



Agenda

Planning Committee

Date:	Wednesday, 15 January 2020 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 18 December 2019 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3-79
5	Confirmation Of Tree Preservation Order 2019/0005: Land North Of Village Hall And West Of Vicarage Lane, Newton With Scales, Preston, PR4 3RU	80-125
	INFORMATION ITEMS:	
6	List of Appeals Decided	126

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

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Planning Committee Index

15 January 2020

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	19/0552	197 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU ERECTION OF 12 No. DWELLINGS WITH ASSOCIATED ACCESS ROAD, GARAGES AND PARKING SPACES AND USE OF WESTERN PART OF SITE AS AMENITY OPEN SPACE	Approve Subj 106	5
2	19/0642	VALENTINES KENNELS, WILDINGS LANE, LYTHAM ST ANNES ERECTION OF A TWO STOREY C2 CARE VILLAGE WITH 205 BEDROOMS, COMMUNAL LOUNGE AND DINING AREAS, RESIDENTS LIBRARY, CINEMA ROOM AND SALON. PROVISION OF 58 CAR PARKING SPACES WITH NEW VEHICULAR AND PEDESTRIAN ACCESS. ASSOCIATED LANDSCAPING AND OUTDOOR RECREATIONAL AREAS.	Approve Subj 106	18
3	19/0829	SAND DUNES, CLIFTON DRIVE NORTH, LYTHAM ST ANNES RE-PROFILING OF A SECTION OF SAND DUNES TO REDUCE OVERALL HEIGHT ALONGSIDE CLIFTON DRIVE NORTH	Grant	49
4	19/0844	KIRKHAM CONSERVATIVE CLUB, RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BB INSTALLATION OF FOUR 7M LIGHTING COLUMNS TO BOWLING GREEN	Grant	58
5	19/0868	CHERRY TREE FARM, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RE FORMATION OF VEHICLE ACCESS TO SERVE DWELLING FROM BLACKPOOL ROAD ALONG WITH FORMATION OF DRIVEWAY AND TURNING AREA WITHIN FRONT GARDEN, AND ERECTION OF ASSOCIATED FENCING AND GATES - RETROSPECTIVE APPLICATION	Grant	65
6	19/0920	3 FOUNDRY COURT, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3EX CHANGE OF USE OF FORMER AGRICULTURAL LAND TO CREATE EXTENSION TO DOMESTIC GARDEN INCLUDING ERECTION OF BOUNDARY FENCING UP TO 1.27M IN HEIGHT - RETROSPECTIVE APPLICATION	Grant	73

Background Papers

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

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

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

Planning Committee Schedule

15 January 2020

Item Number: 1

Committee Date: 15 January 2020

Application Reference:	19/0552	Type of Application:	Full Planning Permission
Applicant:	Brooksland Limited	Agent :	
Location:	197 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
Proposal:	ERECTION OF 12 No. DWELLINGS WITH ASSOCIATED ACCESS ROAD, GARAGES AND PARKING SPACES AND USE OF WESTERN PART OF SITE AS AMENITY OPEN SPACE		
Ward:	FRECKLETON EAST	Parish:	Freckleton
Weeks on Hand:	26	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.762393,-2.8741653,673m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application site is a rectangular area of land that is located alongside Kirkham Road in the Green Belt between Freckleton and Kirkham and so outside of the settlement boundary of Freckleton village. It benefits from extant full planning permission for the erection of 12 dwellings through application 18/0155. When previously granted permission it constituted the development of a brownfield site designated as green belt in the Fylde Borough Local Plan that previously contained a residential building, a large light industrial building and a series of glasshouses.

This full planning application is also for 12 dwellings in a very similar layout and design as those previously approved, and whilst the Fylde Local Plan to 2032 has now been adopted it retains the green belt designation of the former plan. The difference between this application and that previously granted is that the development site has now been cleared of its building, but it remains a brownfield site as a result of that previous use. The NPPF allows for the development of brownfield sites as long as it does not have a greater impact on the openness of the greenbelt than the existing buildings. Therefore the extant permission is the baseline against which the development proposal must be compared.

The scale of development and its context in relation to the site is considered acceptable given the background of the site which previously contained a considerable amount of built form within the greenbelt thus this scheme increases the openness, albeit those buildings have since been removed under an earlier permission. The scheme here is marginally larger but will not have a materially greater impact on the openness of the greenbelt. The proposal will

have an acceptable impact on residential amenity and respects biodiversity interests with planning conditions capable of ensuring this.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and the authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for contributions to off-site affordable housing, and that the application is not called in by the Secretary of State when the notification under the green belt Directive has been undertaken.

Reason for Reporting to Committee

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

Site Description and Location

The application site is 2.45 hectares of developed land located on the western side of Kirkham Road leading north of the bypass and the settlement of Freckleton. The site is in the greenbelt and surrounded by open fields and some linear residential development. The site previously contained a residential dwelling located at the front of the site split into 5 flats, behind which is a large industrial type warehouse building connected to which are glasshouses, the larger of which was used as a garden centre and smaller for growing. At the far end of the site is a fishing pond and an area of raised land which had been removed from below the buildings by the previous owners. There are hedgerows surrounding the site with some trees located within them.

The buildings have been demolished in the past couple of years and what remains is hardstanding and rubble making the site brownfield.

Details of Proposal

The application proposes 12 two storey dwellings located over the footprint of the now demolished buildings and partly over hard standing adjacent to them. The access to the development site is to utilise an existing access from Kirkham Road, with an access road that then runs along the north side of the site to serve the dwellings and then to the rear where a shared amenity space is located. The dwellings are designed to have a traditional appearance and are to be constructed in red brick and stonework with slate roofs and hardwood windows and doors. The form of the dwellings is two storey, although some have accommodation in the roof space. The layout of the proposal takes the form of a courtyard of 9 dwellings, with two more fronting Kirkham Road and one dwelling to the rear of the site facing the open countryside. Each of the dwellings has two off street parking spaces plus a garage. Areas of open space and planting are proposed around the site.

Relevant Planning History

Application No.	Development	Decision	Date
18/0155	ERECTION OF 12 No NEW DWELLINGS, LANDSCAPING AND PROVISION OF COMMUNAL GREEN SPACE	Approved with 106 Agreement	27/02/2019
14/0895	REMOVAL OF EXISTING FLATS, GLASS HOUSE BUILDINGS AND INDUSTRIAL BUILDINGS,	Granted	03/12/2015

11/0752	ERECTION OF 12No NEW DWELLINGS, ERECTION OF A FISHING HUT, LANDSCAPING AND PROVISION OF COMMUNAL GREEN SPACE RETROSPECTIVE APPLICATION FOR 2.2M STEEL FENCING	Granted	23/12/2011
07/0822	CERTIFICATE OF LAWFULNESS (EXISTING USE) FOR USE OF BUILDINGS AS OFFICES / RESEARCH AND DEVELOPMENT (USE CLASS B1)	Withdrawn by Applicant	21/09/2007
02/0483	CREATION OF CAR PARK AT REAR	Granted	21/10/2002
99/0425	REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION ON APPLICATION 5/93/762	Granted	03/11/1999
99/0125	CHANGE OF USE FROM 5 AGRICULTURAL WORKERS DWELLINGS TO OFFICE ACCOMMODATION	Refused	26/05/1999
98/0315	RE-SUBMISSION OF 5/97/341 FOR REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION ON APPLICATION 5/93/762	Refused	17/06/1998
97/0341	REMOVAL OF CONDITION NO. 2 RE: APP. NO. 5/93/762 TO REMOVE AGRICULTURAL OCCUPANCY CLAUSE ON FLATS	Refused	08/10/1997
93/0762	CHANGE OF USE FROM MICRO PROPAGATION UNIT TO 4 NO SINGLE BEDROOM FLATS FOR THE USE OF AGRICULTURAL WORKERS	Granted	30/03/1994
88/0769	TEMPORARY SITING OF PORTAKABIN FOR OFFICE USE	Granted	02/11/1988
88/0256	ERECTION OF GLASSHOUSES & GROWTH ROOMS	Granted	13/07/1988
88/0027	OFFICE & LABORATORY BUILDING WITH CAR PARKING	Granted	23/03/1988
87/0237	EXTENSION TO EXISTING CAR PARK	Granted	17/06/1987
82/0436	CHANGE OF USE FROM BUNGALOW TO MICRO PROPOGATION UNIT FOR NURSERY.	Granted	18/08/1982

Parish/Town Council Observations

Freckleton Parish Council notified on 23 July 2019 and comment:

Freckleton Parish Council supports this application but is concerned that the expanding build is on Green belt.

Bryning with Warton Parish Council notified on 23 July 2019 as a neighbouring Parish but no comments have been received.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections.

Ministry of Defence - Safeguarding

No safeguarding objections to the proposal.

Lancashire County Council - Highway Authority

LCC were consulted when the application was first submitted at which point it was for

the erection of 19 dwellings. They confirmed a lack of objection subject to the imposition of conditions to secure the delivery of off-site highway works.

They state that the traffic movements from the site will not have any significant impact on highway safety or capacity. They consider that the proposal for a simple priority junction to Kirkham Road, with a 2m wide footway along the sites frontage to the road along with the movement of the speed limit signs are acceptable and can be secured as an off site highway works through a s278 agreement and planning condition. They state the layout is not adoptable due to lack of service strips but is not unsafe and there are no objections to the layout. They have no objections to the amount of parking provided.

Lancashire CC Flood Risk Management Team

Awaiting comments on the revised scheme.

NHS Fylde and Wyre CCG

No comments received.

Greater Manchester Ecology Unit

I would offer no objections to the above planning application on ecology grounds, although I would recommend –

- That a tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.*
- That any tree felling, vegetation clearance works, or other works that may affect nesting birds required to facilitate the scheme should not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.*

Neighbour Observations

Neighbours notified:	23 July 2019
Amended plans notified:	27 November 2019
Press Notice Date:	01 August 2019
Number of Responses	One letter received.
Summary of Comments	Three storey dwellings not appropriate in countryside. A mini roundabout should be provided at the access on Kirkham Road.

Relevant Planning Policy

Fylde Local Plan to 2032:

CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD2	Green Belt
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
INF2	Developer Contributions

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this proposal are;

- The principle of the development/impact of development on character of area
- Highways issues
- Impact on residential amenity
- Flooding/Drainage
- Ecology
- Other issues

Principle of the development

When this application was first submitted the proposal was for the erection of 19 dwellings set out in a layout which was considered to be urban in its character. The officer opinion was that the development proposed in that scheme was unacceptable due to the application site's location in the greenbelt, and the harm the development would have on its openness. Policy GD2 of the Fylde Local Plan to 2032 requires applications in the greenbelt to be assessed using the policies in the NPPF. Paragraph 145 of the NPPF states that;

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

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

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

In this case the application site has been cleared of development however it remains previously developed land and benefits from extant planning permission for 12 dwellings. That extant permission therefore forms the baseline for the assessment of applications, and to be acceptable in principle the proposed development needs to be compared to that permission to ascertain whether or not it would have a greater impact on the openness of the greenbelt than this extant permission.

It was clear that the significant increase in both volume and footprint required to provide 19 dwellings on site had a far greater impact on the openness of the greenbelt and thus the applicants were informed that their initial scheme would be unacceptable. It was also considered that the more

urban form of development proposed was unacceptable and would not be in character with the rural landscape. The extant scheme was subject to extensive negotiations and took the form of a courtyard style development with the appearance of the buildings designed to appear at ease in the rural landscape.

Therefore the application was revised to relate to the extant scheme and is now for the erection of 12 dwellings in the same layout as previously approved. For the development to be acceptable it needs to not have a greater impact on the openness of the greenbelt than the extant scheme. The layout proposed here is almost identical to that approved and thus provides the same spacing between buildings, a courtyard style layout and peripheral landscaping as previously.

What has changed is the design and size of some of the dwellings with the applicants advising that this is because some elements of the approved scheme do not meet building regulation standards i.e. low ceiling heights resulting in inhabitable rooms and windows not being at the standard height or position. They have put forward volume and footprint corrections that they state are based on the plans submitted with the extant permission and accurately reflect the actual footprint and volumes of the buildings, rather than those put forward by the previous applicants. The extant scheme was stated to have a footprint of 1356 square metres and a volume of 7304 cubic metres. The applicants claim that when their architects started to look at producing an alternative scheme that the heights of the dwellings had been drawn at 80 to 90% of what they should have been and as a consequence the door and ceiling heights were not high enough. They also found that the total footprint of the submitted house types was in fact 1484 sqm so an increase of 128sqm from that stated. The consequence for the overall volume was that it increased from 7304 m³ to 9200 m³. This, the applicants state, should be the baseline for development on the site in terms of assessing the impact on the greenbelt.

As a consequence the submitted house types are now larger, with the overall footprint of the development proposed being 1455 sqm which is less than the approved scheme, and a volume of 9210 cubic metres which is slightly larger than that scheme. It is not considered that this minimal difference in volume when considering that the dwellings will be set over a slightly smaller footprint will have a material impact on the openness of the greenbelt.

It is also considered that if this marginally larger scheme had been put forward when the first application was proposed, or indeed was proposed prior to the demolition of the buildings on site that this would have been found acceptable and clearly beneficial to the openness of the greenbelt. The overall position is that this scheme still results in significant reductions compared to what was previously on the site, and is only marginally larger than the extant scheme. Given that the layout and gaps in the development have been maintained it is considered that the development succeeds in not having a greater impact on the openness of the greenbelt than the existing extant development and therefore accord with paragraph 145 of the NPPF and is acceptable in principle.

Design and impact on character of the area

As stated above the original submissions were considered to be unacceptable not just because of the scale of development in the greenbelt, but also because of the urban character of the development and the harm it would have to the greenbelt and open countryside. This layout replicates the one that was subject to considerable work by officers to create a scheme that would have a low impact on the greenbelt therefore increasing its openness when considering the existing state of the site, be of acceptable character given the countryside location within which it is set, and would create a high quality residential development. The number of dwellings proposed at the site and their location is designed to place them in the areas where the largest buildings at the site

previously stood and the desire to create a sense of place at the site. The dwellings have been arranged with two at the north east fronting Kirkham Road, these have been set back further from the road than the previous residential building to open up the views through the site and also face out towards the road. Moving into the site an access road is located along the northern boundary which leads to a courtyard of 9 dwellings, these are arranged around a central parking and green area. A further dwelling is located at the southern end of the site facing out towards the amenity area.

The dwellings are individually designed, they have traditional features such as chimneys, varying roof heights, hard wood windows and doors, archways and stone detailing. The design of the dwellings is considered good quality and appropriate for the area. Different hard surface materials are proposed including cobbles and block paving with feature dwarf brick walls and reclaimed brick walls forming boundaries around the site. The use of such materials adds variety, depth and visual interest to the development. The buildings heights have increased from previously with some of the dwellings now having accommodation in the roof space. It is considered that the dwellings still relate well in terms of size and character to dwellings in the locality. The layout includes landscaped amenity area and planting, the details of this will need to be subject to a condition to ensure a high quality landscaping scheme is implemented.

Highways issues

The re-development of the site for 12 dwellings would not create any unacceptable impact on highway safety or capacity. LCC Highways have been consulted and have no objections stating that the traffic generated by this development is not of a level that will have a material impact on capacity or safety. They state in order for the development to be acceptable the footway to the Kirkham Road frontage of the site must be widened to 2m which can be achieved by reducing the width of the verge. The layout does not meet with the standard that would be expected for the roads/footways to be offered for adoption and therefore would need to remain a private road, however the LCC officer states that the layout as proposed will operate safely and he raises no objections to the layout. He requests conditions relating to a construction management plan and the construction of the site access and off site works of highway improvement. With these in place there are no highway issues with the application.

The applicant has recently submitted further details over the access arrangements in the hope that these can be approved as part of this decision rather than be the subject of conditions. These are under consideration by your officers and with the highway officers at LCC and so could be approved as part of the eventual decision on this application if they are acceptable.

Impact on residential amenity

The proposal would not have an unacceptable impact on the residential amenity of surrounding dwellings. The proposals are sited at such distance so as not to create any unacceptable overlooking or loss of light to any neighbours. The amenity of the dwellings nearest the application site has an improved outlook from that which it previously had due to the removal of the previous structure, and the development here will not re-introduce any adverse relationships. There are no residential amenity issues with the application.

Flooding/Drainage

The proposal is located outside of higher risk flood zoned and therefore is an appropriate location for residential development. The site is over a hectare and therefore a Flood Risk Assessment and

drainage plan have been submitted with the application. These documents propose that foul water will be discharged into the foul sewer on Kirkham Road which will be extended up to the application site, and surface water will be discharged into existing soakaways on the site with the final outfall being into the existing lake. The existing site levels will remain unchanged. Conditions requiring full details of both foul and surface water drainage to be submitted can be placed on any permission granted with the surface water scheme being restricted to existing greenfield run-off rates so that there is no additional surface water run-off as a result of the development. With such conditions in place surface water at the site will be dealt with satisfactorily. Again the applicant has submitted details in the hope that they can be approved as part of the decision on this application so that the conditions are not required, with this information currently with the appropriate consultees.

Ecology

The application has been submitted with an Ecological appraisal by Envirotech. This survey includes surveys of the site and surrounding area, survey and assessment of habitats for protected species and an evaluation of the ecological significance of the site. The methods used for survey at the site are standard practice and were carried out by suitably qualified persons. The application site is not designated for its nature conservation value and it is not adjacent to any designated sites. The surveys undertaken have been conducted to appropriate standards and proportionate to the potential of the site to support protected species. It is not considered that further ecological surveys need to be conducted prior to determining of the application. The development has resulted in the removal of a large amount of buildings and therefore provides an opportunity to increase biodiversity in the area.

The Council's ecology consultants confirm that they have no objections to the development on ecology grounds, but request that a tree protection scheme for all trees and hedges be agreed and that any felling or vegetation clearance works be undertaken outside of bird nesting season. It is not considered that the development will cause substantive harm to nature conservation interests, and whilst there could be minor impacts on local nature these can be avoided through precautions to protect these interests imposed by condition. Again the applicant has submitted details in the hope that they can be approved as part of the decision on this application so that the conditions are not required, with this information currently with the appropriate consultees.

Other issues

Affordable housing

As the application is for 12 dwellings it is appropriate that 30% of the development is provided as affordable housing. For the previous application Local Registered Providers were approached by officers to see whether or not they would be interested in taking on 4 affordable dwellings in this location and they confirmed then they would not as it would not be practical to do so. The previous application instead made a contribution towards affordable housing and as that is extant it is appropriate that this is repeated with this application.

Education

The original application resulted in a request for two secondary school place contributions. This application has not resulted in any request for any contributions from LCC

Health

The CCG have not made any requests for contributions to enhance local health facilities in the area.

Conclusions

This proposal is a full application for the development of 12 dwellings on a brownfield site designated as green belt in the Fylde Borough Local Plan that currently contains a residential building and a large light industrial building and a series of glasshouses. Residential development of such areas is contrary to the NPPF asides for partial or complete redevelopment of previously developed sites and when the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

This proposal constitutes the redevelopment of a brownfield site and is an exception allowed by the NPPF greenbelt policy as long as it does not have a greater impact on the openness of the greenbelt than the existing buildings. This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to the site is considered acceptable and has resulted in removing a considerable amount of built form from the greenbelt thus increasing its openness. These buildings wouldn't have been removed if planning hadn't been granted for dwellings at the site. The development proposed here is marginally larger than the extant permission and will not have a material impact on the openness of the greenbelt. The proposal will have an acceptable impact on residential amenity and respects biodiversity. Planning conditions can be used to ensure this.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of the NPPF. The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for contributions to off-site affordable housing.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters being resolved to his satisfaction:

- 1) As the application relates to development in excess of 1,000 sq m in the greenbelt it is necessary for the council's intention to grant planning permission to be referred to the Secretary of State in line with the Town & Country Planning (Consultation)(England) Direction 2009. This is to allow the Secretary of State to determine if they wish to recover the application for their own consideration, or if the application should continue to be determined by this authority;
- 2) The completion of a S106 Agreement is to secure:
 - a financial contribution of £200,000 (and the phasing of the payment of this contribution) towards securing off site affordable housing in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority;

- 3) The finalisation of a series of Planning Conditions that the Head of Planning and Housing considers are necessary to control the development. These are not finalised as yet but the following are suggested as being the initial matters to be covered by these conditions, albeit others could be added at his discretion.

Suggested Conditions

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

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

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

- Location Plan
- Proposed Site Layout Plan – 917/KRF/SLP Rev N
- Proposed Section – 917/KRF/SS REV D
- House Type A – 917/KRF/HTPA
- House Type B – 917/KRF/HTPB
- House Type C – 917/KRF/HTBC
- House Type D – 917/KRF/HTBD
- House Type E – 917/KRF/HTBE
- House Type F – 917/KRF/HTBF
- Boundary treatment details – 917/FRF/BT

Reason: To provide clarity to the permission.

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

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

4. No development shall take place until details of a Construction Management Plan for the highway construction and future maintenance within the site shall be submitted to and approved in writing by the Local Planning Authority and be adhered to throughout the construction period. The Plan shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials used in the construction of the development;
 - c) Storage of such plant and materials;
 - d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used.
 - e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
 - f) Routes to be used by vehicles carrying plant and materials to and from the site;
 - g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
 - h) Set out procedures for a pre commencement survey to determine the condition of Kirkham Road for a distance of 100m either side of the site access. The procedures to include time

scale for repeat surveys; time scale for final inspections; and procedures for rectifying defects at each survey stage.

- i) Hours of construction activity at the site which is likely to generate noise at the site boundary

Reasons: In the interest of highway safety; to reduce the impact of development on the surrounding highway; to ensure a satisfactory appearance and safety of the highways infrastructure serving the approved development; and safeguarding the amenities of the locality.

- 5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. The off-site highway works to include:

- a) The construction of a 2m wide footpath for the full frontage of the site with Kirkham Road
- b) Relocation of the speed limit locations.
- c) Design and construction of a village gateway feature to emphasise the speed limit change

The approved scheme shall include details of the phasing of the implementation of these features which shall be complied with during the implementation of the development.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

- 6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development and details of the public open space. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure; and details for the management of the landscaping and open space. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with the Fylde Local Plan to 2032.

- 7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes, and follow the principles established in section 6 of the Ecological Assessment of the Proposed Development Site, Envirotech reference 2335, dated November 2014. The development shall be phased, implemented, monitored and managed in accordance with the approved scheme for habitat creation and management.

Reason: In the interests of enhancing opportunities for wildlife and biodiversity as required by the NPPF.

- 8. Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians (including Common Toad) will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

9. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

10. No tree felling, vegetation clearance works, or other works that may affect nesting birds shall be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist. Any such survey shall be submitted to the local planning authority and approved in writing in advance of any works to clear hedges etc within the March to August period..

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

11. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development)(England) 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.

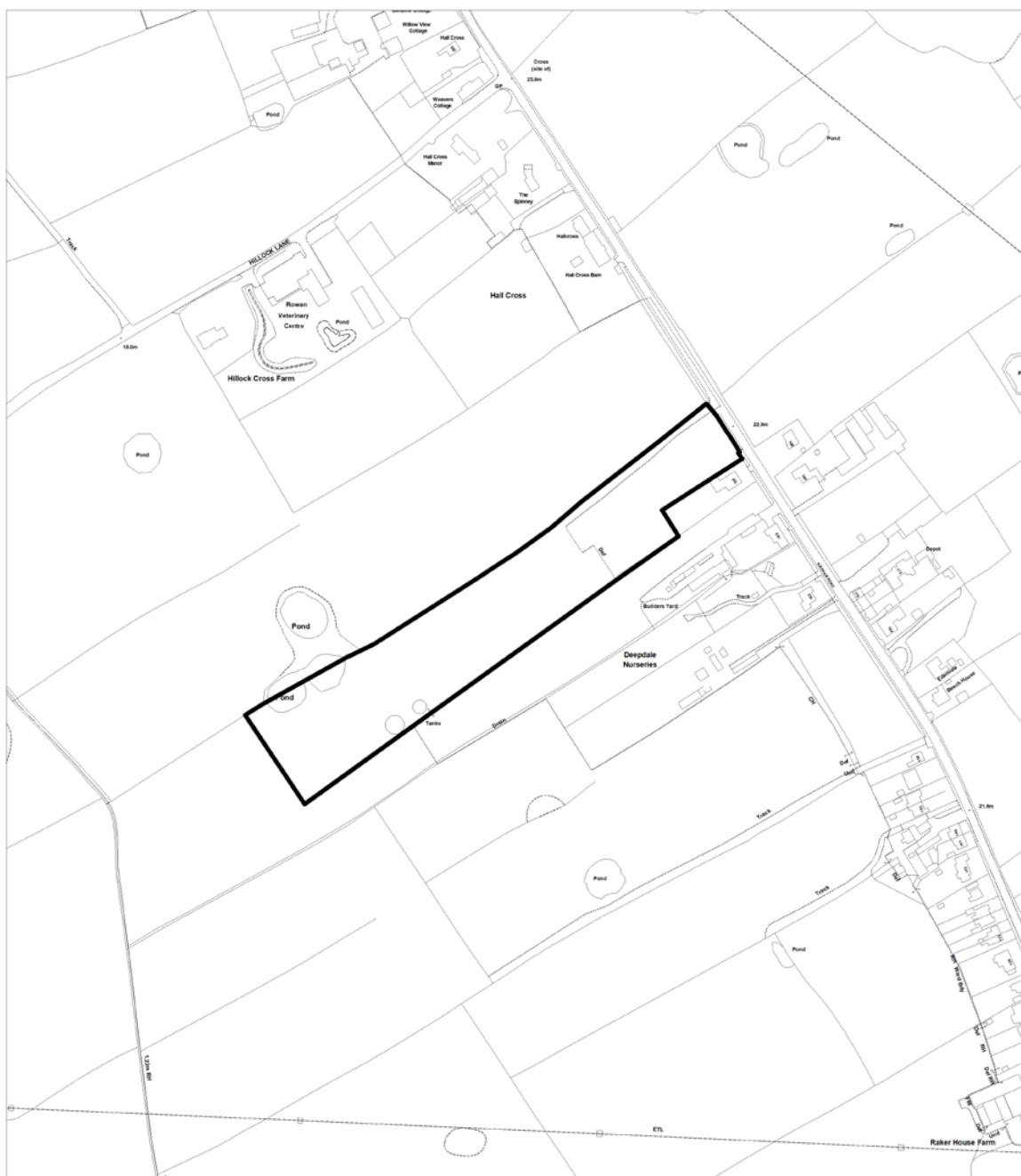
Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.


