an identified settlement within policy SP1 (4) of the FBLP. The application site is located to the western end of the village on the edge of (but wholly outside) the settlement boundary of Clifton. There are a limited number of shops (including a post office/convenience store, sandwich shop and hairdressers) located centrally within the village further along Preston Old Road approximately 450m to the east which are within walking distance of the site. A car repair garage, vehicle showroom and large garden centre are also located within 100m around the junction with Blackpool Road. A pub (The Windmill Tavern) is situated at the junction of Clifton Lane and Church Lane approximately 1.5km from the site.

Lancashire County Council have indicated that there are four primary schools within a 2 mile radius of the site (the closest of these being Newton Bluecoat Primary School) and two secondary schools within 3 miles (the closest of which is Kirkham Carr Hill High School). The approximate minimum travel distances between the site and these schools are as follows:

- Newton Bluecoat Church of England Primary School – 1.25 km.
- Lea St Mary's Catholic Primary School – 2.1 km.
- St Bernard's Catholic Primary School – 3.7 km.
- Kirkham Carr Hill High School – 3.9 km.
- Lea Endowed Church of England School – 4.4 km.
- Ashton Community Science College - 5 km.

The closest bus stops are located within 50m of the site access on Preston Old Road. The LHA indicate that these stops run a service (no. 61) between Blackpool and Preston at 30 minute intervals in each direction. William Pickles Park forms a recreation ground at the centre of the village which is also within comfortable walking distance and the Springfields BNFL plant is within 2km of the site.

As identified in paragraphs 34 and 38 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid “new **isolated homes in the countryside**” (emphasis added).

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and amenities both within and immediately outside the village and would not be unduly isolated from them in comparison to existing dwellings in Clifton. Moreover, the addition of up to 74 dwellings would be likely to help sustain and support the development of local facilities and services. The site is readily accessible by buses running between Blackpool and

Preston (via Kirkham) and the 30 minute interval of this service is not so infrequent for this to be considered impractical for day-to-day use. There are other facilities including shops, schools and employment opportunities (e.g. the nearby garden centre and BNFL plant) within the maximum walking distances set out in figure 2 and reasonable accessibility to those outside the village between Preston and Blackpool via public transport. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of FBLP policy HL2 and the NPPF.

*Scale of development:*

Objectors consider that the number of dwellings proposed is excessive relative to the size of the village and have referred to the aspirational figure of 50 dwellings referred to in the RPO Local Plan. The implications of the figure cited in the emerging Local Plan are dealt within in detail earlier in the report. It is, however, apparent that this figure cannot be relied upon to restrict the expansion of the village in the absence of a 5 year supply of housing land.

Criterion (3) of FBLP policy HL2 states that planning applications for housing will be permitted where they are:

- Developed at a net density of between 30-50 dwellings per hectare.

The proposal involves the development of 74 dwellings on a site measuring 2.85 hectares in area. A total of 0.5 hectares of the site is shown as open space, leaving a net developable area of 2.35 hectares. This equates to a net housing density of 31.5 dwellings per hectare. This is within the range identified in policy HL2 and is considered suitable to the site's rural setting.

There are, at present, approximately 352 dwellings within the settlement boundary of Clifton. In addition, there is a resolution to grant permission for 30 dwellings on a site to the east of village subject to a S106 agreement (application reference 15/0165). An appeal against the Council's refusal of planning permission for a development of up to 55 dwellings to the southwest of the village off Blackpool Road (application reference 15/0065) was dismissed on 16 February 2016.

Table 1 sets out the relative percentage increases in the size of the village which would arise under two possible development scenarios (application 15/0065 now having been dismissed and, accordingly, no longer factored in to any potential future growth scenario). Each percentage is relative to the existing number of dwellings within the settlement boundary (i.e. the number proposed/352 x 100).

Scenario	Development only	Development +15/0165
Percentage increase	21 %	29.5%

Table 1 – expansion scenarios.

The proposed development for up to 74 dwellings would, in isolation, result in a 21% increase in the size of the village. This rises to 29.5% if considered in combination with the 30 dwellings proposed under 15/0165. These figures are, however, intended only to give a quantitative context to the level of expansion which would arise as a result of the development. There is, in policy terms, no set percentage restricting the degree to which an existing settlement can expand. Instead, the prevailing consideration should be as to whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which

would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

*Visual and landscape impact:*

The fifth bullet point of the core planning principles set out at paragraph 17 of the NPPF indicates that planning should:

- “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

Criterion (2) and (5) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- [Are] in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

Policy EP11 states that new development in rural areas should be sited in order that it is in keeping with the distinct landscape character types and features defined in policy EP10. Development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style.

Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected.

Policy EP14 requires new housing developments to make suitable provision for landscape planting.

Objectors have referred to the value of the site, in both visual and landscape terms, and reference has been made to its classification as a “Coastal Plain” in the Lancashire Landscape Strategy (LLS). The designation in the LLS covers much of the rural part of the Borough and is not unique to the site, nor does it impose any specific restrictions or prohibit development on the site as a matter of principle. Instead, FBLP policy EP10 refers to particular landscape and habitat features which should be afforded special protection when considering individual developments. In this case, the site accommodates three of the features listed – namely broadleaved woodland, hedgerows and a watercourse.

A tree survey has been submitted as part of the application. This includes a survey of hedges and trees both within and overhanging the site in respect of their condition, retention category and root protection area. The survey recommends the removal of two category ‘U’ trees and a short section of hedge alongside the boundaries with properties on Stanagate. It is, however, proposed to retain the existing hedgerows along the southern and western perimeters of the site and, with the exception of a decayed Ash, the tree belt to the northwest corner. Many of these specimens and the watercourse alongside the western boundary fall outside the development site and would be

unaffected by the development. Accordingly, the most valuable landscape features on the site would be retained. Conditions have been imposed requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention of these features.

The site is situated on the edge of the settlement boundary of Clifton and forms part of an area of open countryside which extends to the north and west of the village. The site's eastern boundary abuts the built-up area of the village before extending in a northerly direction beyond the rear garden boundaries of nos. 36-62 Clifton Green for a distance of approximately 37m. The southern boundary flanks Preston Old Road alongside dwellings on Stanagate and the western perimeter is marked by an unnamed watercourse with bankside woodland planting. Open farmland lies to the north, with a pylon and overhead lines crossing the adjoining field in close proximity to the northern boundary. Ground level falls in a general northeast to southwest direction across the site, with the land set at a lower level to Preston Old Road. There is a relatively flat aspect to Clifton Green where the site levels out.

The site is prominently in view from approach in both directions at the signalised junction of Blackpool Road and Preston Old Road. On the westbound approach to this junction the site is seen alongside dwellings, a car repair garage and car showroom on Stanagate and Preston Old Road. However, this aspect changes when looking in a northerly direction on the opposite side of Preston Old Road where the site affords longer range views across open, rolling countryside. The windmill of the grade II listed Windmill Tavern PH is also visible in distant views beyond dividing hedgerows and power lines. Views from this vantage point afford the greatest sense of openness across the countryside. In contrast, when entering the village on the eastbound approach off Blackpool Road, views of the car showroom at the junction, the garden centre on the right hand side and the backdrop provided by the rear elevations of dwellings on Stanagate give the impression of leaving the countryside and entering the built-up area of the village. The watercourse and linear bankside tree belt contribute to this effect by providing a screening buffer which distinguishes the site from a larger expanse of open countryside to the west.

Vantage points from Clifton Green afford open views across the site towards a linear belt of woodland which increases in height and thickness towards the western perimeter of the site and extending in a northerly direction beyond the site boundaries. Expansive views of open land beyond the site are restricted by this treeline and, on both approaches along Clifton Green, are limited to a short gap between existing housing which lies to either side. More distant views from Clifton Lane are available through lapsed sections of hedgerow. From this vantage point, the northern boundary of the site is seen alongside the rear elevations and garden fences of nos. 36-62 Clifton Green, with Dobbies Garden Centre providing a more distant backdrop.

The boundaries of the development site would follow the pattern of residential development on Stanagate and Clifton Green and, from vantage points along Clifton Green and Preston Old Road, would be seen as a continuation of this built form on the edge of the village. The watercourse and bankside tree line which mark the western perimeter would be retained as a prominent screening buffer between the site and land to the west, affording a natural edge to the site. The illustrative masterplan indicates that, to its eastern end, the developed area of the site would align with the rear gardens of nos. 36-62 Clifton Green, before following a staggered arrangement extending modestly beyond this building line towards the northwest corner. This staggered layout and curvature to the northern perimeter of the development would avoid the introduction of an artificial, linear edge along this boundary, with a triangular area of open space providing a deep landscaped buffer to mark the transition between the dwellings and adjoining open farmland beyond. The profile and trajectory of the northern development boundary, and the buffer with open

countryside beyond provided by the flanking open space, is considered to be an important arrangement which provides substantial mitigation of the development's visual and landscape impact along its most sensitive boundary. Accordingly, a condition is recommended to require that any application for approval of reserved matters follows the parameters shown on the illustrative masterplan on this part of the site.

The Council's Landscape Officer has identified that the development has the potential to harm landscape character by virtue of its encroachment into the countryside. This is, however, the case with the overwhelming majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining the degree of harm arising in such circumstances. The development would diminish openness within the countryside and would interrupt existing open views across the site. Accordingly, there would be harm to landscape character in this regard. This harm would, however, be minimised by virtue of the development's relationship and integration with existing buildings and uses on the edge of the settlement and the mitigation to be introduced through the retention and provision of substantial areas of additional landscaping and open space along its most sensitive boundaries with adjoining land. Accordingly, and on balance, it is not considered that the limited visual harm which the development would cause to landscape character would be sufficient to outweigh the benefits of the scheme to a degree which would warrant refusal of the application. Moreover, substantial mitigation would be introduced in order to ensure that any adverse impact in this regard is suitably minimised.

The Council's Landscape Officer has also raised concerns with some aspects of the development layout, most notably with respect to the siting of buildings and boundary treatments on Preston Old Road and Clifton Green. Similar concerns have been expressed by objectors. As the application is in outline (with access only being applied for), such detailed matters are not being assessed at this stage and, instead, would be considered as part of any application for approval of reserved matters. The illustrative masterplan is for indicative purposes only in this respect.

#### *Loss of agricultural land:*

The site presently forms pastureland for grazing animals and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map. Paragraph 112 of the NPPF stipulates that:

- "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

In addition, FBLP policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough and, resultantly, Grades 2 and 3a will be considered the best and most versatile.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. The application is supported by an Agricultural Land Classification (ALC) assessment which includes a site specific desk study of the land, informed by a walkover survey, which considers factors of climate, geology, soil and site limitations in assessing the land's quality and agricultural grade. The report makes the following assertions on

each matter:

- Climate – does not restrict land quality. Soil wetness is, however, likely to be a limiting factor.
- Geology – the site is underlain by a solid geology of Sherwood Sandstones Group overlain by glacial drift. The resulting soil type to the north of Clifton are mapped as Salop soils on the regional soil map. Salop soils are waterlogged for long periods in winter and are generally classified as wetness class iv. The predominant use of these soils in Lancashire is short term and permanent grassland, often to support dairying.
- Flooding – The site is in flood zone 1 and, accordingly, flood risk does not appear to affect the agricultural land quality of the site.

With reference to the above, and the observations in the site walkover survey, the report concludes as follows with respect to the quality of the land for agricultural purposes:

- The potential ALC grade has been determined from the geology and soils maps, a knowledge of the soil types and the results of the walkover survey. The description of Salop soil association as Wetness Class IV is supported by the evidence of standing water seen during the site walkover on 11 March 2015. Taking into account the known information about the site as outlined above, the land quality of this site is likely to be Subgrade 3b (moderate quality agricultural land).

Sub category 3b (moderate quality) agricultural land is defined as:

- land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year”.

The submitted Agricultural Land Classification report has been undertaken by a suitably qualified person and utilises appropriate desk (and walkover) surveys to assess the characteristics of the land and factors which affect its agricultural productivity. In this case, the report concludes that soil type and wetness are the main limiting factors to the quality of the agricultural land and assigns a classification of grade 3b. Accordingly, if the conclusions in the ALC report are accepted, the development would not result in the loss of Fylde’s best and most versatile agricultural land.

Objectors have questioned the conclusions in the ALC report, noting that this is based on a desktop study only and does not include sampling or laboratory analysis of soil resources on the site. Accordingly, objectors contend that a sequential approach to site selection which prioritises lower grade agricultural and brownfield land should be applicable.

Part of the application site (which is subject to the same ALC) is allocated as a non-strategic development site in the RPO Local Plan. This is also true of the other identified site in Clifton subject to application 15/0165. There are no alternative edge-of-settlement sites in Clifton of a lower agricultural grade (or which comprise previously developed land) capable of accommodating the proposed development. This lack of available lower grade agricultural and brownfield land is acknowledged through the allocation of both non-strategic sites in Clifton, and in a Boroughwide context through the allocation of a number of strategic and non-strategic sites noted as being grade 3 on the ALC map. It is, therefore, apparent through the allocations in the RPO Local Plan that it will be necessary to release a number of greenfield sites in ALC grade 3 in order to realise the Borough’s housing land supply targets.

Notwithstanding the applicant’s conclusions that the whole of the site is category 3b land, the loss of the Borough’s best and most versatile agricultural land for residential development has been allowed at a number of recent appeals and should not be seen as an overriding factor in the planning

balance. For example, in allowing an appeal for 100 dwellings at Willow Drive, the Inspector states as follows:

- “Approximately 25% of the appeal site falls within category 3a of the Agricultural Land Classification. This would place it within the best and most versatile agricultural land, which paragraph 112 of NPPF seeks to protect in preference to using areas of lower agricultural land quality. The NPPF does not present an absolute embargo on the use of such land; only where ‘significant development of agricultural land’ is thought to be necessary should land of a lower quality be preferred. In this appeal the area of best and most versatile land is relatively small, neither was it argued that it represents an essential component in the viability of an agricultural holding. Therefore it cannot be regarded as ‘significant’. Whilst the loss of such land to development may be matter for regret, I do not see this as an overriding consideration in this appeal.”

Whilst objectors question the methodology and conclusions in the applicant’s ALC report, no site-specific analysis has been undertaken to disprove the conclusions in this assessment and there is no evidence before the Council to demonstrate that the conclusion in the ALC report which categorises the site as 3b land is fundamentally flawed. Moreover, other recent studies in the locality with similar characteristics in terms of drainage and soil type have arrived at the same conclusions (e.g. in the case of applications 15/0165 and 15/0065 – the latter concluding that up to 26% is 3a and 74% 3b). In this case, the constrained size and shape of the site are also factors which limit its importance for agricultural use when considered in the wider context of adjoining land to the north.

Given the above, it is not considered that the development would result in a significant loss of the Borough’s best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing (part of which is allocated in the RPO Local Plan) in the absence of a five year supply. Evidence submitted by the applicant indicates that the site is unlikely to constitute the Borough’s best and most versatile agricultural land and there is no substantive evidence to indicate otherwise.

#### *Conclusion regarding principle:*

The site lies within the Countryside Area and outside the settlement boundary of Clifton as identified on the FBLP Proposals Map. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and, accordingly, is in conflict with this policy. However, given the absence of a five year supply of housing land within the Borough, policy SP2 is out-of-date and is in conflict with the NPPF. As a result, little weight can be attached to this policy in the decision making process. In addition, and for the same reasons, the settlement boundary cannot be relied upon as a tool to limit the expansion of the village.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, part of the site falls within one of the non-strategic allocations of this plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the RPO Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The development, in combination with other applications which have a positive resolution, would result in an expansion of the village in the order of *circa* 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The density of development would be within the range outlined in policy HL2, whilst reflecting local circumstances and the site's rural setting. The development boundary would follow the built-up edge of the village, with a substantial area of open space providing a transitional buffer with adjoining open farmland to the north. The retention and strengthening of landscaping to the site boundaries and its relationship with natural features which distinguish the site from adjoining land would ensure that any harm to landscape character and visual amenity is minimised.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policies HL2, EP10, EP11, EP12, EP14 and EP22.

#### Relationship with surrounding development:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- would not adversely affect the amenity and privacy of neighbouring properties.

Objectors have raised concerns with respect to the proximity of the proposed dwellings with existing properties on Stanagate and Clifton Green in terms of overlooking and loss of outlook. Whilst layout is reserved for later consideration, the illustrative masterplan demonstrates that the proposed dwellings are capable of achieving appropriate separation with surrounding properties in accordance with the spacing standards set out the Council's Supplementary Planning Document.

Whilst the development would, by virtue of its urbanising effect, alter the outlook across open fields presently enjoyed by adjacent properties (particularly those on Stanagate facing onto the site), the density of development proposed, combined with appropriate separation distances and controls over the scale and orientation of dwellings, is capable of ensuring that the development would have no undue impact on the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Such detailed matters will, however, require further consideration at reserved matters stage.

#### Highways:

The second and third bullet points to paragraph 32 of the NPPF state that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.



In addition, policy TR1 (2) encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel through:

- The provision of comprehensive high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops.

#### *Access:*

The site is to be accessed via a single, priority (give way) junction onto Preston Old Road. This stretch of Preston Old Road is subject to a 20mph speed limit at this point. The access would be positioned to the southeast corner of the boundary, with its centreline approximately 53m from the signalised junction with Blackpool Road. The access would open onto a 5.5m wide estate road flanked by 2m wide footways. Visibility splays of 2.4m x 48m (westbound) and 2.4m x 35m (eastbound) would be provided at the junction. A build out of the junction onto the carriageway of Preston Old Road would be required in order to achieve these visibility splays and this would necessitate a localised 1m narrowing of Preston Old Road (to a minimum of 7.7m).

The following off-site highway improvements are also proposed to the carriageway of Preston Old Road as part of the scheme:

- The formation of a T-shaped raised table around the junction between the between site access and Preston Old Road.
- The upgrading of two existing bus stops (eastbound and westbound) located to the east of the site on Preston Old Road through the provision of raised boarding areas and marked stopping bays.
- The introduction of speed reducing surfaces including 'slow' and 'gateway' speed markings with traffic signs.
- The provision of a new footway on the northerly side of Preston Old Road from the site access to the bus stop which lies to the east.

The proposed access arrangements have been modified during the course of the application in order to address comments made by objectors and the LHA. The previous arrangement showed a deeper build out of the junction which narrowed the carriageway to 6.5m and did not include any of the off-site highway works mentioned above. Concerns have been raised by objectors with respect to the proximity of the site access to the signalised junction with Blackpool Road, vehicle speeds along Preston Old Road and the potential for the narrowing of the carriageway to restrict parking on Preston Old Road.

The applicant has submitted a Transport Assessment (TA) in support of the application. The TA includes speed survey data which indicates that the average and 85th percentile speed of vehicles travelling westbound was 23.0 and 29.6mph respectively and 28.4 and 33.6mph respectively for vehicles travelling eastbound. The TA recognises that the higher eastbound traffic speeds are likely to be a result of the change in speed limit from 50mph to 20mph after the junction. In terms of accidents the TA identifies 4 injury accidents over a 5 year period at the junction of Preston Old Road and Blackpool Road, 3 of which were serious. No injury accidents in the last 5 years have been recorded for Preston Old Road in the vicinity of the site access.

With respect to the speed and accident data in the TA, the LHA consider that the siting and design of the access, including the visibility splays which would be achieved at its junction with Preston Old Road, are acceptable. Additional traffic calming measures would be introduced in order to reduce vehicle speeds on the approach to the junction which would provide further mitigation in this

regard. A reduced build out for the junction is proposed which would retain the carriageway at a minimum width of 7.7m in order that existing on-street parking arrangements would not be affected by the development and no waiting restrictions would be required. When considered collectively, the proposed access arrangements and off-site highway works would ensure that safe and convenient access is achieved for the site and that the introduction of the access onto Preston Old Road would not have a detrimental impact on highway safety. An appropriate condition has been recommended in order to secure the proposed infrastructure improvements.

The access plan also shows the provision of a new footway along the grass verge to the east of the site in order to provide a continuous pedestrian route into the site and to the bus stop which lies to the east. Ground markings and raised boarding areas would also upgrade two nearby bus stops, thus encouraging the use of sustainable transport as a means of access to the site.

*Traffic generation and network capacity:*

Traffic counts undertaken as part of the TA indicate that two way flows on Preston Old Road in the peak am (08:00 – 09:00) and pm (16:30 – 17:30) periods were 140 and 173 vehicle movements respectively. The TA concludes that this makes Preston Old Road “a relatively lightly trafficked road” and this assertion is not challenged by the LHA.

With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate a maximum of 44 two-way vehicle movements in the peak am and pm periods. This equates to less than 1 vehicle movement per minute. It should also be noted that these figures relate to a development of 80 dwellings as initially proposed and, accordingly, would be lower for the 74 dwellings now proposed.

The TA includes capacity assessments for both the proposed site access junction with Preston Old Road and four other junctions nearby as follows:

- Preston Old Road / A583 (Blackpool Road) signalised junction
- A583 (Blackpool Road) / A584 (Preston New Road) signalised junction
- A583 (Blackpool Road) / Lodge Lane – priority junction
- Preston Old Road / Lodge Lane – priority junction

The capacity assessment shows that, with the exception of the A583/A584, all junctions currently operate within capacity and will continue to do so up to 2020 with the development traffic factored in. In the case of the A583/A584 junction, the capacity assessment demonstrates that this junction will operate within capacity during the peak am period, but identifies that there are approaches to the signalised junction which are currently over capacity in the pm peak. The proposed development is assessed as adding to this capacity issue through the addition of 5 extra vehicles in the peak pm period. However, the LHA do not consider this degree of impact to be at a level which could reasonably be considered severe for the purposes of the NPPF. Moreover, the LHA recognise that the Preston Western Distributor Road would have a positive impact on the capacity of this junction through traffic reassignment and junction improvements. Accordingly, the LHA consider that the additional impact arising as a result of the development on the capacity of the highway network would be “relatively minor and not sufficient to substantiate a highways objection”.

The traffic generation, trip distribution and junction capacity modelling undertaken in the TA provide a robust assessment of the development’s impact on the surrounding highway network, both adjacent to and further away from the site. The LHA are satisfied that the development would not have a severe impact on highway capacity and safety and, accordingly, the transport effects of the

development are considered to be acceptable for the purposes of FBLP policy HL2 and the NPPF.

*Parking:*

The illustrative masterplan shows that properties would be served by a combination of in-curtilage and courtyard parking. Whilst the number and layout of parking spaces is a detailed issue to be considered at reserved matters stage, the masterplan demonstrates that sufficient parking provision is capable of being made as part of the development.

*Impact on surrounding businesses:*

A number of objectors have raised concerns regarding the development's impact on neighbouring businesses fronting Preston Old Road, particularly the car repair garage opposite the site (Taylor's Garage). Specifically, objectors opine that the proposed narrowing of Preston Old Road and the introduction of traffic calming measures would reduce on-street parking provision around the site access which, in turn, would limit the number of parking spaces available to the garage and thus adversely affect the viability of this business.

Preston Old Road is part of the adopted public highway. It does not fall within the curtilage or ownership of Taylors Garage and, accordingly, cannot be relied upon to provide parking for this business. Notwithstanding this, the proposed revisions to the access arrangements (having particular regard to the reduced narrowing of Preston Old Road) would ensure that the carriageway is maintained at a width which would continue to allow on-street parking along this stretch of Preston Old Road once the proposed traffic calming measures have been implemented. It should also be noted that a planning application has recently been granted for the formation of additional car parking spaces on the site of Taylors Garage to the rear of the existing building (application reference 15/0532). The applicant estimates that this enlarged parking area will provide increased off-road parking capacity for around 12 additional vehicles within the curtilage of the garage, thus reducing reliance on on-street parking on Preston Old Road.

The only area where the proposed highway improvements would prevent on-street parking would be within the two bus 'cages' required to upgrade existing stops to 'quality bus stop' standard. It has been observed that vehicles presently park in close proximity to these bus stops (thus obstructing passenger access and preventing buses from pulling up to the kerb). The proposed ground markings for the upgraded bus stops are likely to discourage this obstructive parking practice and, in this respect, would improve access for passengers and prevent buses blocking the highway when stopping.

Given the above, it is not considered that there is sufficient evidence or justification to refuse planning permission on the basis of its impact on the viability of surrounding businesses due to parking displacement along this stretch of Preston Old Road.

Ecology:

The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following (relevant) principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

FBLP policy EP15 indicates that development proposals which would affect the integrity of a designated European Site will not be permitted.

FBLP policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated.

FBLP policy EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development in order to provide biodiversity enhancements.

FBLP policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The land does not form part of any designated nature conservation site. An ecology survey has been submitted in support of the application. This makes the following conclusions:

- Hedgerow 1 is UK BAP Priority Habitat. The hedgerow and the ditch, with its associated shrub and tree line, are of local value as they provide structural diversity suitable for use by nesting birds and foraging and commuting bat species. The ditch and its associated tree and shrub line may also act as a wildlife link. These features should be protected during the course of development.
- The hedgerows, trees and shrubs at the site boundaries provide favourable foraging and nesting habitat for the species of birds detected within the site (and the wider area via the records search), including House Sparrow, a UK BAP Priority Species.
- No other protected species are associated with the site. The agriculturally improved grazed pasture provides only poor-quality terrestrial habitat for amphibian species, including Common Toad, a UK BAP Priority Species.

Natural England and GMEU have been consulted on the application. Natural England have assessed the development's potential to impact on overwintering bird species associated with the Ribble and Alt Estuary Special Protection Area (SPA). In this respect, Natural England conclude that:

- "The site is relatively small and has constraints (roads, built development and pylons), making it less likely to be favoured by SPA bird species. As such [Natural England consider that] there will be no [likely significant effects] alone, but the LPA need to consider in-combination effects [by undertaking a Habitat Regulations Assessment]".

Therefore, whilst Natural England consider that the development's site-specific impacts are unlikely to have any significant effects on SPA bird species, they have advised that the LPA is required to undertake a Habitat Regulations Assessment (HRA) in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010. As the proposal is not necessary for the management of a European Site, the purpose of the HRA is to determine whether the proposal is

likely to have a significant effect on any European site in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

As the HRA is to be based on information provided by the applicant, their ecologists (ERAP) have submitted a shadow HRA which, once agreed with Natural England, could then be adopted by the LPA. The HRA will need to be approved by Natural England and adopted by the LPA before any planning permission could be granted. However, as the site-specific impacts of the development are deemed to be acceptable by Natural England, it is recommended that members of the committee resolve to grant planning permission subject to the subsequent completion of a HRA to the satisfaction of Natural England. The preparation of the HRA is to be delegated to the Head of Planning and Regeneration and its conclusions agreed with Natural England before any decision can be issued.

In terms of other ecological impacts, GMEU consider that the site has only low potential to support any specially protected or priority species, except for providing limited feeding opportunities for bats. GMEU note that the habitat features of greatest value to bats are capable of being retained. Whilst the loss of open grassland to the development may result in some limited harm to small areas of habitat with local nature conservation value, GMEU consider that this impact can be mitigated through the retention and strengthening of existing landscaping, the provision of functional greenspace on the site at a rate of 10% of the overall site area and submission of a landscape plan to incorporate biodiversity enhancements. Appropriate conditions have been recommended in this regard and, with respect to the 10% open greenspace figure recommended by GMEU, the level of provision shown on the illustrative masterplan, at 0.5 hectares, equates to 17.5% of the site area and is therefore well in excess of this.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions and the completion of a HRA before any permission granted, as recommended by Natural England and GMEU. The proposal is therefore in accordance with the objectives of FBLP policies EP15, EP16, EP18, EP19 and the NPPF.

#### Flooding and drainage:

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application.

Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".

FBLP policy EP 30 indicates that development will not be permitted which would:

- Itself be subject to an unacceptable risk of flooding;
- Create an unacceptable increase in the risk of flooding within the development site, or elsewhere;
- Adversely affect the water environment as a result of an increase in surface water run-off;

- Prejudice the capability of the coast to form a natural sea defence;
- Result in excessive culverting;
- Prejudice essential access requirements to watercourses or flood defence.

The submitted FRA considers the site's risk of flooding from six separate sources including fluvial, tidal, pluvial (overland), groundwater, sewers and artificial sources. The FRA concludes that the site is at a low risk of flooding from all sources and, accordingly, the main issue to be considered in this case is to ensure that the development incorporates a suitable strategy for surface water drainage in order that it does not itself increase the risk of flooding either on the site or elsewhere.

FBLP policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development.

The submitted FRA indicates that surface water from the existing site follows the falling topography of the site in a westerly direction to outfall into the unnamed watercourse on the western boundary. United Utilities has two surface water sewers which cross the southern part of the site and also outfall to the unnamed watercourse. The closest foul water sewers are located within Clifton Green to the east of the site, with a combined sewer to the south within Preston Old Road.

Whilst the detailed drainage design cannot be determined until reserved matters stage (being intrinsic to the development layout), an indicative drainage strategy outlined in the FRA establishes the following principles:

- An investigation of the online British Geological Survey Maps indicate that the site is underlain by the Sherwood Sandstone Group comprising of Sandstone. Therefore infiltration tests should be carried out in order to determine whether infiltration would be a viable SuDS solution.
- The surface water runoff generated by the development is proposed to discharge to the unnamed watercourse to the west of the site. Discharge from the site will be restricted to the equivalent of the existing greenfield runoff rates. The proposed surface water drainage system will need to be sized to attenuate runoff from storm events up to and including the 100 year return period storm event with a 30% allowance for climate change.
- Any overland flows generated by the proposed development must be attenuated on site but directed away from proposed buildings. External levels should fall away from property to minimise flood risk. Setting Finished Floor Levels a minimum of 150mm above the external levels (following any re-grade) should mitigate any risk of flooding from a variety of sources, including groundwater and surface water runoff risks at the proposed development.
- Foul water is to discharge to the public combined sewer network to the south of the site on Preston Old Road via a gravity connection (though a pumped solution may be required).

United Utilities and the Lead Local Flood Authority have been consulted on the application. No objections have been raised by either consultee. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. United Utilities have also identified the presence of two surface water sewers crossing the site. These are noted in the FRA and the applicant would either need to diversify these or leave a suitable easement for access. This would be dealt with when layout is applied for at reserved matters stage. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25

and EP30, and the NPPF.

Impact on heritage assets:

Heritage assets are defined in Annex 2 of the NPPF. Designated heritage assets include listed buildings. More generally, heritage assets can include a “site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions”.

Paragraphs 132 and 133 of the NPPF make clear that any development causing substantial harm or total loss to the significance of a designated heritage asset (including its setting) should be refused, other than in exceptional circumstances. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The grade II listed ‘Windmill Tavern’ is located approximately 580m to the north of the site boundary. The windmill is visible in distant views across the site from vantage points on Preston Old Road and Clifton Green. These views are, however, interrupted by other intervening landscape features including pylons, overhead lines and vegetation. However, the proposed residential development would, to a degree, obscure long-distance views of the windmill from these vantage points. Nevertheless, given the windmill’s distance from the site, and as the application land does not form the main vista in which the windmill is viewed at the junction of Church Lane and Clifton Lane, combined with the presence of intervening infrastructure in foreground views and the fact that glimpsed views of the windmill would be maintained between the proposed buildings, it is not considered that the development would have any harmful impact on the setting of the listed building, nor would it diminish its significance as a heritage asset. Moreover, it is recognised that existing dwellings on Stanagate and Clifton Green already have a similar effect and, as the development would border these dwellings, its effect would be no greater than that of existing buildings. Accordingly, there is not considered to be any conflict with the NPPF, FBLP or the Planning (Listed Buildings and Conservation Areas) Act 1990 in this respect.

The County Archaeologist indicates that earthworks associated with the line of an earlier road to Newton and Kirkham cross the western side of the site.

Paragraphs 128 and 139 of the NPPF state that:

- Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

In addition, policy EP21 of the FBLP states that, where there is archaeological interest on a site, an archaeological assessment or field evaluation may be required. The policy indicates that proposals affecting the site or setting of remains of national importance will not be permitted. In the case of

remains of local importance, consideration will be given to the importance of the remains as to whether their preservation in situ is justified or whether provision for the recording of the remains would be appropriate before any development commences.

The County Archaeologist notes that ploughing of the field is likely to have damaged or destroyed the potential archaeological remains, and that surviving features of the road would only be of local significance. Accordingly, any remains would not be of sufficient significance to require their preservation at the expense of the development, but they should be recorded before being lost to the development. The Archaeologists recommends that a condition is attached to any permission granted requiring a scheme of surveying and recording before development commences in accordance with a Written Scheme of Investigation. The requirements of FBLP policy EP21 and the NPPF will therefore be satisfied through condition.

#### Hazardous Installations:

The site falls within the outer consultation zones with respect to the Springfields BNFL site and a Major Accident Hazard Pipeline following the route of Blackpool Road to the south. Overhead power lines and pylons also cross the site and run alongside the northern site boundary.

Paragraph 194 of the NPPF states that local planning authorities should consult the appropriate bodies when determining applications for development around major hazards (including major hazard installations and pipelines).

FBLP policy EMP5 states that new developments in the vicinity of existing notifiable installations will be subject to consultation with the Health and Safety Executive (HSE) to determine the likely level of risk involved. The policy indicates that development which would unnecessarily increase the number of people at risk from hazardous installations will not be permitted.

The HSE have been consulted in accordance with the standing advice available through their PADHI+ system. This indicates that HSE do not advise against the granting of planning permission on the grounds of public safety. National Grid have indicated that the building proximity distance for the pipeline is 14.5m, and consider that the development's separation from the pipeline will ensure that this apparatus will not be directly affected.

Electricity Northwest have identified that there are overhead power lines both crossing the site and running alongside the northern boundary. The lines crossing the site will need to be diverted and a wayleave will be applicable with respect to the overhead tower lines to the north. No objection is, however, made with regard to interference with this apparatus.

The ONR have confirmed that the proposed development would not represent an external hazard to the Springfields site and have also received assurances from LCC that the development can be accommodated within their off-site emergency planning arrangements. Therefore, ONR does not advise against the granting of planning permission on safety grounds.

The proposal would not result in an unacceptable risk to the public (including future occupiers), land or the surrounding environment as a result of its impact on hazardous installations or other infrastructure and is therefore in accordance with the requirements of FBLP policy EMP5 and the NPPF.

#### Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should



contribute to and enhance the natural and local environment by:

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

In addition, FBLP policy EP29 states that development on land known or suspected of being contaminated will only be permitted where:

- the proposed development is an acceptable land-use in principle;
- the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the source(s) of contamination commensurate with the proposed use;
- the treated land and the measures necessary to achieve it do not produce any unacceptable risks to human health or the wider environment, including the contamination of surface water, ground water or sewers.

The application is accompanied by a ground investigation report which includes the following conclusions/recommendations:

- On the basis of the currently available information regarding the geo-environmental setting of the site and to confirm the assumptions made, an intrusive ground investigation should be carried out. This should be utilised to confirm the geological succession and engineering properties of the sub surface materials. The investigation will allow a quantitative assessment as to whether any of the potential risks identified in this study are present and are of material concern to the proposed development.
- Intrusive investigations may require the provision of appropriate gas monitoring points to assess the presence of any potential landfill gas generation from unrecorded buried materials. Despite the site being assessed as a low risk in terms of contamination it is recommended that the works should be undertaken in accordance with the recommendations laid down in BS 10175: 2011 "Investigation of Potentially Contaminated Sites".

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this. An appropriate condition could be attached in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

#### Developer contributions:

Policy H4 of the draft RPO Local Plan requires that affordable housing is delivered in respect of all schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space and policy CF2 allows contributions to be sought towards education. The NPPF also requires developments which generate significant amounts of movement to provide a Travel Plan in order to exploit opportunities for the

use of sustainable transport.

Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition, regulation 12(d)(iv) of the Community Infrastructure Levy (Amendment) Regulations 2014 provides that, from the 6 April 2015, the use of planning obligations will be restricted where there have been five or more obligations in respect of a specific infrastructure project or a type of infrastructure which is capable of being charged under the levy. For these purposes, the pooling of contributions is backdated to those entered into on or after 6 April 2010 (paragraph 099 of the Community Infrastructure Levy chapter to the NPPG).

#### *Open space:*

FBLP policy TREC 17 states that, within new housing developments, the provision of amenity open space (including facilities for children's play where appropriate) will be required in accordance with the following standards:

- 16 sq m per 1 bedroom dwelling
- 24 sq m per 2 bedroom dwelling
- 32 sq m per 3 bedroom dwelling
- 40 sq m per 4 bedroom dwelling
- 48 sq m per 5 bedroom dwelling

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where, for other reasons, it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development.

As the application is in outline, bedroom numbers are unknown at this stage. However, it is apparent that a development of up to 74 dwellings at the density proposed would exceed the 0.2 hectare threshold in policy TREC17. It is appropriate to require on-site provision of open space for a development of this size and the illustrative masterplan indicates the provision of some 5000 square metres of open space for this purpose. Accordingly, adequate open space is capable of being delivered on site in accordance with the requirements of FBLP policy TREC17. Open space provision is to be secured through planning obligation.

#### *Affordable housing:*

Policy H4 of the RPO requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 74 dwellings would generate a requirement for up to 22 properties on the site to be offered as on-site affordable homes.

Objectors have questioned whether there is a local need for affordable housing to be delivered on the site and consider that the delivery of up to 22 affordable homes on the site would result in an overprovision in rural areas which have limited access to local services and public transport and, accordingly, would not be sustainable.

The Council's Housing Service have indicated that there are 235 households on the Fylde Coast who have Newton-with-Clifton as an area of preference on their application. Accordingly, the Council's Housing Service have requested that the full 30% of affordable homes are delivered on site. Affordable homes would be offered in line with a tiered priority system from parish to Boroughwide level.

Policy H4 of the RPO Local Plan encourages the provision of affordable housing on the application site in order that it contributes towards the housing mix. Any planning obligation would, however, include provisions to allow the disposal of affordable homes by alternative means if, following negotiations with a Registered Provider, on-site provision was impractical.

The delivery of affordable housing at a rate of 30% is a clear social benefit which weighs in favour of the scheme in the context of the Local Plan and the National Planning Policy Framework. The applicant has indicated their intention to make this provision on site in accordance with the aspirations of RPO policy H4, though the precise details of the nature of this provision (e.g. the location, type, tenure and means of delivery of affordable housing) will be deferred for a later stage in accordance with parameters set out in a planning obligation.

#### *Education:*

Paragraph 72 of the NPPF indicates that

- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

In addition, policy CF2 of the FBLP states that the Council will negotiate agreements with developers, through planning obligation, to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development in the Borough.

LCC have identified four primary schools located within 2 miles of the development site and two secondary schools within 3 miles. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a pupil yield of 28 primary school places and 11 secondary school places (though this is based on the assumption that all 74 dwellings would be delivered as four bedroom houses).

Due to recent changes under the CIL regulations which limit the pooling of contributions for general infrastructure (to a maximum of five), LCC are required to identify a specific infrastructure project where the requested contribution would be spent. LCC have indicated that the Primary Education contribution would be spent at Newton Bluecoat Church of England Primary School and the Secondary Education Contribution at Ashton Community High School. At present, there are no pooled contributions against either of these schools.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards primary education of £336,829.36 and £199,390.18 towards secondary education. However, as bedroom numbers are unknown at this stage, a formula would be included as part of any planning obligation to secure a contribution which is proportionate in scale and kind to the development in accordance with the requirements of FBLP policy CF2 and the NPPF.

### *Travel Plan contribution:*

Paragraph 36 of the NPPF requires developments which generate significant amounts of movement to provide a Travel Plan in order to exploit opportunities for the use of sustainable transport. The applicant has submitted a Framework Travel Plan in support of the application. The LHA have requested that a condition be attached to any permission granted requiring the submission of a Full Travel Plan and, in addition, that a contribution of £6,000 is secured to enable LCC's Travel Planning Team to provide the following range of services:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide resident mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.
- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information – provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans.
- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The applicant has agreed to make the Travel Plan contribution in accordance with the request from the LHA.

### **Conclusions**

The application seeks outline planning permission (access only) for a residential development of up to 74 dwellings on a 2.85 hectare parcel of land to the western edge of Clifton. The site is presently used as pastureland for grazing animals and falls within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the development falls outside the settlement boundary and, accordingly, would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, therefore, FBLP policy SP2 which acts to resist residential development within the Countryside Area is in conflict with the NPPF. As a result, policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, a *circa* 0.9 hectare parcel to the northeast corner of the site is allocated as a non-strategic housing site in this Plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the emerging Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The proposed development, in combination with other applications which

have a positive resolution (namely application 15/0165 for a development of up to 30 dwellings at Ash Lane), would result in an expansion of the village in the order of approximately 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The proposed development represents a proportionate extension on the edge of the village which would be well related to the existing settlement and development on the periphery of Clifton. The proposal, by virtue of the density and number of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

Satisfactory arrangements (including infrastructure improvements) would be made for access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding, drainage and contamination, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

That, subject to:

(i) The completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure:

- The provision of open space on site in accordance with the standards set out in Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site in accordance with the requirements of policy H4 of the Revised Preferred Options Local Plan and the National Planning Policy Framework.

- A commuted sum payment to the County Council towards the provision of new primary and secondary school places at Newton Bluecoat Church of England Primary School and Ashton Community High School respectively, in accordance with FBLP CF2 and the National Planning Policy Framework.
- A commuted sum payment of £6,000 to the County Council towards the preparation, implementation and monitoring of a Travel Plan.

(ii) The completion of a Habitat Regulations Assessment in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010.

Authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the layout of the development, the scale and external appearance of the buildings and the landscaping of the site.

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

3. This permission relates to the following plans:

- Scale 1:2500 Location Plan received 6<sup>th</sup> November 2015.
- Drawing no. 0001 Rev B – Proposed site layout.
- Drawing no. A090876-004 Rev B – Proposed site access.

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

4. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on drawing no. 0001 Rev B with respect to: (i) the developable areas of the site; and (ii) the areas to be laid out as open space.

Reason: To ensure that any application for the approval of reserved matters accords with the parameters shown on the masterplan with respect to the developable and non-developable areas of the site in the interests of ensuring a pattern and layout of development which is sympathetic to the character and setting of the site and to minimise the development's visual impact on the surrounding landscape in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP11, and the National Planning Policy Framework.

5. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

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

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - (i) ecological systems; and
  - (ii) archaeological sites and ancient monuments.
- an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

7. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i. separate systems for the disposal of foul and surface water;
- ii. site investigation and test results to confirm infiltration rates;
- iii. a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details

- of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 30 and 1 in 100 year (+30% climate change allowance) rainfall events (including demonstration that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event); and (b) any necessary flow attenuation measures and the use of SUDS where appropriate;
- iv. details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- v. flood water exceedance routes, both on and off site;
- vi. means of access for maintenance and easements (where applicable);
- vii. a timetable for implementation, including any phasing of works;

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

8. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 7 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

- i. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- ii. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
- iii. on-going inspections relating to performance and asset condition assessments;
- iv. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- v. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- vi. means of access and easements for maintenance purposes;
- vii. A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

9. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:



- (i) A phased programme and methodology of site investigation and recording to include:
  - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
  - a targeted archaeological evaluation; and
  - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds;
  - production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Borough Local Plan policy EP21 and the National Planning Policy Framework.

10. Notwithstanding the requirements of condition 3 of this permission, no above ground works shall take place until a scheme for the design, construction and drainage of the site access, the layout of which is shown on drawing no. A0908887776-004 Rev B, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, make provision for the visibility splays shown on drawing no. A0908887776-004 Rev B in both directions at the junction of the site access with Preston Old Road. The site access shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction).

Reason: To ensure safe and convenient access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

11. No above ground works shall take place until a scheme showing details of the siting, layout, design, construction and drainage for the following highway improvement works shown on drawing no. A090876-004 Rev B has been submitted to and approved in writing by the Local Planning Authority:

- a) The formation of a raised table around the junction between the site access and Preston Old Road.
- b) The upgrading of two existing bus stops (eastbound and westbound) located on Preston Old Road to the east of the site access, the approximate positions of which are shown on drawing no. A090876-004 Rev B, to include the provision of raised borders and bus stop 'cages', together with associated road markings.
- c) The introduction of speed reducing surfaces including 'slow' and 'gateway' speed

markings, together with associated traffic signs, the approximate positions of which are shown on drawing no. A090876-004 Rev B.

- d) The provision of a minimum 1.8 metre wide footway on the northerly side of Preston Old Road between the site access and the eastbound bus stop, the approximate extent of which is shown on drawing no. A090876-004 Rev B.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the dwellings hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

- 12. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- (i) details of measures to be introduced to promote a choice of travel modes to and from the site;
- (ii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective;
- (i) details of a Travel Plan co-ordinator;
- (ii) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (i) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

- 13. No development shall take place until a scheme for the protection of the unnamed watercourse which runs along the western boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Details of how surface water will be managed during the construction phase in order to prevent pollution of the watercourse.
- b) Details of the height, position and design of any protective fencing to be erected alongside the river corridor in order to prevent debris entering the watercourse.
- c) A timetable for the implementation of the measures in (i) and (ii).

The duly approved scheme shall thereafter be implemented in accordance with the details and timetable contained therein, and the protection measures maintained as such during the entirety of the construction period.

Reason: To ensure that satisfactory measures are put in place to prevent the pollution of the watercourse which runs adjacent to the site and to ensure that the watercourse does not become

blocked by construction materials in the interests of maintaining water quality and to reduce the risk of flooding in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

14. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- (i) hours of work for site preparation, delivery of materials and construction;
  - (ii) arrangements for the parking of vehicles for site operatives and visitors;
  - (iii) details of areas designated for the loading, unloading and storage of plant and materials;
  - (iv) details of the siting, height and maintenance of security hoarding;
  - (v) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
  - (vi) measures to control the emission of dust and dirt during construction;
  - (vii) a scheme for recycling/disposing of waste resulting from construction works; and
  - (viii) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policy EP27, and the National Planning Policy Framework.

15. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the landscape strategy indicated on drawing no. 0001 Rev B. The scheme shall include, but not be limited to, the following details:
- (a) existing trees, hedgerows and other vegetation on/overhanging the site to be retained;
  - (b) a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development;
  - (c) the introduction of landscaping buffers along the northern and western boundaries of the site;
  - (d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
  - (e) the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside and surrounding occupiers, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

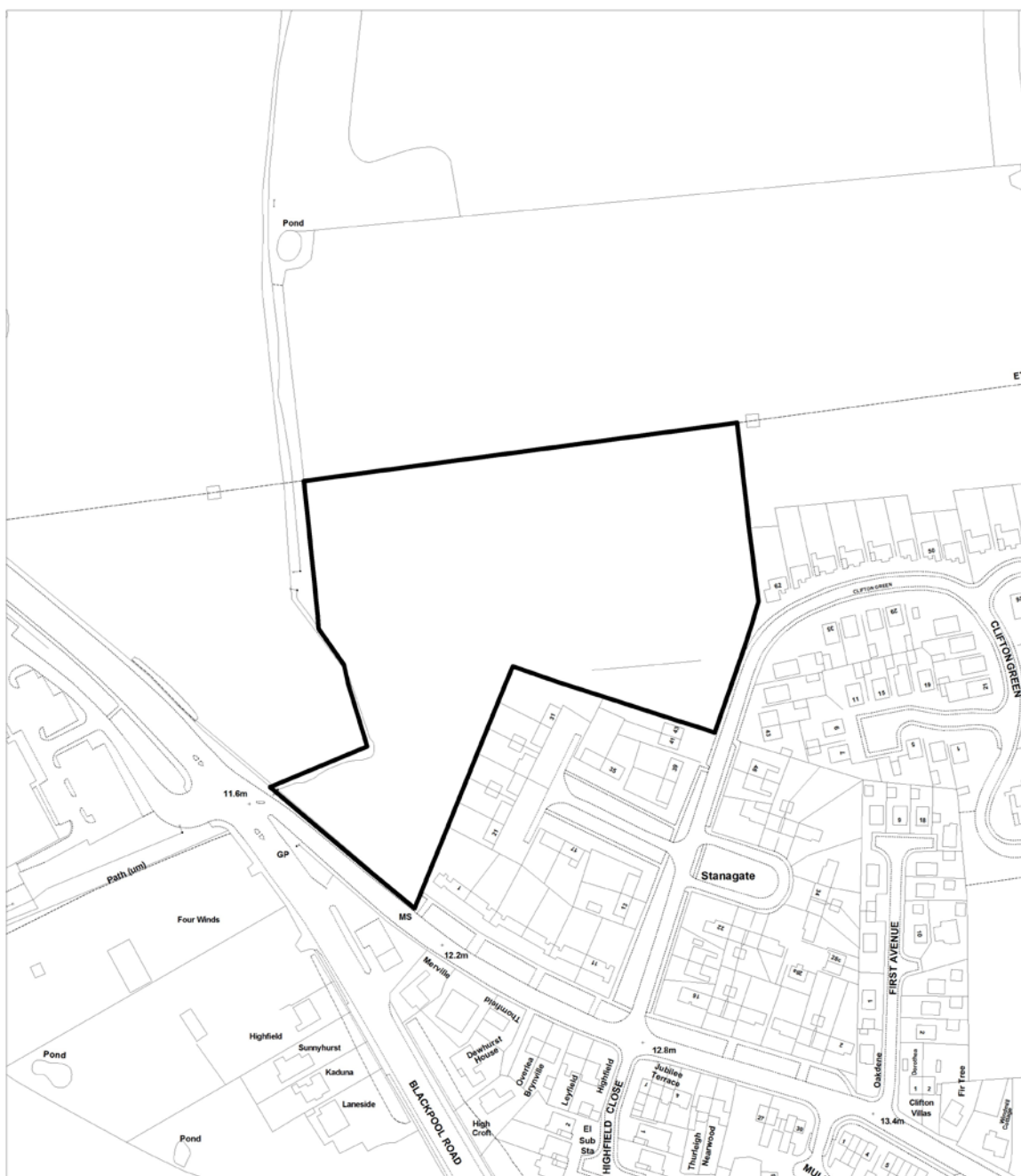
16. No development shall take place until a Construction Exclusion Zone has been formed around the

Root Protection Areas of those trees/hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 15 (i). The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows to the periphery of site which are to be retained as part of the development in accordance with the requirements of Fylde Borough Local Plan policy EP12.

17. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March - July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0763	Address Land north of Preston Old Road, Clifton	Grid Ref. E.3462 : N.4305	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0767	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mrs Barton	<b>Agent :</b>	Mrs Walton
<b>Location:</b>	1 & 2 THE CHIMES, KIRKHAM, PRESTON, PR4 2XQ		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND TO THE REAR 1 & 2 THE CHIMES TO FORM EXTENDED DOMESTIC CURTILAGE TO THESE PROPERTIES ENCLOSED WITH 2M HIGH FENCING.		
<b>Parish:</b>	KIRKHAM SOUTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Replies to consultations awaited		

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

<https://www.google.co.uk/maps/@53.7785841,-2.878782,140m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application relates to an area of land that is around 2m deep and 9m wide and runs to the rear of the original rear garden area of the two application properties which are located within the settlement area of Kirkham. The land is adjacent to a footpath that runs from Blackpool Road through this residential estate to the town centre. The application seeks retrospective planning permission for the use of the land as enlargement of the residential curtilage of 1 and 2 The Chimes, and the erection of a 2m high fence around this area.

The land used to carry out the enlargement is not designated as Public Open Space under the Fylde Borough Local Plan, nor is it subject any planning condition requiring its use for that purpose when the original development was given consent. As such the change if use does not involve the loss of any protected public open space, although it would previously have provided amenity value to the users of the footpath.

The incorporation of this area into these gardens and the erection of the fence do not create a detrimental impact to the visual amenity of the area as they are not in an exposed area and the additional fencing therefore does not appear incongruous in the wider area.

Taking the above into account it is considered that the development complies with Policies HL5 and TREC13 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection received from Kirkham Town Council.

### **Site Description and Location**

The application site is a small section of land to the rear of No.1 and 2 The Chimes measuring approx. 2m x 9m. The land has been surrounded by fencing and incorporated into the rear gardens of the application properties. To the rear running behind the fencing there is a public footpath which leads to the Kirkham By-pass. The Chimes is a residential development consisting of 29 units which is surrounded by a landscaped area.

### **Details of Proposal**

The application is seeking retrospective consent for the erection of a 2m high fence and extension of the domestic curtilage to the rear gardens of No.1 and 2 The Chimes. It is understood that the works were completed some years ago.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

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

**Kirkham Town Council** notified on 05 November 2015 and comment:

*"When this development was given approval it was conditioned that all the land surrounding the development should be retained as open space, over the years this Council has received several requests for the open space to be taken into the curtilage of residential gardens, if this application is approved it could set a precedent for many other such requests to come forward. The Council would also advise the committee that we believe that the land subject to this application belongs to the Town Council".*

A further notification was undertaken with the Town Council after additional ownership documentation was provided by the applicants:

*"The Council do not accept the maps as proof of ownership and believe the application is flawed as the applicant has claimed ownership of the land. They also stand by their objection that the land around the Chimes development was intended to be kept as open space. I will now ask the Land Registry for written confirmation as to how the applicants can claim the ownership of the land as the maps are considered inconclusive".*

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

None

### **Neighbour Observations**

<b>Neighbours notified:</b>	05 November 2015
<b>Amended plans notified:</b>	N/A

**Site Notice Date:** 12 November 2015  
**Press Notice Date:** N/A  
**No. Of Responses Received:** None

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions
TREC13	Safeguarding of Public Open Space

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

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues regarding this application are:

Impact to the visual amenity of the area  
Loss of Public Open Space (POS)

#### **Impact to the visual amenity of the area**

The erection of the fencing and extension to the rear gardens of the application properties does create an impact with regards to the appearance of the area by reason of the increased curtilage and resulting boundary treatment. However this impact is considered acceptable as the difference in appearance from the relocation of the fence outwards towards the footpath by around 2m is minimal. The rear boundary of the gardens is immediately adjacent a foot path which runs behind The Chimes to the Kirkham By-pass and on the other side of this foot path is the boundary to a neighbouring property, therefore the fencing does not appear isolated or in an open area visible from afar. It therefore has limited impact to the street scene or visual amenity of the wider area.

#### **Loss of Public Open Space (POS)**

The landscaped area surrounding The Chimes development is well maintained, however it is not an area of Public Open Space given any protection by policies in the Fylde Borough Local Plan. Furthermore when originally given consent in 1989 under application ref: 89/0968 no condition was imposed on the land to require this area to be retained and safeguarded as public open space. Therefore whilst the land surrounding The Chimes may be used by the public, it is not formal functional POS and therefore the development has not resulted in the loss of any POS.

#### **Other Matters**

The Town Council's comments are related to an apparent belief that the land is within their ownership. That is a private matter for them to investigate and action with the applicant's if necessary. For the purposes of determining this planning application it is supported with Certificate A signed by the applicant which indicates that they control the land to which the application relates. When the Town Council raised their initial query over the ownership the applicant was asked to



confirm the position and have done so. Accordingly the application can be determined on the basis of this.

It is understood that the enclosure of the land and the erection of the fence were undertaken many years ago. It could have been possible for them to submit for a Lawful Developer Certificate had the use commenced over 10 years ago, and the fence erected over 4 years ago. Anecdotal evidence seems to indicate that the development occurred so long ago that this is an option to them. However they have chosen to submit this planning application instead and so the planning merits are to be tested. Given that the fence has been in position for this apparent length of time it seems to indicate that it is not a particularly harmful development.

### **Conclusions**

The application seeks retrospective consent for the enlargement of residential curtilage and the erection of a 2m high fence around the enlarged piece of land to the rear of No.1 and 2 The Chimes.

The land used to carry out the enlargement is not classed as adopted Public Open Space as defined by the Councils adopted plan nor was it condition as such when the original development was given consent. No POS is therefore lost as a result of the works.

The works do not create a detrimental impact to the visual amenity of the area as they are not in an exposed area and the additional fencing therefore does not appear incongruous in the wider area.

Taking the above into account it is considered that the development complies with Policies HL5 and TREC13 of the Fylde Borough Local Plan and is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0767	Address 1 & 2 The Chimes, Kirkham	Grid Ref. E.3421 : N.4317	Scale 0 6 12 18 24 m

**Item Number:** 3

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0787	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	London Wall Outsourcing Investments Ltd	<b>Agent :</b>	Janet Dixon Town Planners
<b>Location:</b>	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG		
<b>Proposal:</b>	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 160 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7555438,-3.0073813,580m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7555438,-3.0073813,580m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Approve Subj 106

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

The application seeks outline permission (access only) for a residential development of up to 160 dwellings on a 4.6 hectare parcel of land within the settlement boundary of Lytham St Annes. The site is presently occupied by a collection of large, single-storey buildings which are used as offices and is allocated as an Existing Industrial Area on the FBLP Proposals Map. This allocation extends across a larger, adjoining parcel of land to the north where a mixed use development for a supermarket, pub, care home and 162 dwellings is entering the latter stages of construction pursuant to planning permission 12/0465 (and subsequent applications for full planning permission and/or approval of reserved matters).

Given the approved development on the adjoining site and the lack of prospective end-users for the existing office development once Hewlett Packard's lease expires, the application site is allocated for housing under policy SL1 of the Emerging Fylde Local Plan. The NPPF advises against the long term protection of employment sites which have little prospect of being brought back into beneficial use, but requires Local Authorities to demonstrate a 5 year supply of deliverable housing land, with priority to be given to the release of previously developed sites. The Council is presently unable to demonstrate this 5 year supply and the site's allocation for housing in the Emerging Local Plan sets out the Council's future development aspirations for the site. Accordingly, it is considered that the existing allocation in the FBLP which restricts uses on the site to class B1 only is out-of-date and a departure from the FBLP which allows an alternative use for residential development on a brownfield site in an accessible, urban location within the settlement boundary in the absence of a 5 year supply would bring substantial benefits which justify a departure from the FBLP in this instance.

The application site is located between areas of mature housing within the settlement boundary of Lytham St Annes and is well related to existing shops, services and employment

opportunities. The site is readily accessible by modes of transport other than private car and various public amenities are available in comfortable walking distance. The proposal, by virtue of the number and density of dwellings proposed, and their relationship with adjacent uses on adjoining land, would be compatible with the prevailing residential character of its surroundings and would reflect the density and character of housing development in the locality. Appropriate restrictions can be imposed to control the scale of development in order that this respects the character of the street scene and does not have a dominant or imposing impact on the amenity of neighbouring occupiers. Appropriate landscaping is also capable of being retained and/or introduced as part of the development layout.

Satisfactory access arrangements would be made for vehicles, pedestrians and cyclists, including connectivity with adjoining land at points and by methods which are appropriate to encourage permeability without compromising highway capacity and safety. The development would not result in any material increase in traffic generation at the site during the peak morning and evening periods in comparison to the site's established employment use and, accordingly, the proposed development would not have a severe impact on network capacity or highway safety, either adjacent to or further away from the site. Appropriate mitigation can be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding, contamination and drainage.

The applicant has provided evidence to demonstrate that contributions sought towards open space, affordable housing and education at the levels cited within the relevant policies of the FBLP and the Emerging Local Plan would unacceptably affect the viability of the scheme. This evidence has been subject to independent assessment. Therefore, in accordance with the approach set out in paragraphs 173, 204 and 205 of the NPPF, it is considered that a reduced level of contribution towards this infrastructure is justified in this case, subject to appropriate clauses within a planning obligation which require further appraisals of the scheme's viability to be submitted at a later date in order to account for changes in market conditions.

The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The application is for major development and the Officer recommendation is for approval. In addition, the proposal represents a departure from the Fylde Borough Local Plan. Therefore the Council's Scheme of Delegation requires that the application is determined by the Development Management Committee.

### **Site Description and Location**

The application relates to the former Electronic Data Systems site located between Shepherd Road and the B5261 (Heyhouses Lane), Lytham St Annes. Specifically, the application site comprises an irregularly-shaped parcel of land spanning some 4.6 hectares fronting onto Shepherd Road. The land is currently occupied by a series of flat-roofed, single-storey office buildings following large, rectangular footprints and flanked by hardstanding car parking areas with patches of intervening greenspace. These offices are presently occupied by Hewlett Packard. Levels across the site are generally flat, with a slight fall from east to west.

The land is located to the south of and shares a boundary with a larger, mixed-use development site

accessed off Heyhouses Lane which comprises a supermarket (Booths), pub (Water's Edge) and a residential development of 162 dwellings currently under construction by Morris Homes. A 76 bed care home has also been approved on this site (application reference 15/0310). The application site will, however, be bordered by a combination of housing and open space along its northern perimeter once the adjacent development is completed. Aside from a collection of allotments which cover a large area of land to the west of site the surrounding area is dominated by dwellinghouses, the majority of which are two storeys in height. The exception to this is a group of bungalows orientated at right angles on Shepherd Road to the southwest and on Boston Road to the southeast (though several of these have dormers serving rooms in the roof space). A second row of bungalows run at right angles on Pickering Close broadly central to the eastern boundary.

The site is presently enclosed by weldmesh perimeter fencing reaching a height of *circa* 2.5m, backed by a fragmented linear treeline onto Shepherd Road. There are also a series of internal lighting columns and pole-mounted CCTV cameras to the perimeter. Vehicle access to the site is presently via a one-way vehicle ingress/egress system from Shepherd Road, with the entrance to the southwest corner opposite the junction with Moorland Road and the exit to the southeast corner opposite the junction with Winston Avenue.

The site is allocated as an 'Existing Industrial Area' on the Fylde Borough Local Plan Proposals Map and also falls within the settlement boundary of Lytham St Annes. Despite the site's allocation as an employment site in the FBLP, the Revised Preferred Option Local Plan (RPO - October 2015) identifies the whole of the site as a strategic housing allocation (site reference HSS2 under policy SL1).

### **Details of Proposal**

The application seeks outline permission for the demolition of the existing office buildings and the redevelopment of the site for a residential development of up to 160 dwellings. The only matter applied for as part of the application is access. This is defined in the Development Management Procedure Order as follows:

*Access* – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Matters of layout, scale, external appearance and landscaping are reserved for later consideration.

The scheme proposes to reuse the existing access points off Shepherd Road to the southeast and southwest corners of the site. Whilst being retained in substantially the same position, the two access points would be modified to accommodate residential, two-way traffic through the introduction of 2m wide footways to both sides of a 5.5m carriageway. Access onto Shepherd Road would continue to be via priority (give way) junctions as follows:

- a) Access point 1 (southwest corner) – minimum 2.4m x 43m visibility splays in both directions.
- b) Access point 2 (southeast corner) – minimum 2.4m x 25m visibility splay (eastbound) and 2.4m x 43m visibility splay (westbound).

Each access would merge with the main estate road to run in a northerly direction through the site and terminating at a series of cul-de-sacs branching throughout the site. It is not proposed to form a vehicle through-route between the application site and the adjacent Morris Homes development,

though pedestrian and cycle linkages between the two sites are proposed at three locations along the northern boundary. In addition to the provision of the access points into and through the site, the following off-site highway improvement works are proposed as part of the scheme:

- (i) The provision of a raised table at the junction of access point 2 with Shepherd Road.
- (ii) The upgrading of two bus stops on Church Road to Quality Bus Standard.
- (iii) A review of the existing Traffic Regulation Order on Shepherd Road insofar as it relates to the waiting restrictions in place where they flank the southern boundary of the development site.

Whilst layout is not applied for at this stage, an indicative masterplan has been submitted which shows a built frontage (including driveways) directly onto Shepherd Road and a mix of detached, semi-detached and terraced housing. Two areas of open space with a combined area of approximately 0.2 hectares are shown within the site. Indicative scale parameters identify maximum building heights of up to two storeys flanking the southern (Shepherd Road) and eastern boundaries, and up to three storeys alongside the western boundary with the allotments, the northern boundary with the Morris Homes development and to the central areas of the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0310	ERECTION OF TWO STOREY BUILDING PROVIDING 76 BEDROOM CARE HOME WITH ASSOCIATED CAR PARKING, LANDSCAPING AND INFRASTRUCTURE	Granted	13/07/2015
13/0448	APPLICATION FOR THE APPROVAL OF ALL RESERVED MATTERS (LANDSCAPE, LAYOUT, ACCESS, APPEARANCE, SCALE) PURSUANT TO APPLICATION 12/0465 FOR THE DEVELOPMENT OF 162 RESIDENTIAL DWELLINGS	Granted	23/12/2013
12/0465	RESUBMISSION OF APPLICATION 11/0173 FOR OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 m <sup>2</sup> RETAIL FOODSTORE (CLASS A1); 930 m <sup>2</sup> COMMERCIAL FLOORSPEACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 DWELLINGS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.	Approved with 106 Agreement	02/10/2012
DEM/11/0003	DEMOLITION OF EXISTING SINGLE AND TWO STORY PRE-FABRICATED AND BRICK BUILDINGS, TIMBER BUILDINGS.	Approve Prior Determination	20/12/2013
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860	Refused	08/03/2012

SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
11/0173	<p>OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL &amp; PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS &amp; CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD &amp; SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT &amp; THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.</p>	Withdrawn	14/01/2013

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

**St Annes on the Sea Town Council** were notified of the application on 2 December 2015. The Town Council have indicated that they have no specific observations in respect of the application, but have identified that complaints have been received from some neighbouring residents due to excessive amounts of dust during demolition and construction operations for 'phase 1'. The Council ask that measures are put in place in order to avoid the same impact during the proposed 'phase 2' development.

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

*Environmental Health Officer (EHO):* No objections. It is recommended that the following conditions are attached to any permission granted:

- Demolition and construction times should be limited to 08.00 – 18.00 Monday – Friday; 08.00-13.00 Saturday and no activity on site on Sundays or Bank Holidays.
- As per the recommendations in the phase II contaminated land report, further intrusive investigation is required on the site to allow for the monitoring and sampling of groundwater and ground gas before any development is carried out. On receipt of the data from the sampling a remediation report should be submitted.
- During previous development on other areas of the site there have been a number of complaints regarding excessive dust created as a result of work activity. The applicant should submit a dust mitigation plan detailing measures to be implemented during dry weather conditions and should undertake monitoring for any excess dust deposition on neighbouring properties, taking the required action as necessary.

*Greater Manchester Ecology Unit (GMEU):*

- While the application site is within 2km of the Ribble and Alt Estuaries Special Protection Area (SPA), a European Protected Site, it is separated from the SPA by extensive, established built development. Further, the site is dominated by buildings and hard standing with associated grassland, trees and shrub borders, none of which are rare or notable habitats within north-west England and Lancashire and none of which complement the habitats found within the SPA. There are no evident pathways between the application site and the SPA. Therefore, the proposed development will not have any substantive harmful impacts on the special nature conservation interest of the SPA.
- The application site is not itself designated for its nature conservation value and it is not adjacent to any designated sites. No protected or priority species were recorded on the site during the ecology surveys and assessments undertaken in support of the application, and the potential for such species to be present is considered to be low. Habitats that are present on site are not of high ecological value.
- Therefore, there are no objections to the application on nature conservation grounds.

*Lancashire County Council contributions:*

- Any requests for financial contributions are based on the pupil yield generated by a development. This is calculated on the basis of the number of dwellings to be constructed and rises in line with the number of bedrooms to be provided. In cases where the number of bedrooms is unknown (e.g. with outline permissions where this will only become known at reserved matters), a “medium to worst case scenario” will be applied which assumes each dwelling will provide 4 bedrooms.
- There are 7 primary schools within 2 miles of the site. Latest projections show there to be 36 places available at these schools in 5 years’ time. The proposed development would generate a demand for 61 additional primary school places. Other recently approved developments in the same catchment will generate a requirement for 1 additional new school place. Therefore, a financial contribution equivalent to the provision of 26 primary school places is sought as part of the development at a rate of £12,209.40 per place (a total of £312,764.40). There are 3 further applications pending decision within the same catchment. If any of these applications are approved before this application is determined, then a reassessment of the requirement for new places will be required.
- There are 2 secondary schools within a 3 mile radius of the site. Current projections show there will be a shortfall of 267 places in these schools in 5 years’ time. The proposed development would generate a yield of 24 pupil places in secondary schools, thereby increasing this shortfall to 291 places. In order to mitigate this impact a financial contribution equivalent to 24 secondary school places at a rate of £18,126.38 per place (a



total of £441,534.72) should be secured through planning obligation.

- Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the primary education contribution to provide new school places at Lytham CE Primary School and the secondary education contribution to provide additional secondary places at Lytham St Annes Technology and Performing Arts College. To ensure that the approach is in line with the Community Infrastructure Levy regulations, the County Council confirms that there is one secured S106 contribution at Lytham CE Primary School and three nominations for S106 contributions against Lytham St Annes Technology and Performing Arts College.

*Lancashire Constabulary:*

- Several recommendations are made with respect to physical security (windows and doors), layout (with respect to natural surveillance), car parking, garden boundary treatments and outbuildings to be considered as part of the detailed design at reserved matters stage.

*Lead Local Flood Authority (LLFA):*

- The LLFA has no objection to the application subject to the imposition of a condition requiring details of a surface water drainage scheme to be submitted which includes:
  - Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD.
  - The drainage scheme should demonstrate that the surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable.
  - Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - Flood water exceedance routes, both on and off site;
  - A timetable for implementation, including phasing where applicable;
  - Site investigation and test results to confirm infiltrations rates;
  - Details of water quality controls, where applicable.

*Local Highway Authority (LHA): Comments as follows:*

- The application is proposed on the site of the existing Electronic Data Systems employment site. The existing site contains a large number of buildings which are currently accessed from two vehicular access points onto Shepherd Road. It is noted that the extant use has the potential to generate traffic movements on the local highway network and given the nature of the permitted land use a number of the generated movements would be commercial/heavy goods vehicles.
- It is proposed that vehicular access to the development will be from two priority junctions located in the same position as the current site accesses on Shepherd Road. Access point 1 is opposite Moorland Road (on the southwest side of the site) and Access point 2 is opposite Winston Road (on the southeast side of the site). Shepherd Road is signed as a 20mph limit in the vicinity of the site with numerous side road junctions along its length. Some 225m to the west of proposed Site Access point 1 is the crossroads with Albert Road and Singleton Avenue.
- The proposed access strategy gives rise to a number of concerns which require further

consideration by the applicant:

- 20 mph visibility splays are shown to be achieved at access point 1 (opposite Moorland Road) and access point 2 (opposite Winston Road). It has, however, been observed during a number of visits that vehicles travel along this route in excess of the signed 20mph limit. There is, therefore, a need for speed surveys to confirm that these splays are appropriate for the speed of the road. LCC are undertaking a week long survey to gain a better understanding of vehicle speeds in the vicinity of the proposed site accesses. The surveys will be used to better inform development of the necessary site accesses/highway improvement/traffic calming scheme. 85th percentile wet weather speeds from these surveys should be used as the basis for the assessment of the necessary visibility splays.
- The site frontage presents a long straight section of carriageway (420m between Winston Avenue and Singleton Avenue) and there may be the need to support the 20mph speed limit through the use of traffic calming measures. This should provide appropriate measures to address observed vehicle speeds and safety issues raised that would help mitigate the impact of the proposal and which would deliver an acceptable access solution (for example, raised junction tables – one at each access and/or other traffic calming measures.)
- Bus stops to the west of the site (approximately 280m west of access point 1) and to the south on Church Road should be upgraded to Quality Bus Standard.
- The pedestrian/cycle linkages through the adjacent site need further clarification as to their design. The link needs to tie in to the northern development and provide a high quality continuous route through to the pub and supermarket. Shared pedestrian/cycle routes should be 3.5m wide. The Design Principles Plan indicates pedestrian/cycle links to the adjacent scheme to the north (shown as blue arrows on this plan). These pedestrian cycle routes should be delivered to an appropriate standard/width. The path into and through the area marked as open space should be available to cyclists.
- A review of existing TROs in the area is required. The change from employment to residential means there may no longer be a need for TROs that were introduced to address issues presented by parking overspill from the existing employment site. There is also a resident parking scheme to the east of the site which should be included in the review. The developer should fund the Review of TROs, including any Public Consultation associated with delivering the findings of this review and the delivery/implementation of changes/outcome of any consultation process.
- The only area where the Personal Injury Accident data suggests any particular accident pattern that would give rise to further review would be at the Shepherd Road/Singleton Lane crossroads to the east of the site. The latest 5-year records indicate there were 5 Slight accidents at Singleton Road/ Shepherd Road. Given that two thirds of the traffic from this development could be expected to impact on this junction throughout the day/evenings and at weekends, a scheme should be investigated/developed to mitigate any further impact at this location.
- A Stage 1 Safety Audit should be carried out for the site access junctions and associated highway improvement scheme.
- The development does not provide a vehicle connection between the site and the commercial uses to the north. Whilst a vehicle through route is not essential, there will be a need to provide a turning head where the estate road terminates alongside the adjacent site but retains a 3.5m wide access for pedestrians and cyclists.
- The trip rates used in the TA are on the low side and potentially underestimate the trip generation of the development. Trip generation figures generally accepted by LCC are given for comparison. The TA estimates 83 movements in the peak AM period and 90 in the peak

PM period. LCC considers that movements of 93 in the peak AM and 106 in the peak PM are more realistic. In terms of net changes, the TA states that there will be 36 and 12 fewer trips in the peak AM and PM periods in comparison to the established use. LCC's figures suggest this will rise to 26 fewer and 4 more trips for the same periods. It is, however, acknowledged that this represents only a minimal net impact. Nevertheless, the proposed residential development is likely to increase traffic and other movements on the highway as a whole (e.g. weekdays, evenings and weekends) in comparison to the established office use.

- There are a number of omissions within the submitted Framework Travel Plan which will need to be rectified when a Full Travel Plan is produced.
- Various recommendations are made regarding the internal road layout of the development to be taken on board as part of any application for reserved matters.
- Before any development commences, a section 278 agreement will be required for any off-site highway improvement works with respect to their detailed design. A scheme to be agreed 'in principle' at this stage should include the following scope of works:
  - Site access junction design and lighting scheme. The junction will need to be designed to adoptable standards to an appropriate width which provides 1.8m service strips.
  - Traffic calming measures on Shepherd Road.
  - Upgrading of bus stops to quality bus standard.
  - An improvement scheme at the Shepherd Road/Singleton Avenue junction.
  - A review of TROs on the local network necessary to support the access proposals and improvement scheme.
- The development should make financial contributions to support improvements to the local network and sustainable transport links. This could include:
  - A £12,000 contribution towards a range of Travel Plan services. A commitment from the developer is required to ensure appropriate funding is available to support the measures and targets of the Travel Plan. This funding would only be required if Travel Plan targets are not achieved and is to be made available to the developer's appointed travel plan coordinator and not passed to the LPA or the LHA.
  - Funding towards pedestrian and cycle improvements/measures to improve connectivity to amenities and to support wider connectivity improvements, for example to and from education facilities and the main town centre and beyond (e.g. existing employment areas, education establishments and retail).
  - Funding for public transport improvements including facilities and services for future occupiers. At present, subsidised services on the local network are at risk under the current funding review.
- In summary, the LHA identify a number of areas of concern which require further investigation and assessment. Further information is required in order to address these concerns. Until this information is provided, the LHA cannot confirm their support for the application.

*Lytham St Annes Civic Society:*

- This site does not abut Heyhouses Lane, as implied, and it is not clear that an exit from it is provided to reach Heyhouses Lane. The rest of this large site had no connectivity to the surrounding roads or local neighbourhood shopping centres. The piecemeal development of housing and other sites in large cul-de-sacs, without real consideration of their proper context in the town is not good planning. It can lead to social isolation, increased road traffic and difficulty in navigating around.
- There should also be greater attempts to reduce surface water run off by the inclusion of more porous surfaces.

#### *Natural England:*

- Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development, being carried out in strict accordance with the details of the application as submitted, will not damage or destroy the interest features for which the Ribble Estuary has been notified. Natural England therefore advise your authority that this SSSI does not represent a constraint in determining the application.

#### *Planning Policy:*

- The application site is located within the limits of development of St Annes. Local Plan Policy SP1 operates so as to permit development in this location, subject to the other policies of the plan. The proposed development site is located outside a defined town, or local centre in an area allocated as 'Existing Business and Industrial Areas' by adopted Local Plan policy EMP2. This policy operates so as to retain land in use class B in that class. Proposals for B1 development are to be permitted in this location. The proposed development does not fall within one of the use classes specified in policy EMP2 and is therefore in conflict with this policy.
- The draft Revised Preferred Option version of the Fylde Local Plan to 2032 (RPO) was presented to the Development Management (Policy) Committee on 16 September 2015, where it was resolved to issue it for public consultation in autumn 2015. The proposed development site forms part of site HSS2 in the RPO. The RPO identifies land for the provision of up to 250 homes on site HSS2 'Heyhouses Lane, St Annes'. Part of that site is covered by planning permission 13/0448 for the development of 162 residential dwellings. The residual area of land - the application site, is therefore identified as a housing allocation for 88 homes. The proposed development would exceed this number by 72 homes.
- Paragraph 47 of the NPPF requires local planning authorities to identify a five year supply of deliverable housing land. However, the Council's Five-Year Housing Supply Statement (with a base date of 31st March 2015), is equivalent to 4.3 years supply. This calculation is based upon the annual housing requirement figure of 370 dwellings per, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011. The emerging Local Plan allocates this site for housing, albeit for a lesser number of homes. The lack of a five year housing supply is however a material consideration.

#### *United Utilities:*

- The hierarchy in the Building Regulations identifies preferences for surface water drainage as follows: (1) soakaways; (2) a surface water body; and (3) a sewer.
- A condition should be attached to any permission granted requiring that all surface water discharges are restricted to a maximum pass forward flow equivalent to Qbar.
- The site should be drained on separate systems for foul and surface water disposal.

#### *National Air Traffic Services (NATS):*

- No safeguarding objection.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	16 December 2015
<b>Site notice posted:</b>	16 December 2015
<b>Press notice:</b>	10 December 2015
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	2
<b>Nature of comments made:</b>	2 objections

The points raised in the letters are summarised as follows:

- Since the closure of the Heyhouses Lane entrance into the site the number of vehicles travelling along Shepherd Road has increased substantially, particularly in the peak morning and evening rush hours. Although there is a 20mph speed limit along Shepherd Road, this is rarely adhered to. The increase in traffic has also caused damage to the road surface and an increase in the number of road traffic accidents. There are a number of elderly residents in the area who would be put at risk if the additional traffic generated by the development continues to be funnelled down Shepherd Road.
- A through route should be created between the application site and the adjacent development site to the north so that the new houses can be accessed via Heyhouses Lane. This would reduce congestion along Shepherd Road and the roundabout on Heyhouses Lane is more suited to cope with the volume of traffic generated by the development than Shepherd Road.
- Residents on Shepherd Road already struggle to park outside or near their properties. This would be exacerbated if competing for parking space with vehicles associated with the new houses.
- Piling operations have been undertaken on the adjoining site. These have been constant throughout the day and have been disturbing to residents. It is highly likely that similar operations would be required on this site during the construction phase which would cause noise and disturbance for surrounding occupiers.
- Shepherd Road is a notoriously bad area for subsidence and passing vehicles cause properties to shake. Traffic associated with the development, particularly HGVs required during construction, are likely to cause damage to surrounding property when travelling to the site.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
EMP2	Existing business & industrial uses
HL02	Development control criteria for new housing proposals
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP16	Development in or near SSSI's
EP18	Natural features
EP19	Protected species
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

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

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

#### **Draft Fylde Local Plan to 2032 – Revised Preferred Option (emerging Local Plan):**

S1 – The proposed Settlement Hierarchy  
DLF1 – Development Locations for Fylde  
SL1 – Lytham and St Annes Strategic Location for Development  
H4 – Affordable Housing

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) and exceeds the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is Schedule 2 development. However, given the development's urban setting, established use (including being previously developed land) and separation with the closest European nature conservation site, it is not considered that it is likely to have significant effects on the integrity of any designated European nature conservation site.

It is also noted that an application with a larger area on the adjacent site to the north (application reference 12/0465) was not EIA development and, in addition, that Natural England's consultation response on the application indicates that the proposal would not damage or destroy the interest features for which the closest European site has been notified. Accordingly, the proposal is not considered to be EIA development.

### **Comment and Analysis**

#### **Principle of development:**

#### *Policy context, site allocation and loss of employment land:*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; or
  - specific policies in [the] Framework indicate development should be restricted.

The eighth bullet point to the core planning principles set out in paragraph 17 of the NPPF indicates that planning decisions should:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

With respect to alternative uses on allocated employment sites, paragraph 22 of the NPPF states that:

- “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

Paragraph 47 of the NPPF requires Local Planning Authorities to “boost significantly the supply of housing” in order to “provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Paragraph 49 of the NPPF states that: “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Council is presently unable to demonstrate a 5 year supply of housing land, with the latest five year housing land supply position statement (dated March 2015) indicating that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery).

FBLP policy SP1 seeks, wherever possible, to locate development within the limits of the settlement boundaries identified on the Proposals Map, criterion (1) of which relates to Lytham and St Annes.

FBLP policy EMP2 states that, within defined existing business and industrial areas, land in Class B business and industrial uses will be retained. The policy identifies specific Class B uses which will be permitted on allocated sites and, with respect to the application site (listed as “Former Stocks and Bonds Office, Heyhouses Lane, St Annes”), indicates that only B1 uses will be permitted on the site.

Criteria (1), (3) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- Developed at a net density of between 30-50 dwellings per hectare.
- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

The policy also indicates that, where possible, housing development on previously developed sites should be given preference over greenfield sites.

The application site is allocated as an Existing Industrial Area on the FBLP Proposals Map. As policy EMP2 only permits B1 uses on the site, the proposed residential development is in conflict with this policy and, accordingly, represents a departure from the FBLP. However, the site forms part of a wider allocation for housing in the emerging RPO Local Plan. This allocation has arisen as a result of both the permission for mixed use development (including 162 dwellings) on the adjacent site to the north and the fact that, in accordance with paragraph 22 of the NPPF, B1 employment uses are no longer considered to be viable on the site. Indeed, the existing Hewlett Packard offices are to be relocated on an alternative site following the expiration of their lease at the EDS site and, accordingly, there is no reasonable prospect of the land being brought back into beneficial use for B1

purposes.

The existing employment land designation in the FBLP conflicts with the forthcoming housing allocation in the RPO Local Plan. Having regard to the RPO and paragraph 22 of the NPPF, it is considered that the designation in the FBLP is out-of-date and does not align with the Council's future development aspirations for the site which reflect the most up-to-date policy context under which applications for alternative uses on redundant employment sites should be considered. Moreover, the principle of allowing non B1 uses (including residential development) on the site has been established through the approval of applications 12/0465 and 13/0448 and it is not considered that there is any evidence to suggest that an alternative approach should be taken in this instance. The Council is presently unable to demonstrate a 5 year supply of housing and additional benefits arise in this case as the site comprises previously developed land in an accessible location within the settlement boundary. Therefore, it is considered that a departure from policy EMP2 of the FBLP is justified in this case.

*Density:*

The allocation in policy SL1 of the RPO Local Plan estimates that 250 dwellings will be delivered on the site during the plan period. A total of 162 dwellings will be delivered in accordance with application 13/0448. As the outline application seeks permission for up to 160 dwellings, this could result in the construction of up to 322 dwellings across the site. Whilst this number exceeds the target in the RPO Local Plan by 72, the figure in the RPO represents an indicative target based on the number approved at outline stage pursuant to application 12/0465. The allocation should not be seen as a strict threshold. Indeed, the fourth bullet point to paragraph 47 of the NPPF indicates the LPA's should "set out their own approach to housing density to reflect local circumstances".

With respect to density, the site has an area of 4.6 hectares. The indicative masterplan shows areas of open space equating to 0.2 hectares. Therefore, a development of 160 dwellings would result in a net housing density of 24 dwellings per hectare (160/4.4). Whilst this falls below the range set out in criterion (3) of FBLP policy HL2, it demonstrates that the site is capable of accommodating a development of the size proposed (and in excess of the target in the RPO) without appearing overly intensive by virtue of its density, but still respecting local circumstances and the site's urban setting. Moreover, the delivery of an additional 72 dwellings on the site beyond the target in the RPO Local Plan would make a valuable contribution to the Borough's housing land supply (beyond that already estimated) on a previously developed site within the settlement boundary.

*Location:*

The site is located between mature areas of housing within the defined settlement boundary of Lytham St Annes. The mixed use development to the north includes a pub and supermarket which have now been completed and are trading. Other shops are available locally and St Annes town centre is within 1.8km. Seven primary schools are located within a 2 mile radius of the site and two secondary schools are within 3 miles. The site is also readily accessible by public transport, with bus stops on Shepherd Road and Church Road within comfortable walking distance. Therefore the proposed development would occupy a location with good access to local shops, schools, employment sources, public transport and other community facilities in accordance with the objectives of FBLP policy HL2 (7).

Visual impact and relationship with surrounding development:

Criteria (2), (4) and (5) of FBLP policy HL2 state that planning applications for housing will be



permitted where they are:

- In keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- Would not adversely affect the amenity and privacy of neighbouring properties.
- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

FBLP policy EP27 indicates that development which would unacceptably result in harm by way of noise pollution will not be permitted.

Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected and EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development.

Policy EP14 requires new housing developments to make suitable provision for landscape planting.

The site is presently occupied by a series of predominantly flat-roofed, single-storey buildings of substantial massing which follow rectangular footprints alongside the eastern, southern and western boundaries. Large car parking areas are located to the front, centre and eastern perimeter of the site. The land is enclosed by a tall (*circa* 2.5m) weld-mesh fence to its perimeter and, aside from some scattered trees onto Shepherd Road, lacks any substantial vegetation cover. The site is flanked by housing along its eastern, southern and northern (including that still to be developed) boundaries. Its western boundary borders a collection of allotments which form a wide buffer intervening with dwellings on Singleton Avenue. With the exception of a handful of bungalows – principally along Shepherd Road – the majority of surrounding dwellings are two storeys in height.

Existing buildings and hardstandings on the site establish its urban context. Whilst the existing buildings are of a single storey height, their size and massing alongside the site's boundaries and the highway frontage with Shepherd Road is substantial. A maximum scale parameters plan has been submitted which indicates that dwellings alongside the site's southern (with Shepherd Road) and eastern (with Shipley Road, Pickering Close, Otley Road and Boston Road) boundaries are not to exceed two storeys in height, whereas a maximum height of three storeys could be achieved on the remaining areas of the site away from these dwellings. The indicative masterplan also demonstrates that satisfactory spacing can be achieved with neighbouring dwellings by virtue of building separation and orientation. Whilst matters of layout and scale are reserved for later consideration, it is considered appropriate to impose a condition which requires that any application for approval of reserved matters does not exceed the maximum building heights set out on the parameters plan. This is required in order to safeguard the amenity of adjoining occupiers and to respect the street scene by limiting the scale of development along Shepherd Road (particularly as these dwellings would be seen between existing bungalows on Shepherd Road).

Scattered trees are present with minimal coverage across the site. The greatest concentration of specimens is alongside the southern boundary with Shepherd Road. None of the trees on the site are covered by Tree Preservation Order. A tree survey has been submitted as part of the application. This concludes that:

- *"There are few trees of merit within the site, so there are few arboricultural constraints that need to be taken into account during the design of the layout. Where possible, the higher value (B category) trees and those that have some screening qualities should be retained."*

The tree survey identifies a number of 'U' category trees with a lifespan of less than 10 years which are to be removed. With the exception of one Sycamore to the southwest corner of the site which is

a category 'B' specimen, remaining trees on the site (including two groups fronting onto Shepherd Road to the southeast corner) are assessed as falling within retention category 'C'. Whilst the indicative masterplan suggests that the majority of specimens along the site's frontage with Shepherd Road are to be retained, given the thin coverage of existing trees on the site and their lack of any substantial amenity value (both individually and in groups), it is not considered that there is any specific need to require this as replacement planting would be equally effective. These detailed matters of layout and landscaping are, however, reserved for later consideration and, accordingly, a condition has been recommended with respect to submission of a detailed landscaping strategy (including confirmation of any tree retention) at reserved matters stage.

Objectors have raised concerns with respect to noise, vibration, dust, traffic and the potential for subsidence associated with the construction phase. Whilst a level of disruption and disturbance to surrounding occupiers is synonymous with all development proposals and cannot be avoided, these impacts can be minimised through the implementation of a construction management plan. An appropriate condition has been recommended in this regard to deal with the timing of construction works (including neighbour notification and contractor contact details for any piling operations), dust suppression mechanisms and vehicle routing and parking arrangements during construction. With respect to the potential for subsidence or damage to surrounding property which may arise due to HGV movements or piling, these are matters to be dealt with under separate legislation between the relevant owners' building insurance companies and are not material planning considerations which affect the merits of the scheme.

#### Highways:

The second and third bullet points to paragraph 32 of the NPPF state that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

Policy TR1 (2) encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel through:

- The provision of comprehensive high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops.

In addition, criterion (4) of FBLP policy TR3 states that the Council will improve facilities for cycling by "[requiring] the [provision] of attractive cycle routes within and into new developments".

#### Access:

The principal means of access to the development would be via the existing priority (give way) junctions onto Shepherd Road to the southwest (access point 1) and southeast (access point 2) corners of the site. The Hewlett Packard site currently operates a one-way access system (entering in the southwest corner and exiting in the southeast corner). This restriction would not, however,

apply to the proposed development. Whilst the position of the existing access points would not be altered as part of the development, modifications to their design would be made in order to accommodate residential traffic. Specifically, this would comprise the creation of 5.5m wide access roads with flanking 2m wide footways to both sides of each access. The following visibility splays would be achieved at each access point:

- Access point 1 (southwest corner) – minimum 2.4m x 43m visibility splays in both directions.
- Access point 2 (southeast corner) – minimum 2.4m x 25m visibility splay (eastbound) and 2.4m x 43m visibility splay (westbound).

Each access would merge with the main estate road to run in a northerly direction through the site, terminating at a series of cul-de-sacs branching throughout the site. It is not proposed to form a vehicle through-route between the application site and the adjacent Morris Homes development, though pedestrian and cycle linkages between the two sites are proposed at three locations along the northern boundary. The lack of a through-route between the development and the adjoining site to the north (and, accordingly, onto Heyhouses Lane beyond) means that all vehicle traffic from the development would enter/exit onto Shepherd Road. Whilst requesting a detailed design for pedestrian/cycle linkages between the two sites, the LHA have not objected to the lack of a vehicle through-route and consider that traffic generated by the development could be adequately dealt with on Shepherd Road. This arrangement is considered preferable in order to prevent 'rat running' through the site between Heyhouses Lane and Shepherd Road. In particular, the proposed access strategy would prevent vehicles visiting the supermarket and pub/restaurant on the adjacent site gaining access through the proposed housing estate onto Shepherd Road. A roundabout junction has been created onto Heyhouses Lane to cater for the traffic to be generated by the adjacent mixed-use development and it is considered preferable that the traffic from patrons of these premises is directed towards that purpose-built infrastructure rather than through a residential estate. This is already the case with respect to the current use of the site.

Despite the lack of vehicular connectivity between the two sites, the indicative masterplan shows three locations along the northern boundary where it is intended to provide pedestrian/cycle linkages with the adjacent site. These include locations to the northeast (through adjoining areas of open space), central (through a parking courtyard) and northwest (through a narrow stretch of the estate road where it merges with that of the adjoining site) areas along the northern boundary. Therefore, the lack of vehicle access would not prevent sustainable modes of travel for future (and existing) occupiers to access the supermarket and pub, and bus stops on Heyhouses Lane through the site. A condition has been recommended requiring the detailed design of these routes to be submitted at reserved matters stage in order to ensure that these meet appropriate standards to be shared by cyclists and pedestrians, including any mechanism to restrict access between the development and the adjoining site to the north.

Shepherd Road is signed as a 20mph route. Therefore, the initial access strategy showed the provision of 2.4m x 25m visibility splays at both junctions onto Shepherd Road (these being the standard splays for access onto a 20mph road as set out in Manual for Streets 2). The LHA expressed concern with this initial arrangement as they consider that, given the length and linear profile of Shepherd Road, vehicles are likely to travel at speeds in excess of the 20mph limit. The LHA suggest that raised junction tables are included at both accesses in order to reduce the speed of vehicles approaching these junctions to the 20mph limit along the route.

The applicant has responded to the LHA's observations by increasing the size of the visibility splay at access point 1 (southwest corner) to 2.4m x 43m (that required for a 30mph road in Manual for Streets 2) in both directions as a precautionary measure and to avoid the need for speed surveys. In respect of access point 2 (southeast corner), it has not been possible to provide the 30mph visibility

splay in both directions at this location due to the bend in the road where Shepherd Road merges with Boston Road. Therefore, whilst a 2.4m x 43m splay can be achieved in a westbound direction, the original 2.4m x 25m splay is the maximum which could be achieved in an eastbound direction. As this splay is only suitable for a 20mph road, a raised junction table is proposed at access point 2 in order that appropriate traffic calming is introduced in this location to slow vehicle speeds to 20mph and, accordingly, make the proposed visibility splay acceptable for access point 2 in accordance with the LHA's observations.

Due to its urban location within the settlement boundary, future occupiers of the development would be within comfortable walking distance of various shops and services. Nevertheless, the residential nature of the development means that the new use is more likely to generate a greater number of trips by sustainable modes throughout the day (i.e. outside the peak AM and PM weekday periods) and at weekends. Accordingly, this is likely to result in additional demand for access to sustainable travel modes such as walking, cycling and public transport. The application includes the provision of pedestrian and cycle links between the site and the adjacent mixed-use development (including the pub and supermarket) to the north. In terms of wider accessibility to other facilities outside the site, it is considered appropriate to require the development to improve existing public transport facilities in the locality. The LHA have suggested that this should include the upgrading of nearby bus stops on Shepherd Road and Church Road to Quality Bus Standards.