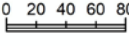
12. Prior to the commencement of any development, full details of a foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

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

13. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

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



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Application No. 5/19/0552	Address 197 Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3424 : N.4298	Scale 0 20 40 60 80 m 

Item Number: 2

Committee Date: 15 January 2020

Application Reference:	19/0642	Type of Application:	Full Planning Permission
Applicant:	Mr Wylie	Agent :	NJSR Chartered Architects LLP
Location:	VALENTINES KENNELS, WILDINGS LANE, LYTHAM ST ANNES		
Proposal:	ERECTION OF A TWO STOREY C2 CARE VILLAGE WITH 205 BEDROOMS, COMMUNAL LOUNGE AND DINING AREAS, RESIDENTS LIBRARY, CINEMA ROOM AND SALON. PROVISION OF 58 CAR PARKING SPACES WITH NEW VEHICULAR AND PEDESTRIAN ACCESS. ASSOCIATED LANDSCAPING AND OUTDOOR RECREATIONAL AREAS.		
Ward:	HEYHOUSES	Parish:	St Anne's on the Sea
Weeks on Hand:	21	Case Officer:	Kieran Birch
Reason for Delay:	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7608987,-2.9987387,673m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

January 2020 Update

This application was considered at the 18 December 2019 meeting of the Planning Committee. At that meeting the Committee resolved to defer determination of the application in order to enable officers to secure further details of the improvements that are proposed to be undertaken to Wildings Lane to facilitate its safe use by vehicle and pedestrian traffic from the proposed development.

Following that Committee meeting the agent for the application gave an undertaking that the plans would be supplied in sufficient time to enable their consideration and the re-presentation of the application to the 15 January 2020 Committee meeting. At the time of compiling this agenda these plans had not been received, but given the limited 'working time' between meetings due to the Christmas break the Head of Planning and Housing has decided to include the item on the agenda in the event that they are received. An update on this will be provided in the Late Observations schedule.

December 2019 Update

The application was first presented to Committee on 6 November 2019 but was deferred from consideration at that meeting to allow a site visit to be undertaken. This took place in advance of the 18 December meeting, with the report to that meeting containing a further update section which is repeated below along with the original report from the November meeting.

Neighbour Representations

The council has received a further 12 letters of objection in respect of the application since the

publication of the agenda in November, with eight of these reported in the late observations to that report. The late observations reported that those letters had raised the additional issues with regard to car parking and doctor's surgery places which are addressed below. The four letters received since which repeat points previously made with regard to matters around infrastructure, highways, ecology and amenity and which are addressed below and in the main report.

Health Service Provision

Given the nature of the comments made on this matter the council has undertaken a specific consultation with the Fylde and Wyre Care Commissioning Group. Their comments are summarised as follows:

- The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.
- This proposal will generate approximately 287 new patient registrations based on the dwelling mix provided.
- The proposed development falls within the catchment area of Ansdell Medical Centre This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice.
- From a CCG perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.
- It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.
- Therefore the CCG request a contribution £32,959 towards the refurbishment and/or reconfiguration at Ansdell Medical centre.

The document against which this contribution has been calculated is subject to another item in this agenda. If members are minded to accept the use of the CCG's policy as a material consideration in the determination of planning applications, then this contribution should be included in the scope of the matters to be provided in the s106 agreement that would sit alongside this planning permission.

Highway Matters

The applicant's highway consultant has commissioned a Stage 1 Safety Audit of the highway operation. This has highlighted some minor issues related to the level of the road surface in one area, and the relationship of the site access to the carriageway. Their consultant does not believe that these merit any changes to the submitted scheme. The Audit and the consultant's response have been passed to LCC highways for their consideration and they confirm that they are "*satisfied with both and consider that the audit does not raise any issues that alter my original statutory consultation recommendation*". Accordingly the position on this is unchanged from that previously reported.

Officers late observations to the agenda on the 6 November 2019 in relation to representations

received with regard to the amount of car parking on the site was as follows;

The development of a 205 bed care home with 58 spaces has been considered by LCC Highways who have made no objections to the development, including to the number of parking spaces proposed. Whilst the Council is yet to adopt an SPD on parking standards, the standard within the Joint Lancashire Structure Plan (which LCC use for assessing the adequacy of parking in new developments) expect 1 parking space per 5 residents.

Therefore a 205 bed care home generates a need for 41 parking spaces, and so with 58 spaces the scheme exceeds these standards by 17 spaces. The standards also are reduced in areas of medium and high accessibility, and as LCC note there are bus stops within 350m on Heyhouses Lane and when Queensway is constructed within 100m. Therefore it is considered that the scheme provides more than sufficient parking spaces and that no reason for refusal on this issue could be justified.

Officer Recommendation

With regard to the above officers recommendation is revised to the following;

That:

1. the Shadow HRA submitted with the application be adopted as the Council's own HRA
2. that authority to GRANT planning permission be delegated to the Head of Planning and Housing, subject to the completion of a Section 106 agreement in order to secure:
 - a) a financial contribution of up to £360,000 towards the M55 to Heyhouses Link Road and the phasing of this payment
 - b) a financial contribution of £6,000 towards travel plan support and the phasing of this payment,
 - c) a financial contribution of £32,959 towards the refurbishment and/or reconfiguration at Ansdell Medical centre.
 - a. and;
 - d) the timing and legal arrangements for the stopping up of Wildings Lane to traffic, and securing clauses within future leases of the proposed development so that the owners are fully aware that the interim access will be closed.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

3. The decision be subject to the conditions at the foot of this report (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable).

Previous Report

The report from the 6 November agenda is provided below for context.

Summary of Officer Recommendation

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of

53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. There will also be economic benefits in terms of job vcreation. The development is considered to sit well with the mix of residential uses, retail and school permitted in the area. Therefore the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is a 1.7 hectare site located on the eastern side of Wildings Lane in St Anne's. The site is located in the settlement boundary in the Fylde Local Plan to 2032 and is allocated site HS60 for 53 homes to be completed during the plan period. The land to the north, south and west of the application site is also within the settlement boundary in the plan and has outline planning permission for 1150 dwellings through planning permission 08/0058 and reserved matters application 15/0400 for the erection of 927 dwellings on the majority of the site covered by the outline planning permission. This is the scheme that is currently being implemented on that site.

The land to the east of the application site lies outside of the settlement boundary and is classed as open countryside. The application site as existing is partly a designated Biological Heritage site and has previously been used as commercial kennels. The landscape surrounding the site is typical of the area and comprises low lying, poorly drained, level, grazing land, with ditches and wind sculpted woodland. The site itself is flat and has an average level of 4.5 – 5.0m AOD. Residential properties along Wildings Lane are located to the south and west of the application site.

Details of Proposal

The application is submitted in full for the erection of Care Village use class C2 (Residential Institutions) with 205 bedrooms, communal lounges and dining areas, a library, cinema room and a salon. The development is set in seven linked blocks, with parking in front of the building and outdoor recreational areas surrounding the site including a putting green and a bowling green for residents use. A total of 58 car parking spaces are proposed to serve the development for both staff and visitors.

The proposed scheme arranges the care home as a collection of buildings surrounded by green areas and parking spaces. At the entrance to the site the building will form a 250sqm day-care centre where people can go and spend the day at the site receiving care. The form of the development replicates the scale and massing of housing joined together by glazed links to create separation. The buildings will be constructed in two types of red brick, one light and one medium with some feature elevations walls. The roof which is mainly pitched will be constructed in an anthracite concrete tile and the windows and doors in anthracite aluminium. Immediately adjacent the building will be hard landscaping paving with the internal road and parking spaces in tarmac. The application proposed soft landscaping including trees, flowers and shrubbery around the site for the benefit of residents.

Access to the site is taken from Wildings Lane and has been designed to work with the street arrangements approved in application 15/0400. As with a previous residential scheme that was approved on the site (16/0903) it is intended that there are two basic access scenarios:

- a) an 'interim' solution which proposes the Site will be accessed via an improved Wildings Lane; and,
- b) a 'future' solution which proposes the Site will be accessed through the adjacent Kensington Developments Ltd (KDL) 'Queensway' development site, once that scheme is fully developed out to the site frontage in accordance with its approved masterplan.

The reason that two access scenarios are submitted is because the Queensway development requires the stopping-up of Wildings Lane to vehicular traffic (some 100m south of the application site), and that the current route of Wildings Lane will be redeveloped as a pedestrian link. Therefore, once Wildings Lane is stopped up and developed over there will be no access available from this application site via Wildings Lane. At that point in time, the traffic from the proposed development would 'switch' to route via the Queensway scheme and the new east-west link road that will be constructed to serve that site.

Relevant Planning History

Application No.	Development	Decision	Date
16/0903	RESUBMISSION OF APPLICATION 14/0580 FOR OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approved with 106 Agreement	21/03/2017
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	14/12/2015
12/0477	OUTLINE APPLICATION FOR UP TO 66 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/07/2013
09/0801	NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION IN ORDER TO	Granted	27/01/2010

06/0809	EXTEND THE TIME LIMIT FOR IMPLEMENTATION ON APPLICATION 06/0809 PROPOSED DWELLING AND DEMOLITION OF KENNELS	Granted	05/01/2007
06/0142	DEMOLITION OF KENNELS TO CREATE NEW DWELLING	Withdrawn by Applicant	02/05/2006
03/0109	REPLACEMENT DWELLING (REVISED SUBMISSION OF 02/0912)	Granted	10/03/2004
02/0912	PROPOSED REPLACEMENT DWELLING	Refused	29/11/2002
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Refused	05/09/2001
93/0292	CHANGE OF USE OF LAND FOR THE STORAGE OF TOURING CARAVANS	Granted	16/06/1993
77/0485	TEMPORARY MOBILE HOME.	Granted	29/10/1977

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	14/03/2017
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Dismiss	14/02/2002

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 23 August 2019 and comment:

No objections, make the following observations;

- *The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.*
- *There appears to be a discrepancy regarding drainage between flood risk statement (soakaway etc not feasible) and application form (no. 11 – not within 20m of water source).*
- *Accords with HOU3 of the Neighbourhood Plan – Retirement Hubs*

Statutory Consultees and Observations of Other Interested Parties

Natural England

NO OBJECTION - Natural England has reviewed the submitted plans and we are satisfied that due to the nature of the development we consider that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Greater Manchester Ecology Unit

I would consider that, when the updated (2019) ecological assessment of the site and the information provided in the 'Shadow' HRA are included, there is sufficient ecological information available in order to decide the application.

Impact on European protected sites

The application site is within 3 km of the Ribble and Alt Estuaries SPA and Ramsar European protected site.

While the site is separated from the SPA by significant built development and does not itself support substantive areas of habitat that would be of use to the qualifying bird species for which the Estuary is designated, it is adjacent to the 'Lytham Moss' Biological Heritage Site (BHS). The area known as Lytham Moss is of ornithological importance for a number of species that are mentioned as qualifying interests/nature conservation objectives within the Ribble & Alt Estuaries Special Protection Area (SPA). The importance of the Lytham Moss area in supporting foraging and feeding wildfowl associated with the SPA (and thus sustaining the SPA population) means that Lytham Moss can be considered to be functionally linked with the SPA. While I would consider that although this particular development may not cause direct harm to the European site indirect harm may be caused through increased disturbance to birds arising from construction activity and from increased recreational pressure resulting from the development. And while the development included in this application is relatively small it must be considered in combination with the committed development of 1150 on land adjacent to, and surrounding, the application site (the Queensway development (application ref: 08/0058; Appeal ref: APP/Q2371/V/11/2157314). It is material that significant mitigation for the harm that will be caused by the much larger adjacent developments has been put forward and, in some cases, implemented.

To address these potentially harmful impacts the applicant has provided a 'Shadow' Habitats Regulations Assessment of the development proposal (ERAP 2019). I would be prepared to accept the conclusions of this shadow HRA that

- Given the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species.*
- Disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP).*

The HRA puts forward two possible CEMP scenarios, either of which would serve to mitigate construction disturbance I would recommend that as a Condition of any permission which may be granted scheme a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full.

Weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.

Impact on Biological Heritage Site (BHS, Local Wildlife Site)

The BHS that will be directly affected by the scheme (Lytham Moss Copses) was originally designated for a particular bird species (tree sparrow). This species was not recorded on the site during surveys in 2014 and 2016. Given these survey results, and the overall severe and rapid decline in this species in the UK in recent years, I am prepared to accept that the species is no longer present on this site and therefore that the BHS designation no longer carries the weight that it used to. Nevertheless the presence of the BHS should not be entirely dismissed; I would therefore support proposals to retain and/or recreate habitats suitable for use by nesting birds (trees, shrubs and hedgerows)

Impact on Species

As the works involve the clearance of vegetation that may be used by nesting birds, we would advise that the following condition (BS 42020:2013) be attached to any permission:

No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)

Possible signs of the protected species water vole were recorded in a ditch forming the eastern boundary of the application site. The ditch is capable of retention and protection, although I would recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles.

A single tree on the site has been shown to have some potential to support bats (ERAP ecology report 2019). Before removal this tree it must first be inspected for the possible presence of bats.

Impact on Habitats

The site does support habitats of local nature conservation value, including established broad-leaved trees and shrubs and hedgerows. These features should be retained wherever possible and recreated through new Landscaping if removal is necessary. I would recommend that as a Condition of any approval granted to the scheme a comprehensive landscape plan should be prepared for the site and, once approved by the Council, implemented in full.

New bird nesting and bat roosting boxes should be erected on retained and/or newly planted trees at the eastern boundary of the site.

Environment Agency

No objections to the application. Comment that the proposal is for a major development which includes an option for a non-mains foul drainage system. Foul drainage should be connected to the mains sewer and when this is not possible any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission.

The Flood Risk Assessment and Drainage Strategy (Ref: LRD30217; dated July 2019), prepared by Sutcliffe, states that foul sewage generated by the development will be either pumped to the public combined sewer, or disposed of via a non-mains system which will discharge to an adjacent watercourse.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

In this case, given the scale of the development and the proximity to the nearest public foul or combined sewer, it is unlikely that we would grant an environmental permit for a non-mains system of foul drainage.

Lancashire CC Flood Risk Management Team

No comments received.

Lancashire County Council - Highway Authority

LCC have provided extensive comments in a 15 page response. Given the importance of highways issues to this application it has been decided that the full response should be an appendix to this report. Please see appendix. However, the summary of this is included here:

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as set out within these comments are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

United Utilities - Water

Following our review of the provided Flood Risk Assessment and Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice.

The condition they refer to is to ensure the implementation of the drainage as shown on the submitted Flood Risk Assessment alongside a condition that relates to the management and maintenance of the suds.

Regeneration Team (Landscape and Urban Design)

No comments received.

Regeneration Team (Trees)

I have had a look at the proposed application and plan for the site regarding trees. I am in agreeance with Alan my predecessor where he has stated the tree species in the area does not warrant a tree preservation order due to poor condition and would look to see in the application that the developers keep the larger trees (Poplars) for screening and plant sufficient trees throughout the site to soften the development.

From the proposed plan A107 site plan I see they are retaining the trees at the Southern boundary and planting small trees around the site. I would like to see a mix of large (mainly around the boundary edge) and small trees as this will be a significant development and having larger trees on the site will soften the impact of such a development in this location.

LCC Archaeology

Mesolithic flint scatters have been found both to the east and west of the proposal site (Lancashire Historic Environment Record PRNs 23581 and 20185 respectively). An assessment of the adjacent Queensway housing site (planning application 5/08/0508) concluded that the area did have some archaeological potential which needed to be tested through a combination of fieldwalking, augur survey and trial trenching. The

results of this first stage of work being used to determine whether or not any subsequent archaeological investigation of the site was warranted.

Previous advice to the Council from both the former Lancashire County Archaeology Service and Lancashire Archaeological Advisory Service, in relation to applications made in 2012, 2014 & 2016, advised that such works could be secured by means of a planning condition, as was the case with planning application 16/0903. The Historic Environment Team sees no reason to change this advice, and would suggest that the same condition be attached to any consent that might be granted for the current application:

Neighbour Observations

Neighbours notified:	23 August 2019
Site Notice Date:	12 September 2019
Press Notice Date:	12 September 2019
Number of Responses	Four objections received.
Summary of Comments	<ul style="list-style-type: none">• Increase in vehicles on surrounding highway network.• Loss of countryside.• Ecological impact.• Impact of traffic on wildings lane.• Drainage problems in wider area.• Area used by dog walkers and walkers for exercise.• New link road needed and may never take place.• The assertion that Wildings lane will only be short period of time ignores the possibility of delay to the Queensway site.• Request that construction site don't use Wildings Lane.• As a wheelchair user with no pavement outside my home which is ok with no traffic but will not be safe with construction traffic.• Additional traffic will cause conflict.

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
ENV2	Biodiversity
ENV1	Landscape
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
SL1	Lytham and St Annes Strategic Location for Development
T5	Parking Standards

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) Regulations 2017.

Comment and Analysis

The main issues to be considered when determining this application are;

The principle of the development

Highways

Design and visual impact

Ecology

Flooding and drainage

Impact on residential amenity

The principle of the development

The site lies within the settlement boundary of St Anne's on the Sea in the Fylde Local Plan to 2032. Policy GD1 states that within settlement boundaries development proposals will be assessed against all relevant Local Plan policies. The Local Plan settlement hierarchy policy S1 identifies St Anne's on the Sea as a key service centre. Policy DLF1 (as modified) identifies four strategic locations for development which will accommodate 90% of homes over the plan period, of which St Anne's (with Lytham) is one. The site is allocated under Local Plan Policy SL1 and identified as HS60 Valentine Kennels, for 53 homes to be completed during the plan period.

The site lies outside the defined settlement boundary shown on the St Anne's on the Sea Neighbourhood Development Plan Policies Map. Policy GP1 states that development outside the settlement boundary will be assessed against national policy and any relevant development plan policy. Although this means that there is no presumption from the NDP for the site to be developed, it does not preclude the development of the site, and defers to the more recent policies of the Fylde Local Plan to 2032.

The proposal is for a 205 bedroom care home under use class C2 and therefore does not provide accommodation that falls within the use class C3 residential as sought by the FLP allocation. Paragraph 9.18 of the Local Plan clarifies that the housing requirement figure applies to all types of housing including housing for specific needs such as the elderly. Therefore, the proposed development will contribute to meeting identified housing needs and so it is considered that this allows the view to be reached that the proposal is in compliance with the allocation of the site for housing under Policy SL1. Further support for this approach is included in the section below concerning the Planning Practice Guidance (PPG).

The Local Plan identifies that the over-65 population will increase by over 40% over the plan period, and that one-third of all of the increase in the population of Fylde over the plan period will be people over 85. The number of people with support needs is likely to increase by approximately 50% (in relation to each of the individual categories of visual impairment, inability to self-care or mobility impairment). Therefore Local Plan policy is positively-framed in order to bring forward suitable provision for specialist accommodation for the elderly, where compliant with other policies of the plan.

Policy H2 includes a section 'Specialist Accommodation for the Elderly' and is a positively-framed, criteria-based policy. It provides a series of criteria that schemes of 100% specialist accommodation

for the elderly should meet in order to be considered acceptable, and a further set of criteria to be met in order that a development proposal be identified as purpose built 100% specialist accommodation for the elderly. The policy states that;

Developments will be considered by the Council to be purpose-built 100% specialist accommodation for the elderly if:

All areas used by residents will comply with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings);

A communal lounge or similar social facility for the exclusive use of all residents is included within the development;

A shared laundry service is provided for the use of all residents;

The development will be marketed with a restriction on age for residents of over 55;

A daily hot meals service is provided either through a central facility on-site or through an outside provider to residents who require it; and an emergency alarm call service is provided for all residents.

On sites where 100% specialist accommodation for the elderly is proposed as defined above, affordable housing contributions will not be sought.

From examination of the submitted plans and supporting information the proposal complies with all of the above criteria and constitutes a care home and therefore affordable housing contributions need not be sought.

The NPPF paragraph 61 requires the size type and tenure of housing needed for different groups should be assessed and reflected in planning policies, including older people and people with disabilities. This is reflected in Local plan policies (see above). The proposed development would contribute to meeting identified need.

The NPPG (Paragraph: 016a Reference ID: 63-016a-20190626) states that plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.

The PPG provides a link to the relevant census data in order to provide data on the average number of adults in a household. The table in the census data gives a total number of adults in households of 60,110 and a total number of households of 34,877, giving an average of 1.72 adults per household within Fylde Borough. The 205 single bedrooms therefore equate to 119 dwellings. Therefore the approval of this development as well as providing 205 bedrooms instead of the 53 dwellings granted permission, will also release approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Local Plan to 2032 presumes to deliver and the site will therefore contribute to the delivery of the Local Plan and is fully in accordance with the allocation of the site for housing.

Therefore the principle of the development is considered to accord with local and national policies and guidance and so is acceptable.

Highways Issues

Proposed access solutions proposed and highways impact

The previous consent on the site for 53 dwellings effectively approved two access arrangements. An

interim solution where access is taken from Wildings Lane, and a future final solution where the site will be accessed through the adjacent Queensway development site once that scheme is fully developed. The same solutions are being proposed here. The reason why two access solutions are proposed and assessed in the submitted Transport Statement is because the approved Queensway masterplan includes the stopping up of Wildings Lane to vehicular traffic and that the current route of Wildings Lane will be redeveloped as Wildings Lane is not appropriate to serve a development of the scale of that proposed on the Queensway site. Therefore once Wildings Lane is stopped up and developed the traffic from this application site will switch to the highways serving the Queensway site including the new east-west link road.

During the 'interim' and 'future' solution the proposed access scheme includes, and according to LCC Highways demonstrates, the following;

- acceptable sightlines from the site access;
- the site access is overlain on the approved Queensway Reserved Matters Masterplan layout (Drawing No. 1844.L.01, Revision K) to demonstrate that the proposals for the site access have fully taken into consideration the approved wider plans and the committed highway infrastructure and associated access points;
- the site access junction will be a raised table with street lighting;
- the extent of adopted highway and proposed service strips (service strips to be dedicated as highway and to be 2m wide from the site red edge abutting Wildings Lane into the site along the full site frontage);
- the extent of adopted highway will include the site access turning head, built to adoptable standards;
- a build out on Wildings Lane to the north of the site access, with carriageway width reduced to 3.7m; and
- swept path analysis at the site access showing acceptable movements can be achieved for a large refuse vehicle;

The latest 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan according to LCC Highways demonstrates:

- the layout will utilise the full extents of the current adopted highway with the agreed carriageway to be a consistent 5m width with verges that will vary in width but to be a minimum of 0.5m on each side;
- a carriageway crossfall of 1 in 30 from the centreline would be expected, all such matters will be agreed at technical approval stage;
- a build out on Wildings Lane at the southern end of the proposed 5m wide carriageway section (to the north of the Roseacre site access) – carriageway width to reduce to 3.7m to provide traffic calming/traffic management/speed reduction with associated signing etc.;
- Street lighting is required on the proposed section of 5m carriageway where there is no footway;
- hazard bollards markers are to be provided on each side of Wildings Lane as appropriate;
- the plan makes reference to the wider improvements now agreed to be delivered by this applicant that cover the length of Wildings Lane between Roseacre and Heyhouses Lane (in line with the scheme agreed previously for the extant residential outline approval on the Valentines kennels site and shown in Drawing SCP/14137/100, Revision C for that application);

These works differ from the scheme approved previously as topographical surveys have confirmed that the width of the carriageway is less than previously thought. With regard to the two solutions outlined above LCC have commented that they have considered both in highways and transport

terms and they are acceptable in principle to LCC Highways and demonstrate that a safe and suitable access can be delivered but changes may be necessary following the detailed design process. They have also commented that they would want to see Stage 1 Road Safety Audit (RSA) carried out on the access plans that have been agreed in principle. The RSA should cover all works proposed over Wildings Lane from the north of the site access to the junction with Heyhouses Lane such that the RSA considers the overall scheme as a whole.

LCC consider that the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application. However if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. Therefore as with previous consents the 'future' solution will result in the proposed development linking up with the adjacent housing development and utilising the highways network approved by that application. The signed Section 106 Agreement between KD and FBC / LCC states that the TR6 M55 – Heyhouses Link Road shall be completed in full prior to the occupation of the 425th residential unit on that site (total approved units = 1150). The route of the new link road will run alongside the existing North Houses Lane / Wild Lane route. Funding is secured to turn the existing route into a bridleway in the S106 Agreement. As part of the Queensway scheme, KDL are also obligated through the S106 Agreement to construct the east-west link road (known as TR5) between the M55 Link Road and Queensway. The S106 obligates KDL to fund the delivery of the TR5 route in full prior to the occupation of the 375th dwelling on the site. At the point this infrastructure becomes available the site will no longer use the 'interim' access which will then be closed to vehicles.

The submitted Transport Statement present trip rates which LCC confirm are not unreasonable and therefore acceptable. The TS provides a direct comparison with the forecast peak period traffic generation of the extant residential application.

In the AM peak the forecast two-way flow is 22 vehicles and in the PM peak the figure is 31 vehicles. The traffic flows forecast in the peak periods are lower than those forecast for the extant residential application, these being 31 and 35 vehicles in the AM and PM respectively. Overall, in the peak periods the proposed Care Village could be expected to generate approximately 80% of the traffic generated by the previous residential application. Clearly the impact of that development was found acceptable so a reduction in traffic from the site from the proposed development can also be found to be acceptable.

Restricting use of Wildings Lane to the application site only

Both the Local Highway Authority and your Officers raised concerns with the previous application with regard to the proposed 'interim' and 'future' solutions which resulted in the applicants providing information in order to overcome these concerns. The main concern was that allowing this development could prejudice the stopping up of Wildings Lane to vehicular traffic in the future, something that is a requirement of the Queensway application and also that the occupiers of the adjacent site could utilise the Wildings Lane access, which if allowed to occur would result in a severe impact which would clearly be unacceptable. The mechanisms proposed by the applicants for the previous development to ensure the Kensington Developments scheme does not utilise Wildings Lane during the 'interim' solution are through the approved Queensway scheme itself which shows Wildings Lane to be closed to traffic in both the outline and approved Reserved Matters application. The phasing plans submitted with the pending Reserved Matters Kensington application show that phase 2 includes completion of the link road, with phases 3 and 4 to be completed after this road is available. Phases 3 and 4 are those nearest to the Valentines Kennels site. As this is shown as part of the RM application the requirement to close a highway can, and is regularly included within a planning condition. Subsequently since the previous application on this site was approved, the RM

for Queensway has been approved and includes the following condition

There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane. Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme has first been obtained from the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.

This condition prevents any element of the Queensway development from using Wildings Lane in a vehicle and requires that a scheme be submitted that details the road closure and that it should be carried out in conjunction with the road infrastructure. This would prohibit occupation of any dwellings in phase 3 or 4 of the Queensway development prior to the laying out, completion and opening of the estate road indicated on the phasing plan and, the closure of Wildings Lane to vehicular traffic; at which point traffic from the Valentines Kennels site could start using the new road.

Closing up of Wildings Lane following availability of Queensway road network

Therefore the use of the 'interim' access arrangement can be controlled so that it is only used by occupiers of the application site. The closing up of this access to vehicles when the Queensway highways network becomes available also needs to be considered. As outlined above it is a requirement of the Queensway scheme for it to be closed in accordance with a scheme to be approved by the Council. However whilst LCC Highways state that the future restriction to vehicular traffic on Wildings Lane presents less of an issue for the Care Village application than the previous consent, if the prohibition for vehicular traffic on Wildings Lane is not delivered as intended, then the implications and impact on Wildings Lane as the key sustainable link from Queensway and also the junction with Heyhouses Lane, will be significantly greater. LCC Highways state that following discussion between the applicant of the previous residential application and Officers at Fylde it was agreed that this matter could be satisfactorily addressed through the legal documents associated with individual house purchases and through conditions attached to both the outline and subsequent Reserved Matters application for the site. They state that a similar condition requiring that all residents of the Care Village are clearly made aware of the interim and long term access proposals prior to taking up residence is considered appropriate. It is therefore considered appropriate to take the same approach to this scheme as the housing scheme despite the differing uses the care home will still have a number of visitors and staff members.

It is therefore considered appropriate again that the 'switch' to access the site via the Queensway road network is secured via a S106 legal Agreement and planning condition. This gives the LPA and the County Highway Authority assurance that any developers would not challenge such an agreement at a later date because legal agreements are much harder to change than planning conditions. To ensure that Wildings Lane is stopped up as and when the Queensway highways infrastructure is completed and it is no longer needed as a vehicular access for the application site the most appropriate method for the stopping up of Wildings lane will be via Section 247 of the Town and Country Planning Act 1990. Any application for a Stopping-up Order made under this section of the Act would, if the Secretary of State is satisfied to do so, allow the stopping-up to be carried out in accordance with a valid and relevant planning permission. The requirement for the

stopping-up has also been secured by way of planning condition. Any objections to such an application would only be given significant weight if the objecting party would be unreasonably prejudiced by the proposals. Objections from individuals or groups who simply don't like the planning permission that the Section 247 is submitted pursuant to can carry no weight and cannot frustrate the process by objecting to the Stopping-up.

Therefore as long as the residents of the application site have been made fully aware of the planning approval and the requirements for the stopping up of the access in the future their objections would not carry significant weight and are highly unlikely to be considered by the Secretary of State as sufficient to refuse the order. It is therefore proposed to make first and subsequent occupiers of the proposed care home aware of the requirement to stop up Wildings Lane by requiring their notification within the tenancy agreements for the site.

With this clause included there can be no point at which any future occupier of the site can assert that they have not been duly notified of the access arrangement and as such if they were to object to a stopping up order it would carry immaterial weight and would not be sufficient to warrant refusal of the order. Fylde Borough Council's Legal Officers have considered this aspect of the development for the previous consent and their view was that there is sufficient comfort that the Secretary of State will consider it necessary to stop up Wildings Lane under s247 of the Town and Council Planning Act 1990 in order for the Queensway development to be carried out should the Valentines Kennels application be approved. The SoS will consider highway safety and also the fact that Wildings Lane will be stopped up as part of the Queensway development) which means the SoS will give weight to the fact that the Queensway development has been approved on the basis that the residents do not use Wildings Lane as an access and unless he was persuaded that there was less of a danger to highway safety by not closing up the road and allowing them to use it he is likely to make the necessary order. In FBC's Legal officers' view there is a good and cogent planning case to stop up Wildings Lane, despite any objections from the residents and they would not expect the SoS to make a decision contrary to good planning. Therefore it is considered that both of these can be adequately controlled.

Highways impact during construction

With regard to construction work they require a condition securing a strong Construction Management Plan and a detailed Construction Method Statement covering how improvements to Wildings Lane will be constructed and how safe access will be managed. For example, it may be that at the construction stage there will be a requirement to provide passing places, at selected locations, that allow for HGV's to pass over a wider temporary carriageway than the 6.0m (2 x 0.5m verge plus 5m carriageway) proposed for the final layout. The need for piling/and or pre-loading is well documented on existing sites in this area and this should form part of the detailed consideration within a Construction Method Statement and Construction Management Plan. It is considered that with the control of all these measures that the highways impact during the construction phase can be managed so that it does not have an unacceptable impact.

Sustainable transport

With regard to sustainable transport LCC state that they are satisfied that the impact on sustainable users as a result of this development cannot be considered to fall under the NPPF descriptive criteria of a 'severe' impact.

Travel Plan

LCC require a Full Travel Plan to be provided and secured by condition. They also request a contribution of £6000 for Travel Plan Support.

Section 278 Works

LCC Highways response indicates that Section 278 agreements (s278) are appropriate where improvements are required in the public highway, and are to be paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features). LCC state for the development to be acceptable in highway and transport terms, works will be necessary and must be secured through a s278 Agreement. The works that are to be delivered as part of a s278 Agreement are the main site access junction off Wildings Lane and associated improvement works on Wildings Lane as agreed 'in principle' subject to detailed design shown on the following drawings:

- (i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and
- (ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Highways contributions

LCC state that obligations are expected to be applicable for sites within this area. They consider that the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact. LCC would request a funding contribution from the development towards the M55 to Heyhouses Link Road Scheme. The suggested funding request is based on the scale of development and is based on a proportionate contribution (proportionate with the Kensington site) with regard to the scale of this application in comparison to the larger site and the latest overall estimated scheme cost.

Therefore, based on a proportionate contribution (i.e. with regard to the scale of this application in comparison to the Kensington site and the necessary M55 to Heyhouses Link Road having regard to public body contributions and the overall estimated scheme cost) the requested sum would equate to £360,000. This is less than the previous scheme request which was for £450,000 due to the higher number of transport movements from the site. The developer has agreed in principle to making a contribution but no agreement has been reached with regard to the specific sum requested.

LCC Highways state that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a site's overall viability. As the levels of contributions have not been agreed, if members are minded to approve the application the resolution would therefore be to delegate to officers to approve subject to agreement of an appropriate level of contributions towards highways.

Highways conclusion

The development of up to care home isolation will not have an unacceptable impact on Wildings Lane or the junction with Heyhouses lane in terms of capacity or safety and appropriate conditions can be imposed to ensure that the construction phase does not have an unacceptable impact on residential amenity. LCC Highways have confirmed that they have no objections and that the interim access solution provides a safe access. When the Queensway site becomes available to the application site the improved access will be closed to vehicles and become the sustainable link that was approved as part of the Queensway site. A Section 106 agreement can be used to ensure that residents of the site are aware that the road will be closed post occupation and use of the road.

Contributions would also be made towards sustainable transport and towards the delivery of the Moss Road which is a benefit of the scheme. Therefore there are no sustainable highways reasons to refuse the application.

Design and visual impact

The application site is located directly adjacent to an approved residential scheme and the Planning Inspector when allowing that development at appeal considered the visual impact that proposal would have on the character and appearance of St Annes. That site and the applicant site have also been assessed as part of the plan making process and are now part of the settlement of St Annes and indeed are allocated for development in the Local Plan to 2032. Therefore the development of this site and the associated visual impact has been accepted in principle.

This site effectively infills an area excluded from the Queensway development due to site ownership. The most significant view of the site will be from the east but with the development of the adjacent site and an appropriate scheme of landscaping it would be viewed as having a consistent boundary in line with the adjacent developments. The trees within the site that are of the best quality are shown to be retained on the southern boundary. Tree and hedgerows are proposed and the existing ditches to the north and eastern boundaries will be retained with a scheme of landscape enhancement. The provision and retention of these features will assist in integrating this development into the setting of the adjoining development and St Annes. It is not considered the development will have a significant visual impact, and it will eventually be well contained and surrounded by residential dwellings and existing natural landscape features.

Ecology

The application has been submitted with an Ecological Assessment and a Shadow Habitats Regulation Assessment. The applicants were advised to submit these documents as ecology was a key issues in previous applications on the site. This is due to the site's designation as a Biological Heritage Site designated because of a tree sparrow population, and its position adjacent to Lytham Moss Biological Site which is designated because it is a site within which 0.5% or more of the British population of any wild non-breeding species of wildfowl or wading bird is regularly present. This includes pink footed geese.

Consideration of previous applications found that the residential development could be completed without unacceptably impacting upon birds on the adjacent Lytham Moss through construction or recreational disturbance and that the sites value as a site for sparrows had diminished with the removal of the sparrow boxes that housed them. This was backed up by surveys and proposed mitigation.

The submitted Ecological Survey and Assessment makes the below key findings;

- The site comprises a field of unmanaged grassland with an area of abundant scrub at its south-eastern end, and mature trees along its southern boundary. Ditches are present at the northern, eastern and southern site boundaries.
- It is considered that, provided the recommendations adhered to, the proposals will have no direct adverse effect on statutory or non-statutory designated sites for nature conservation, and represent an opportunity to secure enhancements (in relation to nesting tree sparrow) at the section of the Lytham Moss Copses Biological Heritage Site which forms part of the eastern end of the site.
- The site contains only common and widespread plant species. None of the habitats within

the site are of significant interest in terms of their plant species composition.

- The mature trees and scrub and boundary ditches are of local value as they provide structural diversity. The boundary trees and scrub are additionally suitable for use by foraging bats and foraging and nesting birds. The development proposes to retain and protect the majority of the mature trees.
- One tree (Pop2) was identified to support a feature suitable for use by roosting bats; in accordance with the proposals plan the tree will be retained by the proposed development. No other trees were identified as supporting features suitable for use by roosting bats.
- Ditch 1 (at the northern site boundary) and Ditch 3 (at the southern site boundary) are dry. Neither supports habitats suitable for use by water vole. Signs of water vole were detected along the length of Ditch 2 (at the eastern site boundary); recommendations for the protection of the ditch (and therefore water vole) at the site are proposed.
- The trees and shrubs are suitable for use by nesting and foraging passerine (i.e. perching) bird species. The tall, unmanaged grassland and scrub is unsuitable for use by wintering bird species, and is not favourable for use by ground nesting species of bird.
- No other protected species have been detected.

GMEU have commented on the above findings and their response is detailed in full above. They state that the development will directly affect the tree sparrows BHS, but given no species were recorded at the site in recent surveys and the rapid decline in this species in the UK in recent years, they are prepared to accept that the species is no longer present on this site and therefore the BHS designation no longer carries the weight that it used to. However they support the proposals to retain and recreate habitat on the site for use by nesting birds – trees, shrubs and hedgerows. They advise that a condition be used to prevent works to nesting bird habitat during the main breeding season. With regard to the evidence of water voles in the eastern ditch GMEU recommend that a buffer zone is established between any build site and the ditch of at least 6 m and that this buffer zone is marked with suitably robust fencing to prevent encroachment into the ditch and to avoid any possible harm to water voles. This can be subject to a condition. They also recommend a condition that requires a comprehensive landscaping plan to be submitted

Impact on European protected sites

As stated above the application was submitted with a Shadow Habitats Regulation Assessment which if found acceptable can be adopted as the Council's own. This HRA outlines that the development site is located within the SSSI impact risk zone for the Ribble Estuary SSSI and Ribble & Alt Estuaries Ramsar site and Special Protection Area (SPA), located 2.5 kilometres to the south-west of the site, and a section of the Lytham Coastal Changes SSSI, located 0.4 kilometres to the south. The Ribble Estuary designations are because of their importance to breeding, overwintering and migratory waterfowl. It also highlights the sites presence adjacent to the Lytham Moss BHS which is functionally linked with the SPA. Also of relevance is the Farmland Conservation Area on Lytham Moss which was established to compensate for the impact of the Queensway residential development and the M55 Link Road. As the FCA was established to compensate for development on the European Site Ribble & Alt Estuaries and Martin Mere SPA, the FCA receives the same protection as the SPA's themselves. The FCA is located along North Houses Lane.

The HRA established the baseline conditions and the scope of development as described in preceding paragraphs. It then considers the reasons for the designations and outlines the species that they support. It describes the conservation objectives of the sites as being;

'With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change; Ensure

that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.'

The assessment of likely significant effect is the first stage of a HRA and is a simple exercise which considers whether not the proposal, either on its own or in combination with other developments is likely to result in a significant adverse effect on the conservation objectives. The HRA considers various potential courses of significant effect, the consequences of unmitigated impact and the assessment of LSE for each. These include construction works within the site and operational when the site is occupied. During construction the potential consequences found are the direct loss of qualifying features, however as the site does not support any habitats that contribute the SPA and is distance enough from those sites that no LSE is predicted. Another is the loss of functional linked habitat, however again the site does not support sites suitable for waterfowl and the wooded nature of the site means they are not likely to occupy land near it and as such no LSE is predicted. However during the construction phase due to the sites location adjacent to the Lytham Moss a LSE is predicted due to noise from construction effecting the distribution of birds with the BHS.

This is considered further with the HRA stating that in the absence of mitigation, development during the construction phase may cause the disturbance and/or displacement of SPA birds from the Lytham Moss BHS. The HRA then considers the distribution of SPA birds within the Lytham Moss BHS and finds the following disturbance impacts;

- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- In accordance with Habitats Regulation Assessment, M55 to Heyhouses Link Road (Lancashire County Council, 2011), the following disturbance zones for wintering wildfowl that have been assumed for this development:
 - Activities within 200 metres will cause a high level of disturbance with displacement from the field if construction is continuous;
 - Activities within 200 to 400 metres will cause low to moderate level of disturbance; and,
 - Activities greater than 400 metres will cause no significant disturbance.
- Vegetation removal (such as tree felling / de-vegetation works), site clearance, re-profiling works, pile driving and the operation of machinery around site are considered potential source of high levels of noise disturbance during construction
- The nearest known records of SPA birds are identified within fields situated approximately 5 metres to the west and 100 metres to the north of the site boundary (note: this is field location and not individual record location); the remaining 'clusters' of records are situated outside of the anticipated developmental zone of influence.
- Prolonged construction work in the spring and summer (i.e. between April and September) will have no effect on SPA birds; they will not be present. For the purposes of this assessment 'prolonged' is assessed as a time greater than more than 1 working day in any given week.
- In the absence of mitigation and based on the worst case scenario (i.e. prolonged

construction in winter and coinciding with the SPA birds grazing within either of the adjacent fields), construction activities may cause the disturbance and displacement of SPA birds utilising these fields for the duration of the works

- This represents a short term likely significant effect at a regional level.
- It is important to consider that the SPA birds do not rely entirely on one field, and will utilise different fields on a rotational basis. Birds may not be present within the disturbance zone for the duration of the construction phase; in that instance no disturbance / displacement would take place.

The finding of the HRA is therefore;

a. The proposed development is reasonably unlikely to have any direct likely significant effect to the Ribble & Alt Estuaries SPA and Ramsar site during either its construction or operational phase;

b. Disturbance effects to functionally-linked land to the Ribble & Alt Estuaries SPA and Ramsar site (i.e. Lytham Moss BHS) may occur during the construction phase.

The HRA then considers in-combination effects finding that given the proposal is for a C2 care facility the impact will be less than the approved residential development given the reduced impacts in terms of recreational disturbance to the wider area. It is therefore concluded that the revised proposals at the site will have no impact, either alone or in combination, in terms of recreational disturbance.

The second stage of a HRA is the appropriate assessment stage which is to precisely assess the likely effects identified and to inform a conclusion as to whether an adverse effect on the designated sites integrity can be ruled out. It states that a Construction Environmental Management Plan (CEMP) for Biodiversity will be prepared for the proposed development. Within which they propose two options both of which may be used to prevent construction impacts creating a LSE to wintering bird populations associated with Lytham Moss BHS during the wintering period. In brief these measures consist of completing disturbing activities in summer, when wintering birds are absent (although the potential for breeding birds, protected under the Wildlife and Countryside Act 1981 (as amended) must also be considered) or conducting potentially disturbing works in winter, if it can be reliably established that wintering bird species are not within sufficient proximity to the site/activity that they may become disturbed. This would be achieved by undertaking weekly checks for the presence of SPA birds within 200 metres of the site between October to March; if no SPA birds are identified then works likely to cause high levels of noise/vibration disturbance can proceed. It is stated that the incorporation of the measures described above into the development proposal and the requirement for a suitable CEMP to guide the proposed development, as described above) will enable the LPA to conclude under the Habitats Regulations that there is no adverse effect on the integrity and conservation objectives of the European designated sites (or any designated site) as a result of the development proposals. The HRA concludes that

The assessment makes the recommendation that, provided the recommendations relating to the completion of a suitably worded Construction and Environmental Management Plan (CEMP) are adhered to, it can be concluded that the project will have no significant adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation either alone or in combination with other projects. It is advised as best practice that the CEMP can be secured by planning obligation / conditions, as appropriate.

Both GMEU and Natural England have commented on the application and their responses are detailed above. GMEU accept the conclusions of the HRA given that the nature of the proposal increased recreational disturbance is unlikely to have a significant effect on important bird species

and that disturbance from construction impacts can be mitigated through the implementation of a Construction Environmental Management Plan (CEMP). They state that either of the above CEMP scenarios would serve to mitigate construction disturbance and would recommend a condition that requires a final, adopted and detailed CEMP should be prepared by a suitably qualified person and, once approved by the Council, implemented in full. GMEU state that weight should be given the views of Natural England on the above matters, since they are the relevant statutory body regulating European sites.

Natural England state that they have reviewed the submitted plans and are satisfied that due to the nature of the development that it will not have a significant adverse effect on designated sites and therefore have no objection. With regard to the HRA they state they are satisfied that the HRA is up to date and they therefore have no further comments to make on this proposal - subject to the proposed mitigation measures being secured by the Council and implemented by the developer. They state that to meet the requirements of the Habitats Regulations, they advise the Council to record our decision that a likely significant effect can be ruled out. As such it is considered that there are no Ecology issues with the application and that the shadow HRA which determines that a likely significant effect can be ruled out can be adopted as the Council's own. This is incorporated into the recommendation to members.

Flooding and drainage

The site is not located in a flood zone and is, therefore, located in an area where the development of a more vulnerable use such as that proposed is acceptable. The site is over 1 hectares and accordingly the application has been submitted with a Flood Risk Assessment (FRA) and drainage strategy by Sutcliffe Civil Engineers. The site slopes to the south and east with elevation differences of circa 0.4m and 0.14m. Land elevations in the north are approximately 4.484AOD and approximately 4.884AOD in the south. Land along the western boundary is at approximately 4.736m AOD and slopes to approximately 4.594m AOD at the eastern boundary. A topographic low point at the site has been identified at 4.155m AOD located within the northeast corner and a high point of 5.508m AOD close to the southern boundary. The total site area is 1.75 hectares and at present only 2.8% of it is an impermeable area. Therefore given this lack of development and drainage on the site the site has been treated as a greenfield site. The greenfield run off rates have been calculated to be 9.3 l/s and for a 1 in 100 year storm event 19.3 l/s. The FRA outlines that soakaways/infiltration is not feasible due to shallow groundwater and therefore proposes that surface water drainage discharges into one or both of the adjacent watercourses to the south and east to mimic the existing situation. This is the same drainage solution proposed by the previous application on the site and as the FRA states this is the second discharge option on the hierarchy of solutions after infiltration. The surface water run-off will be restricted to greenfield rates by a hydro brake and stored in an underground attenuation tank. With regard to foul water the FRA states that foul water will be discharged to the public combined sewer via a pumping station, the nearest being on Jubilee Way to the south, or into the watercourse after treatment.

The FRA and drainage strategy submitted have been considered by United Utilities, the Environment Agency and the Lead Local Flood Authority (LLFA). United Utilities have no objections to the development, stating that the FRA and drainage strategy outlined above is acceptable to them. They request a condition requiring the scheme to be constructed in accordance with the FRA and suggest a condition regarding the management and maintenance of the surface water system. The Environment Agency have no objections nor request any conditions. LCC as the Lead Local Flood Authority (LLFA) have made no comments on the application but for the previous scheme on the site offered no objections, and the drainage solution proposed here is the same solution. Therefore subject to appropriate conditions being used there are no drainage issues with the application.

Impact on residential amenity

The application site is located in a position where once built it will be surrounded by residential development to the north, south and west. Reserved Matters has been granted for that site through application 15/0400 and therefore the impact on the dwellings approved there can be fully assessed against the development proposals here.

The proposed building is set back from the highway by approximately 15m with the dwellings to the west either facing or side on the application site and are in excess of 30m away so there will no impact on these dwellings. To the north the approved dwellings are laid out so that their side or rear elevations face the application site, with the proposed care home between 14 and 8m from the side elevations with obscure glazing proposed at the nearest points. To the south the dwellings are set further away due to the access road and existing landscaping on site so there will be no overlooking or loss of light from the proposed development here.