The stops on Shepherd Road are located a minimum of approximately 260m from the site and follow a two-way route between St Annes and Wesham served by the no.78 which passes at half hourly intervals (Monday to Saturday). In contrast, the two stops on Church Road (to either side of the junction with Moorland Road) are located *circa* 235m away and are served by a total of seven bus services (including five school services) which connect St Annes with Blackpool, Preston and Wyre (as well as other areas in Fylde). As the two stops on Church Road are closer to the site and would be used more frequently by future occupiers than those on Shepherd Road, it is considered that priority should be given to upgrading these stops. An indicative scheme for the upgrading of these two bus stops has been agreed in principle with the applicant and a condition has been recommended in order to secure these works prior to first occupation.

The application is also accompanied by an Interim Travel Plan which sets out a framework of initiatives to be introduced to promote sustainable travel for future occupiers. The Travel Plan also includes a series of targets and mechanisms for monitoring and review. The LHA consider that there are a number of omissions in the Travel Plan (though these are not specified in the LHA response) and request that a contribution of £12,000 is set aside to enable LCC's Travel Planning Team to provide a range of Travel Plan services. However, the LHA state that "this funding would only be required if travel plan targets are not achieved and is to be made available to the developer's appointed travel plan coordinator and not passed to the LPA or the LHA". It is, intended, therefore, that this £12,000 would provide a 'contingency fund' to be used by the developer's Travel Plan coordinator in the event that the mode share targets in the Travel Plan are not met. As the Travel Plan contribution requested by the LHA is not to be paid to the Council or the County Council and the developer's Travel Plan coordinator would not be a party to any planning obligation, it is considered that Travel Plan requirements should be secured via condition rather than a \$106 contribution. An appropriate condition requiring the preparation, monitoring and review (on an annual basis for a consecutive period of five years) of a Travel Plan has been recommended.

#### *Traffic generation:*

The submitted Transport Assessment (TA), with reference to the Trip Rate Information Computer System (TRICS) database, estimates that the development would generate a total of 83 two-way

vehicle movements during the weekday peak AM period (08:00 – 09:00) and 90 movements during the peak PM period (17:00 – 18:00). As the site has an established use as offices, the TA includes data concerning existing traffic flows to and from the site in order that the net difference in traffic movement between the existing and proposed uses can be predicted. Existing traffic flows at the site were determined by vehicle counts at the ingress and egress points during the peak am (08:15 – 09:15) and pm (16:30 – 17:30) periods.

The vehicle turning counts undertaken in order to establish the number of movements to and from the site which occur as a result of the existing use indicate a total of 119 two-way trips during the AM peak and 102 two-way trips during the PM peak. Accordingly, when trips associated with the present use are factored in, the TA concludes that the proposed residential development would result in a net decrease of 36 (peak AM) and 12 (peak PM) two-way vehicle movements at the site in comparison to the existing use. The TA concludes as follows in this respect:

- “[The TA] demonstrates that there is likely to be 36 and 12 less vehicles on the surrounding highway network in the AM and PM peak periods respectively. This confirms that there will be no net impact, with a reduction in vehicles on the network in both peak periods. In light of the above, it is concluded that the traffic impact of the proposed developments is immaterial.”

The LHA consider that the predicted trip rates for the scheme set out in the TA potentially underestimate the level of traffic which would be generated by the development. The LHA have suggested that a higher trip rate should be used and have provided alternative figures in this regard. The respective traffic generation figures in the TA and the LHA’s estimates are set out in Table 1 below.

Traffic generation				Net traffic impact			
TA		LHA		TA		LHA	
AM	PM	AM	PM	AM	PM	AM	PM
83	90	93	106	-36	-12	-26	+4
		Difference				Difference	
		+10	+16			+10	+16

Table 1 – Traffic generation and net traffic impact comparison between TA and LHA.

As indicated in Table 1, even when applying the higher trip rate figures suggested by the LHA, it is estimated that, in the ‘worst case scenario’, the development would result in 26 fewer two-way trips in the peak AM period and 4 more trips in the peak PM period in comparison to the existing use. Accordingly, the proposed development would not result in a material increase in traffic generation at the site during peak periods and this is accepted by the LHA. It is also noted that the existing office use on the site does not presently operate at full capacity and that higher traffic counts for the existing use would be applicable in a ‘maximum capacity’ scenario.

The TA identifies that there have been seven collisions within the study area over the most recent five year personal injury accident data period. Five of these collisions occurred at the Shepherd Road/Singleton Avenue crossroads (located a minimum of approximately 180m to the west of the site). All accidents were slight in nature and occurred due to driver error and failure to give way. Accordingly, the TA concludes that

- “No significant correlations have been identified to suggest that highway condition, layout or design were significant contributory factors in any of the collisions within the study area.”

The LHA consider that, as “two thirds of the traffic from this development could be expected to

impact on this junction throughout the day/evenings and at weekends”, the development should include an improvement scheme for the crossroads. The LHA do not, however, identify any specific measures to be introduced as part of such a scheme, nor do they specify whether this would involve physical changes to the highway infrastructure (e.g. engineering works) or softer measures (e.g. additional signage).

In determining whether any improvement scheme to the Shepherd Road/Singleton Avenue crossroads is justified, consideration must be given to the specific impacts that the development would have on existing circumstances (i.e. whether the development would have a materially greater impact in comparison to the existing scenario which would justify the delivery of additional mitigation measures). In this regard, it is noted that the proposed residential development is predicted (in the worst case scenario) to generate 26 fewer trips in the peak AM period and 4 more trips in the peak PM period in comparison to the existing use.

The existing crossroads includes waiting restrictions around four sides of the junction to prevent parked vehicles obscuring visibility and includes ‘give way’ road markings and signage when approaching the junction from both directions on Shepherd Road. Moreover, the accident data does not identify any recurring pattern attributable to the existing road layout and, instead, notes that each accident has been caused by driver error in failing to give way to oncoming traffic. Given the absence of any specified highway improvement works by the LHA, that the development would not result in a material increase in traffic generation in the vicinity of the site during peak periods and that the existing accident data does not identify any recurring engineering reason for historical collisions at the crossroads, it is not considered that there is sufficient justification to require improvements to this junction to be delivered as part of the development.

The proposed development would ensure that safe and convenient access can be gained to and from the site via Shepherd Road and, where necessary, would introduce traffic calming measures to achieve this. Suitable provisions would also be made for access by cyclists and pedestrians, including linkages with the adjacent site. The Travel Plan and bus stop upgrades would also provide enhanced facilities to encourage sustainable modes of travel by future occupiers. The level of traffic generated by the development would not be materially greater than that currently associated with the existing use of the site. Therefore, the proposed development would not have a severe impact on highway safety and capacity, either adjacent to or further away from the site and is in accordance with the requirements of FBLP policies HL2, TR1 and TR3, and the NPPF.

#### *Parking:*

The indicative layout shows properties to be served by a combination of in-curtilage parking and communal parking courtyards. Whilst bedroom numbers are unknown at this stage, given the density of development and the details on the indicative masterplan, it is apparent that there would be sufficient space available in order to ensure provision of adequate off-road parking for each plot when layout is considered at reserved matters stage. Therefore, the development is capable of making adequate parking provision in order that this would not obstruct the free flow of traffic along Shepherd Road.

There are existing waiting restrictions in place on both the northern and southern frontages of Shepherd Road outside the site. To its southern frontage, these waiting restrictions extend around the junctions with Winston Avenue, Stratford Road and Moorland Road in order to keep these junctions clear. To the northern frontage, waiting restrictions are in place around the junction with access point 1 (southwest corner). It is understood that these waiting restrictions were put in place to prevent indiscriminate on-street parking associated with the former EDS offices. The proposed

development would remove the final office buildings from the site and the indicative masterplan suggests that a number of dwellings would front onto Shepherd Road. Whilst the development would continue to generate parking demand on Shepherd Road for the dwellings fronting onto this route, this is likely to be significantly less than that arising from the office use and, accordingly, the LHA have requested that the applicant undertakes a review of the existing Traffic Regulation Order in place on Shepherd Road in order to determine whether this should remain in force following the development. An appropriate condition has been recommended in this regard.

#### Ecology:

The 'Lytham Coastal Changes' Site of Special Scientific Interest (SSSI) is located on the adjacent site to the north a minimum of approximately 185m from the site boundary.

The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following (relevant) principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

FBLP policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated.

In addition, policy EP18 requires that existing natural features are retained where possible, within development schemes and where appropriate, additional features created as part of the development.

FBLP policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The site is located wholly outside the boundaries of the Lytham Coastal Changes SSSI on the adjacent site. The SSSI has been notified for its geological interest and landscape mitigation has been implemented within/around its area as part of the newly constructed Public House development which lies immediately to the rear. Accordingly, the SSSI has been preserved as part of the adjacent development and, given the application site's separation from it, the proposed development would have no adverse effects on the features for which it has been notified.

Whilst the application site is within 2km of the Ribble and Alt Estuary Special Protection Area (a designated European site), it is separated from this site by extensive intervening built development. Moreover, as the land is presently dominated by existing buildings and hardstandings it lacks any

notable habitats or features to support SPA species. Therefore, the site is unlikely to be used by overwintering bird species for which the SPA has been notified and, accordingly, is not likely to have any significant effects on this designated European site. This conclusion is reflected in the responses from Natural England and GMEU.

The application is accompanied by an ecological survey which assesses the value of habitats on the site and their potential to support protected species, having particular regard to bat roosting potential within the existing buildings which are to be demolished. The survey concludes as follows in this respect:

- The site is dominated by buildings and hardstanding, with semi-natural habitats restricted to amenity grassland, semi-improved species poor grassland, scattered trees and introduced shrubs. None of these are Biodiversity Action Plan habitat types nor are they uncommon within the UK and Lancashire. As such they are assessed as being low value habitats.
- No evidence of bats was recorded [during the surveys] and the buildings are assessed as having low – no potential to support roosting bats owing to their construction and absence of suitable roosting features. None of the trees within the site support features that could be used by roosting bats, mainly due to them being young and semi-mature specimens. Habitats within and surrounding the site provide limited foraging opportunities for bats with no expanses of woodland or freshwater.
- The site is assessed as being of low ecological value and no significant adverse impacts are predicted. Reasonable Avoidance Measures are proposed to reduce the risk of spreading Schedule 9 plant species, damaging breeding bird habitat and potential bat roost sites. There is an opportunity to enhance the biodiversity value of the development through implementation of a sensitive landscaping scheme and provision of bird and bat boxes.

The ecology survey has been assessed by GMEU. The Ecology Unit note that the site itself is not designated for its nature conservation value and is not adjacent to any designated sites. GMEU consider that the habitat surveys and building inspections undertaken as part of the assessment are sufficient to support its conclusions that habitats on the site are not of high ecological value and the potential for features on the site to support protected species is low. Accordingly, GMEU have no objections to the application on nature conservation grounds. It is, however, considered appropriate to attach a condition requiring that any vegetation clearance on the site takes place outside the bird breeding season in order to prevent disturbance to nesting birds.

The proposed development would have no prejudicial impact on the nature conservation status of the nearby Lytham Coastal Changes SSSI or the Ribble and Alt Estuary SPA and would not result in the loss of any habitats which are likely to support specially protected species. Biodiversity enhancements would be introduced as part of the scheme through the provision of new landscaping. The proposed development is therefore in accordance with the requirements of FBLP policies EP16, EP18 and EP19, and the NPPF.

#### Flooding and drainage:

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as it is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application.

Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is



necessary, making it safe without increasing flood risk elsewhere”.

FBLP policy EP 30 indicates that development will not be permitted which would:

- Itself be subject to an unacceptable risk of flooding;
- Create an unacceptable increase in the risk of flooding within the development site, or elsewhere;
- Adversely affect the water environment as a result of an increase in surface water run-off;
- Prejudice the capability of the coast to form a natural sea defence;
- Result in excessive culverting;
- Prejudice essential access requirements to watercourses or flood defence.

The submitted FRA considers the site’s risk of flooding from five separate sources including sea and river flooding, groundwater, sewers and surface water. The FRA concludes that there is a low risk of flooding from all these sources. Accordingly, the main issue to be considered in this case is with respect to a suitable strategy for surface water drainage from the site in order that it is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere.

FBLP policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development.

The submitted FRA includes an indicative drainage strategy for the development based on the following principles:

- The surface water drainage scheme will be required to accommodate storms with a 1:2 year return period without surcharging and a 1:30 year return period without flooding. Runoff from storms up to and including the 1:100 year return period (including a 30% increase in rainfall intensity to account for climate change) shall be contained within the site.
- The ground conditions and high water table at this site dictate that infiltration is not a viable means of surface water disposal.
- The existing site uses a gravity system for surface water disposal. There are presently 6 connections to the culverted ordinary watercourse in Winston Avenue and 1 connection to the sewer located in Shepherd Road. It is proposed to reuse 4 of these existing connections (3 in Winston Avenue and 1 in Shepherd Road) and discharge at the existing flow rates up to the 1:30 year storm event for the proposed surface water drainage scheme. The additional surface water runoff from the 1:100 storm event and climate change will be stored in underground attenuation tanks.
- The surface water drainage strategy restricts surface water run-off to the 1:30 storm run-off rate and the significant reduction in impermeable area means that the volume of run-off will be reduced.

Both the LLFA and United Utilities have been consulted on the application. Neither has raised any objection to the principle of development. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to control the rate of surface water discharge from the site, with a requirement that this does not exceed the pre-development (brownfield) rate (including an allowance for climate change) and an aspiration to achieve runoff as close to the greenfield rate as possible. UU have also requested that separate systems are installed for the discharge of foul and surface water. This can be controlled through condition. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

In addition, FBLP policy EP29 states that development on land known or suspected of being contaminated will only be permitted where:

- the proposed development is an acceptable land-use in principle;
- the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the source(s) of contamination commensurate with the proposed use;
- the treated land and the measures necessary to achieve it do not produce any unacceptable risks to human health or the wider environment, including the contamination of surface water, ground water or sewers.

The application is accompanied by a ground investigation report which includes the following conclusions/recommendations:

- Due to there being no evidence of contamination within the shallow soils across the site it is therefore considered that the risk presented to the end user and the wider environment from site soils is low and at this stage it can be concluded that no specific remedial action will be required.
- The risk of pollution to controlled waters from contaminants on site is determined as low.
- Based on the current site investigation data, due to a substantial thickness of unsuitable strata, it is envisaged that piles will be used for foundations over the majority of the site. Competent strata was initially encountered at around 10 – 12m below ground level however this is underlain by a further soft layer and as such it is recommended that piles are taken to around 16m below ground level.
- It is recommended that further intrusive investigation is undertaken on the site to allow for the monitoring and sampling of groundwater and ground gas on the site, before any development is carried out on site.

Given the above, it is considered appropriate to impose a condition requiring further intrusive site investigations to allow for the monitoring and sampling of groundwater and ground gas and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's EHO. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

#### Developer contributions and viability:

Policy H4 of the draft RPO Local Plan requires that affordable housing is delivered in respect of all

schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space and policy CF2 allows contributions to be sought towards education.

Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition, regulation 12(d)(iv) of the Community Infrastructure Levy (Amendment) Regulations 2014 provides that, from the 6 April 2015, the use of planning obligations will be restricted where there have been five or more obligations in respect of a specific infrastructure project or a type of infrastructure which is capable of being charged under the levy. For these purposes, the pooling of contributions is backdated to those entered into on or after 6<sup>th</sup> April 2010 (paragraph 099 of the Community Infrastructure Levy chapter to the NPPG).

#### *Viability:*

Paragraphs 173 and 205 of the NPPF state that:

- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Accordingly, viability is capable of being a material consideration when assessing what level of contribution a development should make towards recreational open space provision.

The developer has submitted a viability appraisal which outlines estimated build costs for the development (including any abnormal costs likely to be incurred during construction) and anticipated revenue generated from the sale of the dwellings. Whilst the precise mix of dwellings is not applied for at this stage, the appraisal assumes a mix of two, three and four bed units to reflect the layout shown on the indicative masterplan.

Construction costs and sales revenues for the dwellings are based on figures obtained from the adjacent Morris Homes development. High abnormal construction costs are identified due to the need for piled building foundations arising from poor ground conditions. In addition to other constructions costs associated with asbestos removal, service diversions and ground remediation, the appraisal makes an allowance for the off-site primary and secondary education contributions requested by LCC to be delivered in full. The appraisal also includes cost estimates for the off-site highway works required in accordance with recommended condition 9.

Paragraph 173 of the NPPF states that it would be unreasonable to seek contributions from a

development where those contributions would fail to provide competitive returns to a willing land owner and willing developer and, ultimately, make a scheme undeliverable. Accordingly, the appraisal has been prepared to allow for a 20% profit on Gross Development Value (the total revenue generated through sales). This margin is considered to represent an appropriate, competitive return to a willing developer in order to secure finance when applying a risk-based approach under current market conditions.

The Council has instructed Keppie Massey to undertake an independent review of the applicant's viability appraisal in order to ensure that the cost and revenue estimates contained therein are a reasonable and accurate reflection of current market conditions. Keppie Massey's report has not been received at the time of writing the report and its findings will, instead, be reported to members in a late observations report. Nevertheless, it is apparent from the figures presented that it will not be possible to deliver contributions towards open space, affordable housing and education at the levels set out in the relevant Development Plan policies.

The viability appraisal currently makes allowances for:

- A financial contribution towards the provision of new primary and secondary education places in full.
- The laying out and future maintenance of the open space shown on the indicative masterplan (totalling 0.2 hectares in area) on site.
- The cost of highway improvement works to deliver the raised junction table at access point 2 and upgrading of two bus stops to Quality Bus Standard.

The implications of the viability appraisal for each element where an on or off site contribution would normally be required through planning obligation are set out below.

#### *Open space:*

FBLP policy TREC 17 states that, within new housing developments, the provision of amenity open space (including facilities for children's play where appropriate) will be required in accordance with the following standards (to be doubled in the case of developments involving over 100 dwellings):

- 16 sq m per 1 bedroom dwelling
- 24 sq m per 2 bedroom dwelling
- 32 sq m per 3 bedroom dwelling
- 40 sq m per 4 bedroom dwelling
- 48 sq m per 5 bedroom dwelling

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where, for other reasons, it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development.

As the application is in outline, bedroom numbers are unknown at this stage. It is, however, apparent that the open space requirement for a development of up to 160 dwellings will exceed the 0.2 hectare threshold in policy TREC17. The indicative masterplan includes provision for 0.2 hectares of open space as part of the development within two parcels adjacent to the southeast access into the site and alongside the northern boundary. A condition has been recommended requiring details for the laying out and future maintenance of this open space to be submitted as part of any application for approval of reserved matters.

It is evident that the level of on-site open space provision shown on the illustrative masterplan would fall significantly below the standard required by FBLP policy TREC17. For example, a conservative estimate for a development of 160 three-bedroom dwellings would require open space provision of 10,240 square metres (1.02 hectares) – some 0.82 hectares more than is currently shown on the masterplan. It will not be possible to rectify this at reserved matters stage as the provision of open space in accordance with policy TREC17 would require a significant reduction in the number of dwellings which, in turn, would affect the viability of the scheme.

Whilst it would not be viable for the development to deliver open space on the site in accordance with the standards set out in policy TREC17, the site is located in close proximity (a minimum of *circa* 195m) to the Hope Street Recreation Ground. This comprises a large (*circa* 2.27 hectare) recreation ground with several pieces of play equipment and sports pitches. The Hope Street Recreation Ground is within a comfortable walking distance of the site and provides a substantial open space facility in quantitative and qualitative terms which is capable of serving future occupiers of the development.

Off-site contributions towards the improvement/maintenance of existing open space in the vicinity of a development are presently charged at a rate of £1,000 per dwelling. Accordingly, if an off-site contribution at the Hope Street Recreational Ground were to be sought in this case, this development would be required to deliver up to £160,000 for this purpose.

#### *Affordable housing:*

Policy H4 of the RPO requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 160 dwellings would generate a requirement for up to 48 properties on the site to be offered as affordable homes.

It is apparent from existing figures in the appraisal that the scheme would be unable to deliver affordable housing provision at a rate of 30%. There may, however, be scope to deliver a reduced level of provision through either delivery of affordable housing on site or an equivalent off-site contribution. The Council's Strategic Housing Services consider that there is a substantial need for affordable homes in this location and their preference would be for any affordable housing provision (even at a level below the 30% requirement in the policy) to be delivered on site. Any such provision will, however, depend on the number of affordable homes available and it is considered that the provision of less than five affordable homes on the site would be unlikely to attract interest from a Registered Provider. Therefore, in circumstances where the level of provision would deliver under five affordable housing units on the site, an off-site contribution would be considered more appropriate.

#### *Education:*

Paragraph 72 of the NPPF indicates that

- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

In addition, policy CF2 of the FBLP states that the Council will negotiate agreements with developers, through planning obligation, to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development in the Borough.

LCC have identified seven primary schools located within 2 miles of the development site and two secondary schools within 3 miles. Based on future projections, LCC estimate that there will be a surplus of 36 places in these primary schools and a deficit of 267 places in secondary schools by 2020. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a pupil yield of 61 primary school places and 24 secondary school places (though this is based on the assumption of a development composed entirely of four-bed dwellings as bedroom numbers are unknown at this stage).

Given the projected surplus in primary school places, and accounting for other approved developments nearby, LCC estimate that the development will be required to deliver 26 primary school places and 24 secondary school places. If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution of £312,764 towards the provision of new primary school places and £441,535 towards new secondary school places. However, as bedroom numbers are unknown at this stage, a formula should be included as part of any planning obligation to secure a contribution which is proportionate in scale and kind to the development in accordance with the requirements of FBLP policy CF2 and the NPPF.

Due to recent changes under the CIL regulations which limit the pooling of contributions for general infrastructure (to a maximum of five), LCC are required to identify a specific infrastructure project where the requested contribution would be spent. LCC have identified that the primary education contribution should be used to provide additional school places at Lytham CE Primary School (which benefits from one sealed S106 contribution) and the secondary education contribution should be used to provide additional school places at Lytham St Annes Technology and Performing Arts College (which currently has no sealed S106 contributions allocated to it). This should be specified in any planning obligation.

*Conclusion on viability implications, reappraisals and overage:*

The applicant's viability appraisal demonstrates that, under current market conditions, it would not be possible to seek the maximum level of contribution towards the provision of open space, affordable housing and new school places in this instance. At present, the viability appraisal indicates that the following can be delivered without unacceptably affecting the viability of the scheme:

- The full education contribution towards new Primary and Secondary school places – estimated by LCC at £312,764 and £441,535 respectively.
- The provision of a minimum of 0.2 hectares of public open space on the site.
- Off-site highway works including the provision of a raised junction table at access point 1 and upgrading of two bus stops to Quality Bus Standard.

As this is an outline application the current appraisal is based on estimates with respect to the type and floorspace of dwellings to be constructed on the site and these are not fixed at this stage. The report from Keppie Massey has also not been finalised at the time of writing the report. In addition, as any permission would allow three years for submission of reserved matters and potentially another two years for this to be implemented, it is apparent that market conditions may have changed in the interim. Therefore, it is possible that the scheme could deliver further contributions in excess of those presently factored into the viability appraisal (though these would still be below the levels set out in the relevant policies). In order to account for this, it is considered that any planning obligation should include clauses to require reappraisals of the development's viability at future trigger points in order to establish whether additional contributions in excess of those provided for in the current viability appraisal are required (an 'overage provision'). As set out above,

this 'overage' provision could include contributions for:

- A proportion (up to a maximum of 30%) of the dwellings to be offered as affordable housing on the site or, where this would result in the provision of less than five affordable housing units on the site, an equivalent financial contribution off site.
- Up to £160,000 (at a rate of £1,000 per dwelling) as an off-site contribution towards the improvement/maintenance of open space at the Hope Street Recreational Ground.

As the scheme is not capable of delivering all contributions at their maximum level, any planning obligation would need to set out priorities for the receipt of each applicable contribution. Given that the development is capable of delivering the education contribution in, this contribution is presently given precedence in the viability appraisal.

Nevertheless, it is recognised that the site also occupies an accessible location within Lytham St Annes where there is a substantial demand for affordable housing. Therefore, it is considered that the provision of affordable housing (either through delivery on site or a financial contribution off site in lieu of on-site provision), even at a rate lower than the 30% cited in RPO policy H4, would also deliver substantial social benefits. Whilst the current viability appraisal does not include any provision for affordable housing, the monies presently attributed to education (along with any overage) could, instead, be directed towards affordable housing as a priority. The level of affordable housing which the development is likely to be capable of delivering will become clearer once the report from Keppie Massey is received. A late observations report will update members with respect to the position concerning affordable housing.

The site is located in close proximity to the Hope Street Recreational Ground which offers a dedicated recreational facility with substantial quantitative/qualitative provision of open space. Given the presence of this facility within comfortable walking distance of the site and that facilities at the recreation ground are already of a high quality, it is considered that any off-site contribution which may be secured towards the improvement/maintenance of this open space should take the lowest priority, with affordable housing and education taking precedence.

At present, and until a final position on the level of affordable housing which could be delivered on the site is established, it is recommended that the following approach is taken with respect to prioritisation of contributions:

- That the planning obligation requires financial contributions towards the provision of additional Primary and Secondary school places to be delivered in full.

And that any overage provision is to be allocated towards:

- The provision of affordable housing on the site (up to a maximum of 30%) or, in circumstances where this would result in the provision of less than 5 affordable housing units on the site, an equivalent financial contribution off-site in lieu of on-site provision.
- Up to £160,000 (at a rate of £1,000 per dwelling) as an off-site contribution towards the improvement/maintenance of open space at the Hope Street Recreational Ground.

Therefore, appropriate and proportionate contributions would be secured as part of the development in order to mitigate its impact in accordance with the requirements of the relevant UDP policies and paragraph 204 of the NPPF.

## **Conclusions**

The application seeks outline permission (access only) for a residential development of up to 160 dwellings on a 4.6 hectare parcel of land within the settlement boundary of Lytham St Annes. The site is presently occupied by a collection of large, single-storey buildings which are used as offices and is allocated as an Existing Industrial Area on the FBLP Proposals Map. This allocation extends across a larger, adjoining parcel of land to the north where a mixed use development for a supermarket, pub, care home and 162 dwellings is entering the latter stages of construction pursuant to planning permission 12/0465 (and subsequent applications for full planning permission and/or approval of reserved matters).

Given the approved development on the adjoining site and the lack of prospective end-users for the existing office development once Hewlett Packard's lease expires, the application site is allocated for housing under policy SL1 of the Emerging Local Plan. The NPPF advises against the long term protection of employment sites which have little prospect of being brought back into beneficial use, but requires Local Authorities to demonstrate a 5 year supply of deliverable housing land, with priority to be given to the release of previously developed sites. The Council is presently unable to demonstrate this 5 year supply and the site's allocation for housing in the Emerging Local Plan sets out the Council's future development aspirations for the site. Accordingly, it is considered that the existing allocation in the FBLP which restricts uses on the site to class B1 only is out-of-date and a departure from the FBLP which allows an alternative use for residential development on a brownfield site in an accessible, urban location within the settlement boundary in the absence of a 5 year supply would bring substantial benefits which justify a departure from the FBLP in this instance.

The application site is located between areas of mature housing within the settlement boundary of Lytham St Annes and is well related to existing shops, services and employment opportunities. The site is readily accessible by modes of transport other than private car and various public amenities are available in comfortable walking distance. The proposal, by virtue of the number and density of dwellings proposed, and their relationship with adjacent uses on adjoining land, would be compatible with the prevailing residential character of its surroundings and would reflect the density and character of housing development in the locality. Appropriate restrictions can be imposed to control the scale of development in order that this respects the character of the street scene and does not have a dominant or imposing impact on the amenity of neighbouring occupiers. Appropriate landscaping is also capable of being retained and/or introduced as part of the development layout.

Satisfactory access arrangements would be made for vehicles, pedestrians and cyclists, including connectivity with adjoining land at points and by methods which are appropriate to encourage permeability without compromising highway capacity and safety. The development would not result in any material increase in traffic generation at the site during the peak morning and evening periods in comparison to the site's established employment use and, accordingly, the proposed development would not have a severe impact on network capacity or highway safety, either adjacent to or further away from the site. Appropriate mitigation can be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding, contamination and drainage.

The applicant has provided evidence to demonstrate that contributions sought towards open space, affordable housing and education at the levels cited within the relevant policies of the FBLP and the Emerging Local Plan would unacceptably affect the viability of the scheme. This evidence has been subject to independent assessment. Therefore, in accordance with the approach set out in paragraphs 173, 204 and 205 of the NPPF, it is considered that a reduced level of contribution towards this infrastructure is justified in this case, subject to appropriate clauses within a planning



obligation which require further appraisals of the scheme's viability to be submitted at a later date in order to account for changes in market conditions.

The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

That, subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure:

- A commuted sum payment to the County Council towards the provision of additional Primary School places at Lytham CE Primary School and additional Secondary School places at Lytham St Annes Technology and Performing Arts College in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework.

And, subject to appropriate clauses requiring future assessment(s) of the scheme's viability at defined trigger points in order to establish the need for any overage provision:

- The provision, tenure, delivery mechanism, occupation criteria and phasing for up to 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site, save that where this would result in the provision of less than 5 affordable housing units on the site, an equivalent financial contribution off-site in lieu of on-site provision shall be made in accordance with the requirements of policy H4 of the Revised Preferred Options Local Plan and the National Planning Policy Framework.

Planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the layout of the development, the scale and external appearance of the buildings and the landscaping of the site.

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

3. This permission relates to the following plans:

Drawing no. AA5659 2001 – Location plan.

Drawing no. AA5659 2002 – Proposed site layout.

Drawing no. AA5659 2010 – Parameter plan access plan.

Drawing no. AA5659 2012 - Parameter Plan building scale.

Drawing no. TPMA1417-100 Rev A – visibility splays access point 1.  
Drawing no. TPMA1417-101 Rev A –visibility splays access point 2.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

4. Any application which seeks approval for the reserved matter of scale pursuant to condition 2 of this permission shall ensure that none of the dwellings exceed the maximum building storey heights indicated on drawing no. AA5659 2012.

Reason: To ensure that the scale of development is compatible with that of surrounding buildings in order to achieve a satisfactory appearance in the street scene and an acceptable relationship with surrounding properties in the interests of good design and the amenity of neighbouring residents in accordance with the requirements of FBLP policy HL2 and the National Planning Policy Framework.

5. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

6. No development shall take place until a report containing details of further intrusive investigations for the monitoring and sampling of groundwater and ground gas on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
  - a) a survey of the extent, scale and nature of the monitoring and sampling
    - i. an assessment of the potential risks to:
    - ii. human health;
    - iii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
    - iv. adjoining land;
    - v. groundwaters and surface waters;
    - vi. ecological systems; and
    - vii. archaeological sites and ancient monuments.
  - b) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers

and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

7. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- a) separate systems for the disposal of foul and surface water;
  - b) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events (including a 30% allowance for climate change), which shall not exceed the pre-development rate and should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standards 2 and 3 of the 'Non-Statutory Technical Standards for Sustainable Drainage Systems';
  - c) details of any necessary flow attenuation measures including temporary storage facilities and the use of SUDS where appropriate;
  - d) details of any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (e.g. refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - e) details of flood water exceedance routes (both on and off site);
  - f) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - g) details of how surface water will be managed and pollution prevented;
  - h) a timetable for implementation, including details of any phased delivery; and
  - i) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

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

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the design, construction and drainage of the two vehicular access points to the site from Shepherd Road (the positions of which are shown on drawing nos. TPMA1417-100 Rev A and TPMA1417-101 Rev A) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for minimum visibility splays of:

- (i) 2.4 metres x 43 metres in both directions at the junction of 'Access Point 1' with Shepherd Road (as shown on drawing no. TPMA1417-100 Rev A).
- (ii) 2.4 metres x 43 metres (westbound) and 2.4 metres x 25 metres (eastbound) at the junction of 'Access Point 2' with Shepherd Road (as shown on drawing no. TPMA1417-101 Rev A).

The site accesses shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the visibility splays shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure safe and suitable access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

9. No above ground works shall take place until a scheme for the siting, layout, design, construction and drainage of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
- a) The formation of a raised table at the junction of 'Access Point 2' with Shepherd Road.
  - b) The upgrading of two existing bus stops (eastbound and westbound) located on Church Road (to either side of its junction with Moorland Road) approximately 235m to the south of the site to Quality Bus Standard. The upgrades to the bus stops shall include the provision of raised borders and bus stop 'cages', together with associated road markings.
  - c) A review of the existing Traffic Regulation Order on Shepherd Road insofar as it relates to the waiting restrictions in place on the northern and southern frontages of Shepherd Road where they flank the southern boundary of the development site. The review shall determine the need for any amendments to the existing Traffic Regulation Order in order to revise/remove the existing waiting restrictions and a timetable for the implementation of any required amendments (including both the physical and legislative works).

The highway improvement works in the duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

10. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme to demonstrate how vehicle access between the development site and the land to the north (which is to be developed pursuant to planning permission 12/0465 and reserved matters approval 13/0448) is to be restricted. The scheme shall include details of: (i) the siting, layout, design, materials and finish of any means of enclosure (or other mechanism) used to prevent vehicle access between the sites; (ii) any access arrangements for emergency service vehicles; and (iii) a timetable for implementation. The duly approved scheme shall thereafter be implemented in accordance with the details and timetable contained therein.

Reason: To ensure the use of an appropriate mechanism to restrict vehicle access between adjoining sites in order to prevent the creation of a through-route between Heyhouses Lane and Shepherd Road for traffic visiting the commercial premises on the adjoining site and to ensure that the highway infrastructure put in place to serve that development continues to be used as the principal means of access to those uses in the interests of highway safety and network capacity in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

11. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the provision of pedestrian and cycle routes through to adjoining land to the north of the site, the indicative positions of which are shown on drawing nos. AA5659 2002 and AA5659 2010. The scheme shall include details of the siting, layout, design, construction (including surfacing materials) and drainage of each route, and a timetable for their provision. The pedestrian and cycle routes shall thereafter be constructed and made available for

use in accordance with the details in the duly approved scheme and the timetable contained therein.

Reason: To ensure connectivity between adjoining sites for cyclists and pedestrians in the interests of promoting permeability and accessibility between sites and a holistic approach to development in accordance with the requirements of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

12. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall follow the principles set out in the 'Interim Travel Plan' by Curtins (document reference TPMA1417/TA dated December 2015) and, as a minimum, shall contain:

- a) details of a Travel Plan co-ordinator;
- b) details of measures to be introduced to promote a choice of travel modes to and from the site;
- c) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

13. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme containing, but not limited to, details of:

- a) all trees, hedgerows and any other vegetation on/overhanging the site to be retained (including their root protection areas and measures to be implemented to ensure their protection during the construction phase);
- b) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- c) the strengthening and/or introduction of any landscaping buffers to the perimeter of the site;
- d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- e) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that appropriate measures are put in place to retain, replace and introduce soft landscaping as an integral part of the development layout in the interests of visual amenity and to ensure the delivery of biodiversity enhancements as part of the development in accordance with

the requirements of Fylde Borough Local Plan policies HL2, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

14. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the above period until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

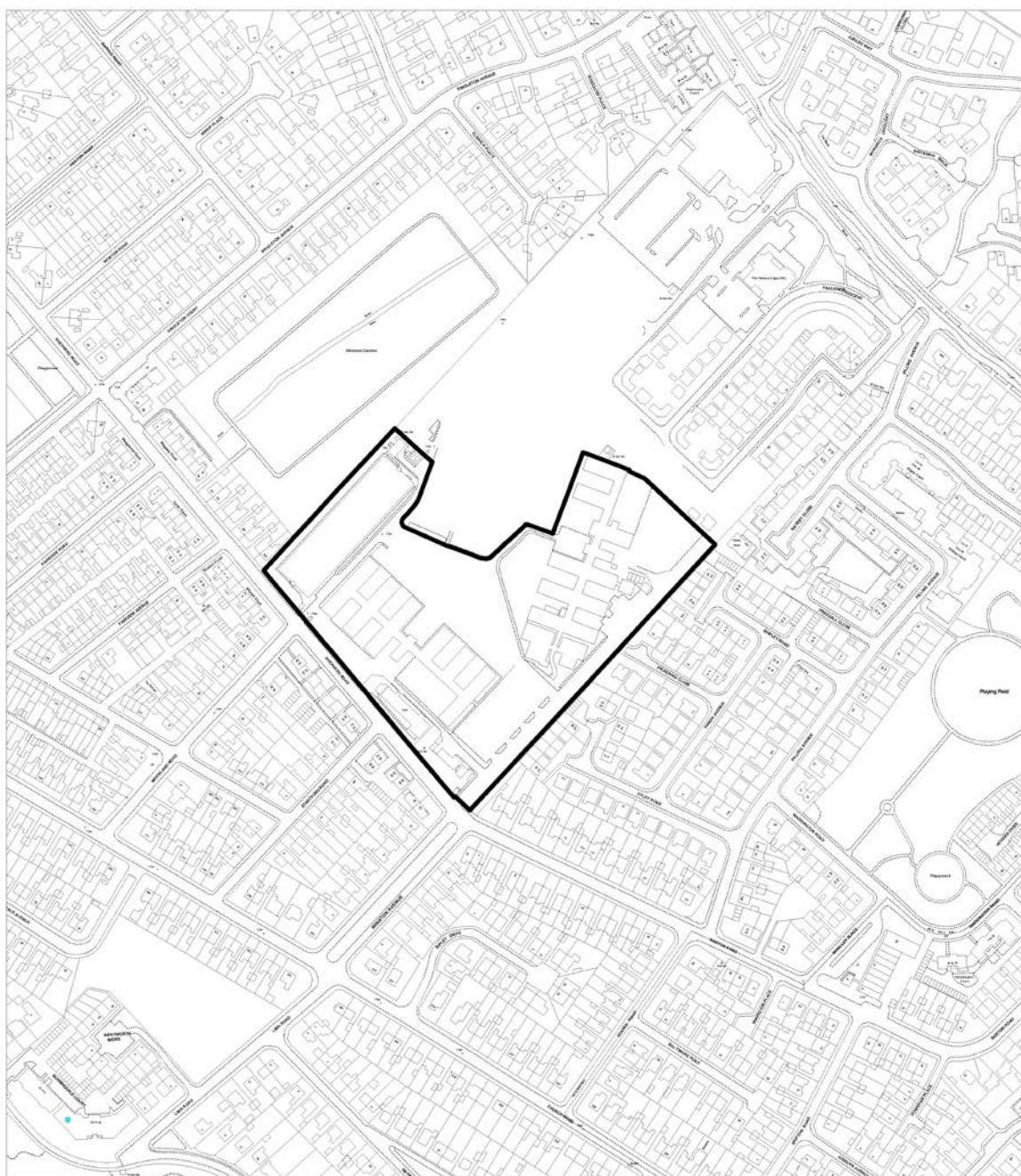
Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

15. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
  - b) arrangements for the parking of vehicles for site operatives and visitors;
  - c) details of areas designated for the loading, unloading and storage of plant and materials;
  - d) details of the siting, height and maintenance of security hoarding;
  - e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from construction works; and
  - h) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policy EP27, and the National Planning Policy Framework.

16. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the provision and future maintenance of Public Open Space to be delivered on the site as part of the development. The scheme shall include details of the size (which, as a minimum, shall comprise an area of 0.2 hectares), siting, layout, design and maintenance arrangements for the Public Open Space, and a timetable for its provision and future maintenance. The Public Open Space shall be provided and maintained in accordance with the details and timetable contained within the duly approved scheme, and shall be retained as such thereafter for use as Public Open Space.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of public open space on the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Fylde Borough Local Plan policy TREC17 and the National Planning Policy Framework.



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Application No. 5/15/0787	Address Electronic Data Systems, Heyhouses Lane, Lytham St Annes	Grid Ref. E.3336 : N.4291	Scale 0 20 40 60 80 m



**Item Number:** 4

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0810	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Brimas Construction, Driftstone Ltd, Howard & Eileen Oldroyd	<b>Agent :</b>	Croft Goode Limited
<b>Location:</b>	KEENANS MILL, LORD STREET, LYTHAM ST ANNES, FY8 2DF		
<b>Proposal:</b>	PROPOSED ERECTION OF 12 NO. SEMI-DETACHED HOUSES, ERECTION OF A THREE STOREY BUILDING WITH OFFICES (CLASS B1) ON THE GROUND FLOOR AND 4 NO. SELF CONTAINED FLATS ON THE FIRST AND SECOND FLOORS AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING BUILDINGS		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Need to determine at Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7562546,-3.0337788,290m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7562546,-3.0337788,290m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is a broadly rectangular area of land that currently contains the buildings last used by Oldroyd Publishing. It is located within the settlement area of St Annes adjacent to the railway line and accessed from the mainly residential Lord Street and the mainly commercial Allenby Road. The existing building is two storey offices to the front with a taller warehouse building to the rear, with the remainder of the site providing parking and servicing yards.

The application is for full planning permission for the erection of 12 houses and a three storey building comprising of office space on the ground floor and 4 flats across the first and second floors. The properties proposed are four bedroomed semi-detached houses in a town house style, and 4 two bedroomed flats. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to neighbouring each other or off-site neighbours, both residential and commercial.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing and other infrastructure matter. This scheme does not do so as the applicant has provided evidence that demonstrates that the land costs, remediation works necessary, and actual property values are such that the scheme would not be viable if it were to be required



to make such contributions. This has been assessed by valuers working for the council and found to be a valid conclusion and accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

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

The application involves major development and so the Scheme of Delegation requires that the decision on the application is made by the Development Management Committee.

### **Site Description and Location**

The application site is the existing Keenans Mill located within the settlement boundary of St Anne's. The site lies immediately adjacent to the railway line and spans a piece of land located between Lord Street and Allenby Road. The site comprises of two buildings, one of which is an office type that has two storeys and the other being for storage use and having an additional storey in height. The remainder of the site is for parking and servicing.

The neighbouring buildings on Allenby Road are commercial premises of varying kinds. Immediately adjacent the three storey building there is a vehicle body repair s and repair garage. To the north there is a glass merchants and on the other side of Allenby Road there is St Anne's Boarding Kennels.

The properties on Lord Street are predominantly residential, with houses running along the southern side and a recently built block of flats on the northern side immediately adjacent the two-storey building. At the very end of Lord Street there is a motor repair garage.

### **Details of Proposal**

The originally submitted proposed was for the clearance of the site and the erection of 14 dwellings comprising of 7 pairs of semi-detached town houses. Following an assessment of the nature of this development, in particular with the proximity to the vehicle garages the plans have been revised to educe the potential for relationship issues between these residential and commercial uses.

The revised scheme comprises of 12 x four bed dwellings (6 pairs of semi-detached houses) and a three storey building that provides offices at ground floor and 4 x two bedroomed flats on the first and second floors (2 on each floor).

The proposed dwellings are two and a half storeys in height and have gable ended roofs with small box dormers on the front roof slope. Each property has a rear garden which backs onto the boundary with the railway line and is assigned two off street parking spaces.

The proposed office (Class B1) and flats building is three storeys high and has a hipped roof to an overall height of 9.2m. The access to the offices is from a separate entrance to the north of the building to Allenby Road, and the flats are accessed from the south from Lord Street as with the other residential properties.

### **Relevant Planning History**

The only planning history relates to the use of the building for its current publishing use and covers matters such as new fire escapes stairs, porch extensions, reception areas, etc. which are not relevant here.

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** notified on 18 November 2015 and comment that they support the application stating:

*"Support:*

*Pleased to see the high level of car parking provision.*

*Can monies be requested to support improvements to the existing bus service (bus shelters etc).*

*This development will contribute to FBC's 5 year housing supply.*

*Can we ask for a contribution to recreational facilities in the area?"*

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

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

Raise no objections to the development stating: *"Traffic generated by the development is unlikely to have any significant impact on highway safety or capacity and so the principle of development is acceptable. The layout of the site, including turning areas, meets with the standards expected for the roads to be offered for adoption should the developer so wish."*

They then suggest a series of standard conditions for the construction of the development.

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

Raise no objections to the revised scheme but request that conditions be imposed to reflect the proximity to residential properties. This is to include a construction management plan during demolition, and to control the hours of working.

#### **Network Rail (use for all consultations)**

Raise no objection to the development, but highlight that there are particular safety and potential trespass implications of undertaking development adjacent to railway land. These are advisory notes and would need to be passed to the developer.

#### **Lancashire Education Authority**

They have assessed the anticipated pupil yield from the development and the anticipated capacity in local schools given forthcoming developments. This concludes that there is likely to be a shortfall in secondary school capacity in the area and so a request for funding towards 2 places is made. This amounts to £36,794.56.

### **Neighbour Observations**

<b>Neighbours notified:</b>	18 November 2015
<b>Amended plans notified:</b>	11 February 2016
<b>Site Notice Date:</b>	04 December 2015
<b>Press Notice Date:</b>	26 November 2015
<b>No. Of Responses Received:</b>	2 comments received
<b>Nature of comments made:</b>	

The proprietor of the adjacent car garage has written to highlight the nature of his business and the equipment that he uses. He expresses concern that the proximity of residential properties to it could cause amenity issues for the occupiers which he would not wish to see impact on his business operations.

The other comment is from a second business owner in the area expressing similar sentiments about dwellings being constructed close to businesses.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP29	Contaminated land
TREC17	Public Open Space within New Housing Developments
HL06	Design of residential estates

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

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **The principle of the development**

The site is located within the settlement boundary where the principle of residential development is accepted under Fylde Borough Local Plan Policy SP1. Policy HL2 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

With the council's on-going shortfall of housing supply it is imperative that sites which are brownfield and in accessible settlement locations are brought forward to meet that supply unless there are compelling reasons why not. This site is classed as previously development land, and is not of high environmental value. It is located near to public transport routes and community facilities such as a Medical Centre (0.3 miles) and a Primary School (0.4 miles). This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in achieving a five year housing supply.

#### **Design and impact to the street scene**

The proposed houses are designed in the style of a town house at two and a half storeys. Given the location is one where taller buildings are prevalent, including the three storey building on the

site at present, these will not dominate the surrounding area and their overall height and size are considered appropriate. Their general appearance and setting are considered appropriate and the design is of a good standard that will enhance and compliment the surrounding area.

The proposed office and flats block whilst taller than the proposed houses, is not considered so large or domineering that it would create an incongruous feature within the site or within the setting of the wider area. Its design and appearance is also of a good standard and elements of the design such as the offset foot print and window styles on the south eastern and south western elevations provide the building with an individual characteristic which compliments the wider area.