To the rear of the site the building is 12m from the boundary and 23m from the rear elevations of the proposed dwellings and as such there will be no unacceptable overlooking or loss of light here. The existing dwellings to the south on Wildings lane would not experience any overlooking or loss of privacy as a consequence of this development.

There are therefore no issues with this development when constructed in terms of impact on residential amenity. Conditions will be used to ensure obscure glazing is used where appropriate.

Conclusions

The application relates to the erection of a 205-bedroom care home with associated ancillary facilities on an area of land off Wildings Lane which is allocated for residential development in the Fylde Local Plan to 2032 and has previously had planning permission for the erection of 53 dwellings. Whilst the site is currently undeveloped and sits within a landscape of other undeveloped land, the surrounding land has planning permission and reserved matters approval for residential development as part of the 'Queensway' development.

The proposed 205-bedroom care home brings the benefit of a different form of accommodation which will cater for an identified need for elderly residents as well as releasing approximately 119 existing dwellings into the open market based on the national guidance calculation. This is well in excess of the 53 homes that the Fylde Local Plan to 2032 presumes to deliver, ensuring that the site will contribute positively to the delivery of the aims of the Local Plan with regards to general and specialist housing supply. Therefore the principle of the development is acceptable.

The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application.

The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

Recommendation

That:

1. the Shadow HRA submitted with the application be adopted as the Council's own HRA
2. that authority to GRANT planning permission be delegated to the Head of Planning and Housing, subject to the completion of a Section 106 agreement in order to secure:
 - a) a financial contribution of up to £360,000 towards the M55 to Heyhouses Link Road and the phasing of this payment
 - b) a financial contribution of £6,000 towards travel plan support and the phasing of this payment, and;
 - c) the timing and legal arrangements for the stopping up of Wildings Lane to traffic, and securing clauses within future leases of the proposed development so that the owners are fully aware that the interim access will be closed.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

3. The decision be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.
- Proposed Site Plan - Drawing no. A104 REV 5
- Proposed Basement Plan – Drawing no. A130
- Proposed Ground floor sheet 1 – Drawing no. A131
- Proposed Ground floor sheet 2 – Drawing no. A132
- Proposed Ground floor sheet 3 – Drawing no. A133
- Proposed First floor sheet 1 – Drawing no. A134
- Proposed First floor sheet 2 – Drawing no. A135
- Proposed First floor sheet 3 – Drawing no. A136
- Proposed second floor sheet 1 – Drawing no. A137
- Proposed roof plan – Drawing no. A138
- Proposed elevations sheet 1 – Drawing number A140
- Proposed elevations sheet 2 – Drawing number A141
- Proposed elevations sheet 3 – Drawing number A142
- Site plan and masterplan overlay – Drawing number A106
- Landscaping Plan A107
- Site access Plan – Drawing number SCP/190428/F02

- Proposed interim site access improvements –Drawing number SCP/190428/F01 REV C
- Site Access plan with Queensway masterplan – SCP/190428/F03

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

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

3. No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be completed in accordance with the details approved before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The following schemes to be covered by this condition include:

(i) the site access junction on Wildings Lane (see Drawing No. SCP/190428/F02, dated 21.10.2019), and

(ii) a highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in 'Proposed Interim Site Access Improvements to Wildings Lane' scheme plan (Drawing No. SCP/190428/F01, Revision C, dated 21.10.2019)

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised) and to ensure the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

4. No development shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
 - a) how biodiversity would be protected throughout the construction period
 - b) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
 - c) the parking of vehicles of site operatives and visitors;
 - d) loading and unloading of plant and materials;
 - e) storage of plant and materials used in constructing the development;
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
 - h) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
 - i) a Management Plan to identify potential ground and water contaminants;
 - j) details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
 - k) a scheme to control noise during the construction phase,
 - l) the routing of construction vehicles and deliveries to site
 - m) xiii a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust

- control equipment employed on site fails;
- n) xiv the timing of operations which shall confirm that no construction or associated vehicle movements will take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday To Friday and 0800-1300 on Saturdays.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with local Policy and the provisions of the NPPF.

5. There shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device within any visibility splay required to maintain safe operation for all users. The site access shall be constructed to provide a visibility splay of 2.4m x 43m and permanently maintained thereafter.

Reason: To ensure adequate visibility splays are maintained at all time.

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

7. The car parking and manoeuvring scheme shall be marked out in accordance with the approved plan, before occupation of approved development and shall be permanently maintained thereafter.

Reasons: To allow for the effective use of the parking areas.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. No development shall take place until a Construction Method Statement for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The statement shall detail:

- a) Details of proposals for temporary works on Wildings Lane necessary to allow safe access / passing for large construction traffic. To include local widening on Wildings Lane; and
- b) Consideration for pre-loading and/or other construction methods on access roads and

within the site.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site during the construction works.

10. Prior to the commencement of development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Wildings Lane. A similar survey shall be carried after six months and the final inspection within one month of the completion of the development, and the developer shall make good any damage to Wildings Lane to return it to the pre-construction situation as required.

Reasons: To maintain the construction of Wildings Lane in the interest of highway safety.

11. The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in the future, with Wildings Lane being restricted for motorised through traffic. Therefore prior to the first occupation of any part of the development hereby approved details of the interim and future access for motorised vehicles will be passed to residents of the Care Village site within a welcome pack and also made clear within associated travel plan information.

Reason: To ensure future residents of the proposed site fully understand the proposed interim and future access provision., with the long term access to be taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. LRD30217, Dated July 2019) which was prepared by Sutcliffe. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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

13. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the

development

14. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

15. Prior to the commencement of works there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

16. No works shall commence until full details of bat roosting and bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include details of nesting opportunities in trees, within/on buildings and a minimum of 20 tree sparrow boxes within hedgerows. The approved details shall be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

17. A tree protection scheme for all retained trees and hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

18. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians and in and around ditches (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

19. Prior to occupation of the development hereby approved full details of a residents pack that will be made available to resident, which would highlight and explain the sensitivity of the surrounding areas, the importance of keeping dogs on a lead and identifying other suitable recreational areas locally shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

20. No site clearance, site preparation or development work shall take place until a fully detailed Ecological Mitigation and Management Plan (EMEP) has been submitted and approved in writing By Fylde borough Council. The scheme shall demonstrate the measures that will be used to prevent impacts associated with construction on Lytham Moss and shall include details with regard to the timings of construction and details of any further mitigation measures required such as acoustic screening. The approved plan shall be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

21. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. Full details of the bowling and putting green and a timetable for their provision. The landscaping scheme shall include a tree belt, along the eastern boundary of the site, which shall comprise a suitable mix of native tree species. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in accordance with GD7 and ENV1 of the Local Plan to 2032.

22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The completed scheme shall be submitted to the local planning authority within one month of the first use of the development hereby approved.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

23. The use of the development hereby approved shall be limited to a care home (Class C2) for elderly people aged 65 and above.

Reason: To ensure that the approved care home falls properly within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

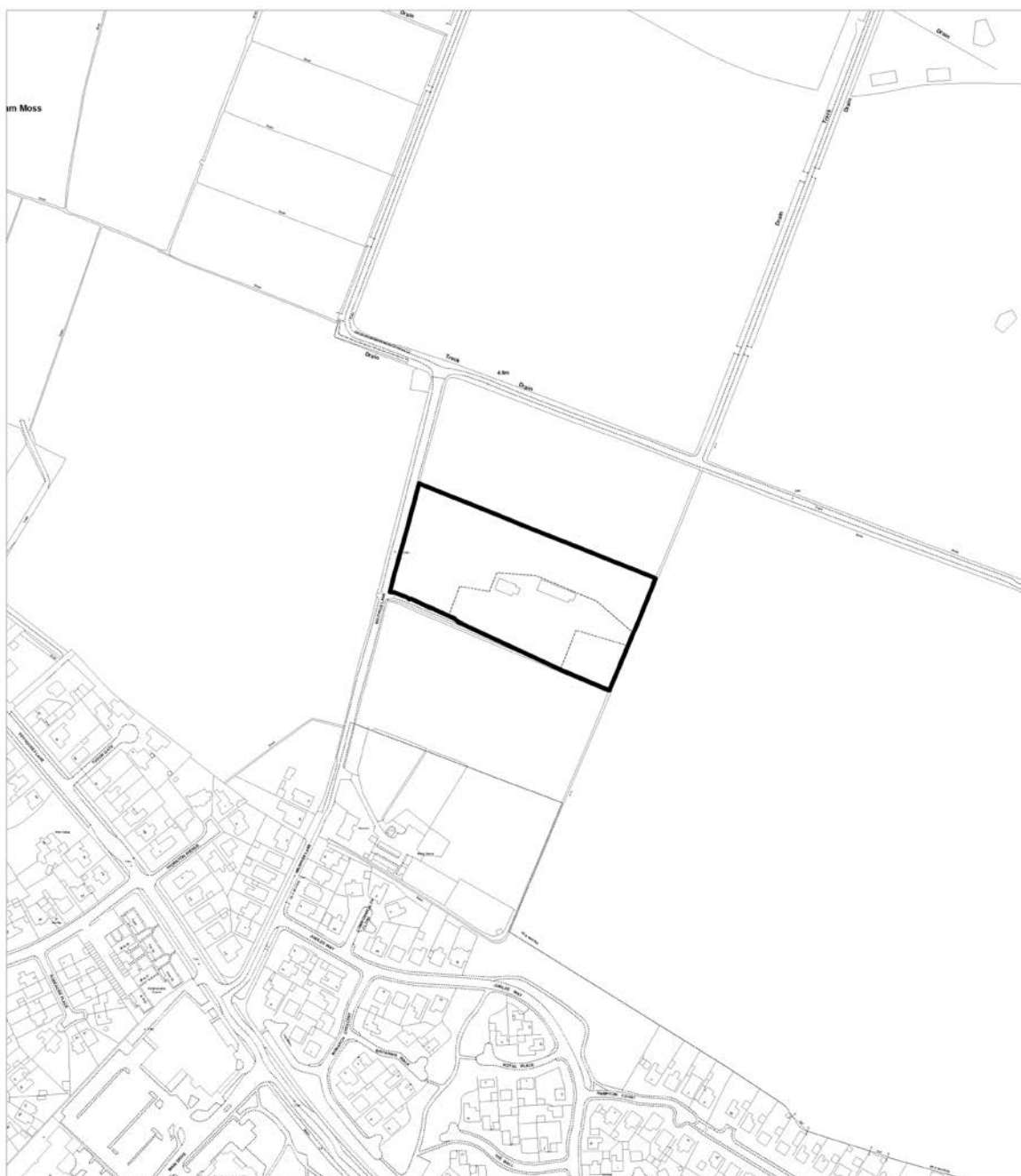
24. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in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


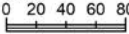
duly approved materials.

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

25. The windows indicated with a red start on the proposed elevations sheets shall be obscurely glazed to standard equivalent to at least level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling / extension hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/19/0642	Address Valentines Kennels, Wildings Lane, Lytham St Annes	Grid Ref. E.3341 : N.4298	Scale 0 20 40 60 80 m 

Item Number: 3

Committee Date: 15 January 2020

Application Reference:	19/0829	Type of Application:	Full Planning Permission
Applicant:	Fylde Council	Agent :	
Location:	SAND DUNES, CLIFTON DRIVE NORTH, LYTHAM ST ANNES		
Proposal:	RE-PROFILING OF A SECTION OF SAND DUNES TO REDUCE OVERALL HEIGHT ALONGSIDE CLIFTON DRIVE NORTH		
Ward:	ST LEONARDS	Parish:	St Leonards
Weeks on Hand:	12	Case Officer:	Andrew Stell
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7739203,-3.0488047,673m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is an area of dune that is to the immediate west of Clifton Drive North opposite part of the recently constructed Persimmon 'Coastal Dunes' development on the site of the former Pontins Holiday Camp. This land is within the Green Belt that separates St Annes from Blackpool as designated by Policy GD2 of the Fylde Local Plan. The site is part of the Lytham Foreshore Biological Heritage Site as designated under Policy ENV2, with the beach area to the west being designated as a Site of Special Scientific Interest and Ramsar site and so these higher levels of ecological designations need to be considered in the application as a result of their proximity and functional linkages.

The application proposes the re-engineering of an area of the dunes to reduce the height of the dunes that have built up due to wind action alongside Clifton Drive South with the material pushed back towards the sea to fill a series of 'blow-outs' and other lower areas. This is intended to reduce the safety implications of a tall dune adjacent to the highway and to provide an improved dune landscape to enhance its sea defence characteristics.

The works are to be undertaken by council staff over a short period in early 2020 when there is an optimal period that minimises the risk of disturbance to the ecological habitat and the species it supports. The outcome will be an improved dune landscape and improved safety to all visitors and residents of the area.

The application is supported with a Shadow Habitats Regulation Assessment (HRA) that has been the subject of consultation with Natural England and subsequent revision to address their initial concerns. They are now satisfied with that document and the development as a whole. Accordingly it is recommended that the council adopts the Shadow HRA as its own document and grants planning permission for the works as they will enhance safety in the area and will enhance the habitat available in the dunes.

Reason for Reporting to Committee

The application is for 'major' scale development and is on land which is owned by Blackpool Council, but is managed by Fylde Council. As such it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is a rectangular area of land that sits to the immediate west of Clifton Drive North opposite the on-going 'Coastal Dunes' residential development which is being implemented by Persimmon Homes. The site is immediately to the south of the access point to the northern (closest to Blackpool) parcel and extends back from the road by 35m for a distance of 100m southwards to the edge of the open space area that separates the two Coastal Dunes parcels.

The land is within the Green Belt as designated by Policy GD2 of the Fylde Local Plan and is part of the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site designated under Policy ENV2. The beach area to the west is part of the Ribble Estuary SSSI and Ramsar site, and to the south is part of the Lytham St Anne Dunes SSSI, but the site itself is only subject to the lower BHS designation. Notwithstanding that, the higher SSSI and Ramsar designations need to be considered in the determination of the application due to their proximity and the linkages between the various parts of the dunescape.

Details of Proposal

The application proposes the reprofiling of a section of the dunes to reduce the height adjacent to the road by pushing some of the sand from these peaks backwards the sea to fill in a series of 'blow-outs' that have developed where the sand is at a much lower level. The intention of this is to improve safety for those in the area of the dunes, to reduce the amount of sand that is blown from the dunes to the highway and beyond, and to provide a more stable dunescape that will offer sea defence and wind protection for the inland areas.

The application is supported with a method statement that explains the works which are to be undertaken, a series of cross-sections that demonstrate the extent of works that will be implemented, and a Shadow Habitat Regulations Assessment that discusses the ecological implications of the works and has been the subject of revision in response to comments from Natural England throughout the consideration of the application. The area of re-profiled sand is to be covered in an 'eco-matting' to support its retention in place with marram grass plants plugged in with the intention of providing a long-term stability and protection to future wind action.

Relevant Planning History

There is no relevant history to report.

Relevant Planning Appeals History

There is no relevant history to report.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 28 October 2019 and comment:

"Support. Neighbourhood Plan concepts support this application (environmental aspects of the plan). Overall benefits outweigh any harm."

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit

"Thank you for consulting the Ecology Unit on the above planning application. I understand that the re-profiling works need to be undertaken to stabilise mobile dunes and prevent sand encroachment onto the adjacent highway and residential properties.

The application site is within 80m of the Ribble and Alt Estuaries Special Protection Area, a European designated site for nature conservation, and is part of the 'Lytham Foreshore Dunes and Saltmarsh' Biological Heritage Site.

I note the submission by the applicant of a Screening Opinion assessing the likely impacts of the scheme on the special nature conservation importance of the SPA. I also note that the scheme has been designed, and will be implemented, with support and advice from the Lancashire Wildlife Trust.

I would agree with the conclusions of the Screening Opinion; that is, providing certain mitigation measures are followed the scheme is unlikely to have any harmful impacts on the special nature conservation interests of the SPA.

The most important of these mitigation measures is to ensure that the works are –

- a) *Of limited duration (maximum of 8 weeks).*
- b) *Limited to a defined area - the works area must be defined by temporary fencing to avoid any vehicle movements on the open beach / saltmarsh to the west.*

I would further consider that the works will not significantly the nature conservation value of the BHS; the BHS has been designated in part because it supports both fixed and mobile dunes. Mobile dune systems are by their nature subject to frequent disturbance and change; they are dynamic ecosystems. The works will simply involve the redistribution of existing habitat types within the BHS. There will be no importation of materials into the BHS apart from planting of marram grass, a species already found within the BHS.

I would therefore offer no objections to the proposals on Ecology grounds."

Natural England

They are a statutory consultee on works located within such a close proximity to the Estuary and its various designations. Their initial comments highlighted some areas of technical concern with the submission documentation, and as a consequence this has been revised and a further consultation undertaken with Natural England. Their final comments are as follows:

"Summary

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites –Ribble & Alt Estuaries Special Protection Area (SPA)and Ramsar site
Based on the plans submitted and amended HRA (Issue 3, December 2019)Natural England considers that the proposed development will have no likely significant effects on the designated sites listed above and has no objection to the proposed development.

Ribble Estuary Site of Special Scientific Interest (SSSI) and Lytham St Annes Dunes SSSI
Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the sites have been notified and has no objection.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.”

(Officer Note: This annex provides general best practice advice for any development proposal. The applicant has been made aware of this advice and a note will be attached to any planning permission to highlight its relevance in the implementation of the project.)

Blackpool Borough Council

“Blackpool Council has no objection in principle to the scheme. It is assumed that all necessary ecological consultations will be undertaken and all appropriate specialist advice will be followed”

Blackpool Airport

They have been consulted due to the proximity of the site to the Airport and the position under the flightpath to / from the runway. They have highlighted a concern with the works in the event that the machinery to be used would exceed the height of the dunes at present. To address this concern they request that a condition be imposed to require the details of this machinery, its height and the time when it is to be on site with Blackpool Airport. A wording for this condition is suggested.

Neighbour Observations

Neighbours notified:	28 October 2019
Amended plans notified:	N/A
Site Notice Date:	29 October 2019
Press Notice Date:	07 November 2019
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD2	Green Belt
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The application site is located in the Green Belt as designated under Policy GD2 of the Fylde Local Plan to 2032 (FLP32). This Policy requires that applications are assessed against the national guidance for development in green belts as set out in the NPPF.

The site forms part of the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site which is also designated under Policy ENV2 of the FLP32. It is also close to a series of ecological designations which are given protection under the Plan and other national and European legislation.

The St Annes Neighbourhood Plan (STANP) repeats the green belt designation and provides protection to the ecological designations in the area under Policy EN1.

Impact on Green Belt

Policy GD2 of the FLP32 refers to national green belt guidance. This is set out in Chapter 13 of the National Planning Policy Framework (NPPF) with the starting point to this being that inappropriate development is harmful to Green Belts and so should only be approved in very special circumstances as set out in para 143. The guidance then defines what forms of development are 'inappropriate' and this is set out in respect to new buildings in para 145 and other forms of development in para 146 with these caveated by the requirement that *"they preserve its openness and do not conflict with the purposes of including land within it."*

This application relates to an engineering operation which is one of the exceptions to inappropriate development in para 146. As the works are relatively modest and involve an actual reduction in the height of the dunes then it is not considered that they cause any harm to the openness of the green belt and so comply with exception b) for engineering operations in para 146. Accordingly the works are also in accordance with Policy GD2 of the FLP32.

Ecological Implications

This site is designated as a Biological Heritage Site due to the dunes habitat that it provides, and is adjacent to the SSSI and Ramsar sites in the wider estuary area. This means that works are to be undertaken with due regard to the habitat that it provides and so requires that the application is supported with a Habitat Regulation Assessment to document the scope of works, the methodology for their implementation and the possible impacts that these can cause on the ecologically important habitats in the area.

The works are relatively modest in their scope and involve the relocation of sand within the site to move it away from the area closest to Clifton Drive North to fill a large 'blowout' that has developed behind the existing roadside peaks. This involves the relocation of the existing sand by machinery which will access the site from Clifton Drive North and will be undertaken over a relatively short

duration of a few weeks. The relocated sand is then to be appropriately profiled and planted with Marram and covered in thatch and protective fencing to promote its stability. The ecological implications of these are limited as they are designed to respect the duneland habitat and provide its longevity both as habitat and as a soft sea defence for the residential and other areas which lie inland. If no action was taken the sand would continue to accrete to a higher mound and is at risk of toppling into the road and being more susceptible to sand loss due to wind action.

The works are therefore designed with ecological habitat protection in mind and will be timed to ensure that they are undertaken in the early part of 2020 which is the optimal time of year for the works to minimise impact on plants and the species that inhabit this duneland environment.

Policy ENV2 of the Fylde Local Plan to 2032 provides protection for a range of biodiversity related matters. With respect to the impact of development on Biological Heritage Sites, Policy ENV2 states: *“Development that would directly or indirectly affect any sites of local importance will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation site.”* From the above commentary it is clear that the works comply with this requirement and so accord with this Policy. The localised nature of the works and the methodology and scope explained in the Shadow Habitat Regulations Assessment also confirms that there are no harms arising from the development that will impact on the wider ecological designations and so there are no policy conflicts in this respect either.

Policy EN1 of the St Annes Neighbourhood Plan provides protection to a range of ecological designations, including the Biological Heritage Sites. This policy prevents development which is *“likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly”*, unless the proposal relates to one of a number of exceptions. Of these, exception a) states: *“the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest”*.

In this case the development proposal is designed to preserve the integrity of the sand dunes as a sea defence and habitat, and provide ecological enhancements to its quality. As such it clearly does not conflict with the requirements of Policy ENV2 of the FLP32 or EN1 of the STANP.

Visual Impact

There will be a visual impact from the development as the current view of tall dunes alongside the roadside is revised with dunes of a lower height but an increased depth. This is not a dramatic change and the dunes will continue to appear as part of the wider dune habitat in the area between St Annes and Blackpool. As sand dunes are a dynamic system, natural changes to their profile are constantly occurring in any event.

Highway Safety

The works will bring improvements to highway safety as the risk of the dunes toppling to the highway will be reduced. Any implications for the highway operation due to the need to access the dunes from Clifton Drive North will be mitigated by appropriate management, and are to be undertaken in the early part of the year where the visitor use of this part of the highway network is lesser than at other times.

Air Safety

Blackpool Airport have highlighted concerns over the potential for the machinery to be used to undertake the works to impact on the operation of the runway. They are particularly concerned over the potential for cranes or piling rigs which would be significantly taller than the existing dunes,

but refer to any machinery which is above the height of the dunes in their comments. This is an important consideration given that the site is close to the flightpath and the western end of the runway. They suggest that their concerns can be adequately mitigated by the imposition of a condition that requires the details of the machinery to be used and the timing on site to be agreed with the airport in advance of the development commencing.

The works will involve machinery, but this is likely to be limited to bulldozers pushing the dunes back rather than taller machinery such as cranes. However, given the significance of air safety it is considered prudent to impose a condition that requires the airport to be informed of the machinery to be used in advance of works commencing should that exceed the height of the existing dunes.

Conclusions

The application site is an area of dune that is to the immediate west of Clifton Drive North opposite part of the recently constructed Persimmon 'Coastal Dunes' development on the site of the former Pontins Holiday Camp. This land is within the Green Belt that separates St Annes from Blackpool as designated by Policy GD2 of the Fylde Local Plan. The site is part of the Lytham Foreshore Biological Heritage Site as designated under Policy ENV2, with the beach area to the west being designated as a Site of Special Scientific Interest and Ramsar site and so these higher levels of ecological designations need to be considered in the application as a result of their proximity and functional linkages.

The application proposes the re-engineering of an area of the dunes to reduce the height of the dunes that have built up due to wind action alongside Clifton Drive South with the material pushed back towards the sea to fill a series of 'blow-outs' and other lower areas. This is intended to reduce the safety implications of a tall dune adjacent to the highway and to provide an improved dune landscape to enhance its sea defence characteristics.

The works are to be undertaken by council staff over a short period in early 2020 when there is an optimal period that minimises the risk of disturbance to the ecological habitat and the species it supports. The outcome will be an improved dune landscape and improved safety to all visitors and residents of the area.

The application is supported with a Shadow Habitats Regulation Assessment (HRA) that has been the subject of consultation with Natural England and subsequent revision to address their initial concerns. They are now satisfied with that document and the development as a whole. Accordingly it is recommended that the council adopts the shadow HRA as its own document and grants planning permission for the works as they will enhance safety in the area and will enhance the habitat available in the dunes.

Recommendation

That the Shadow Habitats Regulation Assessment be adopted as the local planning authority's Habitat Regulation Assessment, and that Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans and reports:

- Location Plan - FBC drawing received 11/10/19
- Proposed Site Plan - FBC document 'Blowout 5 Re-profiling' received 11/10/19
- Habitat Regulations Assessment - FBC document Issue 3 Dated December 2019

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

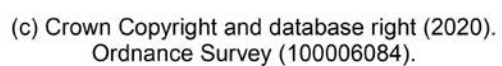
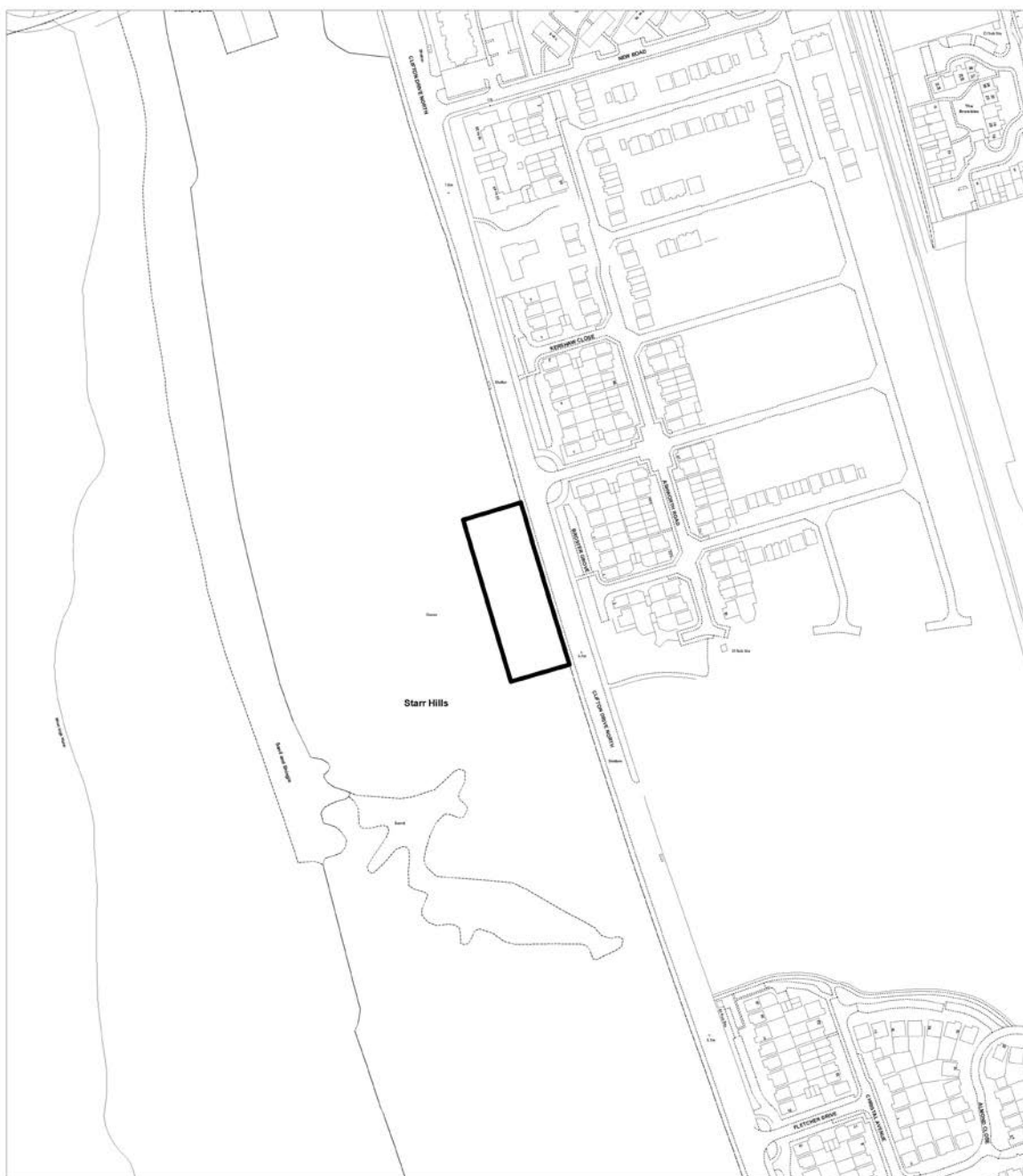
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

3. That the works hereby approved shall only be undertaken during the months of January, February or March in any year, with access to the site taken from Clifton Drive North only, and with no vehicle or other use of the beach area to the west of the application site.

Reason: To minimise the potential for disturbance to be caused to the birds and other wildlife that are visitors to the area and for which the application site and surrounding lands are protected. This condition is to accord with the requirements of Policy ENV2 of the Fylde Local Plan to 2032 which requires that development in these areas minimises the potential for disturbance to these protected species.

4. In the event that the machinery to be used in the implementation of the development hereby approved is to have a maximum height when operational above the height of the tallest of the existing dunes then the developer shall provide a schedule of the operation of those vehicles to include details of the nature of this machinery, the dates and times it is to be used, and the duration of that use to the local planning authority for approval in writing in advance of that operation. The use of machinery of this height shall thereafter only be undertaken in strict accordance with any approved schedule.

Reason: To ensure that the development can be implemented with a minimal risk of air safety being compromised by the works as required by Policy DLF1 of the Fylde Local Plan to 2032.



Scale
0 15 30 45 60 m

Item Number: 4

Committee Date: 15 January 2020

Application Reference:	19/0844	Type of Application:	Full Planning Permission
Applicant:	Mr Robertson	Agent :	
Location:	KIRKHAM CONSERVATIVE CLUB, RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BB		
Proposal:	INSTALLATION OF FOUR 7M LIGHTING COLUMNS TO BOWLING GREEN		
Ward:	KIRKHAM SOUTH	Parish:	Kirkham
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7807281,-2.8803905,336m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Kirkham Conservative Club which is located off Ribby Road between the town centre and Grammar School, and so is located in the settlement as designated under Policy GD1 of the Fylde Local Plan to 2032.

The application seeks planning permission for the erection of 4 No. seven metre high lighting columns around the perimeter of the bowling green at Kirkham Conservative Club to enable games to be played later into the evenings. The proposal has generated some concerns over the potential for this illumination to causes nuisance or harm to their residential amenity, however, the council's Environmental Protection Team opine that potential light nuisance can be adequately controlled by the use of shielding and conditions to control the extent of the evening use. With this concern being adequately addressed by this legislation the proposal is considered acceptable as an enhancement to the sporting and leisure facilities provided in the town and so is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is Kirkham Conservative Club which is situated off Ribby Road opposite the junction with Mellor Road in Kirkham. The site features a centrally located main club building with car parking to the side and front, and a bowling green with a pavilion to the rear (south). The whole site is surrounded by predominantly residential properties.

Details of Proposal

This application relates to the bowling green and seeks planning permission for the erection of four 7 metre high lighting columns. The columns would be finished from galvanised steel and two columns would be located on the eastern side of the bowling green and two columns would be located on the western side.

The application is supported by a lighting assessment which confirms that each column is to be fitted with a single 240W LED lamp which provides lighting at 30000 lumens.

Relevant Planning History

Application No.	Development	Decision	Date
17/0542	PROPOSED REPLACEMENT OF EXISTING BOWLING PAVILION.	Granted	22/08/2017
16/0371	ADVERTISEMENT CONSENT FOR INTERNAL ILLUMINATION TO EXISTING NOTICE BOARD	Granted	01/08/2016

Earlier history relating to various extensions and alterations to the Club omitted due to lack of relevance to this proposal.

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Kirkham Town Council notified on 23 October 2019 and comment:

“Kirkham Town Council object to this application as such high level lighting will be intrusive on neighbouring properties.”

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Raise no objections to the application subject to the requirements that:

- The lights are extinguished no later than 21.30 hours on any day
- The lights are fitted with a retractable head design to allow the direction of the light beam to be altered if necessary so that it is directed away from dwellings.

They also highlight that there are powers available to the council to investigate and deal with any complaints over light nuisance under the Environmental Protection Act 1990 irrespective of the decision on this planning application.

Blackpool Airport

Given that the proposal involves columns and lights they have been consulted. They respond as follows:

The proposed development has been considered, and we find that certain elements cause

us some concern. With this in mind, we should require the following condition to be applied to the grant of Planning Permission:

- The light from these poles must not shine above the horizontal from the poles in order to prevent glare to pilots on approach.*

Provided the grant of Planning Permission includes the requirement to comply with the conditions indicated above and is constructed as shown on the drawings and plans attached to the Application, and at the OSGB Grid Coordinates indicated Blackpool Airport would offer no aerodrome safeguarding objections to the Application.

Neighbour Observations

Neighbours notified:	23 October 2019
Number of Responses	Nine objections
Summary of Comments	<ul style="list-style-type: none">• Unacceptable harm caused to the amenity of neighbouring residential properties due to light pollution• The lighting columns would be visually harmful• Would reduce property values

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities

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) Regulations 2017.

Comment and Analysis

The principle issues to consider in the determination of this application are the visual impact of the columns and potential impacts on neighbour amenity by way of light pollution.

Local Plan Allocation

The site is located within the settlement of Kirkham under Policy GD1 of the Fylde Local Plan to 2032 where development is generally supported subject to the compliance with other local plan policies. In this case the specific part of the site is the bowling green, with these facilities identified as part of the 'Green Infrastructure' protected from loss under Policy ENV3. That protection must infer that development which enhances their usability should be supported, with this being a factor raised in para 91 and 92 of NPPF which highlight the social and recreational benefits of a community having

access to high quality open space facilities. The design and general amenity requirements of Policy GD7 are also a relevant test for this proposal.

Visual impact of Columns

The proposal is to provide lighting columns for the purpose of illuminating the bowling green playing area for games that extend into low light conditions, with the lights being used no later than 21.30 hours.

The lighting columns would have a slender profile and be widely spaced around the green edge with 2 columns located on each side. These factors would help to prevent the structures being seen as a 'grouping' that might otherwise be visually dominant. The galvanised finish is intended to further soften the visual presence of the columns by presenting a colour finish that better 'blends' with the generally grey background of the sky.

Views of the columns from the public arena are relatively limited as the green has houses on all sides and so these views would be distant and between other buildings. The columns would also appear similar to the streetlighting columns that are common in an urban setting such as this. Views from the surrounding gardens and dwellings would be prominent in some cases due to the proximity of the columns to the edge of the Conservative Club site. However, having regard for the scale and siting of the proposed lighting columns it is considered that the development would not have an unacceptably harmful impact on the visual amenity of any neighbours and thus accords with the criteria of policy GD7 that relate to visual impact.

Neighbour amenity from use of site

The town council and nine residential neighbours have objected to the application on the grounds that the lighting columns would cause light pollution and unduly impact on neighbour amenity.

The height of the columns is designed to allow the lamps attached to them to shine down to the green rather than across it as would be the case with a shorter column. The council's Environmental Protection Team (EPT) have been consulted on the application and, having assessed the proposal together with the submitted lighting assessment, have raised no objections subject to the lights being extinguished by no later than 21.30 hours on any day. They add that should light nuisance occur despite these precautions then it can readily be dealt with under the Environmental Protection Act 1990.

Having regard for the comments of the EPT it is considered that the proposed development can be carried out in an acceptable and appropriate way that allows the bowling club to enhance their playing options and so bring the social and leisure benefits to members and visitors, whilst providing an appropriate protection to nearby residents from any amenity harms being caused..

The availability of appropriate controls in the event of any amenity harm being raised is a key issue, and one that is addressed in para 183 of NPPF which states: *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."*

Accordingly, with the imposition of a condition to control the design and extent of use of the lighting the planning system should rely on the Environmental Protection Act as the appropriate legislation to address any complaints that may be raised from the operation of the lighting.

Other matters

One resident has raised a concern that the development would impact on the value of their property. However, it is an accepted element of case law that property values are not a material consideration for the purposes of assessing and determining planning applications and thus this ground for objection can have no bearing on the outcome of this application.

Blackpool Airport have also raised some concerns over the proposal should it have the potential to cause a distraction to pilots approaching the airport. However, the submitted documentation confirms that the lamps are designed to shine downwards to illuminate the bowling green and not upwards and so their concerns are addressed.

Conclusions

The application site is Kirkham Conservative Club which is located off Ribby Road between the town centre and Grammar School, and so is located in the settlement as designated under Policy GD1 of the Fylde Local Plan to 2032.

The application seeks planning permission for the erection of 4 No. seven metre high lighting columns around the perimeter of the bowling green at Kirkham Conservative Club to enable games to be played later into the evenings. The proposal has generated some concerns over the potential for this illumination to cause nuisance or harm to their residential amenity, the council's Environmental Protection Team opine that potential light nuisance can be adequately controlled by the use of shielding and conditions to control the extent of the evening use.

As such the proposal is considered acceptable as an enhancement to the sporting and leisure facilities provided in the town and so 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. This permission relates to the following plans:

- Location Plan - Drawing no. 1801(00)01 Rev P1
- Lighting Assessment - produced by Green Consulting Ltd, dated 10 October 2019

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials

detailed in the email from neilsonxrobertson@gmail.com, dated 09 December 2019

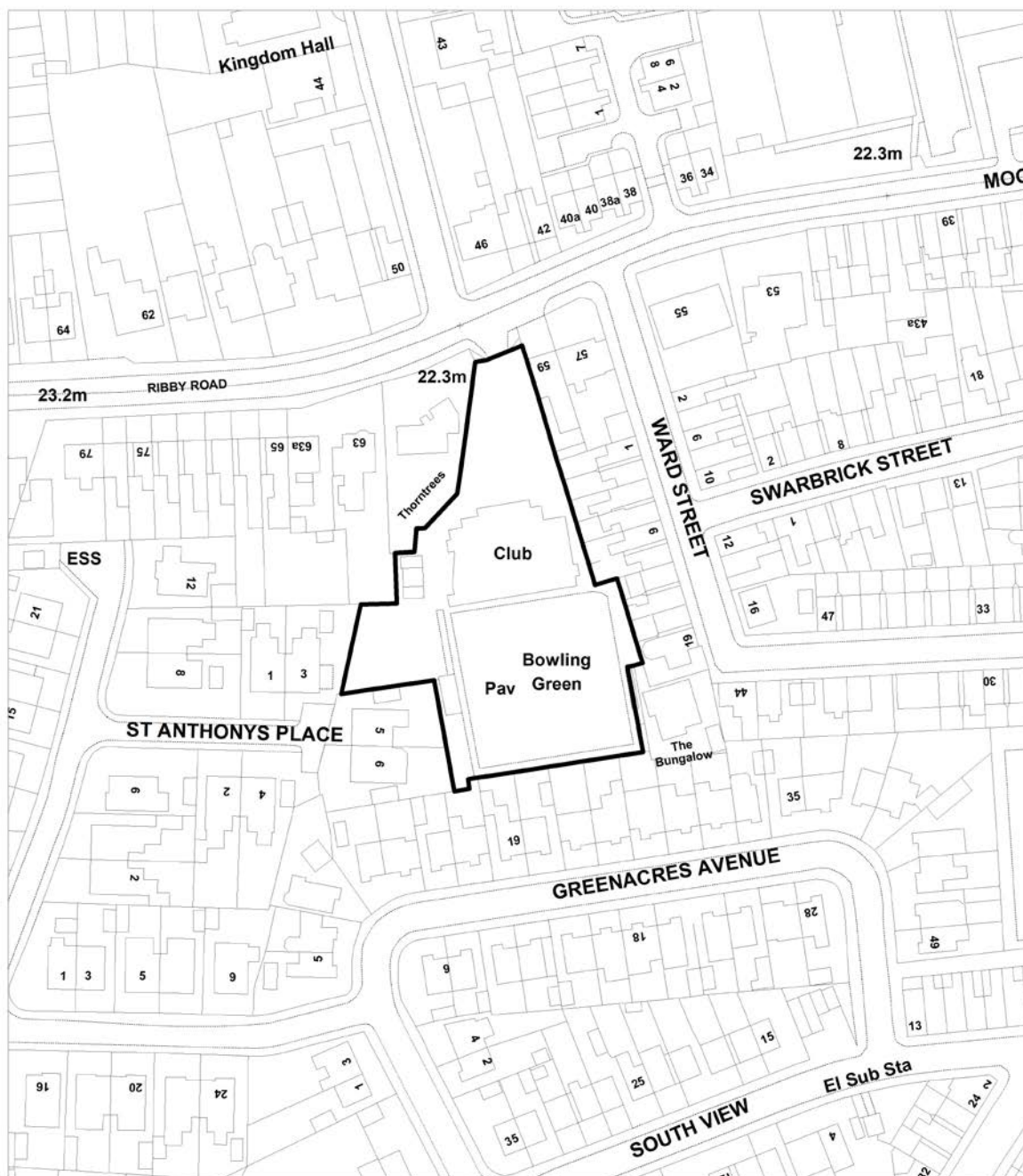
Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.


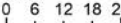
4. The lighting hereby approved shall be installed and operated only in accordance with the specifications provided in the lighting scheme produced by Green Consulting Ltd, dated 10 October 2019, and shall be retained solely in the fixed positions as shown on the approved plans. They shall not be altered in angle or rotation without the prior approval in writing of the local planning authority.

Reason: To avoid unforeseen impacts from altered lighting that could impact on aircraft safety and public amenity to ensure compliance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework

5. The lighting affixed to the columns hereby approved shall not be operated or illuminated between 21.30 hours and 08.00 hours on any day.

Reason: To ensure the amenity of nearby residents is not unduly harmed by light spillage from the installed lighting columns in accordance with the requirements of para 180 of the NPPF.



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Application No. 5/19/0844	Address Kirkham Conservative Club, Ribby Road, Kirkham	Grid Ref. E.3420 : N.4319	Scale 0 6 12 18 24 m 

Item Number: 5

Committee Date: 15 January 2020

Application Reference:	19/0868	Type of Application:	Householder Planning Application
Applicant:	Mr Ian Heys	Agent :	PSA Design
Location:	CHERRY TREE FARM, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RE		
Proposal:	FORMATION OF VEHICLE ACCESS TO SERVE DWELLING FROM BLACKPOOL ROAD ALONG WITH FORMATION OF DRIVEWAY AND TURNING AREA WITHIN FRONT GARDEN, AND ERECTION OF ASSOCIATED FENCING AND GATES - RETROSPECTIVE APPLICATION		
Ward:		Parish:	Newton with Clifton
Weeks on Hand:	12	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7759622,-2.847123,336m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a detached bungalow property located alongside Blackpool Road in Newton where it lies in land designated as Area of Separation under Policy GD3 of the Fylde Local Plan to 2032.

The property has a planning history which authorises the commercial use of land to the rear and at present the authorised access to the property is shared with that which supports these units.

The domestic property has now been separated from the industrial units at the rear and these have been sold. As a consequence of this the applicant has introduced a new access to a classified road to serve the dwelling. This application seeks retrospective planning permission for the retention of that access along with a set of gates and supporting posts and fencing.

The access is appropriately designed with adequate visibility splays and an appropriate location in respect to other junctions and the operation of the highway. The local highway authority do not raise any objection to the application and the gates are considered to be appropriate in their local context. It is therefore accepted that the proposal accords with Policies GD3 and GD7 of the Fylde Local Plan to 2032 and as such the application is recommended for approval by Members.

Reason for Reporting to Committee

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

Site Description and Location

The application site is Cherry Tree Farm, Blackpool Road, Newton. In particular the application relates to a detached bungalow property situated on the north side of Blackpool Road which has permission for B8 storage and external storage of caravans on the land and buildings situated to the rear of the bungalow. The land and storage buildings have recently been sold on and separated from the property at Cherry Tree.

The property is provided with gardens to the front, rear and side of the dwelling. Access to the industrial buildings is situated to the east of the application property.

The site is within an area allocated as an Area of Separation in the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the provision of an access to the bungalow from the highway, a classified road, and includes the construction of a turning area to the front of the dwelling and the erection of timber fencing and gates at the entrance.

During the course of the application the plans have been amended to alter the height of the existing fencing which is also to be dark stained and so the proposed plans do not reflect the position currently on site.

The fencing being proposed is close boarded timber fencing at a height which varies from 1.1 metres at highway edge rising to 2.1 metres at the point of entrance, with wrought iron gates of an open, curved top design with an overall height of 2.1 metres high. The gates are set 7 metres back within the site from the highway.

The works to provide the access have been carried out and so this part of the application is applied for retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
19/0848	SINGLE STOREY REAR EXTENSION TO LINK DWELLING TO GARAGE - RETROSPECTIVE APPLICATION	Granted	04/12/2019
19/0243	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 1') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO TWO DWELLINGS (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	16/04/2019

19/0244	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 2') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO THREE DWELLINGS (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	16/04/2019
19/0245	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 3') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO ONE DWELLING (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	30/04/2019
19/0246	EXTERNAL ALTERATIONS TO A STORAGE BUILDING IN CONNECTION WITH THE CONVERSION OF THE BUILDING TO A TWO BED DWELLING (PURSUANT TO ASSOCIATED PRIOR APPROVAL APPLICATION 19/0245) INCLUDING THE DEMOLITION OF THREE OTHER EXISTING BUILDINGS (BUILDINGS A, B AND C) WITHIN THE SITE	Withdrawn by Applicant	30/04/2019
11/0652	CHANGE OF USE OF REDUNDANT AGRICULTURAL BUILDINGS TO B8 STORAGE USE, OPEN STORAGE AREA FOR UP TO 75 CARAVANS AND AMENDMENT TO EXISTING ACCESS.	Granted	26/04/2012
10/0038	RESUBMISSION OF APPLICATION 08/0954 FOR CHANGE OF USE OF AGRICULTURAL LAND INTO DOMESTIC USE, RESITING OF EXISTING ACCESS AND NEW GARDEN WALL TO FRONT BOUNDARY - RETROSPECTIVE APPLICATION	Granted	31/03/2010
08/0954	CHANGE OF USE OF LAND TO GARDEN CURTILAGE, RESITING OF ACCESS AND NEW FRONT BOUNDARY WALL TO OVERALL HEIGHT OF 2.4 METRES - RETROSPECTIVE APPLICATION	Refused	13/02/2009
05/0832	SINGLE STOREY EXTENSION TO REAR AND SIDE, PORCH TO FRONT ELEVATION AND PITCHED ROOF OVER EXISTING FLAT ROOF TO SIDE ELEVATION	Granted	25/10/2005
96/0086	RESUBMISSION OF OUTLINE APPLICATION FOR DETACHED BUNGALOW AND GARAGE FOR AGRICULTURAL WORKER	Refused	22/05/1996
95/0624	OUTLINE APPLICATION FOR ONE DETACHED BUNGALOW AND GARAGE	Refused	06/12/1995
89/0891	PIG REARING BUILDING WITH BELOW GROUND SLURRY CHANNELS	Granted	28/02/1990
88/0700	OUTLINE; ONE AGRICULTURAL WORKERS DWELLING	Withdrawn by Applicant	20/10/1988
78/0911	CHANGE OF USE AGRICULTURAL TO TOURING CARAVAN SITE.	Withdrawn by Applicant	

Relevant Planning Appeals History

Application No.	Development	Decision	Date
96/0086	RESUBMISSION OF OUTLINE APPLICATION FOR DETACHED BUNGALOW AND GARAGE FOR AGRICULTURAL WORKER	Dismiss	30/07/1997

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 24 October 2019 and comment:

The Parish Council object to the proposal. Members referred to the site history; application 10/0038 - resubmission of application 08/0954, change of use of agricultural land into domestic use, resiting of existing access and new garden wall to front boundary, a retrospective application. Planning permission was granted with, inter alia, a Lancashire County Council (LCC) highways authority condition requirement that an original access is to be physically and permanently closed and the verge/footway and kerbing of the vehicular crossing to be reinstated concurrent with the formation of the new access. The reopened original access contravenes highway/planning conditions and requires to be closed to comply with LCC requirements.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

"LCC Highways does not have any objections regarding the proposed formation of vehicle access to a classified road including construction of driveway and turning area within front garden and erection of associated fencing and gates and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

This application for a retrospective application is viewed as it is submitted. The history of the site is noted.

The site has turning within curtilage to allow for vehicles enter and egress in forward gear. The gates are set 7m back from the edge of the carriageway which allows for a car to be off the live carriageway to open and close the gates. It is requested that these layout details are conditioned.

The existing dropped kerb is utilised and is acceptable."

They then suggest a series of conditions relating to the retention of the turning area on site, and the positioning of the gates so that a car can pull clear of the highway and access them.

Neighbour Observations

Neighbours notified: 24 October 2019
Site Notice Date: 25 October 2019

Number of Responses: None received

Relevant Planning Policy

Fylde Local Plan to 2032:

GD3	Areas of Separation
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

Environmental Impact Assessment

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

Comment and Analysis

Background

The application property has in the past been extended with a side extension and the residential curtilage extended to provide an enlarged garden to the east side of the bungalow. As a consequence of the enlarged garden a new access to serve the bungalow and the land and buildings to the rear of the property was necessary. This was provided and a wall was erected across the front boundary of the property to close off the existing domestic access to the bungalow as a requirement of a condition recommended by LCC Highways. All of these aspects benefit from planning permission.