The design and style of the properties is considered to comply with criterion 2 and 3 of Policy HL2 of the Fylde Borough Local Plan.

#### Impact to neighbouring amenity

The nearest neighbouring residential properties are the recently built block of flats immediately adjacent the site on Lord Street. The proposed houses, in particular plots 1-4, are at least 14m from the side elevation of the block of flats and this separation distance is considered sufficient for there to be no detrimental impact with the flats having no main habitable windows facing this direction anyway. There will be no impact to the other residential properties along Lord Street from the development of the site.

Two of the proposed flats, one on the first floor and one on the second floor will face the front elevations of plots 10-12. The elevations are spaced a minimum of 12m apart and the bedroom and lounge windows of the flats face the front elevations of the houses. The spacing distance is considered to be sufficient and have been designed with an oriel bay to allow view out whilst retaining privacy, with a condition to require that the facing part of these is obscure glazed.

#### Relationship to Commercial Neighbours

The originally submitted scheme proposed two residential units (Plots 13 and 14) in the north eastern corner of the site adjacent the existing businesses on Allenby Road. The proximity and orientation of these two proposed properties was considered unacceptable as their amenity would be impacted from the legitimate day to day operations of the adjacent businesses, and it was understandable that the operator of these has concerns over how this could impinge on his business activities.

In light of these concerns the scheme has been amended to replace these dwellings with the block of ground floor offices and flats on the first and second floors. This removes the requirement for private gardens to be close to the commercial premises and the flats are designed so that their windows are on the side of the building away from these premises so the potential for noise impacts is significantly reduced.

This revised scheme therefore addresses these issues the flats will not suffer a detrimental impact to their amenity from the adjacent businesses. The proposed houses, plots 1-12 are considered to be orientated and spaced suitable away from the adjacent businesses.

#### Access/Impact to highway safety

The proposed houses and flats are accessed off Lord Street via a new access point adjacent to the existing which is to be closed off. The Lancashire County Council Highways surveyor has confirmed that the proposed layout, including turning areas are acceptable and that the site can provide a safe and suitable access to that road. The development proposes 2 off street parking spaces per dwelling with 1 space per flat and this level of provision is acceptable.

The change of use of the site from commercial to residential will alter the nature of trip movements to the site, but this is not a matter that creates concern as these are likely to be reduced and the traffic generated by the development will not have a significant impact on highway capacity.

The access for the ground floor office utilises the existing access of Allenby Road and it is considered that the parking and turning area proposed is acceptable.

There are no highway safety implications from the development which is in accordance with criterion 9 of Policy HL2 of the Fylde Borough Local Plan subject to conditions to ensure that the development is appropriately implemented and parking areas provided.

#### Loss of land currently use for employment

The buildings on the site are currently used for commercial purposes in association with the existing business and provide employment which will be lost as a consequence of the development. This is unfortunate, but is not considered to be a material concern that would outweigh the benefits that the scheme brings in housing supply. The site is not formally identified as employment land in the adopted Fylde Borough Local Plan and so the policy weight for its retention as such is limited. It is also the case that some employment will be retained on site through the ground floor Class B1 office.

#### Developer Contributions

As the proposal is for over 10 dwellings then the council's Housing Policy seeks the delivery of affordable housing at a ratio of 30% of the total number of residential units. This is caveated with the requirement that this does not make the development as a whole unviable. IN this case the applicant has submitted information relating to the land cost, build costs, contamination remediation and likely sales values of the resultant properties which argues that the provision of affordable housing on the site would make the proposal unviable.

The Council has had this evidence assessed and it is considered that the figures provided are such that the development would be unviable if it were to make any contribution towards affordable housing, and accordingly none should be required to be provided.

Similarly, the scheme could not viably afford to make the education request of £36,794.56 or any provision of public open space. Whilst these are regrettable, members will appreciate that the priority must be to deliver sustainably located residential properties to achieve the housing targets and so these requests are also not carried forward in the officer recommendation. This is in line with guidance in para 205 of the NPPF which requires that planning obligations must not be imposed which could involve development being stalled.

#### Conclusions

The application site is a broadly rectangular area of land that currently contains the buildings last used by Oldroyd Publishing. It is located within the settlement area of St Annes adjacent to the railway line and accessed from the mainly residential Lord Street and the mainly commercial Allenby Road. The existing building is two storey offices to the front with a taller warehouse building to the rear, with the remainder of the site providing parking and servicing yards.

The application is for full planning permission for the erection of 12 houses and a three storey building comprising of office space on the ground floor and 4 flats across the first and second floors. The properties proposed are four bedroomed semi-detached houses in a town house style, and 4

two bedroomed flats. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to neighbouring each other or off-site neighbours, both residential and commercial.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing and other infrastructure matter. This scheme does not do so as the applicant has provided evidence that demonstrates that the land costs, remediation works necessary, and actual property values are such that the scheme would not be viable if it were to be required to make such contributions. This has been assessed by valuers working for the council and found to be a valid conclusion and accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 13 November 2015, including the following plans:

15-2055-PN001 Rev B - Proposed site layout  
15-2055-PN006 Rev A - Proposed Office/Apartments  
15-2055-PN007 - Garages (Plans and elevations)  
15-2055-PN002 - Proposed house types  
Contaminated Land Phase Two Intrusive Investigation (Prepared by Martin Environmental Solutions - Dated February 2016)

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. Notwithstanding any denotation on the approved plans samples of all the external materials to be used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

4. The proposed windows shown coloured red on the approved plan shall be glazed with obscure

glass to a minimum of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

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

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

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

6. The access, turning and parking areas shall be carried out in accordance with the approved details shown on submitted plan ref: 15-2055-PN001 Rev B prior to the first occupation of any of the dwellings, with those areas thereafter retained available for the parking of motor vehicles.

In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 2015 [or any subsequent legislation that replaces or supersedes that Order], the ground floor office space within the Office/Apartment building shall be used solely as Class B1a office space and shall not be used for any other purpose.

In order to control the operational floorspace of the building having regard to the restricted car parking available on the site and to ensure adequate protection to the amenity to neighbouring residential properties.

8. Notwithstanding any denotation on the approved plans details of all boundary treatments, including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. The boundary treatment running parallel with the railway line shall be trespass proof. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a satisfactory standard of development and to ensure there is no adverse impact to the adjacent railway network.

9. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.

To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

10. The remediation strategy outlined on page 7 of the submitted "*Contaminated Land Phase Two Intrusive Investigation*" prepared by Martin Environmental Solutions (dated February 2016) shall be implemented in full. Should contamination be found on the site works shall cease and the Local Planning Authority shall be notified in writing. A new remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the recommencement of works on site.

To ensure a safe form of development that poses no unacceptable risk of pollution to water

resources or to human health.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the identification of the site access for construction traffic
  - (ii) times of construction activity at the site
  - (iii) times and routes of deliveries to the site
  - (iv) the parking of vehicles of site operatives and visitors
  - (v) loading and unloading of plant and materials
  - (vi) storage of plant and materials used in constructing the development
  - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (viii) wheel washing facilities
  - a. measures to control the emission of dust and dirt during construction
  - b. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - c. means of demolition of the existing buildings
  - d. nature/type of machinery to be used in both construction and demolition
  - e. the location of any scaffolding used for the development that is to be within 10m of the boundary with the railway network

To maintain the safe operation of the pedestrian and highway network in the area limiting the impact on adjacent uses given the proximity to residential properties and the equestrian use.

12. No works shall be undertaken until a walkover survey of the site including within the existing buildings has taken place in order to establish the presence of protected species and the results submitted in writing to the local planning authority. Should the presence of any protected species be identified, a mitigation and phasing scheme for demolition and construction work in the vicinity of their nesting sites shall be submitted to and approved in writing by the local planning authority and implemented throughout the construction of the dwelling.

To ensure adequate protection to protected species.

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

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

14. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying,



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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0810	Address Keenans Mill, Lord Street, Lytham St Annes	Grid Ref. E.3319 : N.4293	Scale 0 6 12 18 24 m 

**Item Number:** 5

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0813	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mrs Leeds	<b>Agent :</b>	RDJ CREATIVE LTD
<b>Location:</b>	17 DURHAM AVENUE, LYTHAM ST ANNES, FY8 2BD		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR THE FORMATION OF A RESIDENTIAL FLAT AT FIRST FLOOR LEVEL AND THE CHANGE OF USE OF THE GROUND FLOOR OF THE PREMISES AND THE OUTBUILDINGS TO A CHILDRENS DAY NURSERY FOR UP TO 28 CHILDREN AND THE RETENTION OF TIMBER PLAY EQUIPMENT IN THE REAR GARDEN AREA.		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to report to Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7548845,-3.0316116,290m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7548845,-3.0316116,290m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The application property is an end terrace dwelling located within the settlement area of St Annes. The application seeks permission for a change of use of the premises to use as a children's nursery. The site has previously been used as a dwelling with the outbuildings formerly in a commercial use. The applicant has been running a 'child minding' business from the site caring for 24 children but now wishes to expand the business, employing additional staff and increasing the number of children to 28.

It is considered that the proposal is acceptable and subject to conditions complies with the requirements of the local plan policies and the aims of the National Planning Policy Framework (NPPF) and accordingly the application is recommended for approval by Members.

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

This application has generated a level of public interest, and there is a similarity of the issues raised to issues raised by comments to application 15/0902 on the agenda for an extension to the St Annes Medical Centre. As such the Head of Planning and Regeneration concluded it would be appropriate for the Committee to determine the application also.

#### **Site Description and Location**

The application site is 17 Durham Avenue, Lytham St. Annes. The site is located to the north of Durham Avenue, St Annes. The property is a detached two storey Victorian property at the end of a terraced row. The site has a side access leading to a number of outbuildings to the rear. The

property abuts an existing alley to the north east of the site which is fenced off at the rear with palisade fencing, with the Health Centre car park beyond.

The outbuildings on the site have previously been used commercially for a depot and have been let as warehousing. The area is predominantly in residential use with the exception of the Primary Care Centre located to the end of Durham Avenue and is allocated as settlement in the Fylde Borough Local Plan, as altered (October 2005).

### **Details of Proposal**

This application seeks permission for a change of use of the ground floor of the dwelling and the rear outbuildings to a use for a children's nursery together with the retention of play equipment in the rear garden and the creation of a residential flat within the property at first floor level.

The application proposes that the nursery is to care for up to 28 children. The works necessary to facilitate this use have been undertaken and it is understood that it currently accommodates this number of children, therefore the application is applied for retrospectively.

The application originally sought the removal of the front garden wall to provide car parking to the front of the property however, this element has now been removed from the proposal.

### **Relevant Planning History**

Application No.	Development	Decision	Date
08/1084	DEMOLITION OF THE EXISTING HOUSE AND OUT BUILDINGS AND REDEVELOPMENT TO PROVIDE 5 NO. APARTMENTS AND ONE COACH HOUSE AND ASSOCIATED PARKING.	Withdrawn by Applicant	19/02/2011
08/0085	RESUBMISSION OF APPLICATION 08/0085 DEMOLITION OF EXISTING HOUSE AND OUTBUILDINGS AND REDEVELOPMENT TO PROVIDE 6no. APARTMENTS AND 2 COACH HOUSES.	Refused	05/08/2008
90/0489	CONTINUATION OF PERMISSION: TO USE PREMISES FOR CLASS B1 USE	Granted	18/07/1990
90/0216	REMOVAL OF CONDITIONS 3 AND 4 OF APPROVED APPLICATION 5/89/317	Withdrawn by Applicant	20/03/1990
89/0317	CHANGE OF USE; VACANT WORKSHOP TO PRINTERS	Granted	14/07/1989

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** notified on 21 December 2015 and comment:

*"No specific observations.*

*The business has been operating for a number of years and we are unaware of any complaints re the facility, or parking. The site already features some off-road parking."*

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

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

Comments received 25.01.16.

*"There are concerns regarding this application on the grounds of potential noise nuisance due to the site's location. It is a requirement of nurseries that outdoor play is provided but the premises is surrounded by dwellings. There are cases in which neighbours have complained to the Local Authority of excessive noise from children playing outside but it is very difficult to address.*

*However, there are measures that can be introduced to reduce the noise impact on the vicinity and these include:*

- *Placing of play equipment away from dwellings and party walls/fences.*
- *Erecting a close board fence to provide a noise barrier*
- *Introducing management procedures within which staff can control the children at play to help reduce the sound levels.*
- *Installation of matting that can be placed on the outside walls and floors that not only act as safety mats against accidents but also absorb sound.*

*The applicant shall demonstrate that noise has been considered and provide details of measures to be introduced in order to minimise the sound impact in the vicinity."*

Further comments received 26.01.16:

*"There have not been any complaints against this property. If they provide a plan that looks at sound insulation of the boundary walls then that should suffice. We can deal with "child noise management" separate from the planning application if necessary."*

### **Childrens Day Care Regulations**

No comments received

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

*"There are no highway objections in principle to the retrospective change of use of the premises to a children's day nursery.*

*However the creation of the extra three spaces fronting the site are not practical and will only serve to introduce a hazard to other highway users. The proposed forecourt parking is insufficient in terms of depth and therefore will not allow vehicles to park comfortably off the highway but instead will result in vehicles overhanging onto the footway. There is also a health centre nearby and the emphasis of having clear footway for all users of the footway along Durham Avenue should be maintained."*

## **Neighbour Observations**

**Neighbours notified:** 18 January 2016

**Amended plans notified:**

**Site Notice Date:** 12 January 2016

**Press Notice Date:**

**No. Of Responses Received:** 9 letters received

**Nature of comments made:**

- the removal of the front garden wall will further reduce the availability of resident parking
- flow of traffic at unsustainable level and further commercial developments will severely impact the quality of life
- Durham Avenue not intended to be a commercial environment
- between 8-9 am and 3-5 pm amount of traffic, parking and footfall is totally unacceptable unable to find space close to my house
- view very restricted coming out of Durham Avenue more chance of car accidents - traffic lights required
- free car permits for residents
- CCTV used to fine anyone dropping off in 100 metres restricted area
- don't want car insurance to go up
- no objection to change of use or play equipment - concerned about removal of garden wall as will create hazard
- as a resident you will be obliged to make sure that critical journeys are not embarked on during peak times
- parents drop children off anywhere at expense of residents parking
- service has now been well established creating demand, I believe this unfairly leans the likelihood of approval in favour of the applicant
- cumulative volumes of traffic would exceed what is deemed safe and appropriate

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
CF04	Children's nursery schools
EP27	Noise pollution

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

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

### **Site Constraints**

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

This application seeks permission for the creation of a first floor flat from the existing dwelling and the change of use of the ground floor and the existing outbuildings to a use as a children's nursery for 28 children. The application also seeks approval for the retention of outdoor play equipment.

### **Policies**

Policies SP1, CF04 and EP27 are relevant to this application together with the aims of the National Planning Policy Framework (NPPF).

Policy SP1 directs development to settlement areas. As this proposal is for St. Annes, one of the main settlement areas, this proposal is in accordance with this Policy.

Policy CF04 refers to the development of children's day nurseries and nursery schools in residential areas and requires that three criteria are met.

Policy EP27 refers to noise pollution - "*development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted. Where appropriate planning permission will be granted subject to conditions to minimise or prevent noise pollution.*"

#### Principle

Criterion 1 of Policy CF04 requires that the proposal is appropriately located having regard to adjacent and nearby land uses.

In regard to the principle, children's nursery's are generally located within the settlements however issues of impact on residents by way of noise, general disturbance and loss of privacy should also be considered. These are assessed in this report.

#### Impact on visual amenity

In regards to the change of use of the two storey property, externally there are no changes with the access to the flat taken from within the building.

Externally the on-going use as a child minders has resulted in the applicants erecting timber play equipment. Whilst the roof of this can be seen above the boundary wall, the top is pitched and the structure is not an uncommon feature in a rear garden.

#### Impact on neighbours

This application is for a change of use of a two storey end of terrace property to provide a first floor flat and use of the remainder of the site for a children's nursery.

Given the residential use of the property the creation of a flat is not an issue and is considered to be acceptable in terms of neighbour impact.

In regard to the use as a nursery, the rear of the property has two outbuildings one of which is located on the boundary with the adjoining neighbour at no. 15 and the other located across the rear boundary and the back street with the Primary Care Centre car park across the alley. These outbuildings have had a mixed past, previously having been used for various businesses including use as a warehouse and as offices.

As a result of the previous use of the buildings a commercial use has already been established here and some disturbance has already been experienced as a result of that use for the neighbours.

In this instance the applicant has been operating as a 'child minder' since 2012 and currently has 24 children registered with her. The applicant advises that in reality the most she currently cares for

on a daily basis are 15 children as not all children registered are attending each day. The children are looked after by two 'childminders' and two 'assistants'. This ongoing use has not resulted in any complaints from neighbours to the council's Environmental Protection Team.

The applicant now wishes to re-register the business as a children's nursery which allows her to care for more children. Ofsted have agreed to this change due to the proposed increase in the number of staff and the space available for children however this is subject to the applicant obtaining of planning permission before this use can be implemented, and it is this that has resulted in this application.

The change of use will allow the applicant to cater for up to 28 children, with the help of the additional staff, although again the applicant has advised that this number of children is not likely to be reached each day as the figure fluctuates throughout the week.

Drop off and collection of children is spread from 07.45 to 10.15 and from 15.00 - 18.00 hours. Given this variation in visiting hours to the property, the fluctuation in numbers and the lack of any complaints in regards to the use, it is considered that the change use of the property is acceptable.

Whilst there has been no objections in regards to noise and disturbance as a result of the use of the property as a child minders or as the proposed use as a nursery, objections have been received in regards to the potential increase in traffic and parking problems.

#### Traffic issues

Criterion 2 and 3 of Policy CF4 refer to on-site parking, vehicle turning, access and egress.

This application was originally submitted with a proposal to remove the front boundary wall to the property to provide a 'drive on/off' facility. As the low boundary wall here forms part of the character of Durham Avenue its removal could not be supported and therefore the applicant has removed this element from the application.

This leaves parking for two cars off road, to the side of the dwelling. As part of the application process the advice of LCC Highway Engineers has been sought. Their views are reported above which were based on the original submission.

Further views have been sought following the amendment to the scheme and the proposal has raised no objection from highway engineers.

#### Noise pollution

Policy EP27 refers to noise pollution. *"Development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted. Where appropriate, planning permission will be granted subject to conditions to minimise or prevent noise pollution."*

The Council's Environmental Protection Officer initially raised some potential concerns in respect of the change of use and its impact on residential amenity. However, further comments have advised that there has not been any complaints with the ongoing existing use of the property for a childminders, and that potential complaints could be avoided with a management plan for playtimes and provision of sound insulation to external areas.

Whilst several objection letters have been received from neighbours, these relate to traffic issues



and not child related noise.

Subject to provision of the above the use of the property for a nursery should not result in undue detriment to the amenity of neighbours, and accordingly Policy EP27 is satisfied.

#### Drainage

The change of use will result in additional cloakroom facilities. It is intended that drainage is to be via the main sewer. It is considered that this will not result in a detriment to the current drainage system.

#### Conclusions

Paragraph 215 of the NPPF requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF. In this instance it is considered that significant weight should be afforded to Policies CF04 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) as these are consistent with the aims of Paragraphs 17, 35, 70 and 123 of the NPPF which are relevant to this application.

In this instance the proposed change of use is considered to be in accordance with the above policies of the local plan and the NPPF and will not result in a detrimental impact on the amenity of residential neighbours either by way of noise or the lack of adequate parking provision and manoeuvring space within the site.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

##### Approved plans:

- Location Plan -
- Proposed plans and Elevations - F/15/85/01 REV B

##### Supporting Reports:

- Design and Access Statement - Mrs Claire Leeds dated 09/11/15

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

3. Before the use hereby permitted first commences, a scheme for the soundproofing of the internal and external party and boundary walls of the buildings and external play areas shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the agreed scheme shall be duly installed and maintained as such.

To safeguard the amenities of the occupiers of the adjoining residential property and to prevent nuisance arising in accordance with the requirements of Fylde Borough Local Plan policies CF04 and EP27, and the National Planning Policy Framework.

4. Before the use hereby permitted first commences a 'Management Plan' shall be submitted to the Local Planning Authority and agreed in writing. This management plan shall set out details of the operation of the site including details of drop off and collection times, external play-times, play zones and outdoor play activities, and other details that create a potential impact on neighbouring amenity. Thereafter the agreed plan shall be implemented and maintained throughout the time that the nursery remains operational

In the interests of residential amenity and highway safety as required by Policy CF4 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0813	Address 17 Durham Avenue, Lytham St Annes	Grid Ref. E.3321 : N.4291	Scale 0 6 12 18 24 m 

**Item Number:** 6

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0841	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mrs Rayson	<b>Agent :</b>	Clover Architectural Design Limited
<b>Location:</b>	16 AND LAND TO THE REAR, CLITHEROES LANE, FRECKLETON, PRESTON, PR4 1SD		
<b>Proposal:</b>	CONSTRUCTION OF 3 X 3 STOREY HOUSES AND 1 NO BUNGALOW WITH ASSOCIATED PARKING FOLLOWING DEMOLITION OF EXISTING WAREHOUSE/SHOWROOMS		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Design Improvements_		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7530863,-2.8696209,290m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7530863,-2.8696209,290m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is located within the centre of Freckleton and is currently occupied by a window business that trades from the two brick built buildings on the site. This application is to clear these and erect 3 houses and a bungalow.

The properties proposed are a range of 3 three bedroom mews style houses and a 2 bedroom bungalow and are considered of an appropriate scale and design when taking into account the local vernacular and character of the wider area. They are arranged in an appropriate layout within the development and when viewed from off site, and create unduly adverse relationships to each other or off-site neighbours.

The proposal offers an opportunity to redevelop a brownfield site in a very accessible settlement location for residential development, and satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates, and with the NPPF. As such it is recommended that the Committee support the application.

**Reason for Reporting to Committee**

The Parish Council raise objection to the development and so with the officer recommendation being for approval the council's Scheme of Delegation requires that the application be presented to Committee for a decision.

**Site Description and Location**

The application site is an existing commercial site comprising of two buildings. The site is located on the western side of Clitheroes Lane within the settlement of Freckleton. The buildings within the site are detached from each other and both have gable ended roofs running east/west.

To the south of the site there is No.18 "Refuge" which is a detached farmhouse on the corner of Clitheroes Lane and Bramwell Road. To the rear of the site there are two-storey houses which are on Kirby Drive. To the north and on the eastern side of Clitheroes Lane there are red brick terrace houses.

### **Details of Proposal**

The proposal is for the demolition of the existing buildings and the erection of a terrace of three two storey houses with additional accommodation in their roof space fronting onto Clitheroes Lane, and a detached true bungalow to the rear of the site.

The three houses have gable ended pitched roofs with an eaves height of 5.4m and a ridge height of 8.8m. They have a combined foot print of 13.6m by 11m. On the rear roof slope there are box style dormers which serve the third bedroom in the roof space. The properties are located immediately to the north of No.18 Clitheroes Lane.

The detached bungalow has a foot print of 9.9m by 7.9m and it has a hipped roof with an eaves height of 2.4m and a ridge height of 5.2m. It is position to the rear of the site behind No.16 Clitheroes Lane and to the north of the rear garden of No.10 Kirby Drive.

The site is to be accessed from a single access point to Clitheroes Lane as at present, with this leading to an internal courtyard. Off street parking provision is provided in the form of 8 spaces, with 6 between the proposed bungalow and No.16 Clitheroes Lane and 2 between the rear boundary of No.10 Kirby Drive and the northern most proposed house. The parking area also includes a turning area.

The current scheme is an amendment to that originally submitted to provide some separation of the bungalow from the property that it adjacent to the site at the rear. A re-notification exercise has been undertaken on this.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/1082	CHANGE OF USE OF UNIT 1 FROM WORKSHOP TO SHOWROOM AND NEW DOORS TO UNIT 2.	Granted	07/01/2005
03/0906	CHANGE OF USE OF UNIT 1 TO USE AS VEHICLE PAINT & BODY WORKSHOP	Refused	17/11/2003
95/0680	CONVERSION OF ONE WAREHOUSE TO COMMUNITY CHURCH INCORPORATING EXTERNAL ALTERATIONS AND CONVERSION OF 2ND WAREHOUSE TO ANCILLARY CHURCH ACTIVITIES; PLUS LAYING OUT OF CAR PARK	Refused	28/02/1996
90/0798	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT:4 NEW HOUSES & CONVERSION OF EXISTING DWELLING INTO 2 HOUSES	Granted	26/02/1992

### **Relevant Planning Appeals History**

None

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

**Freckleton Parish Council** notified on 03 December 2015 to the original scheme and comment:

*"The Parish Council object to the planning application as submitted. They are not against the development of the site but feel that 3 story houses are inappropriate and are not in keeping with the area."*

The have been consulted on the revised scheme and comment:

*"Object to the revised plans submitted - They are not against the development of the site but feel that 3 story houses are inappropriate and are not in keeping with the area. Also that they overlook neighbouring properties to the rear."*

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

#### **BAe Systems**

Comments - No objections

#### **Ministry of Defence - Safeguarding**

Comments - No objections

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

*"There are no highway objections to this application."*

*"The existing entrance still provides acceptable visibility splays. The new proposed use should also see a change in the types of vehicles entering and leaving the site compared to the warehouse/showroom use."*

### **Neighbour Observations**

<b>Neighbours notified:</b>	03 December 2015
<b>Amended plans notified:</b>	13 January 2016
<b>Site Notice Date:</b>	14 December 2015
<b>Press Notice Date:</b>	N/A
<b>No. Of Responses Received:</b>	9 letter of objection received
<b>Nature of comments made:</b>	

- 3-storey houses not in keeping with the area.
- Size of houses too big.
- Loss of light.
- Loss of privacy.
- Overbearing.
- Impact to highway safety, Clitheroes Lane suffers from parking issues.
- Inadequate parking on the proposed site.
- Impact to the amenity of properties due to noise and disturbance due to use of land for houses.
- Impact to neighbouring properties during construction.
- Properties could be converted into flats.

- Proposal requires works to shared boundaries.
- There will be an impact to the health and well-being of residents

1 letter received supporting the principle of the development but also raising concerns over:

- What if building work not completed
- Are the plans accurate?
- Proposed parking is not adequate
- Design of properties not in keeping
- Impact to shared wall
- Impact to existing means of drainage

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of Residential Estates

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

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues regarding this application are:

The principle of the development  
 Design and impact to the street scene  
 Impact to neighbouring amenity  
 Access/Impact to highway safety  
 Loss of land currently use for employment

#### **The principle of the development**

The site is located within the settlement boundary where the principle of residential development is accepted under Fylde Borough Local Plan Policy SP1. Policy HL2 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

At the heart of the Framework is a presumption in favour of sustainable development, which should

be seen as the golden thread running through both plan-making and decision taking. The Framework states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 49 must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14, which for decision taking means:

- Approving development proposals that accord with the Development Plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; or
  - specific policies in the Framework indicate development should be restricted.

Paragraph 17 of the NPPF sets out the core planning principles which include: securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

As the site is close to public transport and local services, shops and community facilities and is in a highly accessible location. Furthermore the site is clearly previously developed with no great environmental value and so its redevelopment for residential properties will make a positive contribution towards meeting the borough's five year housing supply targets.

#### Design and impact to the street scene

The design and appearance of the three houses fronting to Clitheroes Lane is considered acceptable. The application is supported by a streetscene drawing that demonstrates that their style and design of the properties is modest and simple and will fit in well with the scale, nature and style of the neighbouring properties along Clitheroes Lane. They appear as two storey properties in this aspect and whilst taller than the existing building on the site they are marginally lower than the property they are closest to (18 Clitheroes Lane) and around 1m higher than the other neighbour (16 Clitheroes Lane). This will ensure they provide a transition between these and be reflective of the varying heights of the two storey dwellings on that street.

The roof does allow for habitable space which is served through the addition of a rear dormer to each dwelling, although the properties will not appear like town houses due to their two storey styling.

The detached bungalow to the rear is of a modest style and design and its size is considered appropriate within its setting as it does not dominate the site. Although the area is predominantly characterised by two-storey houses there are bungalows on the local vicinity. Therefore taking into account its small nature and it being set back from the highway, to the rear of No.16 Clitheroes Lane it is considered that the bungalow will not have an adverse impact on the street scene or visual amenity of the area.

The design and style of the properties is considered to comply with criterion 2 and 3 of Policy HL2 of the Fylde Borough Local Plan.

#### Impact to neighbouring amenity - bungalow



The proposed bungalow will have an impact to the adjacent neighbouring properties due to its proximity to the boundaries, however overall this impact is considered acceptable. The bungalow is marginally more set back in the site, so closer to No.10 Kirby Drive, than the existing building on the site. However when taking into account the smaller foot print, significantly lower eaves height and it being set 1m off the boundary, it is considered that the impact to No.10 Kirby Drive in terms of overbearing and loss of light is improved over the current situation with a reduction in massing adjacent its rear garden.

Due to its orientation (side elevation to rear elevation) with No.12 Kirby Drive the bungalow will have no impact in terms of overbearing or loss of light. The separation distance between the rear of the proposed bungalow and the side elevation of No.12 Kirby Drive is 14m which is compliance with spacing guidance and therefore considered acceptable. The bungalow is located directly behind No.16 Clitheroes Lane and they are separated from rear elevation to front elevation by a distance of over 18m which is considered acceptable to limit any overbearing or loss of light. The bungalow will not create any detrimental loss of privacy due to the existing and proposed boundary fences.

#### Impact to neighbouring amenity - houses

The three houses that front onto Clitheroes Lane will have an impact to the neighbouring properties, however as with the bungalow the impact will not be detrimental and is therefore considered acceptable.

The neighbouring property to the south side is No.18/Refuge Clitheroes Lane, which is directly to the south so will not suffer any loss of light. In terms of overbearing this is also considered acceptable as there will be an improvement as the proposed houses, whilst taller, do not project as far back as the existing building does beyond the neighbouring rear elevation. In addition the existing building runs along the boundary with No.18 and the proposed houses are set off the boundary thereby creating better spacing between the properties. There will be no detrimental loss of privacy as the proposed side elevation windows face the side elevation of No.18 which only contains one ground floor window. This window is positioned in such a way that there will be no views between windows. Furthermore the side elevation windows of the houses do not serve habitable rooms and therefore any impact would be minimal.

The neighbouring properties on Kirby Drive, in particular No.6-10, are to the rear of the proposed houses and their occupiers have raised concerns over privacy loss. However due to the orientation of the dwellings and the separation distance of 24m which is provided between the rear elevation to rear elevation it is not considered that there will be any undue loss of light or overbearing. In terms of loss of privacy the proposed houses will have rear gardens which will be at least 14m long. This distance is considered sufficient to adequately minimise the potential for loss of privacy from the rear windows and dormers of the houses.

The neighbouring properties on the eastern side of Clitheroes Lane will also not suffer any detrimental impact from the proposed houses in terms of overbearing, loss of light or privacy. The facing front elevations are separated by a distance of over 18m which is considered acceptable and comparable with the existing relationships between properties elsewhere on either side of Clitheroes Lane.

Due to its orientation the neighbouring property to the north of the proposed houses, No.16, will suffer an impact in terms of loss of light and overbearing. This impact however is considered acceptable as there is sufficient distance between the properties and the houses do not project so far beyond the rear elevation of No.16 that the loss of light would occur for large periods of the day or be excessively overbearing. There will be no detrimental loss of privacy as the side elevation

windows of the houses do not serve habitable rooms and therefore any impact would be minimal although a condition to require that these windows are obscurely glazed is needed to ensure there is no detrimental impact.

The noise and disturbance created by the use of the parking area will not cause a detrimental impact to the amenity of the adjacent properties given that it is a replacement for the current employment use which has an obvious potential for greater disturbance. The proposed is for a residential development and therefore the use of the parking area for residential purposes is compatible with adjacent land uses and will create a similar impact to other parking areas/driveways in the surrounding area.

The proposal is considered to comply with criterion 1 and 4 of Policy HL2 of the Fylde Borough Local Plan.

#### Access/Impact to highway safety

The site is accessed off Clitheroes Lane using the existing access point. The Lancashire County Council Highways surveyor has confirmed that the resulting visibility splays are acceptable and that the site can provide a safe and suitable access to that road. The development proposes 8 off street parking spaces (equating to 2 for each dwelling) and this level of provision along with the resulting turning area is acceptable.

Whilst the change of use of the site from commercial to residential will result in a change in the nature and number of trips to the site this will be from being dominated by vans and commercial vehicles to being mainly cars which is more appropriate for the predominantly residential area.

The site has an existing footway from the access point that leads to the wider footway connections in the village and so will allow safe pedestrian access to these services. No improvements to the existing highway network are required to accommodate the development and the proposal complies with criterion 9 of Policy HL2 of the Fylde Borough Local Plan.

#### Loss of land currently use for employment

The buildings on the site are currently used for commercial purposes in association with the existing business and so is an employment generator within a settlement. The application suggests that the business currently employs the equivalent of 2 full time employees. The loss of this level of employment is not considered sufficiently harmful to be a material concern. Furthermore the site is not formally identified as employment land in the adopted Fylde Borough Local Plan and the provision of housing towards the Council 5-year housing supply out-weighs this loss of employment.

#### Drainage

The site is proposed to be drained using the exiting means of drainage on the site. This is considered appropriate for the foul drainage however it is considered that a separate means of drainage for surface water should be achieved. This should be secured via an appropriately worded condition. The impact to the means of drainage of neighbouring properties is a private matter between the relevant parties and is not a material planning consideration.

#### Other matters

The representations received raised several other matters which are addressed below:

- The impact to neighbouring properties during construction is not a material planning consideration and therefore has no bearing on this recommendation. It is the responsibility of the contractor to ensure all health and safety regulations are adhered to during construction. A

condition can be added to ensure construction or works are not carried out at inappropriate times in order to protect neighbouring amenity.

- The properties would not be able to be converted into flats without the full consent of the Local Planning Authority as such works require planning permission. Should an application be submitted it would be assessed using the appropriate policy and guidance and assessed on its own merits at that time.
- The proposal does require works to shared boundaries including the erection of new fences and removal/alteration of party walls. The nature of the works have been assessed and are considered acceptable from a planning perspective. However this assessment and any subsequent approval does not override and private matters such as covenants or separate agreements between neighbouring properties.
- If building works were to commence following the approval of the scheme the Council does not have the power to ensure the completion of the works.
- The submitted revised plans for the proposed scheme are considered legible scale plans which are accurate and can be clearly understood in order to make an objective assessment of the proposal.

### **Conclusions**

The application site is located within the centre of Freckleton and is currently occupied by a window business that trades from the two brick built buildings on the site. This application is to clear these and erect 3 houses and a bungalow.

The properties proposed are a range of 3 three bedroom mews style houses and a 2 bedroom bungalow and are considered of an appropriate scale and design when taking into account the local vernacular and character of the wider area. They are arranged in an appropriate layout within the development and when viewed from off site, and create unduly adverse relationships to each other or off-site neighbours.

The proposal offers an opportunity to redevelop a brownfield site in a very accessible settlement location for residential development, and satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates, and with the NPPF. As such it is recommended that the Committee support the application.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 14 December 2015, including the following plans:

1104 - Proposed site plan  
1100 Rev D - Proposed house types plans and elevations  
1105 - Existing and proposed street scenes  
1102 - Boundary treatments sheet 1

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. Notwithstanding any denotation on the approved plans samples of the external materials to be used in the construction of the development (including the boundary walls), hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a satisfactory standard of development.

4. The proposed windows shown coloured red on the approved plan shall be glazed with obscure glass to a minimum of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

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

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

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

6. The access and parking area shall be carried out in accordance with the approved details shown on submitted plan ref: 1104 prior to the first occupation of the respective dwelling to which that parking is to serve, with those areas thereafter retained available for the parking of motor vehicles.

In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

7. Notwithstanding the provision of Article 3, Schedule 2, Parts 1 and 2 of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

Part 1- Development within the curtilage of a dwelling house

Part 2 - Minor operations

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

8. Prior to the first occupation of the respective dwellings all boundary treatments associated with that dwelling shall be carried out in accordance with the approved details shown on submitted plans ref: 1102, 1103 Rev A and 1104. Only the approved details shall be used in the development unless otherwise agreed in writing with the Authority and shall thereafter be retained or if replaced shall be of the same height and type as previously agreed.

To ensure a satisfactory standard of development.

9. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.

To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

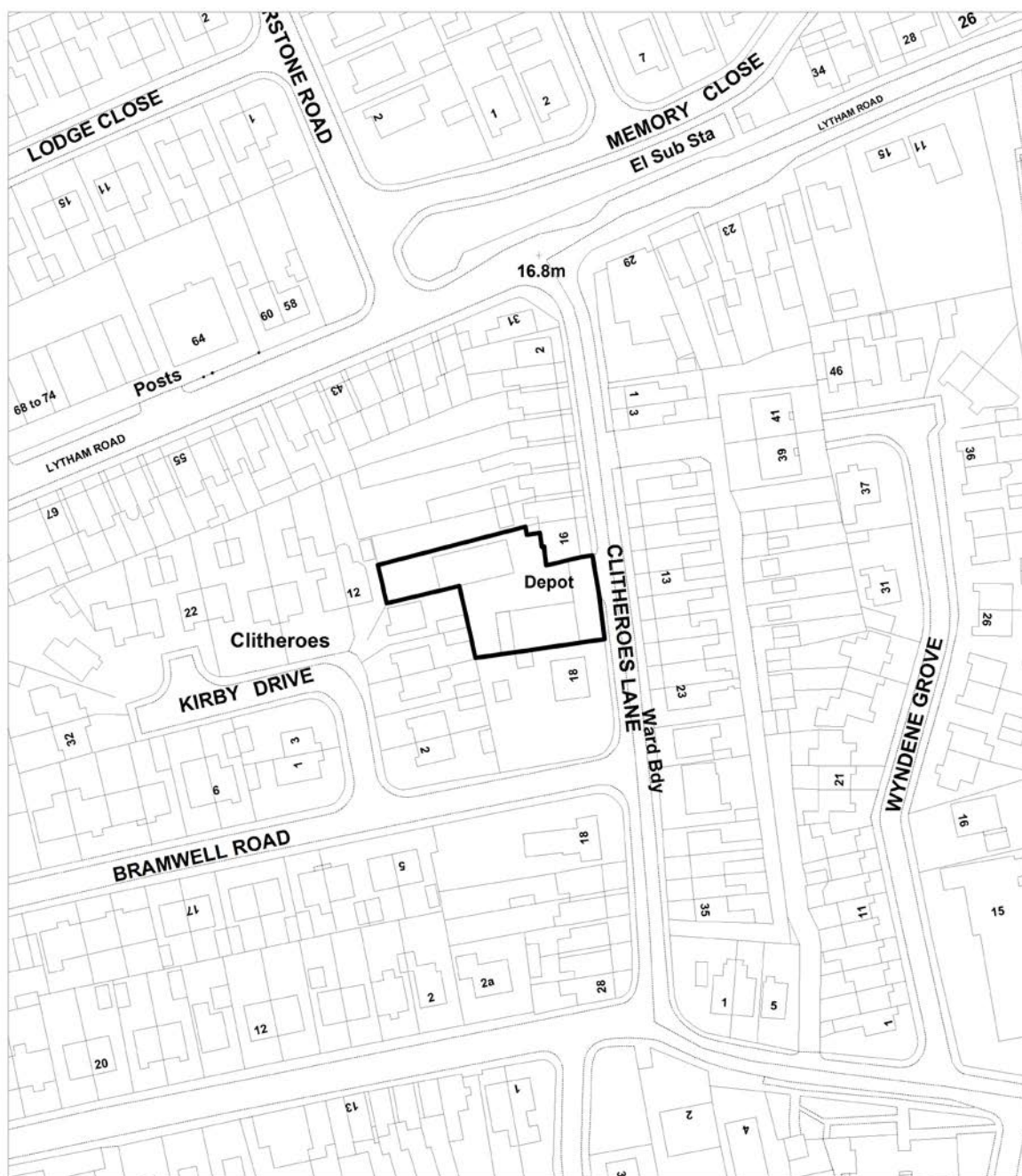
10. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the identification of the site access for construction traffic
- times of construction activity at the site
- times and routes of deliveries to the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To maintain the safe operation of the pedestrian and highway network in the area limiting the impact on adjacent uses given the proximity to residential properties and the equestrian use.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0841	Address 16 and Land to rear Clitheroes Lane, Freckleton	Grid Ref. E.3428 : N.4289	Scale 0 6 12 18 24 m

**Item Number:** 7

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0844	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Holloway	<b>Agent :</b>	Fox Planning Consultancy
<b>Location:</b>	LAND ADJACENT KNOWSLEY FARM, THE GREEN, WEETON WITH PREESE		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE ERECTION OF A TWO STOREY DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR (LANDSCAPING AND APPEARANCE RESERVED FOR FUTURE CONSIDERATION)		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.8049766,-2.9387034,580m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.8049766,-2.9387034,580m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

This application seeks outline permission for the erection of a dwelling on an area of land on Kirkham Road outside of the defined settlement of Weeton. The site has physical constraints in that it is an elevated and sloping site with a Tree Preservation Order on two groups of trees, one the east and to the western boundaries and a further protected tree to the front of the site. It is also sited alongside Knowsley Farm which is Grade II listed.

The application seeks consent for the erection of a single dwelling. It was initially submitted with all matters reserved other than access, but since submission the applicant's agent has provided confirmation that they wish for the layout and scale as shown on the illustrative plan to be considered, and the determination is made on that basis.

Notwithstanding this additional clarity there remains outstanding concerns that the development will cause harm to the character and visual amenity of the countryside area as a result of the change in character that it will inevitably bring to the rural appearance of the site which is clearly not seen as part of the village. This is exacerbated by the contrived layout which involves excavating a considerable amount of material and re-profiling of the natural form of the landscape. In addition there is the potential for harm to the protected trees. These harmful impacts are such that they outweigh the benefits to housing supply and accordingly the application is considered contrary to Policies HL2, EP11, EP12 and EP18 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National Planning Policy Framework (NPPF).

**Reason for Reporting to Committee**

This application is on the agenda for committee at the request of the Ward Councillor (Cllr Pounder).

### **Site Description and Location**

The application site is described as 'Land adjacent Knowsley Farm, The Green, Weeton. It is an elevated irregular shaped parcel of greenfield land on Kirkham Road beyond the eastern edge of Weeton Village situated between Knowsley Farm and the Telephone Exchange building to the east side. The red edge application site amounts to approximately 0.15 Ha in size with the larger blue edge also in the applicant's ownership containing TPO trees. Knowsley Farm itself is Grade II listed.

Works to provide to provide a vehicular access to the site including a hard surfaced drive, gate, level changes and the removal of a hedge and trees have recently been undertaken under planning permission associated with achieving an agricultural use on the site, although there is no evidence of any crops or grazing use at site visit.

The site is within a countryside designation as allocated on the Fylde Borough Local Plan, as altered (October 2005).

### **Details of Proposal**

This application has been submitted as an outline application. During the course of the application the matters applied for have altered and the application now seeks approval for access, layout and scale with the detailed matters of appearance and landscaping to be applied for at Reserved Matters stage.

Access is proposed as utilising the existing, recently provide access into the site which was approved under planning permission 13/0535 for agricultural use of the site.

The layout involves the siting of the dwelling-house set to the east of and off set from the existing access by 6 metres and set back within the site by 17 metres. The dwelling is rectangular in footprint with a width of 10m and a depth of 9m. A 'courtyard/turning area' is proposed to the front of the dwelling and set within a retaining wall at 3.6 metres high as a consequence of the earth that is to be removed to provide a level platform for the construction of the dwelling.

The scale of the dwelling is shown as two storeys at 7.3 metres to ridge height with the ground floor below natural ground level. The red edge area would comprise the whole of the garden area with TPO trees on the boundary.

### **Relevant Planning History**

Application No.	Development	Decision	Date
13/0535	FORMATION OF REPLACEMENT AGRICULTURAL ACCESS ONTO KIRKHAM ROAD WITH ASSOCIATED SURFACING, LANDSCAPING & GROUND LEVEL WORKS (RESUBMISSION OF PLANNING APPLICATION 13/0053)	Granted	17/10/2013

### **Relevant Planning Appeals History**

None



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

**Weeton with Preese Parish Council** notified on 03 December 2015 and state:

*“Parish Council has no objection to the application but that the following recommendations should be considered:-*

- a. *After lengthy discussion the result was not unanimous by the Parish Councillors*
- b. *Although access had been previously approved there are serious concerns with pedestrians using this busy road with no pavement fronting the access, perhaps the access could be made deeper for safety reasons*
- c. *Visual impact*
- d. *The Parish Council request this application is presented before the Planning Committee rather than delegation by a planning officer”*

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

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

The council’s Tree Officer has visited the site and makes the following summarised comments:

- There is no Tree Survey submitted with the application despite the presence of protected trees within the site
- From his site measurements the trees to the inner edge of the site are likely to require a 4m Root Protection Area which may well be achievable (although his visit was prior to the layout being confirmed), although not for any larger dwelling as this will damage the TPO’d trees.
- The protected trees are young specimens with large future growth potential so they will definitely have an effect on the proposed dwelling. This will offer privacy and screening, but will also pose shading and a sense of enclosure. The presumption will be against unnecessary pruning or removals.
- There will be a need to secure details of construction methodology including the routeing of services so that the roots to these trees are not impacted
- The application refers to the trees as impacting the usability of the site for the grazing of animals. However, as the site has no boundary fence or hedge this would seem to be a more likely restriction on this usual rural use for such plots.

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

There are no highway objections to this outline application. The existing approval under application 13/0535 addresses the access arrangements and therefore should continue to be applied to this application in terms of highway access arrangements.

#### **Greater Manchester Ecology Unit**

*“While the Ecology Survey has been conducted in late January, not an optimal time of year to undertake ecology assessment, the part of the site to be directly affected by the development currently supports rank grassland that is not of substantive nature conservation value, so the time of survey does not represent a significant survey constraint. The new (already constructed) access appears to have resulted in losses to the hedgerow along the road and some tree losses, although some new hedging appears to have been planted as compensation for these losses(?)*

*The most valuable local habitats within and adjacent to the application site, including hedges, trees and shrubs, ought not be substantively affected by the development, as long as reasonable precautions are taken to avoid harm during any construction period.*

*Although there is a pond within 250m of the site this is separated from the development site by roads and other built development, so the potential of the site to be used by amphibians is low.*

*Overall, I would have no objections to the development on nature conservation grounds, but I would **recommend** –*

- *That no further tree and shrub removal should take place in the optimal period for bird nesting (March to July inclusive)*
- *That remaining trees on the site to be retained should be adequately protected from potential harm during any permitted construction period (BS 5837 applies)."*

### **Neighbour Observations**

<b>Neighbours notified:</b>	03 December 2015
<b>Amended plans notified:</b>	16 February 2016
<b>Site Notice Date:</b>	09 December 2015
<b>Press Notice Date:</b>	
<b>No. Of Responses Received:</b>	None received

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land

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

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

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

## Comment and Analysis

This application is submitted in outline form and seeks permission for a detached two storey dwelling. Matters of access, layout and scale are applied for with appearance and landscaping a Reserved Matter.