Recently the applicant has sold off the land and buildings to the rear of the property and now wishes to provide a separate access to serve the dwelling only, as opposed to utilising the current shared access that serves the industrial storage buildings to the rear. To facilitate that the applicant has re-opened the previous access point to serve the dwelling alone. These works require planning permission and are the subject of the current application.

Principle

The application site is located in the Area of Separation as defined by Policy GD3 of the Fylde Local Plan to 2032.

Policy GD3 advises that '*Development will be assessed in terms of its impact upon the Area(s) of Separation, including any harm to the effectiveness of the gap between the settlements and, in particular, the degree to which the development proposed would compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements.*

Development will be limited to:

a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which

would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;

The above criteria refers to other uses appropriate to a rural area, as this proposal is for an existing dwelling in the area of separation the use to serve a domestic property is considered appropriate due to its lack of any impact on the effectiveness of the area of separation in maintaining Kirkham and Newton as two distinct settlements.

Parking and Access Arrangements

The Parish Council have objected to the proposal citing '*the reopened original access contravenes highway/planning conditions and requires to be closed to comply with LCC requirements*'.

The requirement to close the access was a condition of application no. 10/0038, and was complied with at the time that that permission was granted. However, the access point has been re-formed, hence the submission of this application which attempts to secure permission to retain it. As part of the determination of this application LCC Highways have been consulted to secure a professional view on the safety of the access. They have confirmed in their consultation reply that there are no objections to the formation of this access when assessed against current guidance and highway conditions on the basis that it is to serve a single residential dwelling.

Officers accept the highway authority's view that the proposal offers an appropriate level and location of parking for the dwelling and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7. LCC Highways request that conditions are imposed to control the operation and position of the gates and these are included in the officer recommendation.

Appearance in Streetscene

The property is a detached bungalow where a brick wall with brick piers had been constructed as part of a previous permission. The applicant has broken through the wall to provide the access opening with a close boarded timber fence erected either side of black wrought iron gates.

The gates are of an open and decorative design which allow views of the property and maintains the open countryside appearance. Whilst the timber fencing has been roughly finished it is proposed that the existing fencing is reduced in height and is to be finished with a dark stain. As a consequence the current fencing would be the same height as the wall at the point where this joins the wall rising internally to the height of the gates posts. The amendments to the fencing will assist to blend the fencing into the background and improved the overall visual appearance of the existing arrangement.

Subject to the above, it is considered that the proposed re-introduction of a single residential access is consistent with other residential access points along Blackpool Road, and so the entrance feature accords with the requirements of criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

There are no neighbours that are affected by this development and it is concluded that the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

Conclusion

The application relates to the introduction of a new access to the highway to serve a single dwelling in the Area of Separation. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policies GD3 and GD7 of the Fylde Local Plan to 2032 and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Drawing no. A3113/PL03
- Proposed Site Plan - Drawing no. A3113-PL01 REV. A
- Proposed wider site layout Plans - Drawing no. A3113/PL02

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

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

2. The area of site indicated as 'Domestic Vehicle Turning Area' on the approved access plan listed in condition 1 of this planning permission shall be retained free of all obstructions so that it is capable of providing an area for the turning of a vehicle within the site at all times, unless an alternative area of land suitable for this purpose is provided elsewhere within the site edged red.

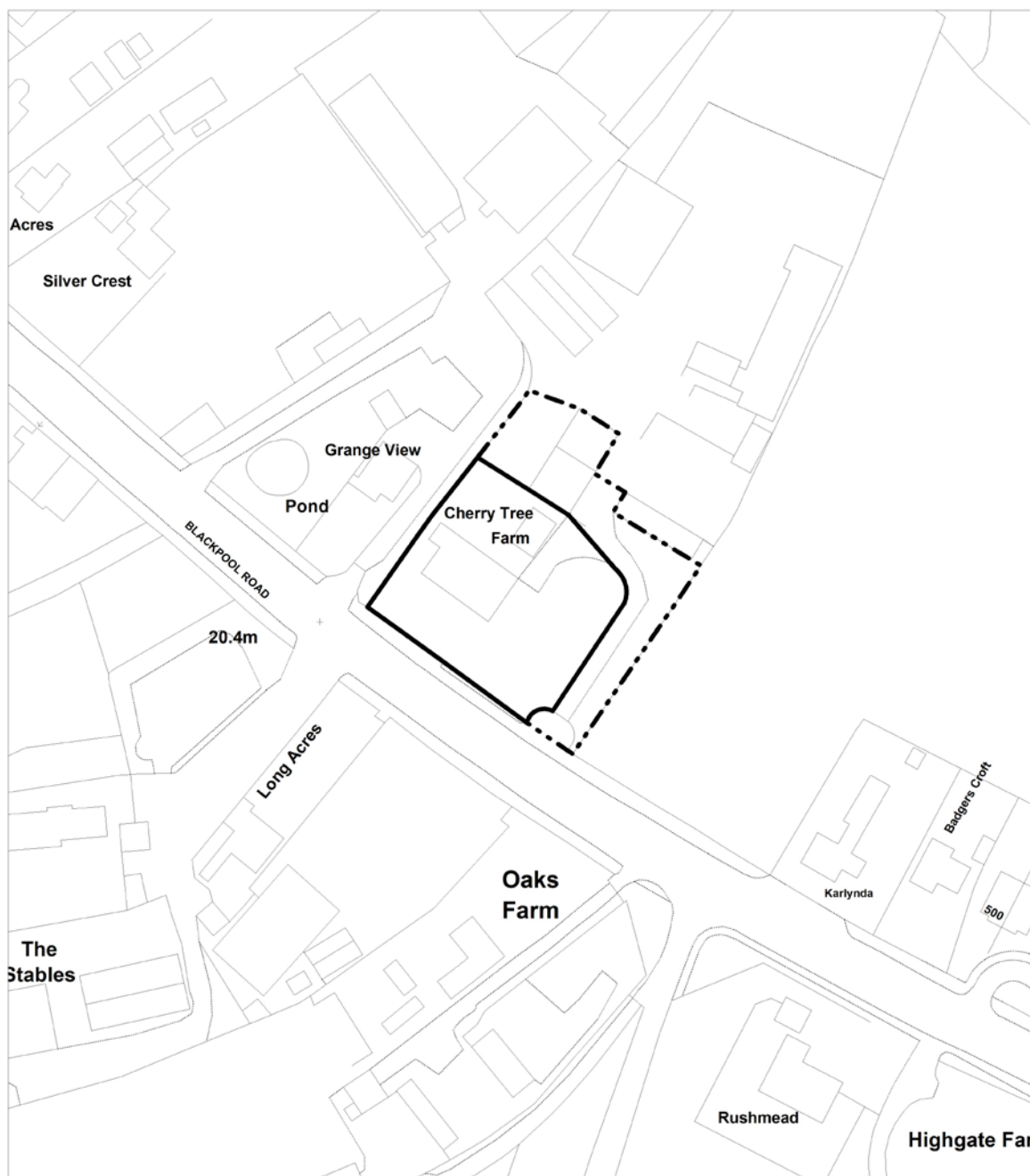
Reason: To ensure that an appropriate area of land is available for the turning of vehicles at all times in the interests of highway and pedestrian safety as required by Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.


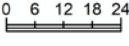
3. Prior to the first use of the access point hereby approved by vehicles, any gateposts shall be positioned at a point which is at least 7m back from the nearside edge of the carriageway with any gates installed so that they open away from the highway, and any fences shall be positioned so that they ensure the availability of a visibility splay of 45° to the centre line of the access in both directions. The position of the gates and fences shall thereafter be retained as specified in this condition.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility and in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

4. Within 2 months of the date of this decision the fence panels located either side of the entrance gates shall be reduced in height in accordance with the plans listed in condition no. 1 and finished in a dark stain and thereafter maintained in a stained condition to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity in this rural location, in accordance with Policy GD3 and GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.



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Application No. 5/19/0868	Address Cherry Tree Farm, Blackpool Road, Newton	Grid Ref. E.3442 : N.4314	Scale 0 6 12 18 24 m 

Item Number: 6

Committee Date: 15 January 2020

Application Reference:	19/0920	Type of Application:	Change of Use
Applicant:	Mr Clive Portman	Agent :	
Location:	3 FOUNDRY COURT, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3EX		
Proposal:	CHANGE OF USE OF FORMER AGRICULTURAL LAND TO CREATE EXTENSION TO DOMESTIC GARDEN INCLUDING ERECTION OF BOUNDARY FENCING UP TO 1.27M IN HEIGHT - RETROSPECTIVE APPLICATION		
Ward:	NEWTON WITH TREALES	Parish:	Treales, Roseacre and Wharles
Weeks on Hand:	8	Case Officer:	Celine Houghton
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7887288,-2.8498155,168m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This retrospective application relates to the change of use of former agricultural land to create an extension to the domestic garden which serves Number 3 Foundry Court. This is a relatively recently erected dwelling located on the site of the former Foundry Yard site in Treales. The extended garden area is for a depth of around 8m and runs across the width of the property which is around 25m.

It is considered that the extension of the curtilage into this area has a minimal impact on the rural character of the area as it serves to 'square off' this property with the boundary of the subsequently approved properties under construction on the remainder of the Foundry Yard site. It is to be surrounded by fences which are low and are constructed out of materials which are not overly-prominent and do not detract from the open-aspect and pleasant rural character of the surrounding landscape. It is also considered that the development does not result in any undue impacts to the amenity of neighbouring properties.

Accordingly, the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

This application relates to an area of former agricultural land adjacent to Number 3 Foundry Court, a

contemporary dwelling located on a cul-de-sac within the developed core of Treales, albeit it outside of the settlement boundary. The land measures approximately 240 square metres. The land is to the immediate south of the property and was formerly part of a larger agricultural field that remains in that use. To the west is the access road that serves the remaining Foundry Court development with the village of Treales to the north.

Details of Proposal

This retrospective application relates to the change of use of former agricultural land to create an extension to the domestic garden which serves Number 3 Foundry Court. This area has been enclosed with a post and panel fence at the western edge (with the Foundry Yard development) which is 1.2 metres high with Portuguese laurel hedging plants on the outside facing the estate road. This hedging runs along the entire length of the fencing along this side. The fencing on the southern edge (with the retained agricultural field) is galvanised wire fencing with a green finish which is 0.8 metres high, with a length of barbed wire on top which increases the height of this southern boundary to 1.2 metres to give an open appearance to the field. The southern elevation fencing has no hedging.

During the commiseration of the application, the applicant has sent in a supporting statement which responds to comments that have been received from the Parish Council. The key points of this statement are summarised as follows:

- Sections GD4 and H7 of the Fylde Council Local Plan which the Parish Council's objection refers to predominantly refer to building extensions and are not relevant to this application's proposal to extend the domestic garden of the curtilage. Furthermore, if the proposal is to be assessed against this legislation, it would be in accordance with this guidance given that the proposal respects the character of the surrounding countryside with regards to its scale, design and materials.
- With regards to the Parish Council's argument that the proposed garden extension would create a precedent for additional cumulative development that might be considered as a minor infill at the south-east of the property, the applicant notes that future development would have to be considered on its own merits and that they do not own the piece of land the Parish Council appears to be referring to.
- The Parish Council's comments regarding an earlier planning application (reference 06/1045) which resulted in the refusal to extend domestic curtilage into agricultural land is considered to be a misinterpretation of this application and does not serve as a relevant precedent which should influence this decision. The Borough Council's decision in application 06/1045 was to grant permission for an extension to Heights Cottage, Treales, but the Borough Council added, at the end of the decision notice, that the permission granted did not convey or imply consent for the use of the adjoining land shown on the revised plan as extended residential curtilage. As such, this is not the same as the application being received and/or refused, but rather it simply set out the limitations of the planning permission and makes it clear that it does not relate to any additional land.

Relevant Planning History

None relating to this property since it was constructed. The property is one of three dwellings that were approved under reference 12/0090 on part of the former Foundry Yard with that permission granted under delegated powers on 25 March 2013.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 20 November 2019 and comment:

“This application was assessed by the parish council with reference to FBC Local Plan GD4 Development in the countryside and H7. The Parish council OBJECT to the application.

The development proposes change of use from agricultural land to domestic curtilage in conflict with GD4 and H7.

The created protrusion further creates a precedent for additional cumulative development that might be considered as “minor infill” at the south east of this property in conflict with the rural character of Treales, which is devoid of access to services as assessed by FBC.

In addition, the parish council would refer to decision made by FBC in respect of application 06/1045 Heights Cottage Treales, which similarly resulted in refusal to extend domestic curtilage into agricultural land. ‘This permission does not convey or comply consent for the use of the adjoining land shown on the revised plan as extended residential curtilage.’ “

Statutory Consultees and Observations of Other Interested Parties

None

Neighbour Observations

Neighbours notified:	20 November 2019
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of Extension of Curtilage

The background to the development of the Foundry Yard site is that this property and the two others approved under the 2012 permission were approved at a time when the remainder of the site was undeveloped and largely derelict. Since that time the remainder of the site has been approved for redevelopment, initially as office development, but then as residential properties in various guises.

The latest position is that planning permission exists for the erection of 9 dwellings in addition to the 3 under the 2012 scheme, with 5 of these built and occupied and the foundations constructed for the remaining four dwellings. These were the subject of a planning application that was considered at the December 2019 meeting of Committee (19/0783 refers) which authorised their revision from the approved 2 storey houses to 1.5 storey dormer bungalows. The access road to the more recent residential development runs to the immediate west of the application site and to a point that is equivalent to its southern extent.

Notwithstanding this level of development, the application site lies within the Countryside as allocated under Policy GD4 of the Fylde Local Plan to 2032. This policy is restrictive of new development by limiting it to one of 6 forms of development which are listed in the policy, and are repeated here to assist members.

Development in the Countryside, shown on the Policies Map including Inset Plans, will be limited to:

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

The extension of a domestic garden doesn't fit comfortably into any of these exceptions: it is not an extension to the dwelling which could be allowed under exception c) if it met the requirements of Policy H7, it is not an essential form of development that could be allowed under exception d) if it did not harm the character of the countryside, and it is not minor infill development that could be allowed under exception f) as it is an extension of the domestic curtilage into agricultural land.

However, in this case the proposal is considered to be acceptable as the clear intention of Policy GD4 is to allow reasonable forms of development in the countryside areas where they do not have an unduly harmful impact on the rural character of the area. In the majority of cases an extension of the curtilage to a dwelling into an area of adjacent agricultural land would be harmful to that rural character, but that is not the case here as the area of land involved is a natural extension to the site that simply 'squares off' the boundary established by the remainder of the Foundry Yard site that is undergoing residential development.

Providing the boundary of the application site with the surrounding countryside is treated in the same sympathetic manner as the southern boundary to the residential development it is considered that the impact of the proposal is not harmful to the rural character of the area in general and so can

be accepted as appropriate development in the countryside under Policy GD4.

Visual Impact of works in the streetscene and wider countryside

The extended curtilage will be visible in two aspects: from the wider countryside approaching the village from the south, and from the closer views available from the adjacent Foundry Yard development site.

In the first of these aspects the views available are limited in number due to the topography of the land and the position of the site, and are only available at a distance viewed across intervening fields. The proposal includes the intention to define the southern boundary with a wire fence only which will itself have a limited visual impact. However, to ensure that the boundary repeats the appearance of the boundary to the remainder of the Foundry Yard development it is appropriate to impose a condition that requires this to be supported with a hedgerow to deliver a strong and rural type finish to the built area of the village.

In the second of these aspects the views from the Foundry Yard development of the extended garden area will be much more prominent, but the character of the area is already more urban and so the erection of a the timber panel fence is not be harmful in that context. The fence is low in height and constructed out of materials which are not overly-prominent and do not detract from the open-aspect and pleasant rural character of the surrounding landscape. Furthermore the applicant has planted a screen of laurel bushes in front of this fence and so it cannot be readily seen from this aspect.

Taken together, the design and scale of the proposal accords with the requirements of criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

With regards to neighbour amenity, given the position of the erected fences and the location of the extended garden area, it is considered that this development has no undue impacts on any neighbouring properties. The application property has one side neighbour, Number 2 Foundry Court, in addition to three other surrounding neighbours, Smithy Farm New House, Toridene Spen Lane, and Newhall Barney. As there are no directly adjacent neighbours to the erected fencing or extended garden area (which are surrounded by open fields), it is considered that the developments do not result in any harmful impacts on the amenity of any neighbours.

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

Conclusions

This retrospective application relates to the change of use of former agricultural land to create an extension to the domestic garden which serves Number 3 Foundry Court. This is a relatively recently erected dwelling located on the site of the former Foundry Yard site in Treales. The extended garden area is for a depth of around 8m and runs across the width of the property which is around 25m.

It is considered that the extension of the curtilage into this area has a minimal impact on the rural character of the area as it serves to 'square off' this property with the boundary of the subsequently approved properties under construction on the remainder of the Foundry Yard site. It is to be surrounded by fences which are low and are constructed out of materials which are not

overly-prominent and do not detract from the open-aspect and pleasant rural character of the surrounding landscape. It is also considered that the development does not result in any undue impacts to the amenity of neighbouring properties.

Accordingly, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

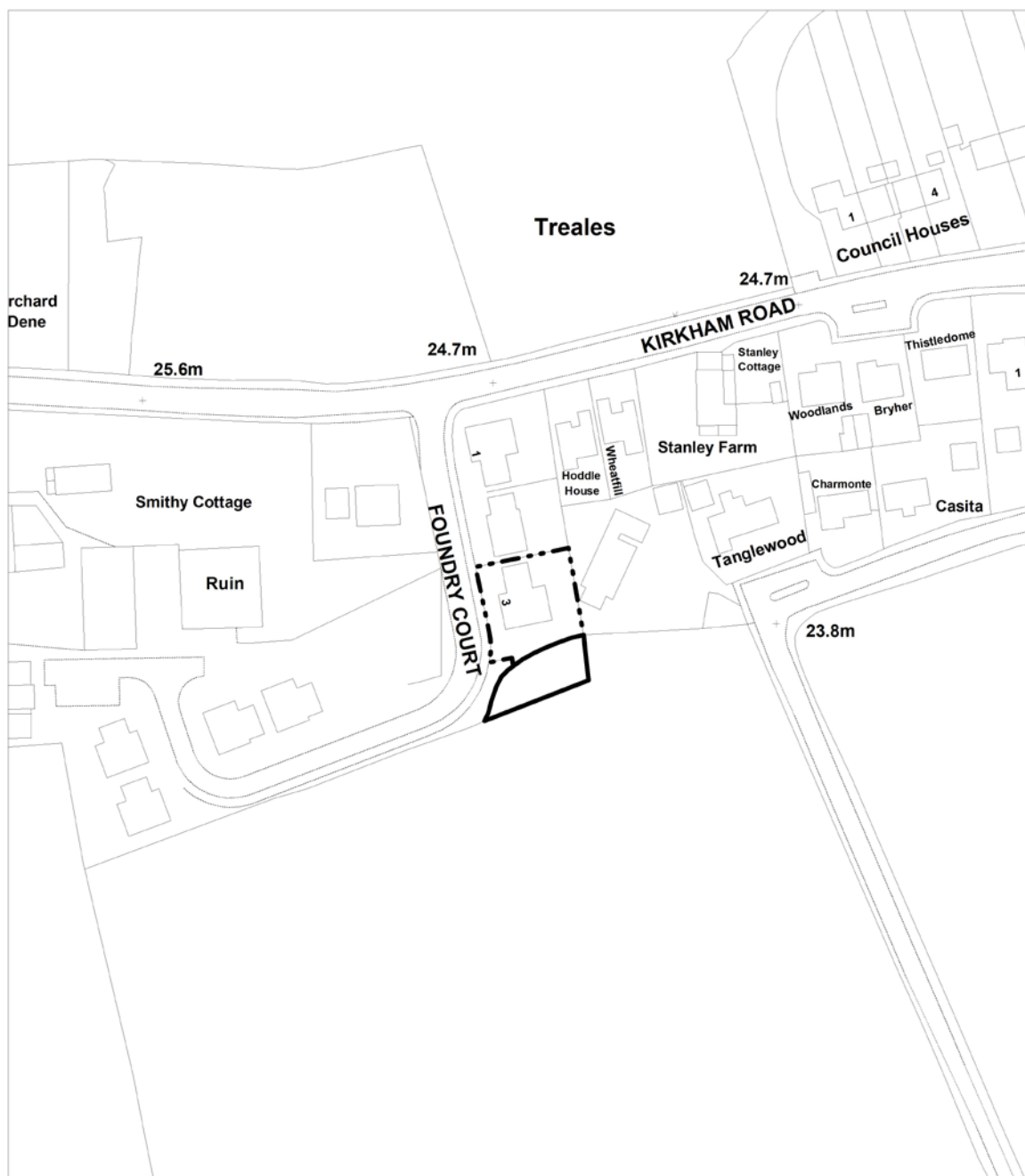
1. This permission relates to the following plans:
 - a) Location Plan - Existing Site Plan Scale 1:500
 - b) Proposed Site Plan - Proposed Site Plan 3 Foundry Court, Treales Scale 1:500
 - Proposed Plans - Proposed Purchase of Lane Scale 1:1250


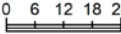
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

2. Within the first available planting season following the grant of this planning permission (November - February) a native species hedgerow shall be planted to define the southern boundary of the extended garden area hereby approved with the adjacent agricultural land. Once established this hedge shall be maintained at a height of between 800mm and 1.2m at all times thereafter.

Reason: To provide an appropriate rural boundary to the residential site with the adjacent agricultural land in the interests of preserving the rural character of the wider area as required by Policy GD4 and Policy GD7 of the Fylde Local Plan to 2032.



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Application No. 5/19/0920	Address 3 Foundry Court, Treales	Grid Ref. E.3440 : N.4328	Scale 0 6 12 18 24 m 

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	15 JANUARY 2020	5
CONFIRMATION OF TREE PRESERVATION ORDER 2019/0005: LAND NORTH OF VILLAGE HALL AND WEST OF VICARAGE LANE, NEWTON WITH SCALES, PRESTON, PR4 3RU			

PUBLIC ITEM

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

SUMMARY

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

RECOMMENDATION

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

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

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

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

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

Section 197 defines a duty in respect of trees:

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

It shall be the duty of the local planning authority—

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

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

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

1.2 Tree Preservation Orders.

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

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

1.3 Changes to TPO procedures from 6th April 2012.

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

2. Background to making the Tree Preservation Order.

2.1 The order was made on 3 September 2019. It covers an area of land to the north of the Village Hall and West of Vicarage lane, Newton with Scales The land is shown on the plan attached to this report.

2.2 The order encompasses a small pocket of mature trees that have amenity value, and which could be under potential threat from inappropriate pruning or removal of trees. In addition, if the area was clear felled, the value of the trees would be irreplaceable and any trees planted to compensate for the loss would take a significant time to grow and establish themselves to adequately replace the ones lost, be it through felling license or from pest and disease. The amenity value of the trees was assessed and as a result of that assessment, a TPO was made.

The Order was served as a ‘woodland TPO’. These are used when an area of trees has amenity value and their intention is to prevent any work to the trees covered by the order without express permission from the council. It is there to protect the trees for their entire life as well as future generations and potential tree replacement if needed for the longevity for the reasons of TPO.

2.3 Objection Period.

A statutory twenty-eight-day objection period applies to new TPOs. During this period the persons notified may object to the making of the order. If they do, the objection must be considered by the council. The objection period for the order in question ran until 1st October 2019.

3.0 Objection.

An objection, in the format of a statement from the Land Owner, Bowland Tree Consultancy and PWA Planning (Consultants), was received by the Council on 30th October 2019. Copies are attached in Appendix one.

Photographs from the ground and aerial photos from Google Maps to help with the visual aspect and location of the woodland and how it is integral to the landscape, are attached in Appendix two.

3.1 Summary of Objection.

The objections raised to the Order may be summarised as follows:

Land Owner (letter in Appendix 1)

1. Lack of consultation before issuing the Order

2. Inadequate information regarding the reason and sudden interest into why the order was placed on the area
3. Trespassing on private land and hidden agenda
4. The land is not a Woodland, National Park or Area of Natural beauty.
5. Land is too small to be classed as a woodland as per National Forest Inventory 2015
6. 50% of the borders consist buildings, car parks and a main road taking heavy traffic with increasing volumes. The other 50% is agriculture land used for live stock
7. Further felling and thinning in line with felling license is required to manage and make the site safe
8. Ash trees are being felled across the country due to disease (Ash Dieback)

Bowland Tree Consultancy (letter in Appendix 2)

9. The Forestry Commissions interest in the land
10. Reason for making the Order
11. Expediency

PWA Planning (letter in Appendix 3)

12. Wrong classification of trees on the order
13. Some trees will have little to no value in terms of amenity or in terms of supporting wildlife

4. Response to the objection.

1. Consultation:

The Council is not required to consult with tree owners before serving a Tree Preservation Order. Instead, consultation is required after the order has been made, to inform the LPA's decision on whether or not to confirm it. Such consultation has taken place and is being reported here.

2. Inadequate information regarding the reason and sudden interest into why the order was placed on the land:

Fylde Borough is in an area of the country that has one of the lowest percentages of tree canopy cover, including large mature tree stock. The land in question, is a small pocket of large mature trees that provide visual amenity to local residents and visitors to the area. Because the trees are surrounded by agricultural fields with very little tree cover in the landscape, the removal of these trees would have a significant impact to the area not only visually but for the wildlife and biodiversity habitats.

When making any TPO the Local Authority (LA) assess the trees for their amenity value and what it means in practice as part of any order used to protect selected trees and woodlands. This is assessed if their removal would have significant negative impact on the local environment and its enjoyment by the public (see photos appendix 6). It is also part of the Tree and Woodland Strategy (which is in draft form) objective to be more proactive in placing preservation orders on trees within the Borough to protect tree canopy cover.

As outlined in the paragraph below, which the land owner has been referred to, the reason for making the order is in regulation 5 attached with the TPO and clearly states (Reg 5 and TPO appendix 8 & 9)

'The Council has made this tree preservation order to ensure that the amenity and biodiversity value provided by these trees including in it is safeguarding, in the event of any future development of the site. Trees are important for visual amenity, ecology and climate change adaptation due to their size and age. Provide vital biodiversity corridor links that are crucial for the wildlife that these trees provide as habitats.'

This section of regulation 5 was also emailed to the land owner when asked for the reason for placing the order in e-mail communication (Appendix 5 communication with land owner)

3. Trespassing on private land and hidden agenda:

The Town and Country Planning Act 1990 provides rights of entry in certain circumstances for the purpose of surveying land in connection with making or confirming an Order. Officers are confident that there has been no unlawful entry onto land. In any event, the lawfulness or otherwise of entry onto the land is not relevant to the amenity value of the trees.

4. The land is not a Woodland, National Park or Area of Natural beauty:

There is no need for a land covered by a TPO to be part of a National Park or designated Area of outstanding Natural beauty. As to woodland, classification as such is one of the four available categories of TPO. The Tree Officer is satisfied, having regard to guidelines set out in the National Planning Practice Guidance (NPPG) (excerpt below) that a woodland category is appropriate for this TPO.

When should the woodland category be used?

The woodland category's purpose is to safeguard a woodland as a whole. So it follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.

It is unlikely to be appropriate to use the woodland classification in gardens.

The woodland category should not hinder beneficial woodland management. Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If a woodland subject to an Order is not brought into such a scheme, authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by making a single application for regularly repeated operations.

Paragraph: 028 Reference ID: 36-028-20140306

Revision date: 06 03 2014

The woodland category was selected because it is completely different to the other categories in that it seeks to protect trees now and in the future, by including any trees planted from after the order was made, and does not seek to hinder any good woodland management practice.

5. Land is too small to be classed as a woodland as per National Forest Inventory 2015:

The ability to make a woodland TPO is not dependent on the The National Forest Inventory definition of woodland. The pertinent guidance as to when a woodland (as opposed to individual, group or area) TPO is appropriate is in NPPG, as set out above.

6. 50% Of the borders consist buildings, car parks and a main road taking heavy traffic with increasing volumes. The other 50% is agriculture land used for live stock

It is not clear what this statement is objecting to. A TPO is placed for amenity value due to the visibility of the trees to general public. This objection would suggest that the trees will be seen by increasingly more members of the public and so increase the amenity value of the trees.

7. Further felling and thinning in line with felling license is required to manage and make the site safe:

Tree preservation orders do not affect the tree owner's responsibilities towards tree management. Neither does it prevent the owner from actively managing the woodland. However, by requiring council consent to any operations falling within the scope of the order, it does allow the Council to control the nature and extent of tree work to prevent excessive pruning or felling.

The tree preservation order will steer tree management towards best practice so preserving visual amenity. It will also secure active and appropriate management by building in the input of the Council's Tree Officer. The land owner has also been advised that if there are any conflicts with tree work and felling license there will be input from LPA and Forestry Commission, which can only safeguard the trees amenity value.

8. Ash trees are being felled across the country due to disease (Ash Dieback)

Officers are conscious of Ash Dieback and the consequent need to monitor and manage ash trees and, in certain limited circumstances, remove trees at risk of failure due to poor health. Where any trees are shown to be at risk of being dangerous by a qualified arboriculturalist, a TPO would not hinder their removal. If they are imminently dangerous the LPA only requires 5 day notice. This would state the reason why and contain photographic evidence showing the potential danger. The increase in active management inherent in a TPO would also assist in reducing any potential risk.

9. The Forestry Commissions interest in the land:

The only suggested 'interest' of the Commission in the land is the issue of the felling license. Officers do not accept that the issue of a felling license gives the Commission an interest in the land as referred to in the NPPG.

10. Reason for making the Order

In their objection, Bowland Consultancy, questions the reason for making the TPO. They emphasise that safeguarding of trees "***in the event of any future development of the site***" is normally achieved through tree protection measures afforded LPA under the UK's planning system. Which uses the guidance from BS5837:2012- Trees in Relation to Design, Demolition and Construction- Recommendations.

This is recommended guidance for LPA when it comes to attaching protection conditions for any trees to be retained on development site. This is normally achieved by applying a condition to securely fence off an area to create an exclusion zone during the whole process of development. The LPA can also attach a 5-10 year maintenance condition for newly planted trees and if any fail within this period the developer is obliged to replace them.

If trees are to be retained for a long period time, then a TPO is often used by the LA and it is this Councils objective to be more proactive regarding protecting trees instead of reactively. In some cases, it can be too late to place the order on trees, as they have been felled without prior knowledge. Placing preservation orders on trees also gives the LPA powers to ask for tree replacements if any trees are removed as follows;

"A landowner has a duty to replace a tree which is removed in contravention of a tree protection order (TPO). Where the duty is not complied with, local authorities have powers, under section 207 of the Act, to issue tree replacement notices (TRNs). These powers are also exercised where a tree is removed in a conservation area in contravention of section 211 of the 1990 Act (i.e. without giving the council six weeks' notice) and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO, is not complied with."

Trees may only be protected by planning conditions in the event that planning permission is granted for development. In this instance there is no application for planning permission before the council for consideration

and so this option is not available. Planning conditions only become effective once a development is formally commenced (as defined by Section 56 of the Town and Country Planning Act 1990). If there is no protection for these trees, it would be impossible to place a tree replacement notice on them. If the land was to be developed and the mature trees removed, even with a landscaping plan that includes planting trees, it would take a significant amount of time before they are of any size to offset the removal of the original trees.

11. Expediency

The tree officer agrees with Bowland Tree Consultancy that the trees are under good arboriculture or silviculture management. The Government's Guidance advises that if Trees and Woodlands are under good arboriculture or silviculture management there is no need for a preservation order.

But the guidance also advises:

'It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases, the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient'.

Land and property changes hands and it is not always known to the LA in advance if there is any intention to fell trees. It is understood that interest has been shown in potentially developing the site. By placing a TPO on the trees, this affords them with some protection and if good arboriculture or silviculture management is in place then a TPO should not hinder this but secure the trees for the longevity.

12. Wrong classification of trees on the order

In line with the Government's Guidance for placing a TPO on trees (See objection 4 for guidelines to determine the category) it was decided by the tree officer to place a woodland TPO. The NPPG advises:

An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of [any size or species](#).

Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration or new planting.

Paragraph: 011 Reference ID: 36-011-20140306

Revision date: 06 03 2014

13. Some trees have no importance and benefits:

The objection is that there are some trees that have no importance or benefits. The NPPG advises:

A TPO is for trees of any size provided it is in the interests of amenity to do so. The dictionary defines a tree as a perennial plant with a self-supporting woody main stem, usually developing woody branches at some distance from the ground and growing to a considerable height and size. An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of [any size or species](#).

Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration or new planting.

Paragraph: 011 Reference ID: 36-011-20140306

Revision date: 06 03 2014

All trees have significant importance and have several benefits in our Urban and Rural environment from;

- Amenity value
- Protecting biodiversity (which will only exist on specific species of tree)
- Filtering pollutants
- Reducing the heat island effect
- Positive impact on people's mental health
- Reducing asthma
- Economic benefits
- Improving on the hard-urban landscape

Due to the size and location of the trees they are visible from Newton Lake Fishery, Vicarage Lane Village Hall, Vicarage Lane, Church Lane and Blackpool Road A583. This location is frequently visited by people visiting the Fishery, the village hall or out and about in the area throughout the year. This increases the amenity value and their value as an asset to the area.

5. Conclusion.

The trees form an integral part of the landscape and the deployment of a tree preservation order was intended as a response to protecting the borough's dwindling tree canopy cover. Every effort needs to be made in securing our mature tree stock now and for the future.

A Woodland preservation order makes this possible as it protects the trees now and any in the future from natural regeneration and including a trees planted after the order was made. If some trees do die or need to be removed because of potential safety concerns from pest, diseases or any significant damage or as part of a granted felling license by the Forestry Commission (which runs out in 2023) and there is no other protection, there is a strong possibility that the tree canopy cover for this area will be lost. Such a loss would be very hard to replace, along with the biodiversity that uses these trees as their natural habitat. Protecting and increasing tree canopy cover wherever possible should be a standard across the Fylde Borough so we can secure not only the trees now but for the future.

It is considered that it was correct to protect the trees and that the Order should be confirmed so that it can become permanent. Without confirmation, it will lapse on 3rd March 2020 and the trees will no longer be protected. A tree preservation order can only secure and, through working with the land owner, promote good management practices instead of hindering them, which a TPO is not designed to do. Up until 2023 when the felling license expires the LA and the Forestry Commission agree on working together and for the LA to take the lead on added input on tree works.

A TPO is designed to protect and doesn't prevent tree works but does allow the work to be assessed by the LA prior to any consent.

The Tree Officer agrees that in certain respects some tree work should be permitted but does not support wholesale pruning or removal. It is appropriate to control tree work at Land North of Village Hall, west side of Vicarage Lane, Newton le Scales through a tree preservation order. Working with the Forestry Commission and land owner in maintaining the area of the trees with good arboriculture practices. This can only help protect the areas assets.

Members are therefore asked to confirm the Order without modification which will provide protection to the trees pending modification of the order as set out above.

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

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

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2019 No 0001		Town Hall, St Annes

Attached Documents

Appendix 1 - Objection letter from Land Owner

Appendix 2 – Objection letter from Bowland Tree Consultancy

Appendix 3 – Objection and supporting letter from PWA Planning

Appendix 4 - Felling licence

Appendix 5 – Email communications with land owner

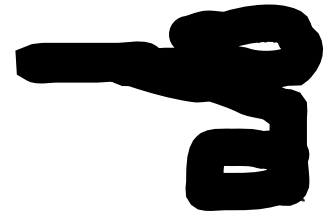
Appendix 6 - Photos of the Land North of Village Hall West of Vicarage Lane. Newton Le Scales

Appendix 7 -TPO_flowchart_1

Appendix 8 -TPO for Land North of Village hall Newton, West of Vicarage lane

Appendix 9- Reg 5 for Land North of village hall Newton, West of Vicarage lane

Appendix 10- correspondence with Forestry Commission



Andrew Rayner
Tree and Landscape Officer
Fylde Council
Town Hall
Lytham
FY8 1LW

30/9/2019

Dear Andrew,

Re: Objection to TPO 2019/0005: Land, Vicarage Lane, Newton with Scales, Preston PR4 3RU

Following receipt of your correspondence dated 3rd September I wish to formally appeal the TPO placed on my overgrown land and question its legitimacy, timing, motivations and sources of interest.

The first part of my objection is that having both spoken to, and conversed via email with yourself it is seems clear to me that:

- 1) You issued this order without first undertaking due diligence as you were completely unaware that I already have a felling licence, issued by the Forestry Commission that is current and in place until 2023 to fell and thin the land.
- 2) When asked on more than one occasion of the source and motivation of the sudden interest in my overgrown orchard you have eluded answer or simply ignored the questions.
- 3) You have failed to answer questions on timing of site visit, trespass on private land, if indeed a site visit has ever actually taken place, or if in fact this TPO was issued from afar to meet a different agenda than the one presented as reason for making the order.

This unfortunately leads me to question both professional standards and motivation in issuing this blanket TPO, its appropriateness, legitimacy and type of TPO.

The second part of my objection is for the following reasons regarding the makeup, geography, type of TPO and quality of stock on my land:

- 4) My land is at best an orchard, made of a mixture of overgrown, dead, dying or top-heavy trees, shrubs and hedgerow. It is not a woodland, national park or area of natural beauty.
- 5) The National Forest Inventory Woodland England 2015 definition of woodland (last updated 29 March 2019 on data.gov.uk) is a minimum area of 0.5 hectares, which is far larger than my land which is not even 0.5 acres.
- 6) It borders on two sides consist of red brick buildings, various outbuildings, car parks and a main road taking heavy traffic with increasing volumes, this is 50% of the border.

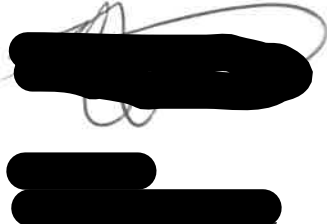
- 7) The other 50% is agricultural land occasionally used for cattle or horses, it is not bordering true woodland. Indeed, beyond it lie several houses, farms and commercial premises on the same road.
- 8) Further felling and thinning, in line with the current felling licence and standard regulations on removal of trees on private land to manage and make safe the site is required.
- 9) At a time when across the region there is known issue and felling operation which is likely to expand of Ash trees, due to disease, you are choosing to issue and order that protects several of the very same tree that are prone to disease.

Unfortunately, I have strong concerns an appeal by myself alone will be dismissed without appropriate consideration virtually immediately based on the circumstances leading to, and communications since the issue of the TPO documentation, received on the 7th September (dated 3rd) despite the 9 objections I have made above. As such I have sought and employed professional services to further support my objection.

Chartered Arboriculturist's and land management specialists have been investigating the TPO, conducting site visits and producing reports and representations on my behalf to support my appeal and put forward objections above and beyond the ones above.

These documents accompany this letter, outline objections and reasons and should be considered an integral part of my appeal alongside the above, to form an overall objection for full consideration.

Yours Sincerely,

The signature is a cursive, handwritten name in dark ink. Below it are two lines of text that have been completely redacted with black ink.

For the Attention of Mr Andrew Rayner
Tree and Landscape Officer
Fylde Borough Council
Town Hall
St Annes
Lancashire
FY8 1LW



By Email and Registered Post

30 September 2019

Our Ref: BTC1852
Your Ref: 2019.0005/AR

Dear Mr Rayner

**OBJECTION TO THE FYLDE BOROUGH COUNCIL TREE PRESERVATION ORDER 2019.0005:
LAND NORTH OF VILLAGE HALL, WEST SIDE OF VICARAGE LANE, NEWTON WITH SCALES,
PRESTON, PR4 3RU**

On behalf of my client, Mr Christopher James Finch, and under the terms and conditions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, I wish to register a formal objection to the above Tree Preservation Order (TPO).

In this respect I wish to object to the TPO under consideration on the following grounds:

1. The Forestry Commission's Interest in the Land;
2. Reasons for Making the Order; and
3. Expediency.

1. The Forestry Commission's Interest in the Land

- 1.1 Paragraph 014 of the current Government guidance in relation to the making and administering of TPOs specifically states that Councils *"are encouraged to liaise with the Forestry Commission when considering making a Tree Preservation Order on land in which the Forestry Commission has an interest"* and that *"The Regulations will have no effect in respect of anything done by, or on behalf of, the Forestry Commission on land it owns or manages (the Public Forest Estate) or in which it has an interest."*
- 1.2 In this respect it is emphasised that the area of trees under consideration is under the control of a Forestry Commission Felling Licence (application reference 010/44949/2018 – as appended), which was issued on 13 December 2018 and has an expiry date of 13 December 2023.
- 1.3 Subsequently, it can reasonably be concluded that, through the Forestry Commission's act of granting a Felling Licence, they have an interest in the land upon which the trees stand.
- 1.4 In turn, as the Order under consideration was served on 3 September 2019, over nine months after the Felling Licence was granted, it can also reasonably be concluded that the Council evidently failed in their duty to follow Government guidance and consult with the Forestry Commission with regard to any potential interest that they may have in the land upon which the trees stand.

2. Reasons for Making the Order

- 2.1 The TPO covering letter states that the reasons for making the Order are *"to ensure that the amenity and biodiversity value provided by these trees including in it is safeguarding, in the event of any future development of the site. Trees are important for visual amenity, ecology and climate change adaptation due to their size and age. Provide vital biodiversity corridor links that are crucial for the wildlife that these trees provide as habitats."*

- 2.2 In this respect it is emphasised that the safeguarding of trees *"in the event of any future development of the site"* is normally achieved through the robust tree protection measures afforded under the UK's planning system, which places a statutory duty on Councils to consider trees in respect of any proposed development, and subsequently augmented under mandatory Government guidance in the form of BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations.
- 2.3 In turn, the planning system and its associated guidance place an explicit onus on the applicant of any proposed development to provide appropriate and sufficient information relating to trees as a component of their planning application, and for any trees of a sufficient quality to be retained and protected as components of the development's design.
- 2.4 Consequently, it can reasonably be concluded that the making of a TPO at the site under consideration, and in particular the use of a woodland Order, is not, under the circumstances at the current time, a suitable method of tree protection *"in the event of any future development of the site"*.
- 2.5 Furthermore, the imposition of a TPO at the site could also potentially be construed as the Council attempting to impose a greater control over the land in question than they have the right to.

3. Expediency

- 3.1 Paragraph 005 of the Government guidance with regard to TPOs states that Councils can make an Order if it appears to them to be *"expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area"*.
- 3.2 However, paragraph 010 of the guidance also states that *"Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management."*
- 3.3 In this respect it is emphasised that, as discussed at paragraph 1.2, the area of trees under consideration is under the control of a Forestry Commission Felling Licence, and will remain so for over four more years until the Licence's expiry date of 13 December 2023.
- 3.4 Furthermore, it is also emphasised that the Forestry Commission, as a Government department, are a responsible body that are expected to have afforded due consideration to any potential amenity and biodiversity impacts when considering and drafting the extant Felling Licence.
- 3.5 Subsequently, it can reasonably be concluded that, through the Forestry Commission's act of granting a Felling Licence, they are of the opinion the trees at the site are being brought under good silvicultural management which, as a result, brings the expediency of making the Order in to doubt.

Conclusions and Recommendations

It is understood that the Council has a duty, where expedient, to protect important trees for their various landscape and ecological functions, and that TPOs are an essential planning tool in this respect.

Nonetheless, it should be noted that TPOs should not be used without proper deliberation of the circumstances under consideration and, in turn, any existing controls that may be present.

Subsequently, in the case under consideration, it is emphasised that the Forestry Commission currently have an interest in the land upon which the trees stand through the presence of a Felling Licence with an expiration of 13 December 2023 which, in effect, controls any tree felling up to that date.

In this respect it is also emphasised that, as a responsible Government department, the Forestry Commission would have given due deliberation to any potential amenity and biodiversity impacts when considering the Felling Licence application and that, in granting the Licence, they are satisfied that the trees at the site are being brought under good silvicultural management.

However, as a TPO was made over nine months subsequent to the Felling Licence being granted, it is apparent that, although they are required to consult with the Forestry Commission prior to making TPOs, the factors discussed above were overlooked by the Council which, as a result, place the expediency of them making the Order in doubt.

In turn, it can reasonably be concluded that there are no substantiate grounds for making a TPO at the current time, whilst the site is under the control of a Felling Licence.

Consequently, for the reasons outlined, I formally object to TPO 2019.0005, and respectfully request that the Order is not confirmed, but that it be revoked for at least the duration of the Felling Licence's jurisdiction.

Finally, I would be obliged if you would inform me of the Council's decision on this matter in the light of this objection, and look forward to hearing from you in due course.

Yours faithfully



Phill Harris MSc BSc(Hons) HND CEnv MArborA MICFor
Chartered Arboriculturist



The Tree and Landscape Officer (Andrew Rayner),
Fylde Borough Council,
Town Hall,
Lytham St Annes,
Lancashire,
FY8 1LW.



2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk

30th September 2019

Fylde Borough Council Tree Preservation Order (TPO) Ref: 2019/0005: Land North of Village Hall, West side of Vicarage Lane, Newton with Scales, Preston, PR4 3RU

Dear Mr Rayner,

Objection to the TPO Ref: 2019/0005 in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

It is stated that the reasons for making the order are:

'to ensure that the amenity and biodiversity value provided by these trees including in it is safeguarding, in the event of any future development of the site. Trees are important for visual amenity, ecology and climate change adaptation due to their size and age. Provide vital biodiversity corridor links that are crucial for the wildlife that these trees provide as habitats.'

I understand that this TPO has not arisen from the above concerns as it is pointed out in the attached letter from a qualified arboriculturist (Phill Harris) that no due diligence has been undertaken in that the Forestry Commission have not been consulted upon before this TPO has been brought about as a felling licence has been approved by the forestry commission for this site. This means that the Forestry Commission have already considered such aspects for example the amenity value, landscape and wildlife implications of allowing such works to be undertaken, thus this renders this TPO as irrelevant and inappropriate.

This TPO relates to Land North of Village Hall, West side of Vicarage Lane, Newton with Scales, Preston, PR4 3RU. As I understand it, from Part 3 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, as this site is not a woodland, it is a group of trees formerly an orchard. Under Part 3 (b) where the order relates to a group of trees, the order should specify the number of trees of each species in the group. This has not been done. The whole group of trees does not constitute a TPO as some will be of little to no value both in terms of amenity or in terms of supporting wildlife.

I therefore request that the supporting letter from Phill Harris (qualified arboriculturist) is taken into consideration and that the TPO is withdrawn. I can confirm that the trees have been and will continue to be managed appropriately – see attached felling licence.

Yours faithfully

Gemma Newall BSc, PgDip, MRTPI
Senior Planner at PWA Planning



13/12/2018

Application ref: 010/44949/2018

Management Plan Ref:

Felling Licence (Forestry Act 1967)

Woodland Name: Vicarage Lane, Newton With Scales

Please find a copy of your approved Felling Licence and map(s) enclosed. If you are an agent receiving this Felling Licence on behalf of the owner / tenant, please ensure you forward a copy to the owner / tenant for their attention.

Please note the expiry date for completion of the work. If the licence contains conditions for restocking, it is the responsibility of the owner / tenant to ensure that the conditions are met by the required date(s) specified in the Licence. The Forestry Commission may visit the site at any time to inspect the progress of any restocking.

If you're a farmer or land manager and claim rural payments, you must follow a set of rules called Cross Compliance, which include Good Agricultural and Environmental Conditions of land (GAECs), and which may impact what times of the year you can use your felling licence to cut down trees on land receiving payments. Failure to comply with Cross Compliance may constitute a breach of the rules and result in a reduction of the relevant payment by the Rural Payments Agency.

I should also bring to your attention the Timber and Timber Products (Placing on the Market) Regulations 2013. The EU Timber Regulations prohibit the trade of illegally harvested timber and timber products and require those who are responsible for placing timber onto the market for the first time – whether an owner, contractor or timber merchant – to maintain documentation that proves that the timber is from a legally harvested resource and supply chain.

An EU Timber Regulations pro-forma for this felling licence is enclosed. We have completed the relevant parts to confirm that timber felled under this licence has been felled legally. However, you or the party placing the timber on the market for the first time will need to complete and retain the form (along with any other documents that demonstrate the timber has been felled in conjunction with all other relevant legislation e.g. Health and Safety).

For information on how and who should complete the form please read the Operations Note 33, on our EU Timber Regulation web page: <https://www.gov.uk/government/publications/eu-timber-regulation-eutr-operations-note-33>

The enclosed felling licence only gives you permission to fell trees. It does not give you the additional consents that you require in order to conduct works (including felling) within Sites of Special Scientific Interest or Scheduled Monuments. These may be enclosed with this felling licence, but if they are not, you should not fell trees on protected sites without the formal consent from Natural England or Historic England respectively.

Yours sincerely

For the Forestry Commission

Licence to Fell Growing Trees

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This licence gives you permission under section 10 of the Forestry Act 1967 as amended to fell the trees described in Part 1 and shown on the attached map.