### Policies

Policies SP2, HL2, EP11, EP12, EP18, EP19 and EP22 of the Fylde Borough Local Plan are relevant to the determination of this application together with the aims and guidance of the National Planning Policy Framework (NPPF).

### Principle of Development

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

Under the Fylde Borough Local Plan, as altered (October 2005) the land proposed for development in this application is outside of the settlement boundary of Weeton and is allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

Whilst work on the 'Revised Preferred Option' of the Fylde Local Plan to 2032 is advancing it remains at an early stage of adoption and so has limited weight in the determination of this application, although the evidence base that has been collected to inform it is a material consideration in the determination of this application. A key part of this is the level of housing land need and the available supply.

### The Need for Residential Development

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements ....*", and then refers to additional amounts being required where there has been consistent under-delivery.

The guidance in para 14 of NPPF is therefore relevant and if a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. It is therefore essential to establish if this scheme does deliver sustainable development and if there are any other relevant factors to outweigh the development.

### Does the Proposal Deliver Sustainable Development?

The NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the*

*right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

With regard to applications for residential development of greenfield sites such as this the main issues to consider are the accessibility of the site, the scale of the development and its visual impact on the landscape setting it is within.

#### Accessibility of Site

Whilst this site is allocated as Countryside on the Fylde Borough Local Plan, it is adjacent to the edge of the settlement boundary to Weeton village. It is similar in its location to the land to the west of the village edge where 16 market dwelling-houses have recently been constructed. The village contains a primary school, church, community centre, public house, children's play area, and access to regular bus services. Therefore the village is considered to be reasonably accessible in terms of these basic level services.

Whilst the site is adjacent to the edge of this village it does not benefit from any pedestrian connection to them, and none is capable of construction due to the constraints of the highway boundary. This means that occupants of the dwelling will be required to walk in the highway for a distance of around 75m before reaching the footway at Briarwood Close. This is obviously not an ideal situation as this length of road is unlit, but given the scale of the development is only a single dwelling and the road is within the 30mph speed limit area it is not considered that this alone can justify a reason for refusal. The Parish Council's concerns on this matter are noted.

#### Scale of Dwelling and Impact on Landscape Character

Criterion 2 of Policy HL2 refers to the character of the development and requires that it is in keeping with the scale, space around buildings, materials and design in the locality. With the site being a greenfield one that is outside of the settlement it is important to establish whether the character and scale of the development proposed can be delivered without unduly compromising that rural character.

The revision to the application since its submission has allowed an assessment of this aspect to be made as the challenges of the site with its elevated ground level above the road and the initial uncertainty over the scale and location of the dwelling made this initially impossible. The proposal indicates a two storey dwelling cut into the landscape and set back from the roadside with the first floor of the dwelling set at natural ground level to give the appearance of a bungalow. This will involve the excavation, re-profiling and banking of the land around the dwelling to provide a new ground level approximately 3.5 metres lower than the current sloping natural ground level.

The site is located on the approach into Weeton from Kirkham Road on the east side of the village. This approach is characterised by a typical rural streetscene with the road at a lower level than surrounding land and flanked by hedges with tree cover on both sides constraining the views beyond to give a pleasant rural feel. This approach does not change until at a point between Knowlsey Farm and 4 Elmwood Court where the views open out to The Green with the dwellings that surround

it. This provides a clear gateway point to the village and an abrupt transition between the urban character of the village and the rural areas beyond it. This abrupt transition and 'gateway' formed by the change in ground levels to the sides of the road, hedging and tree cover is equally apparent when exiting the village in this direction.

This site is located in the rural area and so its residential development will contrast with that established rural character. The constraints of the site with the elevated ground levels bring challenges in its development as a residential site, and the inclusion of the layout and scale of the dwelling allows for these to be assessed. The excavation of the site will dramatically change the character of the site from the present entirely rural one to a harshly engineered situation with the obviously excavated area for the dwelling, its driveway and the turning area in front. The retaining structures to support the surrounding land will also be particularly apparent when exiting the village. The illustrative plan indicates that a grass-covered monopitch could be used to roof the dwelling and it is accepted that this would reduce the harm when approaching the village, but this is only illustrative in this application and would not particularly assist when traveling in the opposite direction/

Weeton is a rural village with a Green in the centre and then dwellings around. In other areas the properties transition from the village to the surrounding countryside, but in the case here there is no transition but a clear gateway change in character. This site is outside of that gateway and so will establish development that spills out of the village along Kirkham Road. It is considered that this is a harmful impact, and is harmful to a degree that warrants a refusal of the application so as to protect the character of the village and its rural setting.

Moreover, the extent of engineering works required to provide this scale of development on the site is such that it will cause a considerable change to the character of the site and involve the provision of a large retaining wall to allow for space outside the property that will allow it to be accessed which is a further alien feature in this area.

The extent of engineering creates further concerns that are not adequately addressed in the submitted information. The potential impact on the protected trees will be assessed later in this report, but the extensive amount of excavations required to provide the area for the dwelling and turning area to the front will inevitably adversely alter their setting. Further the application does not indicate how spoil to be excavated is to be dealt with and the implications this may have on re-profiling the landscape is a concern. There are no details of soil type, topography, ground water levels, drainage, load bearing properties and slope stability, all of which need to be considered. These concerns have been expressed to the applicant's agent but they have been unable to give any further details of this.

The application proposes that the dwelling be partly sunk below ground level. That would not be the case with the area around it, and could not be so given that this would undoubtedly harm the protected trees that stand around the site. The result is that the external area will be particularly exposed and the siting of the inevitable domestic paraphernalia such as washing lines, sheds, garden furniture, children toys, ornamental planting, etc. will further detract from this sensitive and prominent edge of village site.

The revisions to the application during consideration assist in its assessment by giving some certainty that the dwelling will be restricted to two storeys and will be sited at a much lower ground level than that which currently exists, with extensive engineering works to be undertaken to achieve this. Irrespective of these works the development will remain a prominent feature within the clearly rural approach to the village and will harmfully detract from that character that cannot integrate into the

landscape at an important location beyond the clear gateway that defines the edge of the village. The form of development results in harm to the visual amenity and landscape character of the area contrary to Policies HL2, EP11 and EP18 of the Fylde Borough Local Plan and the aims of the NPPF.

#### Amenity of Occupiers

One further consequence of the need to site the building in the excavated location is on the amenity of the occupiers. The ground floor is entirely below ground level with windows only possible to its front elevation as the rear and both sides will be in the existing banking. This will restrict the outlook available from them and so the light available into these rooms. This will be further compounded by their north facing aspect and the presence of the protected trees that will mature into specimens that will form a significant barrier to natural light at this side of the dwelling.

The position at first floor is that windows would be possible to all four sides, but again the influence of the protected trees which exist to the front and rear of the dwelling will impact on the amenity to the occupiers.

The plans indicate in cross-section that a level patio area will be provided to the rear and a level turning area behind the retaining wall will be provided at the front. No details of the extent of these are available, but with the size of the site it is considered that sufficient area exists for external amenity despite the influence of the protected trees. The elevated nature of the site and limited retained hedging ensures that there will be very limited privacy available in this area, and were the development to be acceptable in principle it would be necessary to remove the permitted development rights that would normally allow fencing to be erected, as such structures would be particularly harmful in the landscape on such a prominent and elevated site.

The contrived nature of the dwelling in this sensitive location and with the presence of the protected trees creates significant concerns over the amenity that would be available to future occupiers of the property which further highlights that the site is not one which is appropriate for residential development.

#### Impact on Neighbour amenity

The sunken location of the dwelling and its position out of the village is such that it will not lead to any overlooking, massing or other such impacts on the existing neighbours. The garden area runs adjacent to the boundary with 1 Briarwood Close which is a detached bungalow property at a much lower level than the elevated garden site, and so clear views into the dwelling and its garden would be available from this part of the site. However, it is considered that this could be effectively addressed by appropriate siting of a fence or planting and so no reason for refusal is justified on this basis.

#### Impact on Listed Building Setting

The site lies immediately adjacent to the curtilage to Knowlsey Farm which is Grade II listed, and as such will impact on its setting. This is particularly the case when approaching the village on Kirkham Road as the site is seen in the foreground to that dwelling as part of the elevated rural landscape that opens out to the village when Knowlsey Farm is reached. The effective extension of the village along Kirkham Road that would be the consequence of this development will cause harm to that rural setting, with the domestic paraphernalia associated with the retained elevated garden areas and engineering required to provide the dwelling contributing to that urban appearance.

This is a harmful impact on the setting of Knowlsey Farm that adds to the justifications explained earlier in this report as to why the development is unacceptable.

### Access Arrangements

Access is a matter applied for in the application and is proposed from the recently constructed access which was approved under application no. 13/0535. Permission was sought for this access on the basis that the existing access previously abutting the boundary with Knowsley Farm presented difficulties for manoeuvring agricultural vehicles in and out due to the steepness of the site and the angle of the entrance.

The new access is more centrally located and provides improved visibility splays in either direction, particularly as the previous hedge and some trees have been removed, although it remains close to a sharp bend to the east of the site on the approach to the village.

Notwithstanding the above, the views of the Highways Engineers are that the proposed use of this access for regular residential traffic rather than the occasional agricultural traffic will not result in a detriment to highway safety and so no reason for refusal on this basis is justified.

### Impact on woodland

The site is elevated from road level and even with the level of retained tree cover that is now protected it provides a wooded and pleasant approach to the village. A tree preservation order was served last year in order to prevent any further removal of trees as they were considered to be of a quality and functionality which will continue to accrue public amenity value as they mature. These trees now remain in two groups on the eastern and western boundary and outside of the application red edge.

The views of the council's tree officer have been sought which are reported above and he has commented that *"I would oppose any proposal to enlarge the footprint of the house on the basis that it will damage the TPO'd trees"* and goes on to say *"It has to be borne in mind to that these are young trees with large future growth potential so they will definitely have an effect on the proposed dwelling....."*

Whilst the officer comments that he does not object in principle to the proposal, more information is required in terms of the potential impact of routing services to the dwelling, which has not been received with this application. There is also concern in regards to the potential growth of the trees and the impact this might have on a dwelling and the resultant pressure this may result in for a requirement to prune or fell the trees, particularly given the orientation of the proposed dwelling and its sunken location that will place its front windows entirely under the tree canopies.

This lack of clarity is a significant issue given the now known proximity of the development to the trees and the extent of the excavations required to provide it. This is considered to be a matter that is of such concern to that the development is contrary to Policy EP12 of the local plan and this should form part of the reason for refusal of the application.

### Drainage Matters

The application site is within Flood Zone 1. The applicant's Design and Access statement refers to drainage and advises that the site would be served by mains water supply and a new sewage treatment plant and rainwater harvesting system would be provided.

The plot is a sloping site and the excavation of the land may result in adverse drainage conditions to provide a dwelling and no exploration of the soil appears to have been provided. Should the application be approved a condition requiring the site to be drained in accordance with sustainable drainage principles should be imposed and details of ground conditions submitted.

### Ecology

Since the submission of the application an Ecological Assessment has been submitted and assesses the site for the suitability of species as follows:

- Amphibians - the survey concluded that the rank grassland would potentially provide foraging and refuge opportunities for amphibians but the isolation of the site from any ponds and lack of connecting habitat makes their presence highly unlikely. The proposed development would not result in the permanent loss of or a substantial negative effect on any water bodies or foraging areas linked to them. Boundary areas which may provide foraging or refuge sites are to be retained.
- Badger - No records or badgers occur within 2 km or within 30 km of its boundaries. The proposed development will not impact on any existing badger runs or setts. The porosity of the surrounding fields to the passage of badgers will not be affected.
- Bats - There are records of bats within 2km of the site. The survey concluded that foraging habitat at this is poor and foraging habitat opportunities locally are also poor being primarily open pasture and arable fields. Residential gardens offers potential habitat but are of low quality. Trees within the site were also inspected however there was no indication of roosting or highly suitable roost site were located. As a result bat species are highly unlikely to rely on the site for feeding and roosting by bats will not occur. Foraging habitat for bats should be improved as part of the development should the application be approved.
- Birds - there are 97 records of birds within 2km of the site. The habitat on site is not considered to be of anything more than local significance and precautionary mitigation would be appropriate in respect of construction activities.
- Brown hare - no indication of brown hares was recorded on site. The site boundary to the south has the potential for brown hares but it likely to be limited due to its open and exposed nature and regular human presence. The risk to brown hares is considered to be very low.
- Invertebrates - impacts on the species are considered to be negligible, post development domestic garden will create greater habitat in the area than already exists.
- Reptiles - no record for reptiles within 2km. Precautionary mitigation would be appropriate in respect of construction activities to ensure reasonable avoidance measures.
- Vegetation – This appears to have low ecological significance with the trees close to, but outside of the development area, to be protected during works.

This report has been assessed by the council's ecological advisors who confirm that they are satisfied that the assessment has been appropriately undertaken. As such no objection to the proposal on this basis is justified subject to conditions being imposed to any planning permission.

### Agricultural land

The applicant sought approval for a new access to the site and this was granted on the basis that this was necessary to allow its effective use for agricultural purposes. The lawful use of the site remains available for agricultural use, and is classed as Grade 2 which is the 'Best and most versatile land'. As part of the approval for the access (13/0535 refers) a condition required a landscaping scheme to be implemented which included a replacement hedge and timber post and rail fence which will allow the site to be used for stock or other agricultural purposes.

Whilst the applicant now claims that the land is no longer suitable for agriculture as a result of the woodland protection the trees can provide important shade and shelter for livestock and so this is not of any great weight. There cannot be any weight given to an argument that the site has no viable use other than the residential use now proposed.



## **Conclusions**

This application seeks outline permission for the erection of a dwelling on an area of land on Kirkham Road outside of the defined settlement of Weeton. The site has physical constraints in that it is an elevated and sloping site with a Tree Preservation Order on two groups of trees, one the east and to the western boundaries and a further protected tree to the front of the site. It is also sited alongside Knowsley Farm which is Grade II listed.

The application seeks consent for the erection of a single dwelling. It was initially submitted with all matters reserved other than access, but since submission the applicant's agent has provided confirmation that they wish for the layout and scale as shown on the illustrative plan to be considered, and the determination is made on that basis.

Notwithstanding this additional clarity there remains outstanding concerns that the development will cause harm to the character and visual amenity of the countryside area as a result of the change in character that it will inevitably bring to the rural appearance of the site which is clearly not seen as part of the village. This is exacerbated by the contrived layout which involves excavating a considerable amount of material and re-profiling of the natural form of the landscape. In addition there is the potential for harm to the protected trees. These harmful impacts are such that they outweigh the benefits to housing supply and accordingly the application is considered contrary to Policies HL2, EP11, EP12 and EP18 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National Planning Policy Framework (NPPF).

## **Recommendation**

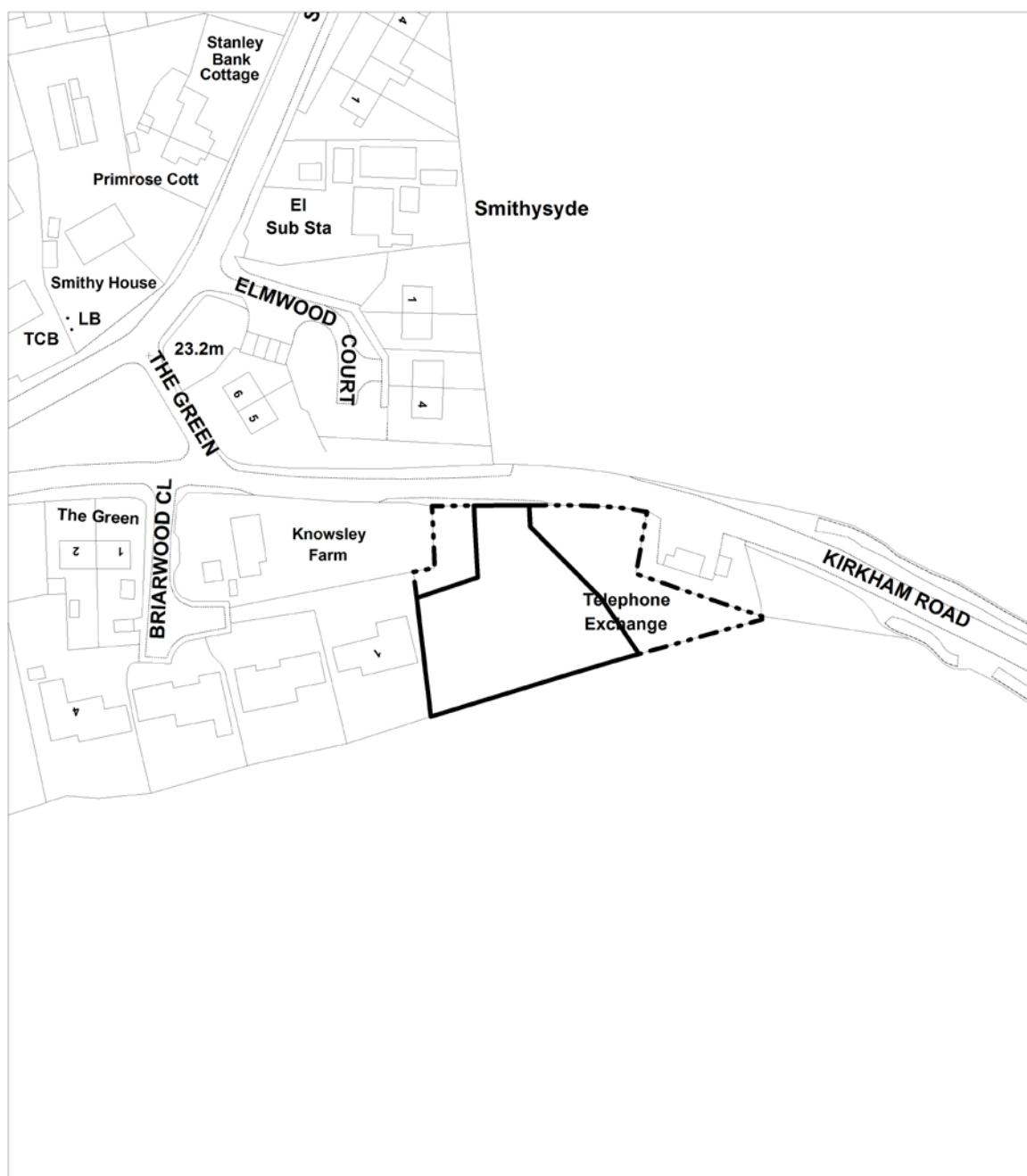
That Planning Permission be REFUSED for the following reasons:

1. The application site comprises an area of greenfield agricultural land that is elevated above road level, with protected trees within and around it, and is designated as countryside on the Fylde Borough Local Plan, as altered (October 2005). It is located on the approach to Weeton Village from the east where the general character of the countryside is established by open agricultural land that is visually separated from the settlement located to the west of the site by the form of development and the trees in the area.

Whilst the council accepts that the delivery of the dwelling will assist with the borough's housing supply, it is the case that this proposal will cause such significant and demonstrable harm to the established character of the area that it outweighs this benefit. This harm is particularly caused by way of:

- Involving the development of greenfield land
- The visual impact of the development on the character of the countryside in this location, and how this identifies as being clearly outside of the urban area of the village with a markedly different character to that of the village
- that the re-contouring of the land required to physically construct the development will exacerbate the change in the rural character and add to the urbanising impacts
- the prominence of the elevated garden area and so the impact that its inevitable cluttering with domestic paraphernalia will cause
- the potential for a detrimental impact to protected trees both during construction and through pressure from future occupiers of the dwelling for works to be undertaken to offset the impact they will have on their residential amenity
- the conflict with the character of neighbouring properties as a result of the scale of the plot and the contrived nature of the development
- the impact on the setting of the Grade II listed Knowsley Farm dwelling

Accordingly the proposal is contrary to criteria 1 and 2 of Policy HL2 and Policies SP2, EP4, EP11, EP12 and EP18 of the Fylde Borough Local Plan and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0844	Address Land adjacent Knowsley Farm, The Green, Weeton	Grid Ref. E.3385 : N.4346	Scale 0 6 12 18 24 m 

**Item Number:** 8

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0867	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Betts	<b>Agent :</b>	Shepherd Planning
<b>Location:</b>	LAND ADJACENT NOOKWOOD COTTAGE, BLACKPOOL ROAD, KIRKHAM, PRESTON, PR4 2RD		
<b>Proposal:</b>	DETACHED DWELLING AND GARAGE (ON LAND PREVIOUSLY IDENTIFIED AS PLOT 2 UNDER OUTLINE APPROVAL 15/0043)		
<b>Parish:</b>	KIRKHAM NORTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Need to determine at Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b>			
<a href="https://www.google.co.uk/maps/@53.7833745,-2.9009339,1160m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7833745,-2.9009339,1160m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The application site is an irregularly shaped area of land to the north of the existing dwelling at Nookwood Cottage which is itself to the north of Blackpool Road to the west of the Ribby Road roundabout junction outside of Kirkham. Planning permission was granted in outline for the erection of three dwellings on this site at the previous meeting of Committee. This application is submitted in full and relates to the development of plot 2 of that outline planning permission.

As the site is outside of the settlement boundary on land allocated as Countryside in the Fylde Borough Local Plan the proposed residential development is not in compliance with policy SP2. However, as there is an outline planning permission in place, the principle of the development is accepted. This scheme complies with the footprint of the layout approved at that outline stage, and is designed as a two storey property that will be appropriate in its scale, design and relationship to neighbouring land uses.

As such the development is not considered to have a detrimental effect on the character of the locality and is in accordance with the requirements of Policy HL2 of the Fylde Borough Local Plan. Hence it is recommended that planning permission be granted.

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

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection raised by Kirkham Town Council.

#### **Site Description and Location**

The application site is land at Nookwood Cottage, Blackpool Road, Kirkham. The site is to the north

of Blackpool Road and to the north of Nookwood Cottage. The plot is the northern most plot of a larger site which comprises of three plots. This overall site is orientated with Plot 3 to the south and Plot 1 to the west of the application site. The site is accessed from the existing access off Blackpool Road. To the south of the overall site there is Nookwood Cottage and Nookwood Barn. To the north and east of the site there is the Kirkham Grammar Playing Fields and to the west there is a housing development site currently under construction.

### **Details of Proposal**

This application seeks full planning permission for the erection of a two storey dwelling. It is to be constructed using facing brick, with stone heads and cills and the roof is to be tiled. The dwelling provides four bedrooms, with open plan kitchen/dining/living areas and it has an attached double garage with the master bedroom above.

The dwelling measures 12.5m wide and is 7.8m wide. It has an eaves height of 5.2m with the main ridge height being 7m and the highest point being 7.8m.

The new dwelling is proposed to be accessed via the existing access/entrance from Blackpool Road, serving both Nookwood Cottage and Nookwood Barn to the east of the application site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0866	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS (ACCESS AND SITE LAYOUT APPLIED FOR) AMENDMENTS TO PREVIOUSLY APPROVED SCHEME 15/0043.	Granted	15/02/2016
15/0420	OUTLINE APPLICATION FOR ERECTION OF 1 NO. TWO STOREY DWELLING AND DETACHED GARAGE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Granted	13/11/2015
15/0043	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS. (ACCESS AND SITE LAYOUT APPLIED FOR)	Granted	03/06/2015
14/0105	PROPOSED DETACHED DWELLING	Granted	07/04/2014
13/0418	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A DWELLING	Withdrawn by Applicant	28/10/2013
04/0466	OUTLINE APPLICATION FOR DETACHED DWELLING	Refused	29/06/2004
03/0467	CHANGE OF USE OF COTTAGE TO FORM RESTAURANT & CAR PARKING	Refused	07/07/2003
03/0257	OUTLINE APP. FOR 2 NO. DETACHED DWELLINGS	Refused	09/05/2003

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/0466	OUTLINE APPLICATION FOR DETACHED DWELLING	Dismiss	21/04/2005
03/0257	OUTLINE APP. FOR 2 NO. DETACHED DWELLINGS	Dismiss	21/10/2003

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

**Kirkham Town Council** notified on 16 December 2015 and comment:

Object on the following grounds:

- The site lies on a lower level than those houses on the Kirkham Triangle which have been flooded regularly over the Christmas period 2015. This highlights the dangers of continuing to build on flood plains.
- Vehicle access will cross over the pedestrian footpath between Kirkham Triangle and the Town
- Access and egress in such close proximity to the roundabout and straight onto the busy (A)583 will be detrimental to highway safety.

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

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

Comments - No objections

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

Comments - No objections

### **Neighbour Observations**

**Neighbours notified:** 16 December 2015  
**Site Notice Date:** 07 January 2016  
**Press Notice Date:** N/A  
**No. Of Responses Received:** None

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments

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

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

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **The principle of the development**

Policy SP2 refers to development in countryside areas and restricts the majority of development to agricultural or other such uses. New residential development is clearly contrary to this Policy and it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

In this case the proposal is for the erection of a dwelling that is identical in its location to the approved layout of a dwelling under outline planning permission 15/0867, and so whilst this scheme is separate to that permission, it clearly establishes the acceptability of the site for this residential use in principle. This must outweigh any possible conflict with Policy SP2.

### **Design and impact to visual amenity**

The application proposes a two storey dwelling set to the northern corner of the site. The location of the dwelling complies with that approved under the outline planning permission, and at 2 storey in height it also complies with the requirements for that dwelling.

The appearance is considered to be suitably rural in nature to reflect the surrounding character and it features a stone detail and a facing brick finish which will not appear alien within its surroundings, and in particular not with the nearby existing properties which are also of brick construction.

The new dwelling is not considered to be visually detrimental to the wider area due to its appropriate scale, design and use of materials. In addition the low lying nature of the site in relation to surrounding land and the highway means that views of the property will be limited to area either immediately adjacent the site or across the from the Kirkham Grammar playing fields.

The proposal is considered to comply with criterion 2 of Policy HL2 of the adopted Fylde Borough Local Plan.

### **Impact to residential amenity**

The site has two neighbouring plots 1 and 3 (yet to be built) to the west and to the south with Nookwood Cottage to the south of Plot 3.

Given the position, setting, scale and distance between the unbuilt plots it is considered that there would be no detriment to amenity of the occupiers of these dwellings as a result of this proposal in terms of overbearing, loss of light or loss of privacy. One of these plots separates this site from the nearest off-site neighbour at Nookwood Cottage and so there will be no detrimental impact to its amenity.

The proposal is considered to comply with criterion 4 of Policy HL2 of the Fylde Borough Local Plan, as altered (October) 2005.

### **Impact to highway safety**

The new dwelling will utilise the existing access from the highway that was approved for the use of the 3 dwellings by Committee when granting permission for the outline scheme. There are no objections to this proposal from LCC Highways Department, subject to satisfactory surfacing of the entrance, and this aspect complies with criterion 9 of Policy HL2 of the adopted Fylde Borough Local Plan.

### Impact to Ecology

The application is accompanied by an 'Ecological Survey and Assessment by Ribble Ecology. The objectives of the survey were to investigate and identify any rare or protected plant species, habitat types, undertake habitat appraisal for protected species and other wildlife and identify any concerns.

The results show that there are no rare plants and no concerns or constraints in regards vegetation, though the presence of mature trees is notable in relation to associated value for wildlife. The proposal is considered to comply with Policy EP19 of the adopted Fylde Borough Local Plan and Paragraph 118, 119 of the NPPF.

### Flooding and drainage

The application site lies outside Flood Zones 2 and 3 and entirely lies within Flood Zone 1 which is categorised as being at the lowest risk from fluvial or tidal flooding. In terms of surface water flooding it is considered that the site can be adequately drained without it impacting on the highway or on the wider area.

### Conclusions

The application site is an irregularly shaped area of land to the north of the existing dwelling at Nookwood Cottage which is itself to the north of Blackpool Road to the west of the Ribby Road roundabout junction outside of Kirkham. Planning permission was granted in outline for the erection of three dwellings on this site at the previous meeting of Committee. This application is submitted in full and relates to the development of plot 2 of that outline planning permission.

As the site is outside of the settlement boundary on land allocated as Countryside in the Fylde Borough Local Plan the proposed residential development is not in compliance with policy SP2. However, as there is an outline planning permission in place, the principle of the development is accepted. This scheme complies with the footprint of the layout approved at that outline stage, and is designed as a two storey property that will be appropriate in its scale, design and relationship to neighbouring land uses.

As such the development is not considered to have a detrimental effect on the character of the locality and is in accordance with the requirements of Policy HL2 of the Fylde Borough Local Plan. Hence it is recommended that planning permission be granted.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 14 December 2015, including the following plans:

4033/SD14 - Site plan

4033/SD11 Rev A - Floor plans



For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. Notwithstanding any denotation on the approved plans samples of the external materials to be used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a satisfactory standard of development.

4. Prior to the commencement of the development, hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development. The works shall be carried out in accordance with the approved landscaping scheme.

In order to enhance the quality of the development in the interests of the amenities of the locality and retain the character of the conservation area.

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

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

6. The access and parking area shall be carried out in accordance with the approved details shown on submitted plan ref: 4033/SD14 prior to the first occupation of the dwelling, with those areas thereafter retained available for the parking of motor vehicles.

In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

7. Notwithstanding the provision of Article 3, Schedule 2, Parts 1 and 2 of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

Part 1- Development within the curtilage of a dwelling house

Part 2 - Minor operations

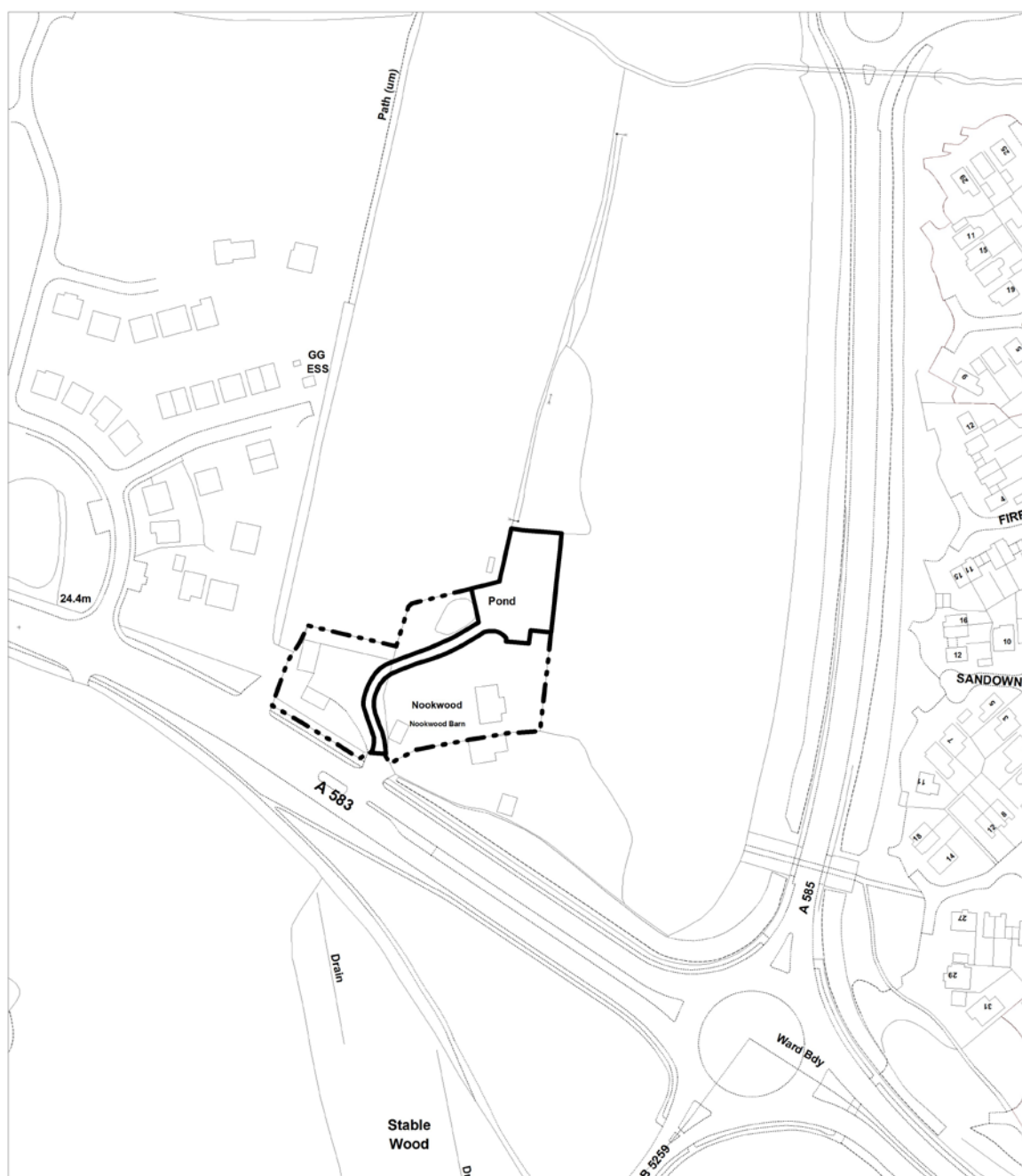
To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

8. Notwithstanding any denotation on the approved plans details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a satisfactory standard of development.

9. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.

To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0867	Address Land adjacent Nookwood Cottage, Blackpool Road, Kirkham	Grid Ref. E.3410 : N.4322	Scale 0 10 20 30 40 m

**Item Number:** 9

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0898	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mill Farm Ventures	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	PROPOSED EXTENSION.OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to report to Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7962915,-2.8960416,1160m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7962915,-2.8960416,1160m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The application site is the Mill Farm Sports Village in Wesham where construction is advancing on the development of a stadium for AFC Fylde, an Aldi store and an employment use.

This proposal is for the extension of an already approved car park to the immediate north of the stadium provide an additional 94 car parking spaces to serve the stadium part of the Mill Farm development. The development is considered acceptable in principle and will have minimal visual impact in the wider area due to the site's location. Appropriate landscaping can be secured and matters around drainage and car park management can be subject to condition. There are no objections to the proposal from LCC Highways. The development is therefore considered acceptable in principle.

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

This application is presented to the Development Management Committee for a decision for consistency with other decisions made on this site.

#### **Site Description and Location**

The application site is part of the Mill Farm development granted planning permission under reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m<sup>2</sup> warehouse and distribution centre (class b8), 1,518m<sup>2</sup> neighbourhood retail store (class a1), internal spine road with access from A585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m<sup>2</sup> non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction has commenced on the site but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Fylde Borough Local Plan. Within the Revised Preferred Option of the Fylde Local Plan to 2032 the land is allocated as a mixed employment/leisure use.

The application site forms part of the area approved for match day parking by application 13/0655 and an area of land to the north of this which was outside of the red edge for that application. The site is currently being developed and currently forms a parking area for construction traffic.

### **Details of Proposal**

The application is for an extension to a car parking area which received approval through the hybrid application 13/0655 for match day car parking. The approved car park had 41 car parking spaces, plus 2 coach spaces and 20 disabled parking spaces and was located directly north of the standing area of the stadium. This application retains this car park as approved and extends it to include land to the north that was not in the red edge of the hybrid application. The increased area results in a total of 135 parking spaces, 3 coach spaces and 20 disabled parking spaces.

The application as submitted included additional parking to the east which would have resulted in the loss of landscaping from around the boundary with Fleetwood Road, however at officer's request this has been amended so that the landscaping area to the east of car park remains the same as originally approved. The increase in space has been made possible by the acquisition of land to the north of the original site boundary.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Application Deferred	
15/0545	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 FOR ALTERATIONS TO ELEVATIONS OF ALDI STORE	Granted	11/08/2015
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015

15/0556	PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 RELATING TO REVISED LEVEL OF OFFICE PROVISION AND ALTERATION OF DOOR AND WINDOW LOCATIONS	Granted	14/08/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	<p>FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE</p> <p>OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK &amp; THE FORMATION OF A SURFACE WATER ATTENUATION POND.</p>		

### **Relevant Planning Appeals History**

None

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

**Medlar with Wesham Town Council** notified on 06 January 2016 and comment that they have “*No specific observations.*”

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

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

Raise no objections.

### **Neighbour Observations**

**Neighbours notified:** 06 January 2016

**Site Notice Date:** 09 January 2016

**No. Of Responses Received** 2

**Nature of comments made:**

Comments received prior to amended plans being submitted.

- I agree that additional parking spaces are needed on the Mill Farm Sports Village, this extension is too large, particularly on the eastern side where it borders on existing buildings and the road. Landscaping is needed around the car park and a buff zone is needed between the car park and the road.
- Further intensifies the site which is within the countryside.
- Car parking capacity for other users of the stadium, at times other than matches and other main events, can be provided through the required over-flow area to the north of the site already approved in outline. It is already accepted that the proposed extension will not be available to office users at these times.
- The Master Plan and subsequent landscape and boundary treatment proposals provided for substantial landscaping and planting between this car park, the neighbouring property of Mill Farm and its 2 cottages (not illustrated on any of the plans) and the A585. Although the covering statement implies that additional land has been acquired, this is marginal as almost all of the addition car park area is taken from the previously indicated buffer zones. Thus the proposal will have significant unacceptable impacts on the neighbours and the users of the highway in terms of noise, light and visual intrusion
- The loss of a significant area of trees and shrubs at the boundary will reduce the protection of site users from harmful emissions from the busy highway.
- The proposed additional hard surface area will require additional drainage arrangements and extra capacity within the attenuation pond.
- If accepted, the proposal will reduce the requirement at the match-day overflow car park at the north of the site by some 20%, thereby allowing the possibility of a more intrusive development close to sensitive ecological features in this countryside location and upsetting the balance of the whole development.
- The car park layout is unsatisfactory as it provides for 3 coach bays which can only be exited by reversing past many parking bays, through an area that will be heavily trafficked by pedestrians at the end of a match or event.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

TR10                      Car park design

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

NPPF:                      National Planning Policy Framework

NPPG:                      National Planning Practice Guidance

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle of the development**

The site is located as part of the mixed use site granted planning permission through hybrid application 13/0655 which allowed the development of the wider site, including an area of car parking to the north of the existing stadium. This application seeks to extend that car parking to provide 135 spaces, 3 coach bays and 20 disabled parking bays.

The principle of parking in this area to serve the stadium was clearly found acceptable as part of the sites wider development and it is considered that an extension to the car parking available in this position is also acceptable. The site is allocated in the emerging Fylde Local Plan to 2032 Revised Preferred Option under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed parking would support these uses and thus complies with that policy.

Approximately 1045 square metres of the land subject to this application was not part of the hybrid planning permission, and as the allocation of the site was based on that permission it lies within the open countryside. Policy SP2 Development in Countryside Areas of the adopted Local Plan allows development in the countryside when it meets certain criteria. Criteria 3 allows development when it is for 'the re-use, refurbishment or redevelopment of large developed sites in line with SP7'. SP7 requires that development would have no greater impact on the character or appearance of the countryside. It is therefore considered that given the sites location directly adjacent to a large developed site with other non-rural uses located on the site to the north that the development of this site for car parking is acceptable in principle.

### **Visual impact and landscaping**

The area subject to this application is well contained within the site and will not be widely visible from the wider area, as car parking is a land use rather than physical development and will have minimal visual impact. The landscaping of the site as a whole is subject to both conditions and reserved matters application. At this point no reserved matters applications have been received with this and the recent outdoor football pitches application being full applications. As stated the plans initially submitted would have resulted in the loss of a landscaped area to the east of the car park and so close to Fleetwood Road, these spaces have been removed from the application and this area is not now to be developed. A separate landscape plan received through the discharge of conditions application shows this area which was within the original red edge to be landscaped and this is acceptable.

The area to the north of the proposed car parking is not shown to be landscaped however this is located directly adjacent to the former farm site which is now in a multiple of uses and therefore would achieve little in softening the impact of the overall development from external views. It is however considered appropriate to place a condition on this application in relation to landscaping given that it is a full application with its own red edge, and some landscaping could be achieved along the northern boundary. It is therefore considered that the development will have an acceptable visual impact and appropriate landscaping can be achieved.

### **Residential amenity**

The proposal will not have any unacceptable impact on residential amenity. The area of additional car parking is located directly north of the parking already approved and in that location will not have any additional impact on any residential dwellings. The uses directly north of the site are commercial enterprises.



### Highways issues

The provision of additional parking at the site will provide parking for people going to the stadium when a football game is taking place and also provide parking for other uses such as the office space proposed for the top floor of the stadium through application 15/0899 when matches are not taking place.

LCC Highways have confirmed that they have no objections to the development. The hybrid application included various conditions in relation to highways including condition 32 which required the parking for each phase of the development to be provided prior to each phase being occupied. As that condition covers this parking area the parking will need to be provided prior to occupation of the football stadium in any respect. Condition 33 requires the submission of a fully detailed Car Parking Management Strategy to be approved in writing with the management of the car parking at the site fully implemented in accordance with the approved strategy. This condition will again apply to this car park but should be repeated on this permission. Overall it is considered that the provision of additional parking is a good thing in respect of serving the site.

### Flooding and drainage

The application results in a greater area of hardstanding to that previously approved, with the application stating that surface water will be dealt with using a sustainable urban drainage system then discharging to the existing watercourse. This is an acceptable arrangement and is the principle that has been established by the rest of the site with details supplied through the drainage conditions applied to the hybrid application. However as this is a full application with part of the red including an area that wasn't on that application it is appropriate that a condition be placed on the permission requiring full details of the drainage of the car park to be submitted and approved in writing prior to the commencement of development.

### Conclusions

The provision of additional car parking to serve the Mill Farm development is considered acceptable in principle despite part of the site being located on land classed as being in the open countryside as it supports the redevelopment of a large site and would have minimal visual impact. Issues around landscaping and drainage can be dealt with through conditions and as such there are no issues with the application and it is acceptable in principle.

### Recommendation

Planning permission be granted subject to the following conditions:

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

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

2. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority and shall be made available for use prior to the first occupation of the stadium, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for visitors to the site.

To provide satisfactory parking areas.

3. The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, with this landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

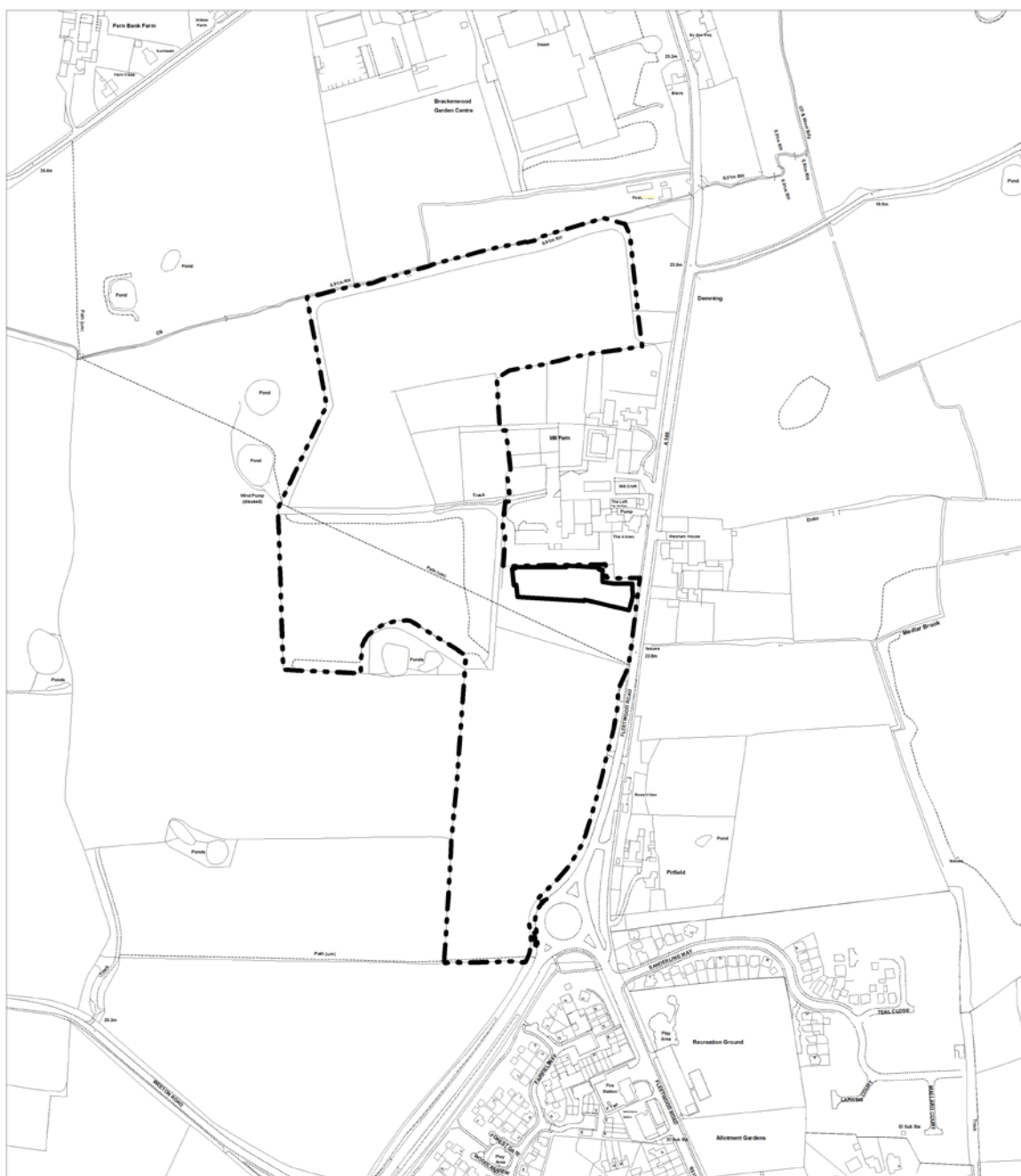
Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

4. Prior to the first occupation of the car parking hereby approved, a fully detailed Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory car parking management strategy is implemented for the development.

5. Prior to the commencement of the development hereby approved, full details of the means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall thereafter be retained.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0898	Address Mill Farm Sports Village, Fleetwood Road, Wesham	Grid Ref. E.3415 : N.4338	Scale 0 25 50 75 100 m 

**Item Number:** 10

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0899	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mill Farm Ventures	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 TO REPLACE 'PROPOSED BASEMENT AND GROUND FLOOR PLANS' AND 'PROPOSED SECOND FLOOR PLANS' DRAWING. PROPOSED CHANGES INTRODUCE A GYM, BEAUTY SALON AND FRUIT BAR TO GROUND FLOOR, AND INTRODUCE OFFICE SPACE (CLASS B1) TO SECOND FLOOR OF MAIN STAND		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>			
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7962915,-2.8960416,1160m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7962915,-2.8960416,1160m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is the Mill Farm Sports Village in Wesham where construction is advancing on the development of a stadium for AFC Fylde, an Aldi store and an employment use.

The application is for a minor material amendment to vary condition 3 of hybrid planning permission 13/0655 so that the second floor of the stadium can be used as a B1 office and internal alterations can be made at ground floor which facilitate part of the area being used as a gym. The application is considered acceptable as it complies with the sites emerging Local Plans policy allocation as an employment and leisure site and also the NPPF support of economic development. The development will not have any unacceptable impact on residential amenity or car parking which both can be controlled by planning condition. There are therefore no issues with the application that should prevent its support.

**Reason for Reporting to Committee**

This application is presented to the Development Management Committee for a decision for consistency with other decisions made on this site.

**Site Description and Location**

The application site is the Mill Farm development granted planning permission through 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium,

11,431m<sup>2</sup> warehouse and distribution centre (class b8), 1,518m<sup>2</sup> neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m<sup>2</sup> non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction has commenced on the site but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Fylde Borough Local Plan. Within the Revised Preferred Option of the Fylde Local Plan to 2032 the land is allocated as a mixed employment/leisure use. This application relates to the stadium part of the site which received planning permission in full.

### **Details of Proposal**

The application as submitted is to vary condition 3 of planning application 13/0655 which was the hybrid planning permission for the site as a whole. This condition was a 'Plan' condition and listed the various plans approved by that permission that formed part of the application. The reason why such conditions are placed on planning permission is for clarity as to the permission, and to allow the approved plans to be varied without requiring the whole of the application to be submitted again. This application seeks to vary the approved plans replacing the proposed basement and ground floor plans drawing and the proposed second floor plans drawing;

- Replace the approved drawing no with. 4884\_P\_001 Rev A from drawing no. 4884 08D 'Proposed Basement and Ground Floor Plans'
- Replace the approved drawing no. with 4884\_P\_002 Rev A from drawing no. 4884 10C 'Proposed Second Floor Plans'

The amended plan proposes changes to the internal layout of the ground floor of the main stand. The main alteration is the inclusion of a gym with ancillary beauty salon and fruit bar. The proposed gym does not require planning permission as that use is included within the football stadium's permitted Class D2 use. However this application has been submitted so that this change to the internal layout is reflected in the approved plans for the site.

The use of the second floor of the stadium was not specified in the original planning permission as it was labelled as a 'future fit out space' on the hybrid application. Condition 15 of that permission stated that prior to the fitting out or use of the second floor of the main stand an application for the use of this area shall be submitted and approved in writing by the local planning authority, with the plan also listed in condition 3. This application seeks to vary condition 3 and the plans for the second floor are now shown as office space (Use class B1).

The new plans are purely alterations to the approved internal layout of the stadium and do not propose any extensions or alterations to the exterior of the main stand. Concurrently submitted with this application is application 15/0898 which is for an additional area of car parking to the north of the stadium.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Application Deferred	
15/0545	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 FOR ALTERATIONS TO ELEVATIONS OF ALDI STORE	Granted	11/08/2015
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
15/0556	PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 RELATING TO REVISED LEVEL OF OFFICE PROVISION AND ALTERATION OF DOOR AND WINDOW LOCATIONS	Granted	14/08/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m <sup>2</sup> WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m <sup>2</sup> NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE		
	OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m <sup>2</sup> NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.		

### **Relevant Planning Appeals History**

None

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

**Medlar with Wesham Town Council** notified on 06 January 2016 and state: *"No specific observations on the proposal."*

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

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

No objections to the development subject to the office use being restricted to between 6am and 6pm Monday to Friday to avoid clashes with the football use of the stadium.

### **Neighbour Observations**

**Neighbours notified:** 06 January 2016

**Site Notice Date:** 09 January 2016

**No. Of Responses Received:** One.

**Nature of comments made:**

- The plans are incomplete as do not show internal arrangements of toilets, changing rooms etc. thus how can adequacy and appropriateness of proposal be judged.
- The introduction of a B1 office was not previously envisaged at the site. The main justification for the development of Mill Farm, advanced by consultants working up the employment section of the Local Plan, was for high tech/professional and/or distribution uses to exploit the proximity to the motorway. The decision to allow a mixed leisure and employment use does not detract from this premise. Although office accommodation is not an uncommon partner use at other stadia, the location here is not urban and therefore office use is not sustainable.
- In the present economic climate, the use of accommodation for both gym and office purposes, will probably mean the transfer of business from the urban centres of Kirkham and/or Lytham, rather than the generation of new prospects or jobs. As both of the proposed activities are relatively low-paid, the lack of public transport and general urban support infrastructure will harm employees and most importantly will draw trade opportunity from established (and struggling) urban centres.
- The plan advanced does not seek to mitigate the additional impact of travel at peak times to and from the site via the A585 which is frequently at a standstill.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EMP3

Business & industrial uses outside defined area

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

NPPF:

National Planning Policy Framework

NPPG:

National Planning Practice Guidance

### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of the development**

The principle of the development has been established by hybrid application 13/0655 which allowed the development of the wider site, including full planning permission for the stadium and its internal layout. The application is a minor material amendment application that seeks to vary condition 3 of the approved application through in order to replace the approved plans for the basement and ground floor and proposed second floor of the stadium at the site. If this application is allowed by members the effect is the issue of a new planning permission which sits alongside the original permission, which remains intact and unamended.

The submitted ground floor plans include amendments to the internal layout with the main one being the inclusion of a gym with ancillary beauty salon and juice bar. The Use Classes Order explains that a gym use falls within use class D2 (assembly and leisure) which is the same use class as the football stadium. As such the inclusion of this facility within the stadium does not require planning permission as it does not involve a change of use, but has been submitted for clarity and so the amended layout is approved.

The submitted second floor plans were previously labelled as a 'future fit out space' on the approved plans, and this application now shows this space as being used as a B1 office space. As the use of the space was unknown at the time of determination of the hybrid application it was also subject to condition 15 which stated that prior to the fitting out or use of the second floor an application for the use of this area shall be submitted and approved in writing by the local planning authority. The application is therefore to use this already approved space as an office and would effectively also discharge that condition

The National Planning Policy Framework (NPPF) is a policy consideration when determining this application. Part 2 'Ensuring the vitality of town centres' states that Local Planning Authorities (LPA's) should apply a sequential test to planning application for main town centre uses that are not in an existing centre. An office is defined as a main town centre use within the NPPF and therefore sequentially it would be preferable if such a use were located within Kirkham and/ or Wesham Town Centre. However the fact that it is not located within a town centre does not make it unacceptable, as the NPPF states that when assessing applications for office development outside of town centres there is a need to undertake an impact assessment if the development is over 2500 square metres. In this case the development comprises approximately 1000 square metres of office space and therefore an impact assessment is not required. The National Planning Policy Framework also supports economic development, promotes mixed use development and states that significant weight should be placed on the need to support economic growth through the planning system.

Were this scheme to be for a standalone new build office development in a rural location it is likely that an assessment of matters such as accessibility and visual impact would render it unacceptable. However, this development relates to use of space which already exists but is without a productive



use within a football stand. The proposal is an effective use of an existing space to provide employment space. In addition the Football Club as well as the football/leisure side of the site will perform several commercial functions including a sports bar and gym. The proposal can be considered sustainable development as it results in a mixed use development on a soon to be commercially used site which will provide a source of income/economic growth to the Football Club which as stated above is something supported by the NPPF.

Another material consideration as outlined by NPPF paragraph 216 is the emerging Fylde Local Plan to 2032 Revised Preferred Option which allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed additional uses at the site of a gym (Use class D2 leisure) and office (Use class B1 employment) therefore comply with the site's allocation in the emerging Local Plan. Furthermore both uses are considered appropriate ones located in a football stadium as such developments often incorporate office space within them to broaden the range of their use and take wider advantage of the facilities they offer than has traditionally been the case. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work.

As the application proposes a minor material amendment to a D2 leisure use incorporating a gym which does not require planning permission and an employment use within a structure which already has planning permission on a site allocated for that purpose it is considered that the development complies with emerging Local Plan. The application is therefore acceptable in principle.

#### Impact on residential amenity

The proposed minor material amendments to the internal layout will have no impact upon surrounding properties residential amenity, no additional loss of light or overlooking will be created. The uses proposed are contained within the main stand of the stadium and are not uses which create levels of noise which would be heard outside of the building. Furthermore the site as a whole is subject to condition 20 which limits the noise created by the site as a whole and reads as follows;

*“The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:*

*50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and*

*55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or any such level as approved in writing by the Local Planning Authority.*

*Reason: In order to protect residential amenity.”*

As stated this permission if granted will sit alongside the hybrid permission and conditions that have not been discharged from that application, including the above will also apply to this one so with this condition in place there are no issues with residential amenity.

#### Highways issues

The highways issues surrounding the application site as a whole were considered by LCC Highways at that time and a number of conditions were placed on that permission which will apply to this

application, these include conditions requiring the submission of a delivery management plan, car parking being in place, a Car Parking Management Strategy and a Travel Plan being submitted. The changes proposed will not have a significant impact above what has already been assessed and because the hours of use of the proposed office space will differ from the times the stadium will be used for football matches there will not be a shortfall of parking spaces.

Furthermore this application has been submitted concurrently to application 15/0898 which is a full application to extend the already approved car park to the north of the stadium. This will result in an increase in approved parking spaces from 41 to 135, an increase in 94 spaces at the site. The hours of use of the office space can be controlled by a condition and therefore it is considered there are no highways issues with the application. LCC Highways have commented that they have no objections to the proposal subject to the use of the office being restricted to between 6am and 6pm Monday to Friday.

### **Conclusions**

The application as proposed is an acceptable given the sites allocation as an employment and leisure site in the emerging Local Plan and the NPPF's support of economic development. The development will not have any unacceptable impact on residential amenity or car parking which both can be controlled by planning condition. There are therefore no issues with the application.

### **Recommendation**

Planning permission be GRANTED subject to the following conditions:

Note: Only revised conditions listed here to minimise length of agenda, but all original conditions to be repeated on decision notice

1. In respect of that part of the application made in outline, a subsequent application for the approval of reserved matters must be made not later than the expiration of three years from 07/01/2105 and the development must be begun not later than whichever is the later of the following dates:
  - [a] The expiration of five years from 07/01/2015;
  - or
  - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

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

3. The development hereby approved shall be carried out in accordance with the following approved plans, unless an amended plan is subsequently approved as a result of a further submission to the local planning authority:
  - 4884\_01\_Location Plan
  - 4884\_02\_C\_Proposed Application Site Boundary
  - 4884\_03\_D\_Proposed Public Footpath Diversion
  - 4884\_04\_Existing Site Plan Sheet 1 of 2
  - 4884\_05\_Existing Site Plan Sheet 2 of 2
  - 4884\_06\_G\_Proposed Site Masterplan
  - 4884\_07\_A\_Site Cross Sections
  - 4884\_P\_001 Rev A Proposed Basement & Ground Floor Plans
  - 4884\_09\_D\_Proposed Main Stand First Floor Plan

- 4884\_P\_002 Rev A Proposed Main Stand Second Floor Plan
- 4884\_11\_A\_Proposed Main Stand Elevation Sheet 1 of 2
- 4884\_11\_A\_Proposed Main Stand Elevations Sheet 2 of 2
- 4884\_13\_Proposed North & South Stands\_Plans & Elevations
- 4884\_14\_Proposed East Stand\_Plans & Elevations
- 1379 MIDW 110 Rev A\_Aldi Floorplans & Elevations (Changes to approved drawing 1379/MIDW/11)
- 4884\_17\_Proposed Distribution Centre Plans
- 4884\_18\_Proposed Distribution Centre Elevations
- 4884\_23\_Proposed Substations

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

15. The use of the second floor of the main stand shall be restricted to use class B1(a) and shall only be occupied between the hours of 6am and 6pm Monday to Friday and not at all on Saturdays and Sundays.

Reason: In order to ensure that sufficient car parking is available on the site.



**Item Number:** 11

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0901	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Jones Homes Lancashire	<b>Agent :</b>	
<b>Location:</b>	LAND AT, KINGS CLOSE, STAINING		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 13/0590 FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF A DEVELOPMENT OF 30 DWELLINGS		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Not applicable		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.8179018,-2.9880132,580m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.8179018,-2.9880132,580m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The application is for the approval of all the outstanding reserved matters associated with outline planning permission 13/0590 that approves 30 dwellings on a greenfield site accessed off the end of Kings Close in Staining.

The properties proposed are a range of 2 bedroomed properties in a mixture of detached and semi-detached styles with sizes of 2, 3 and 4 bedrooms. They are arranged around a series of short cul-de-sacs and provide an appropriate mix of housetypes, appropriate layout within the development and when viewed from off site, and create no concerns over their relationship to each other or off-site neighbours. The development provides an area for play within the site and a balancing pond to handle the surface water drainage requirements of the site in an appropriate manner. The scheme contains 30% of the properties as affordable units and these are of an appropriate design, size and location within the development.

The proposal satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates, and as such it is recommended that the Committee support the reserved matters application. The authority to issue the decision should be delegated to the Head of Planning and Regeneration to allow revisions to the tenure of the affordable housing through a revised legal agreement, and consultee concerns over the drainage arrangements to be addressed prior to the issuing of the decision.

**Reason for Reporting to Committee**

The application involves major development and so the Scheme of Delegation requires that the

decision on the application is made by the Development Management Committee.

### **Site Description and Location**

The application site is an irregularly shaped area immediately to the east of Staining village. It is entirely outside of the settlement boundary on land that is designated as Countryside in the Fylde Borough Local Plan. It extends to around 1.8 hectares and is a single field with hedge boundaries to other fields to the east and north, to Occupation Lane to the south and to the turning head and rear garden boundaries on Kings Close to the west. The land is gently undulating with an overall rise looking away from the access point to the east.

The surrounding land outside of the settlement boundary is all in agricultural use with that within the settlement in residential use on Kings Close which is a cul-de-sac of 14 properties constructed in the mid-1990s. That road joins Chain Lane with a mini-roundabout junction that is adjacent to the village Co-op general store.

There are no ecological or other designations on the site, but there is a Biological Heritage Site nearby at Smithy Farm Pond which is 130m to the northwest of the site boundary and is designated for the pond plants and invertebrates that it supports. There is a public footpath running along Occupation Lane behind a hedge on the southern boundary but this is not physically affected by the development. The only other local feature of note is a line of high voltage power lines which run generally north west to south and are 130m from the site boundary at the closest point.

### **Details of Proposal**

Planning permission was granted for the residential development of up to 30 dwellings on the site following an appeal against the refusal of application 13/0590 by the Development Management Committee. That permission approves the access arrangements, which are an extension of the existing Kings Close highway, and this application is for the remaining reserved matters, namely: layout, appearance, scale and landscaping.

The layout of the development proposes a series that the dwellings are arranged around 3 cul-de-sacs leading from the access point. The dwellings themselves are largely detached houses, and all are two storey. The mix of dwellings is 2 x 2 bedroom mews properties, 7 x 3 bedroomed mews / semi-detached properties, 8 x 4 bedroomed detached properties, and 13 x 5 bedroomed detached properties. Of the 30 properties 9 are to be affordable units to achieve the 30% of the total scheme that is required by Policy and the legal agreement associated with the outline planning permission.

In addition to the dwellings the proposed layout includes an area of landscaping / open space to the northern boundary of the site where a watercourse takes surface water from the village towards the River Wyre and is to include a pond as part of the overall site drainage, and a second area of open space to the centre of the site with a play area to be sited within it. A landscaping plan indicates these areas, the works to be undertaken to enhance the perimeter landscaping around the site, and the informal landscaping within the development to soften the residential area.

The scheme under consideration is a revision to that originally submitted and this revision has been the subject of a further notification process with the Parish Council and residents.

### Relevant Planning History

Application No.	Development	Decision	Date
DISC/13/0590	DISCHARGE OF CONDITIONS 9.11 & 12 ON PLANNING PERMISSION 13/0590	Advice Issued	29/06/2015
13/0590	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 30 DWELLINGS. (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	04/04/2014
16/0078	VARIATION OF CONDITION 13 ON PLANNING PERMISSION 13/0590 TO ALLOW VEGETATION TO BE REMOVED IN NESTING SEASON SUBJECT TO PRIOR ASSESSMENT BY SUITABLY QUALIFIED ECOLOGIST		

### Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0590	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 30 DWELLINGS. (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	08/10/2014

### Parish/Town Council Observations

**Staining Parish Council** notified on 05 January 2016 and on revised plans on 29 February 2016. Their initial comments are reported first, with the comments to the re-notification below them.

*“Outline planning permission having been granted on appeal it is important to Staining Parish Council that the terms and conditions are thoroughly applied to this development. Utmost consideration being given to the residents of Kings Close during preparation and construction on the site but also to all the residents of Staining with regards to traffic, construction noise and condition of the highway. For the past two years Staining has endured the presence of a construction site which has made its presence felt in no inconsiderable manner through noise and disruption. Further inconvenience will be most unwelcome to most residents. These considerations include:*

- *Deliveries to be between 0930 and 1500hrs*
- *Contractors’ vehicles to be unloaded and parked on site, not on the public highway.*
- *Vehicles awaiting unloading not to be parked on the public highway.*
- *No access to site from Occupation Lane, a private un-adopted bridleway.*
- *All access to the site will be from King’s Close situated off a mini roundabout on a 90 degree bend in a road which sees more than its fair share of commuter and heavy traffic despite a 7.5 tonne limit. Wear and tear is a major concern to SPC. Any damage to the highway shall be remedied immediately at the contractors’ expense.*

*Surface water drainage is another major concern of SPC. Remedial work to the ditches adjacent to the site were carried out by LCC during 2015. These ditches carry surface water from the culvert which runs through the open ditch at “The Heathers” and culverts all across the village to the system of open and piped drain which empty into the main dyke. The system can be seen on Ordinance*

survey maps of the area. The open ditch at The Heathers has been poorly maintained and become clogged with vegetation causing water to pool and become stagnant. The residents of the area complaining of the smell and the presence of rats on several occasions. It is of utmost importance that the surface water drainage is maintained to the highest standard at all times. Recent flooding and closure of Mythop Road caused by a vegetation clogged dyke will attest to this.

The placing of an attenuation pond at the lowest area of the site and of the surrounding area is also of concern to the council. The pond will have to be dug out to function as intended. How will the pond function without becoming stagnant, will pumping equipment be required, will the volume of the attenuation cope with situations we have witnessed this winter. Connection to the existing surface water drainage system will be subject to consent.

Currently there is considerable run off from the site onto Occupation Lane causing silting up of the road drain and regular flooding at the junction with Chain Lane. This drain was cleared by LCC within the last 18 months, removing 5-10 tonnes of silt and rubble. The lateral drain is now clogged once more. The contractors must ensure that surface run off of water and silt to Occupation Lane is prevented or steps taken to ensure flooding does not occur.

Staining Parish Council would like Fylde Borough Planning to ensure that all conditions laid down in the outline permission are adhered to by the applicant especially environmental concerns of nesting and migrant birds and breeding and foraging amphibians and mammals.

*Conclusion of Staining Parish Council:*

*The council wishes that all conditions will apply to this development without exception."*

Their comments following re-notification on the revised layout are as follows:

*"On the surface the revision in the layout may be cosmetic there is undoubtedly increased scope for further development beyond the current site.*

*The addition of a play-area, such an area was deemed unnecessary on The Heathers Phase II due to the proximity of existing facilities, can itself be a problem. The Parish Council would wish there to be no reduction in previously apportioned s106 monies and to control the installation using our own existing connections etc. with our choice of equipment. In Councils experience equipment installed in such cases has not lived up to expectations. SPC also has an equipment inspection and maintenance contract with FBC for its play areas.*

*The revision has reduced the number of bedroom by 2 from 124 to 122, the potential number of young people of school age, although taken into consideration in the division of s106 monies to the LEA is still higher than the local infrastructure can accommodate, e.g. the recent changes to the provision of buses by Blackpool Transport increasing pressure on the school bus service. The local primary school is also currently oversubscribed.*

*Conclusion of Staining Parish Council:*

*If the play area is to be included in the approved plan that SPC has control of installed equipment without reduction to s106 agreement for open spaces."*

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

**Lancashire County Council - Highway Authority**



No comments have been received at the time of writing the report, but given that the access arrangements were agreed at the outline stage this is not of significant concern. The access issues for consideration are limited to the design and construction of the internal road networks which would need to be constructed to adoptable standards.

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

They have provided detailed comments on the application, which run through the hierarchy of drainage preference and the matters that they see as essential in minimising the risk of surface water flooding from developments.

The response queries the efforts made by the developer to use preferable drainage solutions to the onsite storage in SUDS that is proposed.

They then confirm a lack of objection to the development proposed subject to conditions being imposed which require details of the surface water drainage scheme to be presented at reserved matters stage (which this obviously is) and that the on-going maintenance of this is agreed at that stage.

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

They have replied to confirm that the planting arrangements proposed and species mix are appropriate for this location.

#### **Environment Agency**

Raise no objection to the development, but highlight that the details provided for the surface water drainage scheme are not sufficient to allow the relevant condition on the outline to be discharged. This is due to a lack of information relating to surface water discharge rates, the volume of onsite storage required, and details of how that storage is to be provided. They also highlight the changes in responsibility for drainage matters since the approval of the outline, and so the role of the Lead Local Flood Authority.

#### **The Ramblers Association**

*All I ask is that due consideration is given to Footpath 4 which runs along the southern boundary of the site. With a new hedgerow and trees being planted along this boundary I am satisfied that enough is being done to ensure that this path remains a pleasure to walk.*

#### **Strategic Housing**

Raise no objection to the development providing the development achieves the 30% affordable requirement in the outline, and that a suitable tenure split is agreed. They further advise that as the funding for delivery of affordable housing has changed since the outline planning permission was granted a reduction in the social rent and increase in shared ownership properties would be appropriate.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	05 January 2016
<b>Amended plans notified:</b>	29 February 2016
<b>Site Notice Date:</b>	21 January 2016
<b>No. Of Responses Received:</b>	3
<b>Nature of comments made:</b>	

- The layout is inaccurate in its depiction the location of public rights of way and provides apparent access points to adjacent fields for future development
- The site drainage details are likely to be compromised by the flooding that occurs in the adjacent field. This is caused by the volume of water that is to pass through a culvert that becomes blocked and must be resolved
- The site also drains to Occupation Lane and so blocks the highway drains in that road with the result that LCC need to clear them at tax-payer expense. This needs to be addressed in the design of the drainage to this site
- The site access must be from Kings Close and not any other location
- Kings Close is a narrow residential road and so is not suitable for contractor and delivery vehicle parking
- Then hours of work must be restricted to minimise the potential for disturbance to neighbours in the area
- The outline permission required that the site hedge boundaries are to be enhanced through the development, and it is not clear that this is the case
- The layout positions properties where they will overlook the existing properties, and will be overlooked itself by those properties
- The development will also remove morning sun from the existing properties at the head of Kings Close
- It is suggested that more variety could be introduced into the layout of the dwellings to the rear of Kings Close properties

At the time of writing this report no comments had been received in respect of the re-notification, and so any such comments will be reported to the Development Management Committee direct.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
TREC17	Public Open Space within New Housing Developments
CF01	Provision of community facilities
CF02	Provision of new primary schools

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

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

## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Compliance with Outline**

The outline planning permission establishes the principle of residential development of the site for up to 30 dwellings with the access for these to be from an extension of the existing road at Kings Close. That decision is made subject to a series of planning conditions covering standard matters such as agreeing materials, drainage, ecology, etc. and a Unilateral Undertaking relating to affordable housing, public open space and education provision.

The outline planning permission also includes conditions that are site specific and require works to be undertaken alongside the implementation of any reserved matters approval. Of particular relevance here are a requirement to provide a Zebra Crossing facility for Chain Lane, the improvement to the bus stops on Chain Lane near to the site, the enhancement of a nearby pond that is designated as a Biological Heritage Site, and enhancement of adjacent lands for Pink Footed Geese habitat. As these are all included within the outline they are unaffected by this submission and will need to be implemented in line with their respective trigger points.

The submitted scheme meets the relevant requirements of the outline planning permission and so is acceptable in principle subject to an assessment of the details as is undertaken in this report below.

### **Appearance of Development in Landscape**

As the site is currently greenfield it is inevitable that its character will be urbanised by the development, and this was one of the reasons that the council was initially opposed to the development to avoid the apparent extension of the village's scale that this involves. This was an issue that the Inspector felt was outweighed by the need to deliver housing in the overall balance whilst commenting that the site allows for *"the opportunity for landscaping to establish a soft perimeter around the site"*.

The scheme has been revised since first submission and now offers a row of properties that front onto the northern boundary with their access road and a drainage pond softening that aspect. The eastern boundary features a mixture of front and side relationships along with an area of public open space. This boundary has an existing hedge and there is a condition to the outline that requires that to be enhanced. The southern boundary is a tall hedge along the edge of Occupation Lane and the layout places properties that front onto this boundary with the hedge retained.

From this description it is clear that the majority of the external relationships of the development involve the use of properties that face outwards, and so naturally soften the development with the existing boundary hedges retained all around. The only location where some properties do not face outwards is that where views are more limited and the pattern of development is looser due to the introduction of two areas of open space that run up to this eastern boundary.

As such it is considered that the layout provides an appropriate appearance for the development in the landscape.

#### Scale of Dwellings

With the removal of the single 2.5 storey property that was originally proposed in this application all the dwellings now featured are two storey properties, with the majority being larger 4 and 5 bedroomed properties.

The preferred solution for a housing development of this scale would be for a mix of house types and scales to be provided. This development does achieve that mix with dwellings providing 2, 3, 4 and 5 bedrooms, albeit that the larger properties are in the majority. This is not ideal, but it must be considered in the context of the surrounding area where the properties are generally of this scale. It is also the case that the layout provides an appropriate density of development and does not appear cramped despite the size of the properties.

The dwellings are from the developer's standard portfolio of properties as is currently under construction elsewhere in the village. They are of a suitable standard of design for this location and so no concerns are raised in this respect.

As such it is considered that the scale and design of the dwellings are acceptable.

#### Relationship to Neighbours

The existing development on Kings Close features 4 properties that back onto the development site (Nos. 12, 14, 16 & 18). These are all detached two storey properties with back gardens of 10m-15m in length and a couple of them featuring rear conservatories.

The layout as now amended places 3 properties that back onto these dwellings and 1 that sides on. Those that back on are at a separation distance of 22m, 22m and 23.5m from the rear elevations of these dwellings, with that which sides on being at 18m to the closest point. These relationships are adequately separated to avoid any undue overlooking, massing or overshadowing impacts being caused between the dwellings. Three of the new properties are provide with hipped roofs to ease the relationship further by providing gaps between their roofs. The drainage arrangements for the new site means that there will be need to elevate ground levels in the south west corner of the site to achieve a fall to the ditch that runs along the northern boundary, but these levels will be comparable to those of the existing properties which are also at the top of a drainage run making this an acceptable relationship.

#### Provision of Public Open Space

The NPPF supports the provision of areas of open space in new developments to encourage healthy communities, with this consistent with the long-established requirements of the Fylde Borough Local Plan in Policy TREC17 for new developments to contribute to overall public open space provision.

At the time that the outline application was under consideration there was a proposal that the open space requirements for this site could be met solely by a financial contribution to allow enhancement of the drainage to the Village Hall playing field, or other such local works. This was not a proposal that found favour with the Inspector, who remarked that "*.... it is appropriate for children's play facilities to be provided in respect of a development that is likely to include family housing*". He then imposed a condition that specifically required any reserved matters application to include such a play area as part of the layout.

This application has been revised to provide a Local Area for Play (LAP) in a central location within

the development in accordance with the Inspector's requirement. This play area is sited within a buffer zone of open space around it and is overlooked by dwellings to provide the usual natural surveillance for such features. With the scale of the development proposed this is an acceptable arrangement to meet the demands of Policy TREC17 and to comply with the requirements imposed by the Inspector at outline stage.

In their comments on the revised layout the Parish Council express the view that they would wish the financial contribution to be retained, although the justification for this appears to have passed with the inclusion of a play area on the development, and this is contrary to the specific views on this of the Inspector. This request is therefore not taken forward in this recommendation.

#### Drainage Details

The capacity of the foul water drainage system and the arrangements for discharge of surface water were issues that were of considerable local contention at the time that the outline application was being determined. The Inspector noted this, but without any objection from the statutory drainage bodies this was not one of the areas that he discussed in any detail. He did impose standard conditions that required the drainage arrangements to be submitted and agreed prior to the commencement of works, and that they follow the principles established by the Flood Risk Assessment that was considered with the outline application.

This reserved matters application was initially submitted with a drainage layout that provided an illustration of how that technical aspect would function. This proposes that the foul water be connected to the existing sewer in Kings Close, and that the surface water be collected on site and attenuated via a pond to be located in an area of open space to the northern boundary before being discharged at a controlled rate to the brook that is on that boundary and discharges to the River Wyre.

This is an obvious solution to the site's drainage, but as the application was not supported with any technical information to support this indicative layout it has generated objections from the Environment Agency and queries from the Lead Local Flood Authority. The site drainage is also a matter that has been raised by local residents and the Parish Council.

The outline planning permission only requires that the drainage arrangements are satisfied prior to construction, and so at a later stage than the current approval of reserved matters stage. However, with this background of concerns expressed it seems appropriate that further clarity over this important aspect of the eventual development is secured at this stage. Accordingly the applicant has been asked to provide that technical justification for their drainage solution so that the advice of the technical consultees can be sought on it.

This technical matter is not one that can prevent the approval of this scheme, but it is outstanding at the time of writing this report, and it is considered appropriate that the decision on this application be delayed until officers are satisfied that the proposed drainage solution is an acceptable one. To allow this further assessment to take place it would be appropriate for the decision on this application to be delegated to the Head of Planning and Regeneration in the event that agreement on this has not been reached by the Committee meeting.

#### Affordable Housing

The Unilateral Undertaking associated with the outline planning permission requires that 30% of the properties are provided as affordable units, with these split between 80% being for social rent and the other 20% of a tenure to be agreed. All of these are for people in housing need and initially are to be for those with a local connection to the Parish of Staining, before their potential occupation is

widened out to the remainder of the borough if there is no one with a local connection in need of housing when the properties become available.

The application proposes that 9 of the dwellings are to be affordable units, and so exactly meets the 30% obligation of the Undertaking. These properties are grouped in two locations and are 3 pairs of semi-detached 3 bedroomed properties and a terrace of 3 x properties which the council's Housing Manager advises is appropriate in the layout and size of properties to be provided.

With the recent changes in the funding arrangements for RSLs, and the implications that this has had for the tenure of properties that they are able to fund moving forward, there are benefits in revising the tenure arrangements of the Unilateral Undertaking. This revision would allow for 5 of the properties to be affordable rent, and four of them to be for shared ownership. This would still meet the definition of Affordable Housing in the NPPF, but unlike the existing tenure mix will be deliverable for an RSL, with negotiations well advanced for this aspect with a locally active RSL. The need for occupiers to be in housing need and with a local connection will be retained.

This change will ensure that the scheme makes an appropriate and deliverable contribution to the borough's affordable housing need.

#### Planning Obligation

The outline planning application has a Unilateral Undertaking attached to it which was presented by the applicant (The Co-operative Group) at the appeal. This secures the following:

- Education contribution – a contribution equivalent to the projected full yield of primary school places on the development in accordance with LCC's adopted methodology, with this paid in two halves prior to 11th and 21st occupation on the site.
- Public Open Space – a contribution of £15,000 to be paid to enhance public open space in the area. However the Inspector commented that he thought it more appropriate for the public open space to be provided on site given that the development was to be family homes.
- Affordable Housing – 30% of the dwellings shall be provided as affordable housing prior to the occupation of 15 market dwellings. These are to be 80% shared ownership and 20% of an agreed tenure and are all to be available for those in housing need with initially a local connection to Staining, and then to the rest of the borough.

As is explained above the affordable housing tenure arrangements should be revised. This can most easily be secured through the completion of a s106 agreement to be associated with this reserved matters approval, which would set aside the Undertaking that is associated with the outline permission and impose the obligations it contains in a revised form.

This s106 Agreement will contain the education obligations as previously approved, will revise the affordable housing obligation tenures as explained in the preceding section of this report, and will remove the obligation to pay for off-site public open space works given that the development is to meet its obligation through the provision of a play area within the development.

This agreement has not been legally worked up at the time of writing this report, and so it would be appropriate for the recommendation from Committee to be that the authority to conclude this be delegated to officers so that the reserved matters approval shall only be issued on satisfactory completion of this agreement.

#### Conclusions

The application is for the approval of all the outstanding reserved matters associated with outline planning permission 13/0590 that approves 30 dwellings on a greenfield site accessed off the end of Kings Close in Staining.

The properties proposed are a range of 2 bedroomed properties in a mixture of detached and semi-detached styles with sizes of 2, 3 and 4 bedrooms. They are arranged around a series of short cul-de-sacs and provide an appropriate mix of housetypes, appropriate layout within the development and when viewed from off site, and create no concerns over their relationship to each other or off-site neighbours. The development provides an area for play within the site and a balancing pond to handle the surface water drainage requirements of the site in an appropriate manner. The scheme contains 30% of the properties as affordable units and these are of an appropriate design, size and location within the development.

The proposal satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates, and as such it is recommended that the Committee support the reserved matters application. The authority to issue the decision should be delegated to the Head of Planning and Regeneration to allow revisions to the tenure of the affordable housing through a revised legal agreement, and consultee concerns over the drainage arrangements to be addressed prior to the issuing of the decision.

### **Recommendation**

That the authority to Approve the Reserved Matters be delegated to the Head of Planning and Regeneration on the satisfactory resolution of consultee concerns over the surface water drainage arrangements for the development, the completion of a s106 agreement to secure the following, and then the conditions listed below.

### **s106 Planning Obligation Terms**

- Unilateral Undertaking – to set aside the obligation submitted as a Unilateral Undertaking to the outline planning permission
- Education contribution – to secure a contribution equivalent to the projected full yield of primary school places on the development in accordance with LCC's adopted methodology, with this paid in two halves prior to 11th and 21st occupation on the site.
- Affordable Housing – to secure the provision of 30% of the dwellings as affordable housing prior to the occupation of 15 market dwellings. This involves 9 dwellings with 5 to be for affordable rent and 4 for shared ownership, with all to be available for those in housing need with initially a local connection to Staining, and then to the rest of the borough.

### **Planning Conditions**

1. This consent relates to the following details:

#### **Approved plans:**

- Location Plan - Jones Homes KINGSCLOSE/LOC/001
- Planning Layout - Jones Homes KINGSCLOSE/SK/001 Rev A
- Cranford Housetype - Jones Homes CRAN-P-01
- Langley Housetype - Jones Homes LANG-P-01
- Bowden Housetype - Jones Homes BOW-P-01
- Holborn Housetype - Jones Homes HOL-P-01
- Knightsbridge 2 Housetype - Jones Homes KNGT-P-02

- Latchford Housetype - Jones Homes LATCH-P-03
- Lindow Housetype - Jones Homes LIN-II-P-01
- Stratton Housetype - Jones Homes STRT-P-01
- Screen Fence Details - Jones Homes FYLDE-SDL-FENCE-01
- Detailed Planting Plan Overall - TEP Drawing D5540.001
- Detailed Planting Plan Area 1 - TEP Drawing D5540.002
- Detailed Planting Plan Area 2 - TEP Drawing D5540.003
- Detailed Planting Plan Area 3 - TEP Drawing D5540.004
- Indicative Slab Levels and Drainage Details - Jones Homes KINGSCLOSE/SLAB/001

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

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

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the area in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

3. The whole of the landscape works, as approved under condition 2 of this reserved matters approval shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

4. Prior to the first occupation of any dwelling hereby approved details of the 'entrance feature' indicated in the site plan as hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This feature shall then be constructed prior to the occupation of the 15th dwelling in accordance with the approved details.

To provide clarity over the nature of this prominent feature and to ensure its implementation to enhance the public realm of the development site.

5. Prior to the commencement of any development a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. This scheme shall include:

- Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre



and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- A timetable for implementation, including phasing where applicable;
- Site investigation and test results to confirm infiltration rates;
- Details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development, elsewhere and to future users.

6. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

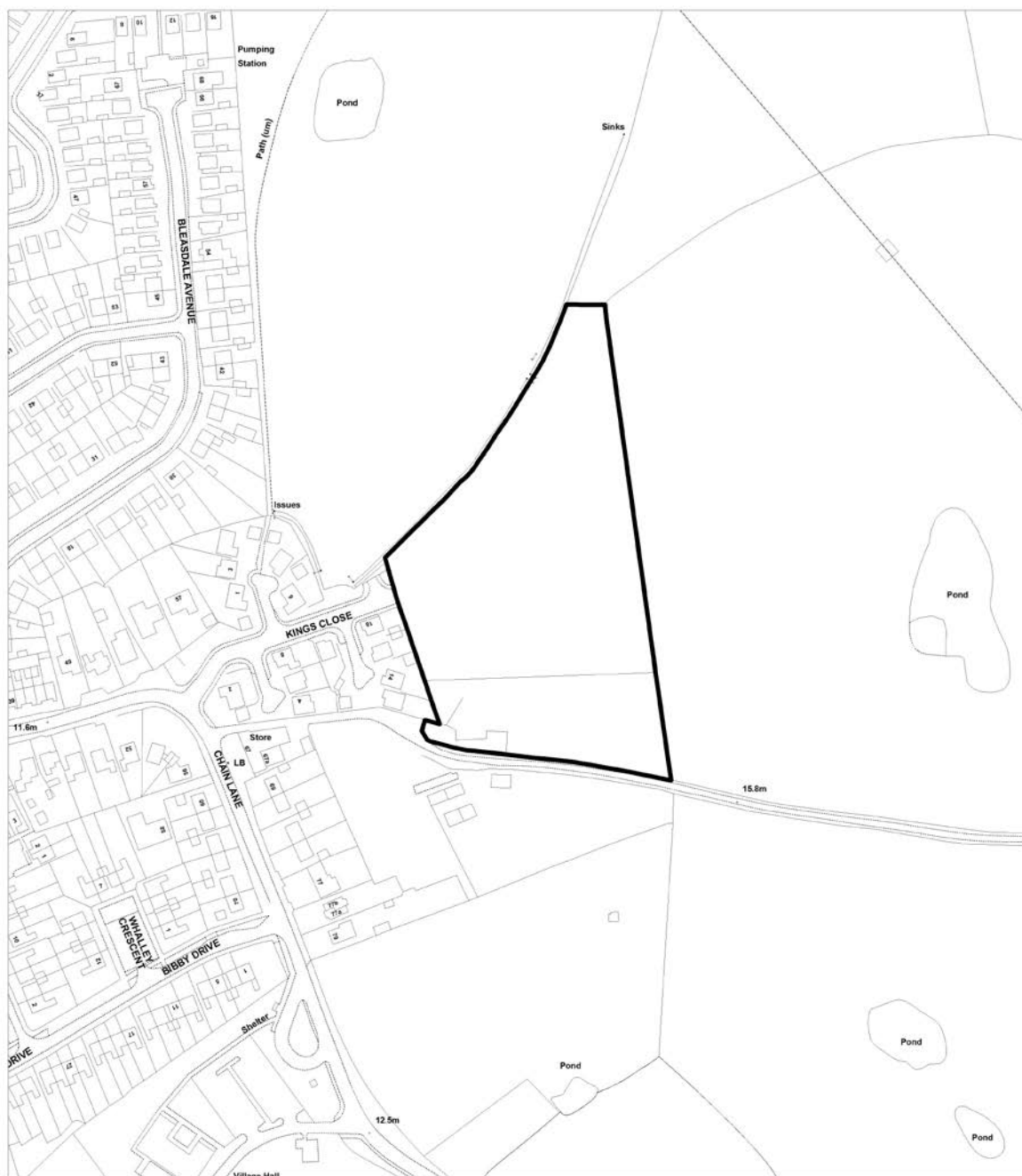
b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- on-going inspections relating to performance and asset condition assessments
- operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0901	Address Land at Kings Close, Staining	Grid Ref. E.3353 : N.4361	Scale 0 10 20 30 40 m 

**Item Number:** 12

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	15/0902	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Rushcliffe St Annes PCC Ltd	<b>Agent :</b>	Mellor Architects
<b>Location:</b>	ST ANNES MEDICAL CENTRE, DURHAM AVENUE, LYTHAM ST ANNES, FY8 2EP		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION TO ALLOW B1 USE OF EXISTING SECOND FLOOR, DEMOLITION OF 5 STEPHEN STREET AND EXTENSION TO CAR PARK AND PROPOSED ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE ADDITIONAL OFFICE SPACE ON SECOND FLOOR		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to report at Committee__		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7545799,-3.0318938,290m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7545799,-3.0318938,290m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices and the extension of the existing car park through the demolition of a dwelling.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting car park with 131 spaces is considered large enough to accommodate both staff and members of the public. This conclusion is based on the guidance for parking standards set in the Joint Lancashire Structure Plan and a TRICS database assessment for Medical Centres of this type and size.

Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection raised by St Anne's Town Council, and so under the scheme of delegation it is required to be brought before the Committee for a decision.

### **Site Description and Location**

The application site is the existing St Annes Medical Centre within the settlement of St Anne's. The Centre comprises of two GP surgeries (Park and Clifton) and an on-site Pharmacy. The building sits between Durham Avenue to the southeast and Stephen Street to the northwest. The site can be accessed from either road with areas of car park on either side of the building.

The building itself has a T-shaped foot print with the taller section running parallel with the railway line to the rear. This section is three-storeys tall with a pitched roof. The smaller section of the building runs perpendicular to the larger section and is two-storeys high with a pitched roof. This section runs behind the residential properties on Durham Avenue and Stephen Street.

Durham Avenue and Stephen Street are characterised by residential properties either side running down towards the railway line.

### **Details of Proposal**

The application consists of three elements: a roof lift to the three storey part of the existing building, retrospective consent for the demolition of No.5 Stephen Street and extension to the car park onto the area created by the removal of this dwelling, and retrospective consent to allow Class B1 use on the second floor.

The proposed roof lift proposes an increase in height to the ridge of the three storey part of the building by 2m. The eaves will also be increased in height by 2m. The roof lift will result in an increased second floor space to 893 square metres.

The demolition of No.5 Stephen Street and the extension to the car park was carried out in 2011. This resulted in an increase of 20 parking spaces (18 standard and 2 mobility). The extra parking spaces have been in use since that time.

The change of use of the second floor from storage space to office space was carried out in 2009. This required no external alterations and only minor internal alterations.

To give some background to the application, when it was originally granted planning permission in 2007 the second floor of the medical centre was conditioned (condition No.13 of application ref: 07/1212) so that it could only be used for storage purposes. The removal of condition 13 was applied for in 2009 ref: 09/0454 to allow the second floor to be used as office space. The application was assessed alongside application 09/0453 which was for the extension of the existing car park to the south of the site adjacent the railway line. Both these applications were minded to be approved by

the then Development Management Committee subject to the completion of a S106. The S106 agreement was never completed and in 2013 the Council 'Finally Disposed Of' both applications without either being formally granted. Notwithstanding this, it is understood that the use of the second floor as office space has been on-going since 2009.

In 2011 a further application (ref: 11/0079) was submitted for the demolition of No.5 Stephen Street and the existing of the car park accessed off Stephen Street extended by a further 8 parking spaces. This application was minded to be approved by the then Development Management Committee subject to the completion of a S106 which was to secure funding towards improving public transport facilities to serve the site. The S106 agreement was never completed and in 2013 the Council 'Finally Disposed Of' the application without it being formally granted. This development has also been completed and in use since 2011.

The supporting information with this application indicates that the motive behind the proposed works is to enable a further GP surgery which currently operates at Poplar House in the town to relocate to the Medical Centre. The roof lift will form additional useable accommodation within the building that is to be used for administrative office space (Class B1) that currently occupies the ground and first floor of the building. That then frees this space up for the additional clinical needs of this surgery.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0669	RAISING, ALTERATIONS AND ENLARGEMENT OF ROOF TO FORM SECOND FLOOR EXTENSION TO REAR OF MEDICAL CENTRE	Withdrawn by Applicant	08/12/2015
11/0079	PROPOSED EXTENSION OF EXISTING CAR PARK INCLUDING DEMOLITION OF EXISTING DWELLING.	Finally Disposed Of	08/08/2013
09/0453	PROPOSED CHANGE OF USE FROM WASTEGROUND TO CAR PARK	Finally Disposed Of	08/08/2013
09/0454	MODIFICATION OF CONDITION 13 ON PLANNING APPLICATION 07/1212 TO CHANGE THE USE OF THE SECOND FLOOR FROM ANCILLARY STORAGE SPACE TO OFFICE USE	Finally Disposed Of	08/08/2013
07/1212	ERECTION OF PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES. RE-SUBMISSION of 07/0057.	Approved with 106 Agreement	21/07/2008
07/0057	NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1), ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES	Withdrawn by Applicant	30/09/2008
05/0592	RESUBMISSION OF APPLICATION 04/834 FOR 77 NO. APARTMENTS AND ASSOCIATED WORKS.	Withdrawn by Applicant	30/09/2008
04/0834	ERECTION OF 73 FLATS AND 12 TOWN HOUSES INCORPORATING AN ELEMENT OF AFFORDABLE HOUSING.	Withdrawn by Applicant	13/12/2004
03/0866	OUTLINE APPLICATION FOR DEVELOPMENT OF 101 APARTMENTS	Refused	07/01/2004
01/0598	EXTENSION OF EXISTING FACTORY AND REBUILDING OF EXISTING INDUSTRIAL UNIT	Granted	03/10/2001

01/0309	PITCHED ROOF TO OFFICES	Granted	18/07/2001
98/0413	EXTENSION TO EXISTING WORKSHOP	Granted	04/09/1998

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** notified on 04 January 2016 and object on the follow grounds:

- Overbearing nature of increased roof height on surrounding and adjacent properties.
- Durham Avenue is a residential street, as is Stephen Street, which also provides access to the site.
- Increased shading of neighbouring properties
- a. This proposed development will result in an additional practice moving in to the building, 8,900 patients, this translates into a significant increase in traffic volumes throughout the day.
- b. An additional practice will mean 20 additional staff being based at the site, again leading to increased traffic movements.
- c. Durham Avenue / Stephen Street is a residential street not designed to cope / carry the existing traffic levels.
- d. The volume of traffic currently leads to circulation problems in Durham Avenue.
- e. Have alternatives for the relocation of Poplar Medical Practice been explored?
- The fact that Poplar Medical Practice premises are not fit for purpose should not impact on this application.
- Object to variation of condition 13.

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

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

Comments - No objections. Conditions requested

#### **Network Rail**

Do not raise objection to the proposal, but highlight the safety measures that are advisable when parking areas are created near to railway lines. (Officer Note: These are to be passed to the applicant as a note to any planning permission.)

### **Neighbour Observations**

**Neighbours notified:** 25 January 2016  
**Amended plans notified:** N/A  
**Site Notice Date:** 06 January 2016  
**Press Notice Date:** N/A  
**No. Of Responses Received:** 27 letter of objection received  
**Nature of comments made:**

- Over development of the site/The building is big enough as it is
- Loss of light
- Increase in Overbearing
- Loss of privacy

- Loss of view
- Development will affect property prices
- No business continuity plan
- Construction of development will cause additional problems e.g. disturbance and parking
- Severe impact to highway safety including existing poor visibility, insufficient parking
- Increase in road traffic down narrow residential streets
- Public Transport not adequate in the area to serve the site
- Residents parking scheme required
- There are more appropriate/better site elsewhere within the town
- Impact to services provided e.g. patient care
- The existing Poplar House surgery should be upgraded
- What other development will this lead to?
- A new pharmacy outside the site will create further highway problems
- There is an existing pharmacy on site
- The consultation undertaken by the Council has been misleading and incomplete

A letter from Mark Menzies MP has been received in support of the objections raised.

A petition in support of the proposal has been submitted containing 1,196 signatures. This has been collated by the Poplar House Surgery and is headed *“Do you support the Practice relocation into the new Primary Care Centre located at Durham Avenue? Please sign below if you support the proposal”*.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
CF01	Provision of community facilities
TR10	Car park design

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

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The application comprises of several elements, two of which are retrospective: the use of the second floor and the extension of the car park on the Stephen Street side with the proposed roof lift to the building as the non-retrospective works.

For clarity the relocation of the Poplar House surgery into the existing building (on the ground or first floor) is not a change of use as the use class would remain D1 and there are no restrictions, via

planning conditions, on the number of surgeries that can be operated within the building. However as works are required to extend the floor area of the building to allow this surgery to become established then this intensification of the use of the site forms part of the assessment of this application. Therefore the main issues regarding this application are:

- The principle of the development
- Design and impact to visual amenity
- Impact to neighbouring residential amenity
- Impact to highway safety

#### The principle of the development

The National Planning Policy Framework (NPPF) sets out the core planning principles for any proposed development with the underlying thread being a presumption in favour of sustainable development. The application site lies within the settlement boundary of St Annes as defined in Policy SP1 of the adopted Fylde Borough Local Plan. Therefore subject to other relevant planning policies the general principle of development within settlements is considered acceptable.

Being a Medical Centre the site is deemed to be a community facility and as such the main policy that is relevant to this application is Policy CF1 (Provision of Community Facilities) of the Fylde Borough Local Plan. Policy CF1 generally seeks to support the provision, extension or improvement of community services provided that they meet the criteria laid down in the policy which are:

- The development is located within a settlement except where necessarily required to provide a service to a rural area;
- The development is appropriately located having regard to adjacent land uses and would not prejudice residential amenity;
- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area;
- Adequate vehicular access, parking, loading and manoeuvring area for vehicles can be provided;
- Satisfactory foul and surface water drainage disposal arrangements can be provided.

Subject to the development proposals satisfying these criteria the application should be considered as acceptable in principle.

Comments have been received raising doubt over the appropriateness of the site for the extension and additional surgery, and that other sites were more suitable. The suitability or otherwise of alternative sites for housing this surgery carries no weight in the assessment of this application. The matter to consider is whether this site is suitable for the location of the additional surgery, whether the extension to accommodate it is acceptable, and whether there are any infrastructure or other reasons why this proposal is not acceptable. The application site is a current fully functioning Medical Centre which has an easily identifiable location. Furthermore the development would be an addition to a purpose built medical unit and its location close to public transport means that its location is sustainable and accessible due to it being located close to the Town Centre.

#### Design and impact to visual amenity

The proposed roof lift will result in a building that will be 2m taller than the existing with the foot print of the building remaining the same. The existing building is substantial in size at around 11m to ridge, and although the resulting roof will be higher the increase is not considered so great that the general nature, scale, form and appearance of the building will significantly alter when viewed in



that context. The increase of 2m will not result in the addition of an extra storey and the resulting building will therefore not appear incongruous in its setting or the wider area.

This setting is a particularly urban one, with various non-residential buildings running alongside the railway line that are taller and larger in their bulk than this building and the residential properties that they sit alongside. These buildings do contribute to the overall character of the area and the Medical Centre is considered to be one these larger buildings. Currently views of the building can only be clearly obtained up close down both Stephen Street and Durham Avenue with the building only viewed on St David's Road through the gaps between properties. Long distance views of the building can only be obtained from the bridge on St Anne's Road West and between the car park and Sainsbury's on St Andrews Road North. In these long distance views the increased height will not materially change the appearance of the building.

#### Impact to neighbouring residential amenity

Criterion 2 of Policy CF1 of the Fylde Borough Local Plan seeks to ensure that development of community facilities does not prejudice residential amenity. The proposed roof lift will result in an increase in height of the eaves and ridge of the existing three storey part of the building by 2m. This increase in height will have an impact to the adjacent neighbouring residential properties on both Durham Avenue and Stephen Street in particular No.9 and 11 Durham Avenue, and No.4 and 6 Stephen Street. The nearest part of the Medical Centre is 9m away from the rear garden of No.4 Stephen Street, the closest property, and 10m away from the rear garden of No.9 Durham Avenue.

The orientation of the properties on Durham Avenue means that in terms of loss of light the impact will be in the later hours of the day and unrestricted light will be received for large periods of the day. The impact to the properties on Stephen Street will be more severe as they are located to the northeast of the three storey part of the Medical Centre. It is acknowledged that some overshadowing will already occur from the existing building however it is considered that the increase in height of 2m will not significantly alter the existing impact to a point that there would be a discernible difference.

The increase in the mass of the building will create additional overbearing however as concluded above, the increase of 2m in height, when taking into account the size of the existing building, will not appear so great that the additional overbearing would be unacceptable. The building will remain three storey and the nature of the roof will appear the same i.e. a gable ended pitched roof.

Therefore in terms of impact there will be an increase in overbearing and loss of light, however whilst it is acknowledged that there will be an impact to the neighbouring properties, taking the above into account, it is not considered so detrimental that it is deemed unacceptable. Although the increase in height will affect the views from some nearby properties loss of view is not a material planning consideration and therefore carries little weight in this assessment.

The proposal also results in the addition of new windows that would face the nearest properties on Durham Avenue and Stephen Street. This could lead to an unacceptable level of loss of privacy to these dwellings as a result of the change of use of the second floor to offices. This however can be mitigated by the use of an appropriate condition to ensure the windows are obscure glazed thus protecting the privacy of the nearby properties.

With regard to the other nearby and adjacent properties on Durham Avenue and Stephen Street it is considered that they are orientated and spaced sufficiently away from the building that there will be no detrimental impact.

The extension to the car park does not create an unacceptable impact on the adjacent neighbouring properties due to the nature of the development i.e. no construction of buildings or high means of enclosure.

It is considered that the proposed development complies with criterion 2 of Policy CF1 of the adopted Fylde Borough Local Plan.

#### Impact to highway safety

The application site is located close to public transport routes and is within walking distance of many residential properties in the surrounding area. Many of the residents that live on Durham Avenue and Stephen Street have raised concerns that the proposal will lead to increased traffic problems, in particular through users of the medical centre parking on both roads instead of using the car park. In addition to the guidance set in the JLSP the highways surveyor has carried out a TRICS database assessment of the development to consider car park accumulation during a typical day to ensure that during general usage the car park is of a sufficient size not to have impacts on the surrounding highway. The result of this assessment is that the car park is of a sufficient size and that there will be some spare capacity during the day. Whilst it is acknowledged that some users may park in an inconsiderate manner down either road this concern is out-weighed by the result of the TRICS assessment and the overall public benefit the development will bring in terms of a sustainable community facility. The designation of residents parking down either road is a matter for Lancashire County Council and is considered a separate matter to this application.

As part of their assessment process Lancashire County Council Highways have provided detailed views on the adequacy of the parking arrangements, supported by a number of visits to the site at different times of the day. They have used the Joint Lancashire Structure Plan Parking SPD to assess the appropriateness of the scheme in terms of parking standards in the absence of any formally adopted local guidance or policy.

Many of the residents that have written to the council concerning this application have expressed reservations about the available parking area at the site being suitable to support the additional surgery that this development will bring to it. When the Fylde Borough Local Plan was adopted Policy TR9 was included to provide guidance on 'Car parking within New Developments', with a supporting appendix listing the standards that were to be sought. When that Plan was 'saved' in 2009 this Policy was excluded from the list of saved policies as they promoted the imposition of maximum levels of parking rather than minimum levels of parking, and so were not in line with national planning guidance at that time. Therefore the parking standards used in the original assessment of 07/1212 can no longer be applied in the same manner.

The proposal will result in the use of the second floor for office space as well as an increase to the second floor space. When originally granted planning consent under application ref: 07/1212 the second floor was conditioned to be used as storage only. This was due to the concern the use of the second floor for any purpose other than storage would create parking issues detrimental to the highway. Therefore the addition of the condition was intended to ensure a satisfactory impact to the highway. However this assessment was based on Policy that is no longer relevant.

The LCC highways surveyor assessed the scheme in terms of the proposed site plan (and the indicated parking provision) along with the increase in floor space and the addition of the 6 consulting rooms and 14 staff that the Poplar House surgery consists of.

The proposed roof lift along with use of the second floor as office space will allow for the relocation of the Poplar House surgery into the building which would result in the building as a whole providing 18 consulting rooms and 46 staff and 893 square metres of office space on the second floor. The guidance set in the JLSP calculates that for a Class D1 use (Clinics, Health Centres etc) development should provide 4 parking spaces per consulting room, and with Class B1 use (Offices) 1 space should be provided for every 35 square metres of floor space. The LCC Highways surveyor using the guidance set in the JLSP calculates that on the basis of the above figures 96 parking spaces would be required for the resulting building. This is broken down into 72 spaces for the surgeries and 24 spaces for the second floor offices. The car park with the proposed additional 6 extra spaces would provide 131 parking spaces and therefore provides more spaces than the guidance requires.

Following a site visit with the highways surveyor it was identified on site that traffic flow within the site was restricted due to the presence of bollards effectively splitting the car park in two. In order to ensure proper and appropriate use of the car park the bollards should be removed to allow users of the site, both public and staff, to park on either side of the building. This will also allow users to move from one side of the car park to the other without needing to leave the site and this should deter drivers from parking outside the site or re-entering the highway to get to the other side of the site.

The car park provides three separate areas for cycle parking and 15 mobility parking spaces. This provision is considered acceptable for the purposes of the site.

The previous applications mentioned above (09/0453, 09/0454 and 11/0079) were subject to S106 agreements, albeit not completed, which sought contributions towards improving public transport. No such request has been made by LCC highways department as Policy TR9 of the Fylde Borough Local Plan is no longer relevant and it is considered under current guidance that the parking and transport implications of the development are acceptable without any such agreement being necessary.

#### Other matters

Within the letters of objection there were numerous other issues that were raised as matters of concern.

The method of construction and the lack of a business continuity plan are not material planning considerations. Whilst important, the appropriate method and means of construction falls under the remit of Health and Safety and it is the contractors responsibility to ensure all legislation and guidance is adhered to at all times.

The design and access statement submitted makes a passing reference to the relocation/creation of a new pharmacy near the Medical Centre. The proposal does not include an off-site pharmacy and therefore does not form part of this assessment or subsequent recommendation. The relocation/creation of the new pharmacy outside the application site would require a separate planning application which would be assessed on its own merits.

The resulting quality/level of patient care provided at the site as a result of the development is not a material planning consideration. The quality/level of patient care and the standards that should be applied is a matter for the NHS and other relevant parties/bodies.

The existing Poplar House surgery has been assessed by the NHS Critical Commissioning Group, and deemed unsuitable for continued use as a Medical Practice. The ability for it to be upgraded to

acceptable standards is not a material consideration to this application as it does not form part of the application site. In addition the suitability of the existing site and whether it can be upgraded is a private matter between the relevant parties.

In terms of future development on the site, any additional works or development that would require planning permission would be subject to the full detailed assessment by the Local Planning Authority. The potential for further development cannot be a material consideration in the assessment as this is an unknown and planning assessments can only be made with appropriate submitted detail.

The consultation process undertaken by the Council was carried out in the form of site notices and letters. The site notices were displayed on lamp post in three locations, on the corner of Durham Avenue, the corner of Stephen Street and on St David's Road North between Stephen Street and Durham Avenue. These three locations were deemed appropriate as it was considered they would be seen by the most people passing them. Letters were sent to all the residential properties on Durham Avenue and Stephen Street, No.27-43 St David's Road North as well as Ashton Garden Court on the south side of the Railway line. The level of consultation carried out is considered appropriate for the nature of the proposal.

### **Conclusions**

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices and the extension of the existing car park through the demolition of a dwelling.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting car park with 131 spaces is considered large enough to accommodate both staff and members of the public. This conclusion is based on the guidance for parking standards set in the Joint Lancashire Structure Plan and a TRICS database assessment for Medical Centres of this type and size.

Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is 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 beginning with the date of this permission.

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23 December 2015, including the following plans:

1840-01-02 Rev A - Proposed site plan  
1840-01-09 Rev A - Proposed elevations sheet 1  
1840-01-10 Rev A - Proposed elevation sheet 2  
1840-01-05 - Proposed second floor plan sheet 1  
1840-01-06 - Proposed second floor plan sheet 2  
1840-01-11 - Existing and proposed roof plan

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building.

4. The proposed windows shown coloured red on the approved plan shall be glazed with obscure glass to a level of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

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

5. Prior to the first use of the extended additional office space on the second floor, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Full Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

To promote and provide access to sustainable transport options.

6. Prior to the first use of the extended additional office space on the second floor a Car Park Management Plan (including the removal of bollards and addition of directional signage) shall be submitted and approved in writing by, the local planning authority. The provisions of the Car Park Management Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

To ensure that the car park operate efficiently and safely without the development having an unacceptable impact on the local highway network.

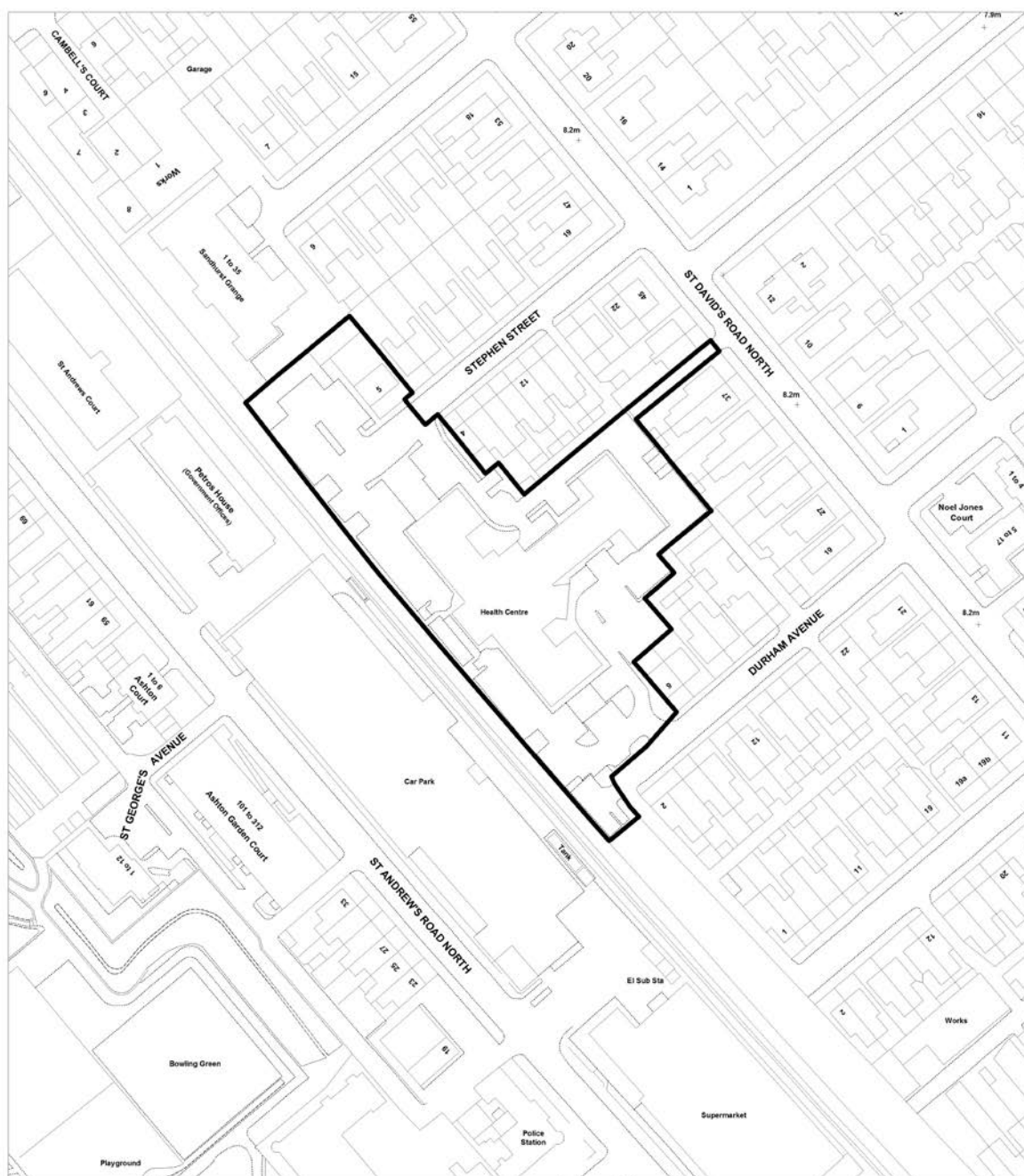
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 2015 [or any subsequent legislation that replaces or supersedes that Order], the 2nd floor

of the Medical Centre shall be used solely as ancillary Class B1 office space and shall not be use for any other purpose.

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

8. Within 3 months of the date of this permission details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail). The agree details shall be implemented in full and retained thereafter.

To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0902	Address St Annes Medical Centre, Durham Avenue, Lytham St Annes	Grid Ref. E.3321 : N.4291	Scale 0 6 12 18 24 m 

**Item Number:** 13

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	16/0011	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Nicholson	<b>Agent :</b>	PINDER DAWSON ASSOCIATES
<b>Location:</b>	10 SELBY ROAD, KIRKHAM, PRESTON, PR4 2JT		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR FORMATION OF DORMERS TO BOTH SIDE FACING AND REAR FACING ROOFSLOPES OF BUNGALOW		
<b>Parish:</b>	KIRKHAM NORTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		
<b>If viewing online this is a Google Maps link to the general site location:</b>			
<a href="https://www.google.co.uk/maps/@53.7848303,-2.8875959,140m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7848303,-2.8875959,140m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

The application property is a detached bungalow property located within a residential area of similarly designed properties in the settlement area of Kirkham. The application is submitted retrospectively and relates to large box dormers that have been constructed around the rear and both side facing roofslopes, The resultant space is not clearly laid out on the plans, but it is understood that this is intended to be used for potential future accommodation by a carer if required to provide for the needs of the current occupiers of the dwelling.

The dormers are particularly poorly designed in respect of the dwelling and its surrounding neighbours and are of a scale that totally dominates the dwelling to the detriment of its appearance and to the wider streetscene.

Whilst the need to undertake alterations to buildings to provide for essential care requirements is a material planning consideration, and is one that has been considered here, it is given lesser weight due to the dormers only being required to provide for a potential future carer accommodation rather than an existing actual care need. As such it is not considered that this potential need can outweigh the undoubted harm that is caused by the scale and design of the works and so the application is recommended for refusal as being contrary to Policy HL5 of the Fylde Borough Local Plan.

**Reason for Reporting to Committee**

A ward councillor (Cllr Oades) requested that the application be presented to Committee on the basis of there being 'exceptional grounds' with the application.

**Site Description and Location**



The application site is a detached bungalow dwelling located within a residential area of Kirkham that is characterised by dwellings of a true bungalow design.

### **Details of Proposal**

This application seeks retrospective planning permission for the retention of dormers to both side facing roof slopes and the rear roof slope. The property as built had a simple rectangular form and a hipped roof around all four corners of the roof. The dormer extends for a width of 7.5m across the full rear width of the dwelling from a position that is midway between the eaves and the ridge and then rises to a point slightly above the ridge to the dwelling. This dormer then extends around both sides of the property for a forward projection of 5.8m which takes it to a point just to the front of the junction of the hips with what would have been the front ridge line to the dwelling. It has a flat felted roof and is clad in dark brown tiles. Opening windows are provided to the rear and both side elevations. The application form advises that the works were completed in mid-December 2015,

The application is supported by a Design and Access Statement which argues that the dormers have an external volume of 52m<sup>3</sup> which is only marginally over the 50m<sup>3</sup> that could be constructed as permitted development. This document also makes reference to 2 other dormers that are visible in the local area.

An email has also been received in support of the application from Lancashire County Council's Social Care team. This explains that *"I can confirm that the 2 adults residing at 10 Selby Rd, Kirkham, have learning disabilities, which they have had from birth. Both gentlemen have complex health, social and behavioural support needs, they are both in receipt of formal support to meet those needs on a daily basis.*

*From my knowledge of the 2 occupants and from my experiences of working with people with a learning disability I can confirm that the addition of a dormer extension will benefit the occupants now and in the future. The support needed by both gentlemen is complex and likely to increase as they grow older, the extension allows the support to be provided in a more appropriate way and provides space for support staff to sleep overnight. This will improve the health, safety and wellbeing of the 2 gentlemen."*

### **Relevant Planning History**

Application No.	Development	Decision	Date
13/0289	PROPOSED DORMERS TO SIDE ELEVATIONS	Withdrawn by Applicant	10/06/2013

### **Relevant Planning Appeals History**

None

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

Kirkham Town Council notified on 28 January 2016 and state:

*"Kirkham Town Council have no objection to application 16/0011 and recommend approval."*

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

N/A

## **Neighbour Observations**

**Neighbours notified:** 28 January 2016  
**Amended plans notified:**  
**Site Notice Date:** 10 February 2016  
**Press Notice Date:**  
**No. Of Responses Received:** Two letters of objection  
**Nature of comments made:**

- The dormers are overbearing and visually dominant structures that are out of scale with the property and the adjacent streetscene
- The works lead to overshadowing of neighbouring dwellings
- The position of windows around allows direct overlooking to neighbouring gardens and dwellings

## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions

### **Other Relevant Policy:**

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

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The principle issues to consider in the assessment of the merits of the application are contained in the criteria of policy HL5 of the Fylde Borough Local Plan which deals with extensions to residential properties, and the council's Residential Design Guide

### **Design, scale and appearance**

Design Note 6 of the Design Guide advises that dormers can have a considerable impact and so should be sized so that they sit well within the body of the roof on which they are located, should not occupy an area greater than 35% of the roof area, should have a pitched roof, and should be finished in materials to match the existing roof. In this instance both dormers fail to accord with all these SPD criteria.

The flat roofed design and scale of the dormers to wrap around the whole of the rear and much of both sides of the bungalow is particularly unsympathetic and uncomplimentary to the design and appearance of the original bungalow. The overly large scale dominates the whole appearance of the property from any available aspect, be it a public from the streetscene or a private view from

neighbouring dwellings.

The property is one of a large number of similarly designed and scaled true bungalows in the surrounding area that benefits from a pleasant suburban character by virtue of the low scale and simple design of the properties. It is an area that has seen very few visible changes since first development and this ensures that the unattractive dormers at this property are particularly harmful to that character. The development clearly fails to accord with criterion 1 of policy HL5 of the Fylde Borough Local Plan which requires that extensions are of a scale, design and external appearance that is in keeping with the existing building and does not adversely affect the streetscene.

#### Neighbour amenity

The dormer features windows in all elevations. The single window in the north facing side dormer is obscurely glazed with a restricted top opening. This window faces towards the rear garden area of No.41 Marquis Street and whilst it is obscurely glazed the restrictive opener can be readily defeated and thus it introduces a potential for overlooking of the rear of No.41. However as this window serves a bathroom it is not considered that the potential for overlooking is so great as to justify a refusal of permission.

The single window in the south facing side dormer is also obscurely glazed but has a side hung opening design with a restrictive opener. This window faces onto the roof area of the neighbouring property, No.8 Selby Road, and thus has minimal potential for overlooking of No.8.

With regard to the rear facing dormer this has two windows, both of which are clear glazed. The left hand window provides unrestricted views into the rear garden area and rear conservatory of No.1 Eaton Place and the rear conservatory of No.2 Eaton Place, both of which lie to the rear of the application property, with the dormer positioned around 10m from the rear boundary of the application property. At this separation distance and relationship the level of overlooking into these two properties is considered to be unacceptably detrimental to the amenity of their occupiers, contrary to criterion 2 of policy HL5 of the Fylde Borough Local Plan which requires that the amenity of adjacent and nearby residents are not unduly prejudiced by the loss of privacy or light, or by the creation of dominant or overbearing development.

#### Garden area, off street parking and vehicle access

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

#### Retrospective Development

The fact that this development has been commenced and completed prior to the submission and so determination of this application can have no bearing on the decision over its acceptability, which must be made on the basis of development plan policy and any other material considerations.

#### Permitted Development

The application argues that the proposal is of a scale that is beyond the 50m<sup>3</sup> maximum that can be built using permitted development rights, but at 52m<sup>3</sup> is only marginally over that allowance.

The right in question is Class B of Part A to the General Permitted Development Order 2015 which allows for additions to the roof of a dwelling subject to a series of criteria. One of which is the volume of extensions, which it is acknowledged is breached here. Another is that the addition cannot exceed the ridge height to the original dwelling, which is also breached. These developments must also feature non-opening windows with obscured glazing below 1.7m in height measured internally, and this is not the case here.

As such the dormers do not constitute permitted development and planning permission is required for their construction. They could conceivably be altered to comply with those size requirements, but the only matter for consideration here is the dormers as they currently exist which are of a scale that clearly require planning permission.

#### Welfare Considerations

Discussion with the applicant's agent and correspondence from Lancashire County Council reported in the Proposals section to this report confirms that the current occupiers of the property have particular welfare requirements by virtue of their disabilities. This is a material consideration that can be considered in the determination of the application. However, officer advice is that the weight to be given to it is limited for the following reasons:

- The dormers are not to assist the current occupiers with their current care needs as these are currently met within the ground floor accommodation that is available at the property
- The dormer is intended to provide a future opportunity for an overnight carer to be present at the property, but there is no indication that this is to be required in the short-term
- Should the situation arise that their current care needs change then there is no indication that the provision of additional accommodation of the scale and location that is provided by this dormer is the only or best solution to these changes in care provision as it may be that such care is required within an alternative residential setting
- Should the current provision of their care cease for some reason then there is no indication that the accommodation provided by the dormer is the only or best solution to providing that care at the property.

It is therefore considered that there is no essential requirement for these dormers to provide for the current care needs of the occupiers of the property. As such this does not represent a material consideration to be given any significant weight in the determination of the application.

#### Conclusions

Having regard to all aspects of the application it is considered that the level of visual harm caused by the dormers to the appearance of both the street scene and the dwelling, together with the harm caused by overlooking of neighbouring properties, outweighs any social care benefits. The development clearly fails to accord with criteria 1 and 2 of policy HL5 of the Fylde Borough Local Plan and the application is recommended for refusal.

#### Recommendation

That Planning Permission be REFUSED for the following reasons:

1. By virtue of their scale, design and finished appearance the dormers present an incongruous addition to the dwelling that is unacceptably detrimental and harmful to the character and appearance of both the dwelling and the wider street scene. As such the development fails to accord with criterion 1 of policy HL5 of the Fylde Borough Local Plan and paragraph 64 of the NPPF
2. The windows in the rear facing dormer allow an unacceptable level of overlooking of the rear garden and conservatory of No.1 Eaton Place and the rear conservatory of No.2 Eaton Place resulting in a loss of privacy and amenity for the occupiers of these properties. As such the development fails to accord with criterion 2 of Policy HL5 of the Fylde Borough Local Plan and paragraph 17 of the NPPF



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Application No. 5/16/0011	Address 10 Selby Road, Kirkham	Grid Ref. E.3416 : N.4324	Scale 0 6 12 18 24 m

**Item Number:** 14

**Committee Date:** 16 March 2016

<b>Application Reference:</b>	16/0047	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Progress Business Park	<b>Agent :</b>	Lea Hough Chartered Surveyors
<b>Location:</b>	UNIT 11/11A, PROGRESS BUSINESS PARK, ORDERS LANE, KIRKHAM, PRESTON, PR4 2TZ		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF UNIT FROM GENERAL INDUSTRIAL USE (CLASS B2) TO MIXED USE AS CAFE (CLASS A3), GYM (CLASS D2) AND BEAUTY SALON (SUI GENERIS USE) AND FOR INSERTION OF GLAZED FRONTAGE		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Not applicable		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7800121,-2.878617,290m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7800121,-2.878617,290m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to an existing employment unit on Progress Business Park, which is a former mill site now converted to a range of office and other employment units in Kirkham. The application is a retrospective one and relates to the change of use of the unit to a café, gym and beauty salon that are primarily associated with providing facilities for the staff at Inspired Energy, which is a large employer on the site (with around 165 staff) and operator of the café / gym / salon facility. Planning permission is needed for this as the facility operates from a separate unit to the main Inspired Energy operation and is available for use by the general public.

The site is located outside of the town centre where such uses are promoted, and with the Business Park having an allocation for employment purposes under the Fylde Borough Local Plan the uses are in conflict with that Policy. However, it is clear that the limited scale of the businesses, both physically and as a proportion of the overall employment on the site by Inspired Energy, that they serve as little more than a staff canteen facility. The Town Council have expressed concern that their presence is in competition to businesses located within the Town Centre and so could potentially harm the vitality of that Centre, but at the scale involved this is not considered to be a particular concern. Moreover, the café/gym/salon provide facilities that will help Inspired Energy attract and retain staff at the site, with many of these staff being locally based and / or also supporting businesses in the Town Centre for other needs.

There are also staff employed in the businesses and it is considered that these factors outweigh the conflict with Policy EMP2 of the Fylde Borough Local Plan. Accordingly the application is recommended for approval with conditions imposed to ensure that the operation is limited to day time / week day use so it operates alongside the trading hours of

Inspired Energy.
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### **Reason for Reporting to Committee**

As the officer recommendation is for approval and the Town Council have raised objection it is necessary for the application to be determined by the Development Management Committee.

### **Site Description and Location**

The application refers to Unit 11/11A at Progress Business Park which is a converted mill complex off Orders Lane in the defined settlement area of Kirkham. The site contains a series of buildings, mainly of a brick construction and single storey, with areas of hard standing around providing car parking and manoeuvring space. The site is in use as a series of employment uses with some of these being offices but the majority being storage, manufacturing, car repair, distribution, etc. uses that fall within the lawful B1, B2 and B8 uses that the site as a whole benefits from. The site is allocated as an existing industrial area on the Fylde Borough Local Plan, as altered (October 2005), with that policy supporting the retention of those use classes.

The largest employer on site is Inspired Energy who have grown to occupy a number of units adjacent to the site entrance from Orders Lane. They operate a call centre style business which secures reduced energy prices for customers through collective bargaining with suppliers, and have grown from a handful of staff at the turn of the century to employ 165 on the site at present. That growth has been accommodated by expanding into adjacent units on the site and by making more efficient use of the internal space within those units, partly through the removal of the individual kitchen and toilet facilities that they were provided with when available for individual let.

Unit 11 and 11A is situated on the south side of the main access road into the business park adjacent to the Inspired Energy and is approximately 350m<sup>2</sup>.

The Progress Mill site is around 150m from the edge of the defined Town Centre, and has predominately residential properties around it.

### **Details of Proposal**

The application is submitted retrospectively and relates to the conversion of the two connected units to form a café, gym and beauty salon. The café element is located to the front of the unit facing the main Inspired Energy premises and has had the previous roller shutter doors replaced with a full height glazing frontage. This provides seating for around 30 customers.

To the rear of this is a gym which has a separate external doorway. The gym contains 4 running machines, 2 cross trainers, 2 rowing machines, 4 spinning bikes, 3 training stations and some free weights. Within the gym is a small beauty salon offering nail services and other treatments at 2 tables.

The application is supported with a Planning Statement which runs through the history of the site and argues that permission should be granted on the following grounds:

- Weight – It argues that the Local Plan and so Policy EMP2 are dated and the time since its adoption has seen a significant change in planning guidance and the global/national/local economy.

- Marketing – The site has a range of units available so the loss of this one is not preventing traditional employment from establishing at the site
- History – There has previously been planning permission for a café on the site which dates from 1995 but closed some time ago.
- Other Retail – There have also been more recent retail permissions on the site (Note: This is not strictly correct as the permission quoted included retailing that was ancillary to employment use only)
- Job Creation – The use employs 9 staff but prior to it commencing in 2014 the premises was vacant for 2 years, and prior to that employed just a single person as a computer repair business.
- Users – The use of the facilities is focused on Inspired Energy staff, with use by other businesses within the Park very limited, and by those from off-site even more so.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0668	RESUBMISSION OF APPLICATION 14/0366 FOR CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Refused	05/11/2014
14/0366	CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Withdrawn by Applicant	13/08/2014

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0668	RESUBMISSION OF APPLICATION 14/0366 FOR CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Dismiss	07/07/2015

The appeal examined the café element only and was dismissed on the basis that the council's Employment Land and Premises Study 2013 identified there was a continuing need for employment units of this type across the borough, and that the change of use to a café would have a harmful effect on the supply of employment land within the borough that was not outweighed by the benefits that were presented by the applicant at that appeal – principally the employment provided in the unit as a café and the availability of other units on the Business Park to meet any demand. As this is a recent appeal relating to the same use on the same site, it is a powerful material consideration in the assessment of the current application.

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

**Kirkham Town Council** notified on 27 January 2016 and comment that they object stating:

*“Setting up of a retail element within a business park when there are adequate facilities in the town centre will have a detrimental effect on the high street.”*



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

None to report.

## **Neighbour Observations**

**Neighbours notified:** 27 January 2016  
**Site Notice Date:** 27 January 2016  
**No. Of Responses Received:** 1

This letter is from a neighbour to the site and refers to changes in the operation of the site that have led to disturbances to neighbouring amenity, rather than the subject application. The issues raised include: increased litter, increased noise pollution, the use of the site by youths and speeding cars in the evening, the lack of any security gate, etc. They add that the Mill Lane development is more appropriately located for employment development.

## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

EMP2 Existing business & industrial uses

### **Other Relevant Policy:**

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

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Policy Background**

The site is designated as an Existing Employment Area under Policy EMP2 of the Fylde Borough Local Plan. This states that *“Land in Class B uses will be retained in that class.”* It also designates uses to the various employment sites allocated across the borough with those for the Progress Mill site being Class B1, B2, and B8. As this application involves a move away from those uses the scheme is in conflict with that Policy.

As members are aware the Revised Preferred Option of the Fylde Local Plan to 2032 has recently completed a consultation phase. That document refers to Progress Mill under Policy EC1 which states that *“Within the existing business and industrial areas, listed below, land and premises in Class B Business and Industrial uses will be retained in that use class unless it is demonstrated to the satisfaction of the Council that there is no reasonable prospect of the site being used for employment purposes.”* Progress Mill is listed as being retained in B1, B2 and B8 uses and so the application is in conflict with this emerging Policy, although limited weight can be attributed to this at this time.

Finally, the NPPF promotes economic growth as an important aspect of sustainable development. Further, Para 22 refers to local planning authorities avoiding the long-term protection of sites allocated for employment uses where there is no prospect of that use coming forward. That argument is not made here as there is clearly an active employment use across the site, although for

various reasons there are a number of vacant units on the site with this particular unit being vacant for 2 years prior to the café opening.

#### Assessment against Development Plan

The uses involved in this application are not ones that fall within class B1, B2 or B8. All are uses that would be more appropriately located in a town centre, and it is clear that a strict following of Local Plan policy would see the application refused due to the conflict with development plan policy. The café and salon elements are town centre uses and so the establishment of them in locations outside of the town centre will compete with those in that location and so potentially weaken the vitality of that Centre.

The gym is a use that can be found in a town centre, but is also found in out of centre locations and does not raise any concerns on this basis, particularly as there are not understood to be any gyms located within Kirkham town centre.

Planning legislation requires that applications are determined in line with the development plan unless there are material considerations which dictate otherwise and so outweigh the Local Plan policy position. These are addressed in the following sections of this report.

#### Scale of Use

The units involved in this application are physically limited in scale. The café offers seating for around 30 at tables and a pair of sofas, with the gym catering for no more than 20 users at any one time, and the salon for up to 3 customers. At officer site visit undertaken at mid-morning there was a single café customer, a single gym user and the salon was closed.

The physically limited scale must limit any adverse impact that it could have on the existing cafes and salons that are located in the town centre.

#### Location of Use

The premises are located within an industrial estate location where they do not present as an obvious location for a café or beauty salon to be found. This must restrict their attractiveness to customers from off the Business Park, and so the level of real competition that they provide to those uses that are in a town centre location.

#### Link to Inspired Energy

This is seen as a critical issue by the applicant who refers to the role that these supporting services provide to the main Inspired Energy operation. The café was first introduced as that business decided to address part of its needs for more space to accommodate the business growth by removing the various kitchen facilities from within their offices and site them in this central 'works canteen' facility, which due to the arrangement of premises on the site is in a separate unit and so needs planning permission. In the majority of offices of this nature there would be a canteen in part of the building that provided that function and so would not require permission as it was ancillary to the main use even if it were to be open to external customers.

The Inspired Energy business has grown rapidly in recent years, and so has needed more space to provide for the growing employment. This space has been provided by extending and refurbishing adjacent units and so they are now a key tenant on the Progress Mill site and so support its retention as a location for start-up businesses to locate. As Inspired Energy has grown it has brought obvious benefits to the local economy through the wages that are paid to staff (many of whom live locally) and the expenditure that they will make in the local economy that is not related to the café/gym/salon uses available on this site. Whilst no statistics are presented to support this

position it is clear from viewing operations on site that the café principally supports the catering needs of the Inspired Energy staff, with some use by others from the Business Park.

The availability of the café/gym/salon facilities as a support to the staff at Inspired Energy is an important consideration in the assessment of this application given the importance that this business has to the trading position of the Progress Business Park and to the local economy.

#### Other Matters

The beauty salon element is located within the gym unit and does not have any external doorway. This is a common arrangement with uses of this nature which are often found alongside crèches as ancillary facilities to modern gyms. As such its use is entirely ancillary to the gym element of the proposal and so any harm that the establishment of a use of this nature in an out of centre location cannot be given any weight.

To facilitate the café and gym/salon uses the industrial units have been altered internally, and have had their industrial doors removed and glazing panels inserted to the frontages. These are of a suitable design and do not lead to any particular concerns.

Given the limited scale of the uses and that the vast majority of their users are on the site anyway there are no material impacts on access and parking arrangements. In any event there are extensive areas of parking available around the site and so this is not an issue, with the lawful employment uses likely to generate additional movements and parking needs than the uses proposed here.

The buildings are positioned relatively centrally on the site and so the use as a café and gym/salon will not lead to any amenity issues through the level of use, noise or odour.

Planning conditions are proposed to limit the extent of the use to daytime only when the Inspired Energy business operates.

#### Conclusions

The application relates to the retrospective change of use of two employment units within the Progress Business Park at Kirkham to a café and gym/salon respectively. This use is in conflict with the adopted and emerging Local Plan policies which seek to retain the site in Class B uses. However, it is considered that there are sufficient material considerations to outweigh that policy conflict and accordingly the application is recommended for approval. These considerations are:

- The scale of the units is physically limited, and so this reduces the potential scale of the use within them and the impacts it could have on the town centre
- The location of units is within an active employment site which is unattractive for off-site visitors looking for a cafe
- The café operates in a way that its principle purpose is to support the employment at Inspired Energy, and it is only through the facility being located in a separate unit rather than part of their business use that means it needs planning permission.
- The existence of a café/canteen facility is an accepted part of all businesses of the scale that Inspired Energy now is and so the positioning of this in a separate unit does not materially impact how it relates to alternative café facilities in the area.
- The gym use is not a town centre use, and is a use that is now commonly found on employment areas such as this. Any perceived harmful impact on the town centre from this element of the application cannot be given weight in the decision on the application.

- The beauty salon functions as an ancillary use to the gym, and so whilst it is a town centre use the ancillary nature of the operation in this case means that any perceived harmful impact on the town centre from this element of the application cannot be given weight in the decision on the application.
- The uses have been established as the owners of Inspired Energy see them as an important facility in the recruitment and retention of their staff. As this is an important local employer it is important that the council also supports this business in this way
- The uses proposed are narrow in their focus and with the local employment that Inspired Energy provides there must be a significant wider expenditure in the local economy from their presence at Progress Mill
- Whilst the gym and café have taken premises over that could be available for other employment uses to take, they had been vacant for 2 years prior to the current uses being established, and there remain over 20 units of various sizes available across the Business Park. The establishment of the café/gym/salon is not preventing traditional employment uses from becoming established on the site as there are a range of such premises available.
- The presence of these facilities on the site may provide an incentive to businesses to locate their rather than a competing business park elsewhere in the area
- Business Parks such as Progress Mill tend to be served by lesser quality catering arrangement, such as 'burger vans', which would have the same potential for impact on similar facilities located in the town centre but bring visual and odour amenity issues and would remove some parking areas.

It is clear from this list that there are a range of material considerations that weigh in favour of the grant of planning permission in this case. Against that is the local plan policy and the decision of the Inspector in dismissing the appeal against the café use. Having looked at these matters carefully your officers are clear in the view that the proposal is an acceptable one that will not cause any significant harm to the town centre of Kirkham, and that the presence of Inspired Energy on the site is one that should be wholeheartedly supported due to the employment and economic benefits it brings to the town, which is a point that was not brought out to the Inspector in the appeal consideration. Accordingly the application is recommended for approval subject to a condition to limit the use to those applied for and one to control the hours of operation to daytime only.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following details:

#### Approved plans:

- Location Plan - Lea Hough and Co drawing BS.14-02(B)-02
- Floor Plans and Elevations - Lea Hough and Co drawing BS.14-02(B)-02

#### Supporting Reports:

- Design and Access Statement - Lea Hough and Co

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

2. That the areas of the respective uses hereby approved shall be limited to those areas indicated as being for that use on the floor plans hereby approved under condition 1.

To retain an appropriate control over the extent and location of the uses.

3. That the hours of operation of the cafe element hereby approved shall be limited to between 0700 and 1800 hours on any day.

To provide an appropriate control over the hours of operation of this aspect of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0047	Address Unit 11/11A, Progress Business Park, Orders Lane, Kirkham	Grid Ref. E.3423 : N.4318	Scale 0 6 12 18 24 m 

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	16 MARCH 2016	5

## APPOINTMENT TO OUTSIDE BODIES/WORKING GROUPS

### PUBLIC ITEM

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

### SUMMARY

In May 2015 Council asked that the programme committees make recommendations to appointments from within their respective memberships for those outside bodies relating to the brief for the committee. This report covers those appointments that relate to the Development Management Committee.

Council will make appointments to outside bodies for the forthcoming municipal year at its meeting on 11 April 2016.

### RECOMMENDATION

The committee is invited to

1. recommend nominations to the outside bodies listed for consideration by council
2. confirm the establishment of the working groups(s) listed which will meet as and when required
3. to note the reports from members currently serving on outside bodies

### CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )	√	To Encourage Cohesive Communities ( <b>People</b> )	√
To Promote a Thriving Economy ( <b>Prosperity</b> )	√	To Meet Expectations of our Customers ( <b>Performance</b> )	√

### SUMMARY OF PREVIOUS DECISIONS

20th May 2015 - Council sought recommendations from individual programme committees as to nominations for representation.

17 June 2015 – Development Management committee nominated representatives to outside bodies

6 July 2015 – Council confirmed the nominations from the programme committees.

20 January – Establishment of, and appointment to, the Local Listings Project Board (working group).

## REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year. In an election year these appointments are made at the AGM. In non-election years, these appointments are made at the last Council meeting of the municipal year. In May 2015, the Council deferred the decision to appoint to *'.... allow the various programme committees the opportunity to recommend appointments from within their respective memberships for those outside bodies relating to the brief of their committee'*.
2. The Council needs to make appointments to outside bodies at its meeting on 11 April 2016 for the forthcoming municipal year 2016/17. Nominations are sought from the programme committees for representatives to the outside bodies.
3. This report deals with the outside bodies that relate to the terms of reference for the Development Management Committee. The first table below includes the name of the body/group, the role/purpose and which elected member currently represents the Council. The committee is invited to recommend nominations for consideration by Full Council.
4. Under the previous governance arrangements there existed the facility through scrutiny for members to establish specific task and finish working groups to look in some depth at particular issues and make recommendations to Cabinet. With the adoption of the new governance arrangements that is no longer possible. However programme committees may wish to establish their own subject specific working groups to be set up when required in order to advise the parent programme committee on a particular topic/issue.
5. The second table below lists those working groups that relate to the terms of reference of the Development Management Committee that are currently established. The establishment of working groups is within the responsibility of the individual programme committees and does not need the approval of Council.
6. It is important that the members nominated to represent the Council on outside bodies/working groups have an appropriate interest in the body/partnership/subject, can commit to positively represent the Council and be available to commit the time to attend the majority of the meetings involved.
7. The members nominated should ideally be a member of the programme committee to which the matter relates to.
8. The current protocol is that members are required to produce regular reports about the outside bodies on which they serve, currently every six months. It is the intention that this information will be made available to the programme committee members to which the external partnership relates.
9. The conclusion of any working group would be brought to committee in a formal report as previously occurred in scrutiny.



Development Management Committee- Outside bodies/partnerships			
Outside body / partnerships	Role/Purpose	Frequency of meetings	Current representation
Duty to Cooperate	Resolution of Cabinet 18/09/2013 - Leader of the Council appoints two members of the Council to sit on the joint member/officer Steering Group established to oversee the work under the Duty to Co-operate with neighbouring planning authorities.	When required	Chairman and Vice Chairman of Development Management Committee
Planning Education Liaison Group	To ensure liaison between Lancashire CC and Fylde BC on education issues and to ensure these are reflected in planning policy and decisions made by Fylde BC	When required	Councillor Richard Redcliffe and Councillor Linda Nulty
Blackpool, Fylde & Wyre Economic Development Company (EDC) Leader's Group	Fylde coast economic partnership established to coordinate and promote economic growth	When required	Leader of the Council

Development Management Committee– Working groups			
Working group	Role/purpose	Notes	Current representation
Local Listings Project Board	To establish a process and protocol, to be applied to compiling a local list of heritage assets including buildings. To undertake research in this regard and to make recommendations to Development Management Committee in respect of the potential for local listing and related conservation issues.	When required	Councillors Richard Redcliffe, Peter Collins and Maxine Chew
SHLAA Steering Group	To consult with relevant stakeholders to keep the strategic housing land availability assessment up to date. Two Councillors to attend in an overseeing role.	Meets when required	Councillors Peter Collins, Linda Nulty and Albert Pounder
Bryning-with-Warton Neighbourhood Plan Liaison Group	To provide input and comments to facilitate the development of the Neighbourhood Plan in line with Fylde Borough Council Policy	As required	Chairman and Vice Chairman of Development Management and Councillor Cornah.

IMPLICATIONS	
Finance	There are no implications
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	1 February 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Report to Council	20 <sup>th</sup> May 2015	<a href="#">Council web site</a>

Attached Documents  
Appendix 1 - Completed Reporting Forms

## Appendix 1

Outside body / partnerships	Report submitted?
Blackpool, Fylde & Wyre Economic Development Committee (EDC)	Nil report
Duty to Cooperate	Report submitted
(Planning) Education Liaison Group	1 report submitted

Ellie Trevor Fielder

Outside Bodies - Member Reporting Form

Councillor Name and Role on Outside Body (for example, Observer, Trustee, Director)	Nominated Councillor of the joint officer/Member Duty to cooperate
Period this report covers (date):	
Name of Outside Body:	joint officer/member Duty to co-operate
How often does the organisation meet? And how often have you attended?	For such an important body record of meetings very poor - hardly exist -
Key issues arising for Fylde Borough Council <i>Examples of issues could be those that may affect decisions regarding budget setting, challenges for residents, policy changes that affect partnership working etc</i> (continue on a separate sheet if necessary).	This body is vital if not adequately undertaken the local plan could be found <u>unsound</u> . the meeting so far arranged was cancelled by Blackpool - after we arrived at Blackpool for the meeting
Who did you inform of these issues within Fylde Borough Council?	essential requirement of the Localism Act - ENPPF
In the light of these meetings, is it worthwhile for the Council to continue to have a representative/representatives on this body?	Absolutely.
Any further comments? (continue on a separate sheet if necessary)	got to be given greater priority.

### Outside Bodies - Member Reporting Form

Councillor Name and Role on Outside Body (for example, Observer, Trustee, Director)	Cllr. Linda Nulty Member of Liaison Group for Education Planning
Period this report covers (date):	Up to 10 <sup>th</sup> February 2016
Name of Outside Body:	Education Planning Liaison Group.
How often does the organisation meet? And how often have you attended?	When needed approx twice a year. I have attended all meetings held.
Key issues arising for Fylde Borough Council <i>Examples of issues could be those that may affect decisions regarding budget setting, challenges for residents, policy changes that affect partnership working etc</i> (continue on a separate sheet if necessary).	These meetings are very important to Major Planning applications in recognising the position of the number of school places needed in different areas of Fylde and appropriate contributions needed from developments. We have discussed levels of need, levels of contributions expected and possible locations of new schools or extensions where and when they may be needed. We have a good relationship with the LCC Education Planning Officers who attend these meetings.
Who did you inform of these issues within Fylde Borough Council?	Planning officers are at the meeting and take part in discussion
In the light of these meetings, is it worthwhile for the Council to continue to have a representative/representatives on this body?	Yes definitely very important.
Any further comments? (continue on a separate sheet if necessary)	

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT	DEVELOPMENT MANAGEMENT COMMITTEE	16 MARCH 2016	6

## LIST OF APPEALS DECIDED

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The following appeal decision letters were received between 29/01/2016 and 04/03/2016.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

[List of Appeals Decided](#)

### 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

## LIST OF APPEALS DECIDED

The following appeal decision letters were received between 29/01/2016 and 04/03/2016. Copies of the decision letters are attached.

Rec No: 1

06 October 2015	13/0620	LAND ADJ TO EDENFIELD, 2a CLIFTON DRIVE, LYTHAM ST ANNES, FY8 5RX PROPOSED ERECTION OF DWELLING WITH INTEGRAL GARAGE	Informal Hearing    CK
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Appeal Decision: Allowed: 15 February 2016

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Rec No: 2

08 December 2015	15/0065	LAND NORTH OF BLACKPOOL ROAD, NEWTON WITH CLIFTON OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 55 DWELLINGS WITH ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Informal Hearing    AS
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Appeal Decision: Dismiss: 16 February 2016

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## Appeal Decision

Hearing held on 2 February 2016

Site visit made on 2 February 2016

**by W G Fabian BA Hons Dip Arch RIBA IHBC**

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

**Decision date: 15 February 2016**

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**Appeal Ref: APP/M2325/W/15/3133503**

**Land adjacent Edenfield, Clifton Drive, Lytham St Annes, Lancashire FY8 5RX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Rigby against the decision of Fylde Borough Council.
  - The application Ref 13/0620, dated 27 September 2013, was refused by notice dated 2 March 2015.
  - The development proposed is a dwelling with integral garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a dwelling with integral garage at Land adjacent Edenfield, Clifton Drive, Lytham St Annes, Lancashire FY8 5RX in accordance with the terms of the application, Ref 13/0620, dated 27 September 2013, subject to the conditions in the schedule attached at the end of this decision.

### Application for costs

2. An application for costs was made by Mr A Rigby against Fylde Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this appeal are:
  - i) whether the proposal would preserve or enhance the character or appearance of the Lytham Avenues Conservation Area, with particular regard to woodland trees subject to a Tree Preservation Order; and
  - ii) the effect on the living conditions of the adjacent residential occupant at Flat 8 St Johns Wood, 2 Clifton Drive with reference to daylight and outlook.

### Reasons

4. The proposed new two storey dwelling would be located with its rear wall in line with that of Edenfield, a large and impressive Victorian brick villa (now converted to separate apartments) at one side, and at the other side close to the boundary with the St Johns Wood apartment block, a three/four storey mock Tudor building. It would share the existing highway access from Clifton



Drive into Edenfield, with a secondary access off its driveway into the appeal site.

### **Woodland trees**

5. The appeal site and its surroundings lie within the Lytham Avenues Conservation Area, a locally designated heritage asset. The whole site is also covered by a Tree Preservation Order, TPO 2003 No.7 (Lytham). This formally designates a long thin group of woodland trees on the site (W2), stretching between Clifton Drive and the rear boundary of Edenfield (which wraps the end of the site), at the estuary foreshore. Some of the trees within this group also fall within the ownership boundary at Edenfield.
6. The Council's *Character Appraisal and Management Statement for the Lytham Avenues Conservation Area*, 1989, (CAMS) defines three sub areas of which the appeal site is within Area 1) south west of Clifton Drive and borders the sea front. *'This was originally characterised by large villas set in large landscaped grounds. Today a number of these have disappeared to be replaced by inappropriate modern multi-storey blocks of flats and individual houses of a much smaller scale.'* The CAMS then sets out that *'the visual balance still lies in favour of the Victorian villas'* but it notes that the villas face towards the sea with a more intimate scale of development along Clifton Drive, where there are *'outhouses, coach houses and later development with the original villas forming a backdrop.'*
7. This part of the conservation area is also characterised by the almost continuous high brick (and sometimes flint) wall that bounds this side of Clifton Drive as well as along the seafront onto the dunes, where it is pierced by ornate pedimented pedestrian gateways into individual gardens. The CAMS further notes the importance of *'the spaces around and between the buildings, with particularly attractive landscaped garden areas'*. Even more recent infill has taken place such as the new coach house style dwelling now reaching completion at the other side of Edenfield, which is set just behind the Clifton Drive boundary wall. This was allowed at Appeal in 2013, with a further as yet unimplemented planning permission, also allowed at a linked appeal, for another dwelling behind it.
8. Nevertheless, in the main, the original villas have not been subsumed and there is now a clear rhythm of individual large villas with varied infill between. This sub area still retains a clear and coherent character. It is an attractive enclave, defined by the encircling high boundary wall and gateways, comprising gracious seaside homes interspersed to varying degrees by attractive landscaping within gardens and by the framing trees, including the larger stands of woodland groups described above, as well as roadside trees.
9. As set out in the Statement of Common Ground, there is no dispute regarding the principle of residential development in this location, nor as to the suitability of the size, style and siting of the proposed dwelling, which are all agreed to comply with the design and conservation aims of saved policies EP3 and HL2 of the Fylde Borough Local Plan as Altered, 2005 (LP).
10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Government's National Planning Policy Framework (the Framework)

reflects this legislative duty and sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The LP policies referred to above broadly reflect the aims of the Framework in terms of the environmental role of sustainable development and the historic environment. I see no reason to depart from the Council's assessment – the proposal would replicate the existing pattern of infill and would not be at all prominent seen from either the road or the foreshore.

11. The woodland on the site is a key feature of the conservation area. This is particularly so seen from the foreshore, where even in winter it forms a distinct and striking wind-rounded group of mixed trees. These are mainly deciduous, mostly sycamores with a beech and an elm, as well as some hollies. This large group of around twenty or more trees, with another woodland group (W1) of trees also protected by the same TPO at the other side of Edenfield, frames and shelters the original villa. The trees and the villa together are a prominent and eye-catching composition – an important key vestige of the former character of the enclave. Seen from the foreshore and from the road the woodland group on the appeal site is a highly important feature and integral to the character of the conservation area. Thus the desirability of conserving its contribution to the significance of the heritage asset is of great weight in this appeal.
12. From Clifton Drive the larger mass of the trees at the rear of the site is less apparent, but a few key trees stand out at this end of the site including a 16.7m high ash, T4<sup>1</sup>, and a 10.5m high evergreen holm oak, T2. These merge with less tall hollies T1, T3, T5 and T6 around them as well as several larger hollies T7, T8 and T9 and two more substantial holm oaks, T10 and T11, further back along the northwest boundary of the appeal site. Together they form a pleasing group that is highly prominent at the roadside, in views along the street and from side roads opposite. They are a substantial and also highly important contributor to the treed appearance of the conservation area here and as such, great weight should be given to their conservation too.
13. Saved LP policy EP12 specifically seeks to protect the character, quality and visual amenity of trees, woodlands and hedgerows that make a significant contribution to townscape.
14. The central part of the appeal site, in the location of the proposed footprint of the house is open, although overgrown, mainly by a tangle of blackberries. Site levels here have been substantially reduced at some point in the past, leaving a steep earth bank between the appeal site and Edenfield, topped by a few trees, mainly cypress. Only three leyland cypress trees and a shrub would be removed to allow construction of the dwelling itself. These are T16 – T19, all classified as C3; no objection has been raised to their loss and I agree. Given their poor quality and elevated position their future life expectancy is likely to be compromised.
15. Tree roots along the bank appear to have been severed by the previous lowering of the site and several small holm oaks, probably suckered from the roots of T11, have regenerated in its vicinity. These would mostly fall within an area to be retained for shrub planting close to the proposed house and, subject to the suggested submission of a scheme of landscaping as well as

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<sup>1</sup> References and heights as shown on Tree Survey drawing LA1 rev A and schedule attached to Tree Report 20 December 2011

woodland management, secured by condition, would remain to grow naturally if appropriate. No other evidence of naturally occurring woodland regeneration was evident at the site visit or drawn to my attention within the immediate vicinity of the proposed dwelling.

16. Although the regeneration of the woodland in this open part of the site would be prevented in the long term by the proposed house and driveway, the Council acknowledged at the hearing that it would not be able to formally pursue any replanting of woodland in this part of the site. There is little to show that without active management of the woodland to promote natural regeneration there is a realistic probability that this would occur in such a way as to enhance the conservation area. It is further acknowledged that positive management of the woodland cannot be secured other than through a condition attached to the proposal or other future development on the site.
17. The Council's principle concern is in respect of the feasibility of constructing the driveway as proposed without harming the root protection areas (RPA) of the trees in its vicinity – those described above at the roadside part of the site. The RPA of T4 would be substantially traversed by it and to a much lesser extent those of trees T2, T3, T11 and T12 would be impinged on. The Council's tree officer has questioned whether the driveway could be satisfactorily installed without causing harm to these trees in the process. In particular doubts were expressed as to the feasibility of heavy construction vehicles (HGVs) entering the site at the point indicated and the extent of pruning/crown lifting of T4 that might be necessary.
18. However, the detailed information contained with the application submissions include the appellant's arboriculturalist's construction details and technical information to show that a no-dig construction technique as well as protective fencing, in compliance with BS 5837: 2012 – Trees in Relation to Design, Demolition and Construction, could be used to avoid harm to the trees and their roots and this would be employed for the section of driveway under T4. A vehicle height barrier would be installed at the site entrance during construction to prevent access by HGV vehicles. In any case, although not directly set out in the submitted evidence, on the basis of my own professional experience, it was evident on site from the angle of the existing gateway onto Clifton Drive and the tight turn that would be required for vehicles entering the proposed driveway, that large vehicles such as HGVs would not be able to make this manoeuvre to access the site.
19. Further queries relate to the installation of the 'cellweb' material above ground levels in the vicinity of the junction between the existing Edenfield driveway and the site, where spot levels appear to show the site above the level of the drive. Other than the generic construction section submitted, no site specific detailed construction sections or plans related to local levels were provided either at application or at appeal. At the hearing site visit the installation was explained orally. It was shown that the underlying ground surface, below leaf litter and debris is already approximately 100mm below the kerb to the Edenfield driveway.
20. Moreover, the removal of the six or so leyland cypress trees, G1, (which is not resisted) and the reduction below ground level of their stumps with local hand digging to expose and preserve the intermingled tree roots from retained trees T2, T3, T4 and T5 where necessary, would be likely to inevitably further reduce

levels locally. Thus installation of the 100m deep 'cellweb' could be achieved above ground level without harm to the roots of the retained trees here and would allow the conjunction of the new and existing driveways.

21. Although the spot levels shown near T3 fall across the site by up to as much as 0.5m, this highest level is immediately beside its trunk and the general fall is less, around 0.3m. It was evident on site that the construction technique proposed could be installed without any high degree of overlap of the 'cellweb' or undue build up of levels above the RPAs. The necessary detailed levels and construction drawings could be the subject of a condition, as could the presence of the appellant's arboricultural adviser during this key part of the construction.
22. In relation to the suggested need to crown lift T4, it is also clear from the site visit that the canopy commences at a height of at least 3.2m, well above that of any vehicles that could enter the site and so any pruning necessary would be likely to be minimal.
23. An additional objection was raised to the indicative site cabin location shown on plan, which is within the RPA of T4. Whether or not this meets the guidance within the BS on such matters, I am satisfied from oral evidence that the location of a lightweight site cabin, sufficient for the small scale construction team needed for a single house, could be located in the restricted areas outside the RPAs of retained trees provided that it were moved to facilitate particular construction stages. It could be located, for instance, in the area beside the proposed turning head or eventually be provided within the proposed integral garage. This aspect too could be secured through the suggested conditions.
24. As a consequence of the site visit and oral explanation of the construction techniques proposed, including the use of light weight construction vehicles, possible hand unloading of brick deliveries, and hand-dig, boring or 'air-spade' techniques for the installation of underground services, I am convinced on balance that the construction of the proposed dwelling and driveway could be achieved without undue harm to the retained trees on the site or to their future health. This would be contingent on a high level of supervision by a suitably qualified arboriculturist, as is proposed and this could be secured by condition.
25. I conclude that the proposal would preserve the character and appearance of the Lytham Avenues Conservation Area, with particular regard to woodland trees subject to a Tree Preservation Order, in compliance with the development plan and national policies set out above.

### **Living conditions**

26. The proposed dwelling would be constructed at some 5.2m from the side of the St Johns Wood apartments. In particular the side double gables proposed would be set close to two windows in Flat 8. One of these, to the dining room, would look out entirely at an expanse of brickwork, where currently the occupant enjoys an open aspect across the appeal site. The other, to the kitchen, would be less affected; as shown on the amended sections drawing submitted for the appeal, the proposed dwelling would overlap this window by less than half its width.
27. Saved LP policy HL2 requires that development should not affect the amenity of neighbouring properties. In terms of daylight, there is little evidence to

demonstrate that the two rooms affected would not continue to receive adequate light; the proposed house would not extend sufficiently high above the dining room window to block all sky views and the kitchen window would be substantially unaffected. In terms of outlook, while the proposal would introduce a new and solid mass close to the dining room window, I have seen at the visit that this room is open to the adjacent lounge, which would continue to enjoy uninterrupted southerly outlook towards the foreshore. In these circumstances the effect on living conditions would not be so harmful as to justify dismissing the appeal.

28. I conclude that the proposal would not unduly harm the living conditions of the adjacent residential occupant at Flat 8 St Johns Wood, 2 Clifton Drive with reference to daylight and outlook and would comply with development plan policy in this regard.

### **Conclusion**

29. Drawing my findings together, the proposal would not cause harm to the identified main issues and would assist to a limited degree with boosting the supply of housing, a key Government aim established by the Framework. It would comply with the development plan as a whole and fulfil the environmental role of sustainable development. In social terms, the proposal would contribute to the supply of housing to a small degree and it would deliver economic benefits through the provision of employment during the construction and in the building supply industry.
30. Overall the proposal would be sustainable development in terms of the Framework and would accord with the development plan as a whole. The proposal should be allowed.

### **Conditions**

31. A number of conditions have been suggested, in addition to those noted above. For the avoidance of doubt and in the interests of proper planning a condition specifying the approved drawings is necessary. Further details of materials and large scale sections for the construction and installation of timber windows are necessary to ensure visual compatibility with the conservation area. For the same reason and as set out above a detailed scheme of landscaping, tree protection and future woodland management is necessary and reasonable. To secure a sustainable form of surface water drainage the requirement for a detailed scheme is reasonable.
32. As mains foul water drainage is controlled by other legislation this part of the suggested condition is not necessary. In accordance with development plan objectives for the enhancement of wildlife habitats the provision of bat roosting boxes is reasonable as is a restriction on works during the bird nesting period. In accordance with the appellant's submitted ecology report means of external lighting should be subject to further approval to prevent harm to wildlife habitats on the site.
33. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the proximity to the proposed house of trees subject to a TPO it is important to safeguard their future health and so a restriction on the following without a further approval is

justified: future extensions; alterations to the roof; provision of additional buildings or enclosures or swimming pools or other pools; any additional hard surface; or the erection of other means of enclosure. However, it is not clear why the suggested removal of such rights in respect of the formation of an access to a highway that is not a classified road (Clifton Road being classified) or the painting of the exterior of the building is necessary or justified or whether a similar restriction is in place for neighbouring residential properties in the conservation area.

*Wenda Fabian*

Inspector

**Schedule of Conditions:**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - BR4024/SD2 – Rev B, proposed site plan
  - BR4024/SD4 – Rev B, proposed landscaping
  - BR4024/SD5 – Rev B, proposed levels
  - BR4024/SD6 – Rev B, proposed plans and elevations
  - BR4024/SD7 – Rev B, proposed section/street elevations
- 3) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include construction drawings at a scale of 1:5 or 1:10 as appropriate, for timber windows and for their installation within window openings. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a landscaping scheme, with a programme for planting, an arboricultural method statement, which shall include details of: future woodland management arrangements; an up to date plan of all existing trees on the land, with details of those to be retained, together with measures for their protection in the course of development; a programme for removal of trees in accordance with the provisions of 4.2.1 of the Ribble Ecology Report, dated October – November 2013; and details of the means of excavation for services with means of root protection during such excavation. All works and provisions shall be implemented in accordance with the approved details.
- 5) No removal of shrubs or trees or any other site clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the site is surveyed for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any new or retained trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of surface water drainage to demonstrate compliance with principles of sustainable urban drainage including rainwater collection from the roof and all hard-surfaced areas including patio, forecourt and turning head. The scheme shall be implemented in accordance with the approved details.

- 8) The dwelling hereby approved shall not be occupied until bat roosting boxes have been installed in accordance with a scheme first submitted to and agreed in writing by the local planning authority.
- 9) Prior to the installation of any means of external lighting a scheme for this in accordance with 4.2.2 of the Report by Ribble Ecology, dated October – November 2013, shall be submitted to and agreed in writing by the local planning authority. The installation shall be carried out in accordance with the approved details.
- 10) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development of the dwelling or curtilage relevant to those classes shall be carried out without the grant of planning permission.

**End of Conditions**



## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr S Richardson	Planning and Law Ltd
Mr I Tavendale F Arbor A	Arboricultural consultant
Mr A Rigby BSc Hon	appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mrs C Kitching	Conservation Officer, Fylde Borough Council
Mr A Wallbank	Tree Officer, Fylde Borough Council
Mr P Drinnan	Regeneration and Design Manager, Fylde Borough Council

## **DOCUMENTS**

- 1 Council's hearing notification and circulation list
- 2 Aerial photograph of site, 2011
- 3 ARB Magazine winter 2015, pp 48 – 49, Article - 3D cellular confinement
- 4 Ruskins Trees and Landscapes – air spade services pages 1 - 4
- 5 'Science & Opinion' Photographs of Cellweb TRP construction in progress
- 6 Council's response to appellant's costs application

## **PLANS**

Submitted with application

- A site location plan 1:1250
- B BR4024/SD2 – Rev A, proposed site plan
- C BR4024/SD2 – Rev B, proposed site plan
- D BR4024/SD4 – Rev A & Rev B, proposed landscaping
- E BR4024/SD5 – Rev A & Rev B, proposed levels
- F BR4024/SD6 – Rev A & Rev B, proposed plans and elevations
- G BR4024/SD7 – Rev A & Rev B, proposed section/street elevations
- H BR4024/SD3 – Rev A, street scene photographs
- I BR4024/SD8 – Rev A, Edenfield photographs

## **PLANS**

Submitted with appeal

- J BR4024/SD2 – Rev C, proposed site plan, with adjacent windows, flat 8
- K BR4024/SD7 – Rev C, proposed section/street elevations

## Costs Decision

Hearing held on 2 February 2016

Site visit made on 2 February 2016

**by W G Fabian BA Hons Dip Arch RIBA IHBC**

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

**Decision date: 15 February 2016**

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**Costs application in relation to Appeal Ref: APP/M2325/W/15/3133503  
Land adjacent Edenfield, Clifton Drive, Lytham St Annes, Lancashire FY8  
5RX**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr A Rigby for a partial award of costs against Fylde Borough Council.
  - The hearing was in connection with an appeal against the refusal of planning permission for dwelling with integral garage.
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### Decision

1. The application for an award of costs is refused.

### The submissions for Mr A Rigby

2. The application was made in writing with no further oral submissions.
3. Comments made in response to the Council's submissions at the hearing were that issues can always be characterised as a disagreement between the parties, but the question is whether it was reasonable for the Council to adopt the position that it did. It was not reasonable to refuse the application in the light of the information submitted with it. There was ample material at that stage to meet the objections expressed in the reason for refusal. The decision was not made in an eight week period; it took seventeen months to determine the application and issue a decision. During that time the applicant kept asking if any more information was required. There was no attempt by the Council to seek to resolve the issues during that period.
4. There was also no reference to the appellant's arboricultural submissions with the appeal in the Council's appeal statement. In particular, the reason refusal raises the matter of the landscape management condition attached to the Edenfield conversion condition, which was already addressed in the appeal decisions for the two houses at the other side of Edenfield, so that it is unreasonable for it to have been raised again.

### The response by Fylde Borough Council

5. The response was also made in writing. The Council commented orally that its response is made in relation to the information provided at the application stage, not at the hearing. The hearing has essentially amounted to the parties'

respective tree experts debating the approach to tree protection, an issue that the Council needed to be satisfied could be addressed by condition. There was insufficient information at the application stage to enable this; new information has been provided at the hearing.

## **Reasons**

6. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
7. The applicant's claim for a partial award of costs, in respect of the Council's first reason for refusal, is in respect of substantive grounds as set out in the Guidance at paragraph 046. These grounds relate to the some of the examples of the type of behaviours that may give rise to a substantive award against a local planning Authority in paragraph 049 of the Guidance.
8. Firstly, in relation to preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations; while I have differed from the Council's assessment and found the development acceptable, as set out in my main decision, this turned on further mainly oral information presented at the hearing, particularly at the site visit.
9. Also, on this ground, the Council took an extremely long time to determine the application and did not actively seek additional information in respect of its concerns as to the feasibility of carrying out the development without harm to trees, despite the appellant enquiring whether additional information was required. However, alternative courses of action in these regards were open to the applicant. An appeal could have been made against non-determination long before the Council reached its decision. Additionally it was open to the applicant at any stage, without awaiting a specific request, to proactively supply further more detailed information regarding the construction methods that would be employed in relation to both the main house, the driveway and the installation of underground services, with specific driveway construction details related to site levels in order to show how the trees on site would be safeguarded.
10. In this respect given the site circumstances and the TPO it should have been apparent to the applicant what the likely nature of the Council's concerns were. While generic construction details and a method statement were supplied with the application and may or may not have been available to the Council's tree officer at the time of his comments on the proposal, these details were not sufficient in themselves to be determinative in my decision, without further detailed explanation and the site visit. It was on this basis that the development was shown to my satisfaction to be acceptable with the imposition of conditions. In these circumstances the need for a hearing in relation to this part of the reason for refusal could not have been avoided.
11. I turn now to the suggested failure to produce evidence to substantiate each reason for refusal and the suggestion that the Council's evidence on this matter was vague, generalised or contained inaccurate assertions unsupported by any objective analysis. The Council took the advice of its own qualified tree officer who provided his professional assessment of the likelihood of damage to the trees, having regard to the duty to ensure that adequate provision is made for

the preservation of trees, under the Act referred to above. It was for the applicant to provide sufficient persuasive evidence that this would not arise.

12. A further ground for a substantive award of costs may be persisting in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable. In this regard the Council's first reason for refusal refers to 'the trees on the site that are protected by Tree Preservation Order and by conditions attached to a separate planning permission'. It is clear from my colleague's previous linked appeal decisions, as set out in my main decision, that the Council had acknowledged that this woodland management condition had little prospect of being implemented or enforced. Reference to it in the reason for refusal is therefore unreasonable.
13. However, time spent in the hearing in this regard was minimal, and within the applicant's appeal submissions little evidence on this matter was submitted, other than to draw attention to the previous inspector's decisions. Thus, in real terms it is not apparent to me that the council's unreasonable behaviour on this single matter has given rise to any significant degree of wasted time or expense. The hearing could not have been avoided in relation to the other considerations raised.
14. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*Wenda Fabian*

Inspector

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# Appeal Decision

Hearing held on 9 February 2016

**by G D Grindey MSc MRTPI. Tech.Cert.Arb.**

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

**Decision date: 16 February 2016**

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**Appeal Ref: APP/M2325/W/15/3138447**

**Land north of Blackpool Road, Newton with Clifton, Lancashire, PR4 0XE.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Beluga Projects Ltd against the decision of Fylde Borough Council.
  - The application Ref 15/0065, dated 30 January 2015, was refused by notice dated 2 September 2015.
  - The development proposed is residential development with local service provision (potential Use Class A1, A3 or A4) access, public open space and associated infrastructure.
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## Decision

1. The appeal is dismissed.

## Background matters

2. The original application was described as above. During the processing of the application the description of development was changed to 'outline application for residential development of up to 55 dwellings, with access, public open space and associated infrastructure'.
3. Reason for refusal no 2 concerned access arrangements. The Council carried out a speed survey of traffic on Blackpool Road, the A583, in preparation for this appeal, in January 2016 and the results were passed to the appellants. The Council's speed survey found significantly higher average speeds for traffic on the A583 than had been recorded by the appellants in their earlier submissions. Not unreasonably, the appellants wished to respond to the findings of this rather late speed survey and came to the hearing with a plan showing a proposed revised access position together with various traffic calming measures<sup>1</sup>.
4. There is a general principle that an appeal should not be used to evolve an application and that it is important that what is considered by an Inspector is essentially what was given formal consideration by the Council. I am very conscious that the Parish Council and local residents were not aware of this latest access submission and had not been formally consulted upon it.

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<sup>1</sup> Document 3: Plastic wallet containing tpm landscape drawing 2146 03; 2146 05N; Street Design Partnership drawing 6603 PO9 rev C and P10 rev B; 'Statement of Implications' 3 page document

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5. Notwithstanding this, given that there was a significant difference in the speeds recorded, it seemed to me important that my consideration of the application should be based upon the latest (and higher) speed figures. After some discussion I stated that I would accept the revised access scheme, to take into account the latest information available, and that we would discuss the amended access position at the appeal, together with the original. If I were minded to allow the appeal, access could be made a reserved matter since all that is needed to be known at this stage is that a safe and suitable access to the site could be achieved for all people<sup>2</sup>, as the National Planning Policy Framework (the Framework) says. Helpfully Cllr Collins, for Newton-with-Clifton Parish Council,<sup>3</sup> attended the hearing and was able to take part in the proceedings. Thus I deal with the appeal on this basis.
6. I confirmed at the hearing that the application site edged red is as shown on drawing no 6603 PO1 with further details on PO9 rev B and P11. A helpful indication of one way in which the site could be developed is shown on drawing no 6603 P10 rev A. I deal with the appeal with regard to these plans together with the plans submitted at the hearing (in the alternative) and as listed in the footnote above.
7. An executed Unilateral Undertaking (UU) was submitted at the hearing; this covered the details for securing affordable housing, the payment of a contribution for education, and a commitment to submit a Right of Way Works Specification concerning the public footpath that crosses the site and joins Preston Old road to the north of the site. The UU responds to the Council's reason for refusal no 3 and this matter need not concern me further. Overall, the Council raised no issues concerning the UU and I take it into account in the overall planning balance.
8. The Council's fourth reason for refusal concerned inadequate information about the potential of the site to support birds that contribute to the designation of the Ribble and Alt Estuaries Special Protection Area and Ramsar site. Helpfully the parties have continued a dialogue on this matter with the result that Natural England states that sufficient information has now been supplied to address their previous concerns. This is also a matter that need not concern me further.

## **Main Issues**

9. Accordingly, from my inspection of the site and locality and the representations made at the hearing and in writing it seems to me that there are three main issues in the determination of this appeal. These are: (i) the effect of the proposal on the character & appearance of the locality; (ii) the connectivity of the site in relation to Clifton, local services and facilities there and (iii) the design and location of a possible new access to the site.

## **Housing land supply**

10. The Statement of Common Ground sets out that both parties are in agreement that the Council is unable to demonstrate a five year supply of deliverable housing sites. At the last calculation, in March 2015 and hence nearly a year ago, the Council stated that the supply amounted to 4.3 years; I have no evidence that casts doubt on this figure.

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<sup>2</sup> The Framework, paragraph 32

<sup>3</sup> Also a Cllr for Fylde Borough Council

11. The Council's reason for refusal refers to policy SP2 of the Fylde Borough Local Plan which resists development in countryside areas, unless for a limited number of restricted development types, none of which apply here. There was no dispute that the appeal sites lie outside the settlement boundary for Clifton<sup>4</sup> as defined by the Local Plan<sup>5</sup>. The development would, therefore, conflict with the development plan in this regard. However, paragraph 49 of the Framework states that 'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.' It seems to me that Local Plan policy SP2 is relevant to housing land supply and thus the Framework policy applies. The Framework necessarily reduces the weight to be given to Local Plan policy SP2.
12. In turn, I need next to examine paragraph 14 of the Framework which states that where, as here, the development plan is out-of-date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole". Thus a planning balance or judgement needs to be made.

## Reasons

### *Issue (i) the effect of the proposal on the character & appearance of the locality*

13. This issue includes whether there would be any loss of an open aspect, and the appearance of a small settlement set within a rural, countryside area and any effect of scale of development relative to the village. The nucleated settlement of Clifton has grown along Preston Old Road with later expansions to the north. Development on the south side of Preston Old Road appeared to me to have been limited to a couple of cul-de-sacs<sup>6</sup> to the western end of the village, but otherwise there is a strong boundary at the southern end of the unusually long gardens to the Silver Street and Preston Old Road properties. Generally, at or about this southern boundary to the settlement, the land noticeably falls away to the lower lying flat lands, ultimately extending down to the River Ribble.
14. The appeal site is part of a large pasture field at present, with the eastern boundary undefined. A public footpath crosses the site, from the settlement centre in Preston Old Road to Blackpool Road (A 583) and beyond. The long back gardens of the Silver Street and Preston Old Road properties together with those of Mulberry Close and Highfield Close back onto the appeal site and form a distinct and firm boundary to the settlement, when looking northwards from this footpath. A further, highly noticeable element is that the settlement is on elevated ground; the appellant company's original Landscape and Visual Impact Appraisal (LVA) describes the settlement as "sitting on the ridge line"<sup>7</sup>. The appeal site is at a considerably lower level than the existing settlement.
15. At the hearing we discussed the Local Character Areas identified in the LVA; Clifton village (LCA1) is set within Pastoral Farmland (LCA3) except for the field of which the appeal site forms a part which is defined as Urban Fringe Farmland (LCA2). The LVA describes LCA2 as "semi-rural" and with the A583 creating a physical barrier between the appeal site and the fields beyond. Reference is

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<sup>4</sup> NJL appeal statement, paragraph 2.2

<sup>5</sup> And shown in appendix B to Mr Stell's statement

<sup>6</sup> Highfield Close and Mulberry Close

<sup>7</sup> LVA paragraph 1.4

- made to open views across the countryside to the east, but with detracting urbanising features including commercial development, overhead cables and the proximity to the edge of the settlement.
16. I do not agree. Although the appeal site has the village to the north, I did not find any significant sense of the appeal site being 'urban fringe' or even 'semi-rural'. The site, and the field of which it is a part, is entirely pastoral in character and appearance and, even though the A583 crosses the flat lands to the south of Clifton, it is bordered by trees and a maintained hedgerow; it is merely a main road crossing open countryside.
  17. The caravan sales area on the south side of Blackpool Road appears to me to be an isolated and sporadic commercial site within an otherwise open countryside setting; I do not find it has a significant effect on the character of the appeal site. At the hearing it was mentioned that the owner of this site was, in any event, required to carry out some further landscaping around the site.
  18. Viewed from the north, east, south and the west the appeal scheme could not appear anything other than a considerable extension of built development out into open countryside. These equate to "near views" 1, 2, 3, and 4 on figure 10 of the LVA and position 8 on "far views". While this effect might be softened by the landscaping proposed, I find that on such an exposed open site, planting can look rather contrived and it can draw the eye as a device for concealment. I do not find that it would assist in assimilating the proposed development into the existing landform. I agree with the Council that the LVA and the later Character and Settlement Appraisal (CSA) fail to identify the views from Lodge Lane, westward towards the site. While these might be limited in summer, certainly in the leafless months of the year<sup>8</sup> there would be an adverse view of the new development, set incongruously below the settlement, from this direction.
  19. While I agree with the LVA that the change in the context of the wider landscape character of the study area would be low, it is clear, as the LVA states, that the magnitude of change is high for the site with the change from farmland to built form. The CSA identified longer distance views from footpaths to the west (running south from School Lane) - viewpoints 2, 3 and 4 in the CSA and in broadly similar positions to viewpoints 5 and 6 on the LVA. I walked these footpaths before the hearing; users of these distant footpaths would perceive the development in a wider landscape setting. I found that the scale of the built development proposed, relative to the wider views from these locations only, would be limited.
  20. As such, the appeal site is very important in creating the open setting to the settlement, it is also very necessary to facilitate the perception of the settlement "on the ridge line." The appeal site and the field of which it is a part are vital in underlining the elevated position of Clifton and its position above the lower flat lands extending down to the Ribble. In my view, the proposal would have a significant and adverse effect upon the open countryside and the setting to the village. The development would not appear as a natural extension to Clifton, but rather as a somewhat large, detached spillage of built development below the settlement, outwards onto the flat lands below. The development would fatally change the role of the site, from facilitating the open setting of the elevated village, to one of built development.

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<sup>8</sup> As I saw at my site inspections in February



21. While I deal with the technical aspects of the access below, it is worth recording in this 'character and appearance' issue that the original access, as given formal consideration by the Council involved a possible entrance to the site broadly opposite the caravan retail site. There would be a substantial loss of hedgerow length and 6 trees edging the site and protected by a tree preservation order would also be lost to achieve the visibility splays required.
22. While Root Protection Areas (RPAs) in accordance with the advice in BS5837:2012 are indicated, the submitted plans show that they have been "adjusted" on the assumption that the tree root growth would be away from the road and into the field. There is no evidence to support this assumption however and BS5837 states that "the default position should be that structures are located outside of the RPAs"<sup>9</sup> in any event. The appellant did not really dispute the tree and hedgerow loss but argued that an alternative access to the north, and/or with shorter visibility splays, could provide a safe access.
23. This northern access would still require the removal of 155m or so of hedgerow to incorporate 4.5 x 160m visibility splays<sup>10</sup> and possibly substantial works to achieve an acceptable gradient for the road into the site since the field, at that point, is noticeably lower than the A583. I have no details of such works but they may well be rather noticeable in the landscape, at the point of access, and be an urbanising feature.
24. Tpm Drawing 2146 03, contained in the bundle submitted at the hearing indicate 4.5m x 160m splays could be achievable but I remain unconvinced concerning any effect on the protected trees. Again, the RPAs have been "adjusted" for the "presumed" root growth towards the field, with no evidence to support this assumption. Secondly, the green line indicates "155m of hedgerow to be replaced"; but the protected trees are within the line of the existing hedgerow. It is unclear to me why, therefore, if the hedgerow is required to be removed, the tree trunks would not equally obstruct visibility. The drawing is at a small scale and such that it is impossible to make a fully informed decision, as the trunk positions are not plotted at all, but I remain doubtful as to the safeguarding of the protected trees with that access option, if the hedgerow is judged to be required to be removed.
25. Pulling these threads together, I find that the scheme would introduce a sprawl of built development across open countryside, which would be perceived as an incongruous extension out onto the lower flat lands. The appeal site and the field of which it is a part create the setting to the small scale settlement on the ridge, in its open countryside landscape. This would be a negative change to the distinctive character and appearance of the settlement. The most significant views of the site are from close by. Thus while Mr Patrick argued that the houses on the southern edge of Clifton would still be seen above the proposed development, any understanding of the topography would be lost. The obvious defined edge to the village, set on its ridgeline above the open flat fields below, would be concealed and the appearance of a nucleated settlement within an open setting would be lost.
26. The development would also fill the, at present, open field between the main body of Clifton and the sporadic and isolated caravan retailing site on the south side of Blackpool Road. This would create a broad swathe of development out

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<sup>9</sup> BS5837:2012 paragraph 5.3.1

<sup>10</sup> Tpm landscape drawing 2146 03

across the flat lands to the south of Clifton and would radically change the distinctive existing character. Further damage to the character and appearance of the environment here would result from the creation of an access from the A583 into the site. Local Plan policy HL2 seeks to ensure that new development is 'in keeping with the character of the locality in terms of scale'. This principle is broadly in accordance with the Framework and I find the scheme would not meet this requirement.

*Issue (ii) connectivity issues.*

27. The Council is concerned that the appeal site, and its proposed vehicular access onto Blackpool Road, is such that the development would be detached from the remainder of Clifton. New residents would, therefore, be likely to join the A583 in private vehicles and then drive to services and facilities in nearby settlements rather than turn off the main road back into Clifton. Thus new residents from the appeal development would not contribute to the vitality of Clifton.
28. I understand the importance of supporting the local shop and the Post Office in the village which I saw during my site inspections. However, the services in Clifton are limited; existing residents will already need to travel to schools, medical services, employment, larger scale shopping opportunities and for leisure trips anyway. I acknowledge that the Council has supported other development in Clifton "that will enhance the viability of Clifton as a place where limited growth is to be expected"<sup>11</sup>.
29. I have examined the two other sites for development<sup>12</sup> shown on in Appendix B to Mr Stell's statement and, it is possible that new residents from those sites may pass along Preston Old Road and stop at the village shop/Post Office. It is equally likely, though, that they would seek the quickest route out onto the A583 anyway and not drive along Preston Old Road, just as the Council fears would be the case with new residents from the appeal. Those two developments were presumably assessed against Local Plan policy HL2 which requires regard to be had to local availability of shops, schools, employment sources, public transport and other community facilities. Clifton has been identified for some growth even when it is clear that most Clifton residents will need to travel for such facilities in any event. Thus I agree with the appellant company's comparison of the appeal site and the Ash Lane site, in terms of connectivity<sup>13</sup>.
30. It seems to me that the footpath link from the appeal site would make the Post Office/shop and bus-stops an easy walk of a few minutes – and shorter than any such walk from the site granted planning permission in Ash Lane. It is true that the footpath emerges onto Preston Old Road at a point where there is no pavement, but it did not seem to me a notably hazardous road to cross to the pavement on the opposite side. While the Council is concerned about the gradient and surface of the footpath where it links northwards onto Preston Old Road, it seems to me that this could be dealt with satisfactorily under the commitment in the UU to submit a Public Right of Way works Specification.

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<sup>11</sup> Mr Stell's statement, paragraph 10.5

<sup>12</sup> 15/0763 north of Preston Old Road and 15/0165 off Ash Lane

<sup>13</sup> Appellant company's appeal statement, paragraphs 2.22 – 2.26

31. I therefore conclude that the location of the proposed development would not be **so** detached from the village, such that new residents would not contribute to the vitality of Clifton's services, or reach public transport links, such that the appeal should be dismissed on this issue.

*Issue (iii) the design and location of a possible new access to the site.*

32. First of all, I consider that any judgement on the acceptability of any proposed access onto the A583 should take account of the latest information on average speeds, as collected by the Highway Authority in January this year. This found northbound speeds of 55mph and southbound 57mph, despite the 50mph speed limit along the road and the presence of a speed camera.<sup>14</sup>
33. Manual for Streets 2 (MforS2) suggests that it provides guidance on stopping sight distances for streets where 85<sup>th</sup> percentile speeds are up to 60 km/h (37mph)<sup>15</sup> and that the principles can have a wider application elsewhere. But, while the A583 is no longer a trunk road, it seems to me it is akin to one, given the volume and speeds of traffic and its use as a direct link between Blackpool and Preston. It is certainly more like a trunk road than the types of roads to which MforS2 refers. Considering the results of the latest speed survey, I find 4.5m x 160m visibility splays would be appropriate for the main access of this development to join a road with these characteristics, in order for it to be safe.
34. As stated above, the location of the original possible access would result in the loss of a considerable length of hedgerow and the necessity to fell protected trees with a negative and urbanising result upon the character and appearance of the locality. At the hearing the appellant company responded to the Highway Authority's latest information with the suggestion of a more northerly location for the access; local residents and the Parish Council have not been formally consulted about this element.
35. Tpm Drawing 2146 03, contained in the bundle submitted at the hearing indicate 4.5m x 160m splays could be achievable but, as I have stated earlier, I remain unconvinced concerning any effect on the protected trees.
36. Appendices I and J to the appellant Company's statement also suggested an alternative of 2.4 x 56m visibility splays, assuming that traffic speeds could be reduced to 40mph on the A583. This does not seem efficient or convenient for road users on such a main route however and, given that recorded speeds are in excess of the speed limit already, even with a speed camera in operation on the road, I have no evidence that speeds would be reduced to the extent that the appellant company claims in any event.
37. I conclude on this issue that the various access points suggested would be unsatisfactory due to the tree and hedgerow loss that would result. Regarding the reduced visibility splay scheme, I find this would not result in a safe and suitable access as the Framework requires and would conflict with Local Plan policy HL2 in that it would have an adverse effect on the safe and efficient operation of the highway network.

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<sup>14</sup> visible in view 11 in the CSA

<sup>15</sup> MforS2 paragraph 10.1.3

### *The planning balance*

38. The Council accept they cannot demonstrate a 5 year housing land supply; in these circumstances the Framework identifies in paragraph 14 that for decision making, where relevant policies are out of date, permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the development. There would be undoubted benefits flowing from the proposals, in particular from the provision of housing, the affordable housing secured by the UU and support from the new residents, of the limited facilities within Clifton.
39. However the Framework does not adopt a narrow definition of sustainability, with paragraph 17 advising that it is a core planning principle to enhance and improve places, take account of the different roles and character of different areas and contribute to conserving and enhancing the natural environment. I place particular weight on the aims of the Framework, as set out here.
40. The absence of harm concerning connectivity issues is a neutral factor in the balance. I have found substantial harm to the character and appearance of the area would result from the scheme. I am also not convinced, on the evidence I have seen, that a safe and suitable access to the site could be provided. Taken together, these shortfalls in the proposals are adverse impacts that significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the Framework as a whole.

### *Other matters*

41. At the time of my site inspections the appeal site was saturated and there was standing water in places. The Agricultural Land Classification and Soil Resources Report<sup>16</sup> states at paragraph 3.2.5 that, at the time of survey there were "pools of surface water covering much of the site". The LVA at paragraph 1.3 stated that there was "standing water on the ground which prevented use of the public footpath". Many comments from local residents who have lived by the site for many years talk of the site being under water regularly.
42. While there are undoubtedly technical solutions to this standing surface water, as examined by the Flood Risk Assessment<sup>17</sup>, I remain concerned that water displaced by the development could be catered for adequately and that it would not cause problems elsewhere. While my conclusions above would be sufficient to dismiss the appeal, had I been minded to allow the appeal, this is a matter on which I would have sought further information.
43. I have considered all other matters raised but find nothing that changes my decision on this appeal.

*Gillian D Grindley*

Inspector

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<sup>16</sup> Dated December 2014, submitted with the original application

<sup>17</sup> By Capita, January 2015

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr A Williamson BA DipTP MRTPI	Of Counsel; Partner, Walker Morris
Mr M Saunders MRTPI	Chartered Town Planner, NJL Consulting
Mr P Wooliscroft	Director, Croft Transport Solutions
Mr K Patrick CMLI	Director, tpm Landscape

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr A Stell	Development Manager, Flyde Borough Council (FBC)
Ms P Bennett	Landscape Architect
Mr A Wallbank	Tree Officer, FBC
Mr G Robinson	Highways Engineer, Lancashire County Council

### **INTERESTED PERSONS:**

Cllr P Collins	For Newton with Clifton Parish Council & also FBC
Ms P Winlow	Local resident

## **DOCUMENTS**

Document 1: Executed Unilateral Undertaking

Document 2: Signed Statement of Common Ground

Document 3: Plastic wallet containing revised access proposals: tpm landscape drawing 2146 03; 2146 05N; Street Design Partnership drawing 6603 PO9 rev C and P10 rev B; 'Statement of Implications' 3 page document

Document 4: Bundle concerning footpath gradient: drawing 2146 01, email, views and sketch images

Document 5: 7 pages of draft conditions discussed at inquiry (with track changes)

## **PLANS**

Larger A3 size tpm landscape Character and Settlement Appraisal to replace smaller, unintelligible version already submitted, handed in at the hearing

## **PHOTOGRAPHS**

2 x photographs handed in at the hearing by Ms Bennett of site from Lodge Lane and from A584 looking north