Tree felling under this licence has been approved by the Forestry Commission as being in accordance with government policy for the sound management of a renewable resource.

This licence expires on: 13 Dec 2023

You should tell others involved with the felling about the details in this licence e.g. by giving a copy of the licence and map to the person felling the trees. If you sell the land, you should also tell the new owner about this licence. If a Tree Preservation Order is placed on these trees after this licence has been issued, you should provide the Local Authority with a copy of this licence and associated map/s before felling the trees.

Note: If you have not declared the existence of a Tree Preservation Order or Conservation area when making the felling application any felling licence subsequently issued will not cover the felling of trees to which a Tree Preservation Order applies, or which are in a Conservation area.

It is expected that tree felling operations will be carried out in a manner that reflects good forestry practice, with appropriate consideration for possible impacts on habitats and species:

- All necessary checks will be made to ensure compliance with the Conservation of Habitats and Species Regulations 2017 relating to European Protected Species (EPS).
- If felling within the bird nesting season, checks will be made to ensure compliance with the protection of birds under the Wildlife and Countryside Act 1981.

Any thinning operations approved by this licence will be implemented evenly across the operational area and will not remove more than 30% of the original canopy cover per operation, unless otherwise agreed by the FC and confirmed on this licence. Note: Tree felling at a greater intensity than 30% of the canopy (in all or part of an operational area) may constitute a breach of the thinning permission.

If you have any reason to suspect the presence of tree pests or disease, e.g. *Phytophthora ramorum* you should inform the Forestry Commission at the earliest possible opportunity, as per your obligation under the Plant Health (Forestry) Order 2005.

Where larch, or other susceptible species included in this licence display symptoms of disease, you must not fell those trees until the FC have had the opportunity to assess their health. If *Phytophthora ramorum* presence is suspected or confirmed the area will become subject to a statutory plant health notice, the conditions of which will override those contained within this licence.

Paul Vickers

Date: 13/12/2018

Signed for and on behalf of the Forestry Commissioners

Part 1 - Description of the trees to be felled

Property: Vicarage Lane, Newton With Scales
 Name of wood: Vicarage Lane, Newton With Scales
 Local Authority: Fylde Borough Council
 Approved Felling
 Details:

Felling site, subcpt or coupe	Type of operation	Marking of trees	Area ha	Total number of trees	Estimated volume m ³	Species
1	Thinning		0.2		7	oak (robur/petraea) / ash / sycamore

Part 2 - Restocking Conditions

Appendix 4 - Felling licence

The Felling Licence approval has no conditions.

Part 3 - Additional Advisory Information and Guidance

Land owner must adhere to European Protected Species regs.

EU Timber Regulation: Due Diligence for Timber Grown in Great Britain

This document is intended to help meet the obligations placed on "operators", as defined under EU Timber Regulation (No 995/210), to undertake a risk assessment. It outlines the risk factors associated with timber grown in Great Britain (see overleaf). The details of the timber species, volume etc are listed on the felling licence/grant scheme contract/management plan or in the absence of these on a separate sheet.

Evidence of Lawful Harvesting

<u>Felling Licence Reference</u>	<u>Date Licence Approved</u>
010/44949/2018	13/12/2018

Signed: Paul Vickers
(on behalf of Forestry Commission)

Dated: 13/12/2018

Certification: If the timber is independently certified enter the certificate

--

Additional Risk Factors: If there are any factors (not covered overleaf) that indicate a risk that the timber could be illegally harvested, enter these below with an explanation of how that risk has been mitigated. Continue on a separate sheet if necessary.

<u>Factor</u>	<u>Means of mitigation</u>

Declaration by the operator: I declare that the timber referred to above is grown in Great Britain. I have identified any additional risk factors and the action taken to mitigate that risk, and I have no reason to believe that there are further risks of the timber being illegal.

Signed:

Dated:

The timber approved for felling in this felling licence was produced from Great Britain forests where the following risk factors apply.

Appendix 4 - Felling licence

1 Illegality - Forests in Great Britain are regulated by the Forestry Commission or Natural Resources Wales. The incidence of illegal felling is low, estimated at much less than 1% of the timber volume harvested.

2 Governance - The UK is ranked highly for good governance in independent assessments, such as The Worldwide Governance Indicators project (funded by The World Bank). Moreover forestry proposals in Great Britain are available for comment and Great Britain is well served by bodies from civil-society that contribute specialist knowledge and opinion to the assessment of forestry proposals.

3 International Perspective - There is no UN Security Council ban on timber exports from the UK and the UK is not associated with or designated as a source of 'conflict timber', both of which are key international indicators of illegality.

4 Forest Regulation - Great Britain has specific forest laws (principally, The Forestry Act 1967, which convey powers to regulate forestry activities, control felling, administer woodland grants and to manage state forests. The Forestry Commission issued a revised UK Forestry Standard (UKFS) in 2011 which provides a benchmark against which forestry is regulated and is explicit in terms of legal requirements and the assurances of legality and sustainability that can be given by the process of forest regulation. The Forestry Commission/Natural Resources Wales are the competent authorities with respect to Environmental Impact Assessment (Forestry) Regulations. The Forestry Commission reports on behalf of the UK the sustainability of UK forests in the Global Forest Resources Assessment and Forest Europe indicators and compiles annual statistical information. These various sources of information indicate that forests in the UK are managed on a sustainable basis.

5 Endangered Timber Species - There are no endangered timber species present in the UK.

6 Assessment of UK grown timber by the certification schemes - The two major international certification schemes, FSC and PEFC, have assessed Great Britain as being of low risk in terms of their "Controlled Wood" and "Avoidance of Controversial Sources" respectively. This allows up to 30% of non-certified GB grown timber to enter supply chains. Approximately 85% of timber coming to the market in Great Britain has been independently certified as coming from well managed forests. This is in addition to the regulatory processes outlined above.

Notes on completing the form.

a) The person who first places timber and/or timber products on the market or uses them in his/her business is defined as an "operator" under the Regulation.

b) If you are a landowner, harvesting and selling the trees, then complete this form and keep it with the felling licence/management plan or other details (as appropriate) together with a copy of the contract for sale of the timber.

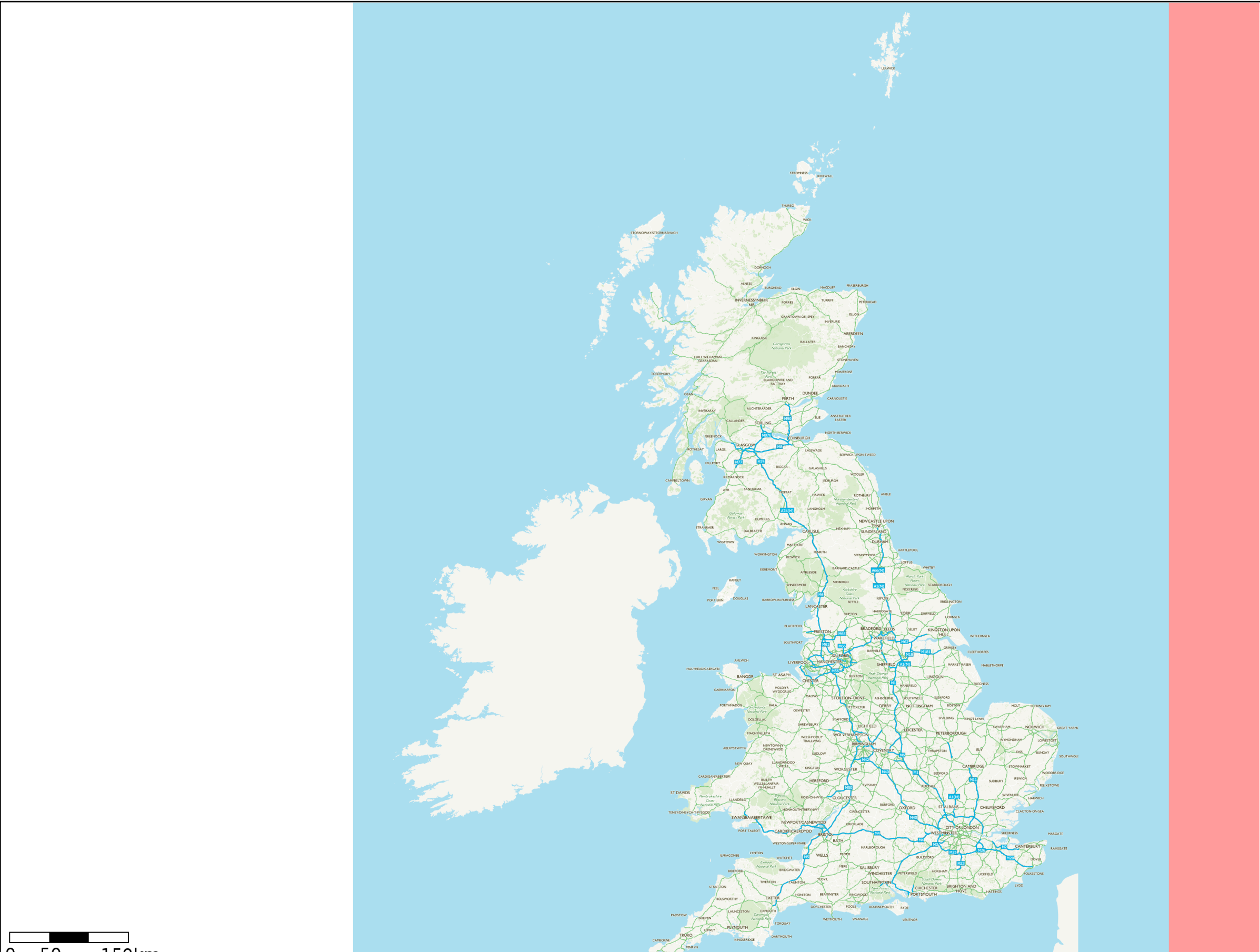
c) If you are buying the timber 'standing' and harvesting the trees, then complete this form, ask for a copy of the felling licence or management plan approval from the owner and keep this form together with details of the contract for purchase of the timber.

d) It is important to keep a record for at least 5 years, as required by the legislation, of timber sales and purchases.



Vicarage Lane, Newton With Scales | SD 453 311 | 010/44949/2018

Contains OS data © Crown copyright and database right (2017)



Vicarage Lane, Newton With Scales | 010/44949/2018

Contains OS data © Crown copyright and database right (2017)

Subject:

FW: Approved Felling Licence - 010/44949/2018 - land at Vicarage Lane

From: Andrew Rayner

Sent: 23 September 2019 10:32

To:

Subject: RE: Approved Felling Licence - 010/44949/2018 - land at Vicarage Lane

Hi ,

On the letter I sent you regarding the TPO, you will have the information you require about objecting to a TPO and how to submit it. This is done in writing and must reach authority (Fylde Borough Council) before the end of the allocated date.

The reason for the TPO is as follows;

The Council has made this tree preservation order to ensure that the amenity and biodiversity value provided by these trees including in it is safeguarding, in the event of any future development of the site. Trees are important for visual amenity, ecology and climate change adaptation due to their size and age. Provide vital biodiversity corridor links that are crucial for the wildlife that these trees provide as habitats.

I have also spoken to Andy Bennett from the Forestry Commission and he is happy for the Tree preservation Order to stand and any tree works should come through the Local Authority for assessment of tree works, even though you have felling license. If you would like clarification please get in contact with your Forestry Commission representative that issued the felling license.

Kind Regards

Andrew

From:

Sent: 23 September 2019 10:01

To: Andrew Rayner <andrew.rayner@fylde.gov.uk>

Subject: Re: Approved Felling Licence - 010/44949/2018 - land at Vicarage Lane

Hi Andrew,

I remember when we spoke you said I had until the start of October if I wished to appeal the TPO.

Does any appeal have to be on paper, as in sent via the post or can I email it to you?

Also I'm unclear from our communications as to how it came about you suddenly took an interest in my Orchard? Could you clarify that please.

Kind regards,

On Mon, 9 Sep 2019, 15:35 Andrew Rayner, <andrew.rayner@fylde.gov.uk> wrote:

Hi

Thanks for forwarding me the details of the felling licence.

A TPO is made because of amenity and biodiversity value along with safe guarding the trees from inappropriate tree work now and for many years to come. This means that the order is registered with Land Registry and will be passed onto any new owners of the land in the future. This does not mean that work cannot be done to the trees as part of a management plan which you are doing. It is there so the Local Authority (LA) can assess any further intended tree works. And is completely different to a felling licence, which needs to be applied for when there is a certain amount of meterage of trees to be felled (which you are fully aware of). Even if the trees already have a TPO on them you would need to apply. When I talk with the Forestry Commission tomorrow I will ask for clarification on what has already been discussed. If there is anything else which I haven't already covered I will let you know.

There is **no cost** to send in an application for tree work and the application would only be refused if there was any inappropriate tree works suggested.

I have attached the Tree Works Application form with this email or it can be filled out on the Fylde Councils website under planning applications TPO Tree Works Application.

Regards

Andrew

From:

Sent: 09 September 2019 14:47

To: Andrew Rayner <andrew.rayner@fylde.gov.uk>

Subject: Fwd: Approved Felling Licence - 010/44949/2018

Dear Andrew,

Further to our conversation this morning attached should be my licence from the forestry commission which is valid until 2023 for my land.

As I explained I invited the forestry commission out towards the end of last year to agree the best way forward for felling and managing the site as well as returning it to being safe and secure.

The forestry commission outlined all the tree/overgrown shrub areas that could be felled/cleared without a licence, the 5 cubic metres per quarter rules, and the trees that required a licence. They supported the need for managed felling and thinning to take place, ultimately with safe healthy trees left in place, pruned and managed as needed. They issued me with the licence and explained what it meant.

I instructed the tree specialists I employed to work to those conditions, one of whom regularly works with the forestry commission and woodlands trust, as well as multi hectare sites, which are a far cry from my small plot. First fell of the land and fencing erection was then completed at substantial cost.

This land is an overgrown Orchard which I have no intention of full felling, it needs more work yet to tidy it further and much of the stock is/was poor quality. I have worked to the conditions and understanding I have from the forestry commission.

If I understand you correctly you are now saying that despite my licence if I wish to do any more felling, thinning etc I have to apply to you first to get permission before moving forward. Given the size of the plot and quality of stock this seems over the top to me, however please confirm my understanding is correct of the current position so I know what I am working to.

Can you also confirm if/what the cost of such an application is to you for approval?

As I said this morning I have no immediate plans already booked in this winter to do any further work as I have already spent enough this year. That of course isn't to say myself or someone else who owns the plot down the line in the future wouldn't wish too, which is why I ask for the clarification of position and any associated costs.

Regards,

----- Forwarded message -----

From: >
Date: Mon, 17 Dec 2018, 14:40
Subject: Approved Felling Licence - 010/44949/2018
To: >

Dear

Please find attached your approved felling licence 010/44949/2018. Please do not hesitate to contact us if you have any further queries.

Many thanks.

Administrative Officer
Forest Services
Forestry Commission SW England
Buller's Hill | Kennford | Exeter | Devon | EX6 7XR
0300 067 4960 (Main)

www.forestry.gov.uk/southwest

+++++ The Forestry Commission's computer systems may be monitored and communications carried out on them recorded, to secure the effective operation of the system and for other lawful purposes. +++++

+++++ The Forestry Commission's computer systems may be monitored and communications carried out on them recorded, to secure the effective operation of the system and for other lawful purposes. +++++



Andrew Rayner

Trees and Arboriculture Officer

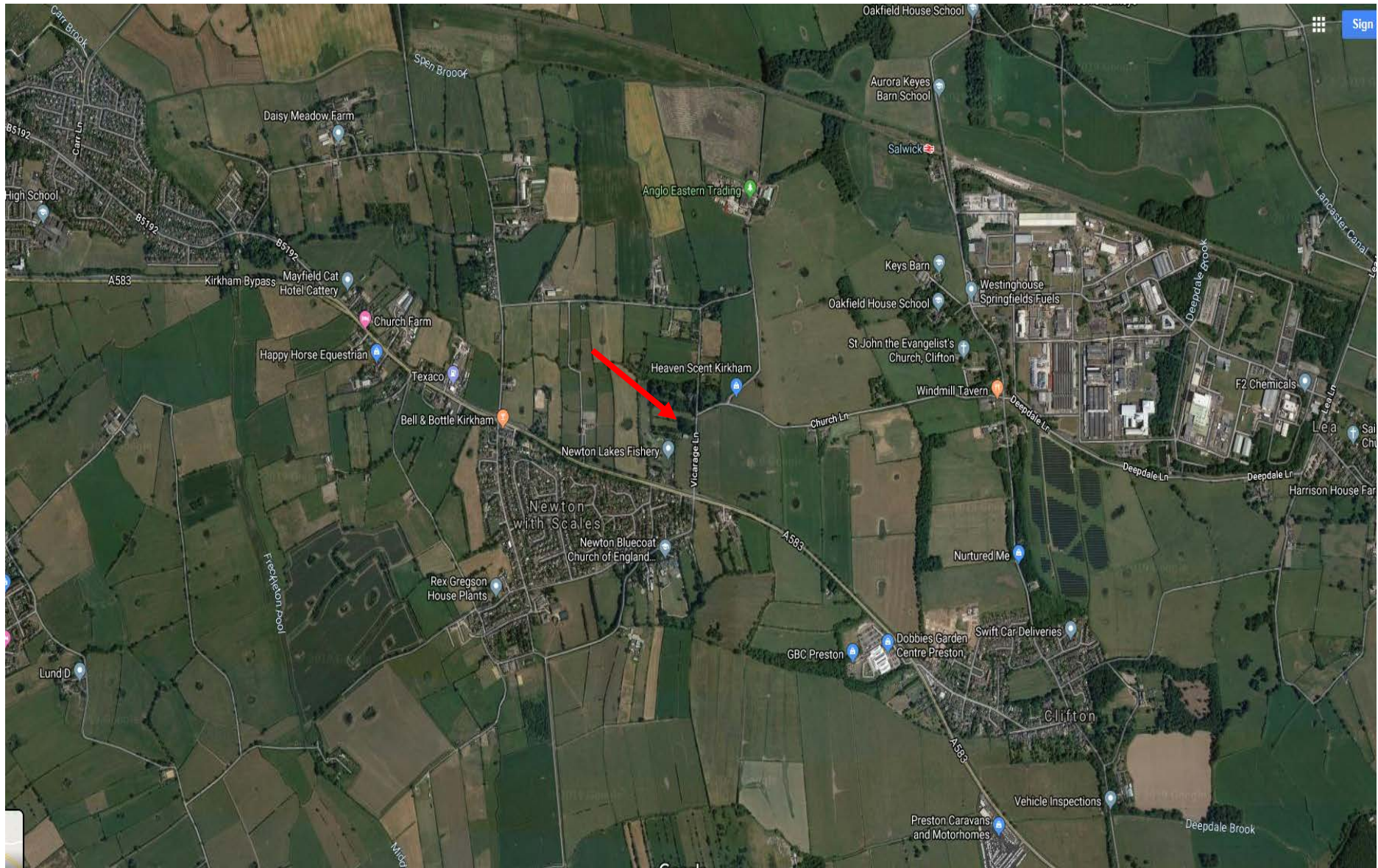
t: 01253 658446

e: andrew.rayner@fylde.gov.uk

Fylde Borough Council

www.fylde.gov.uk

Appendix 6 - Photos of the Land North of Village Hall West of Vicarage Lane. Newton Le Scales



Location of trees at the point of red arrow on map (picture from google)

Appendix 6 - Photos of the Land North of Village Hall West of Vicarage Lane. Newton Le Scales



Location of trees within the red circle



Photograph of trees from vicarage lane



Photograph of trees from vicarage lane



Photograph of trees from vicarage lane



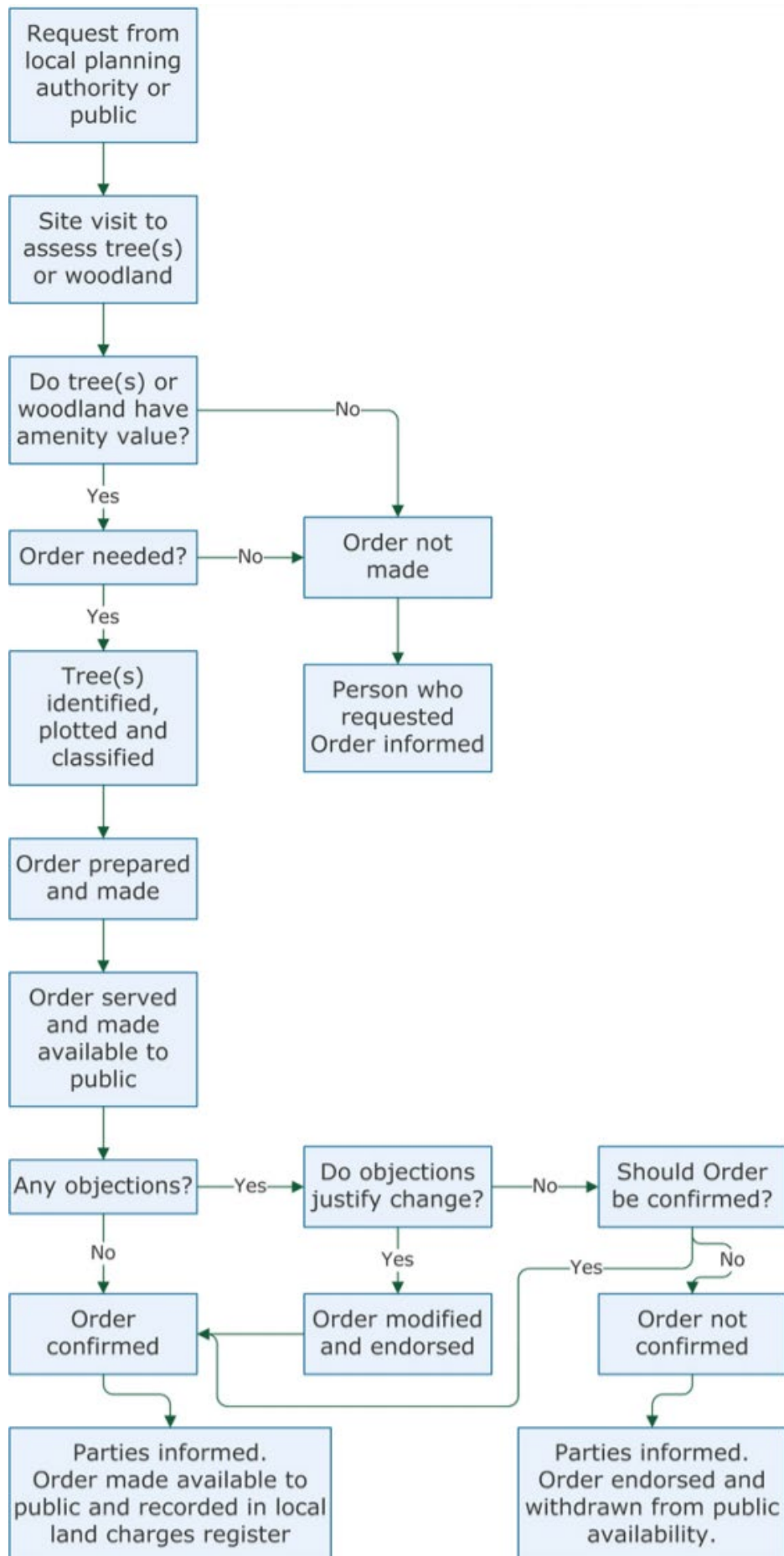
Photograph of trees from vicarage lane



Photograph of trees from car park of village hall



Photograph of trees from car park of village hall

Flowchart 1: Making and confirming a Tree Preservation Order



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

**The Fylde Borough Council Tree Preservation Order 2019/0005: Land North
of Village Hall and West of Vicarage lane, Newton with Scales, Preston, PR4
3RU**

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

Citation

1

This Order may be cited as The Fylde Borough Council Tree Preservation Order 2019.0005: Land North of Village Hall and West of Vicarage lane, Newton with Clifton.

Interpretation

2

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

Effect

3

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

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

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

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

Application to trees to be planted pursuant to a condition

4

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

Dated this 3rd day of September, 2019



Paul Walker
Director of Development
Authorised by the Council to sign in that behalf

[CONFIRMATION OF ORDER

This Order was confirmed by Fylde Borough Council without modification on the
day of 20**]

OR

This Order was confirmed by the Fylde Borough Council, subject to the
modifications indicated by [state how indicated], on the day of
20**]

Signed on behalf of the Fylde Borough Council

.....
Authorised by the Council to sign in that behalf]

**SCHEDULE
SPECIFICATION OF TREES**

Article 3

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation - approximate easting/northings</i>

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none		

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation – approximate eastings/northings to centre of group</i>

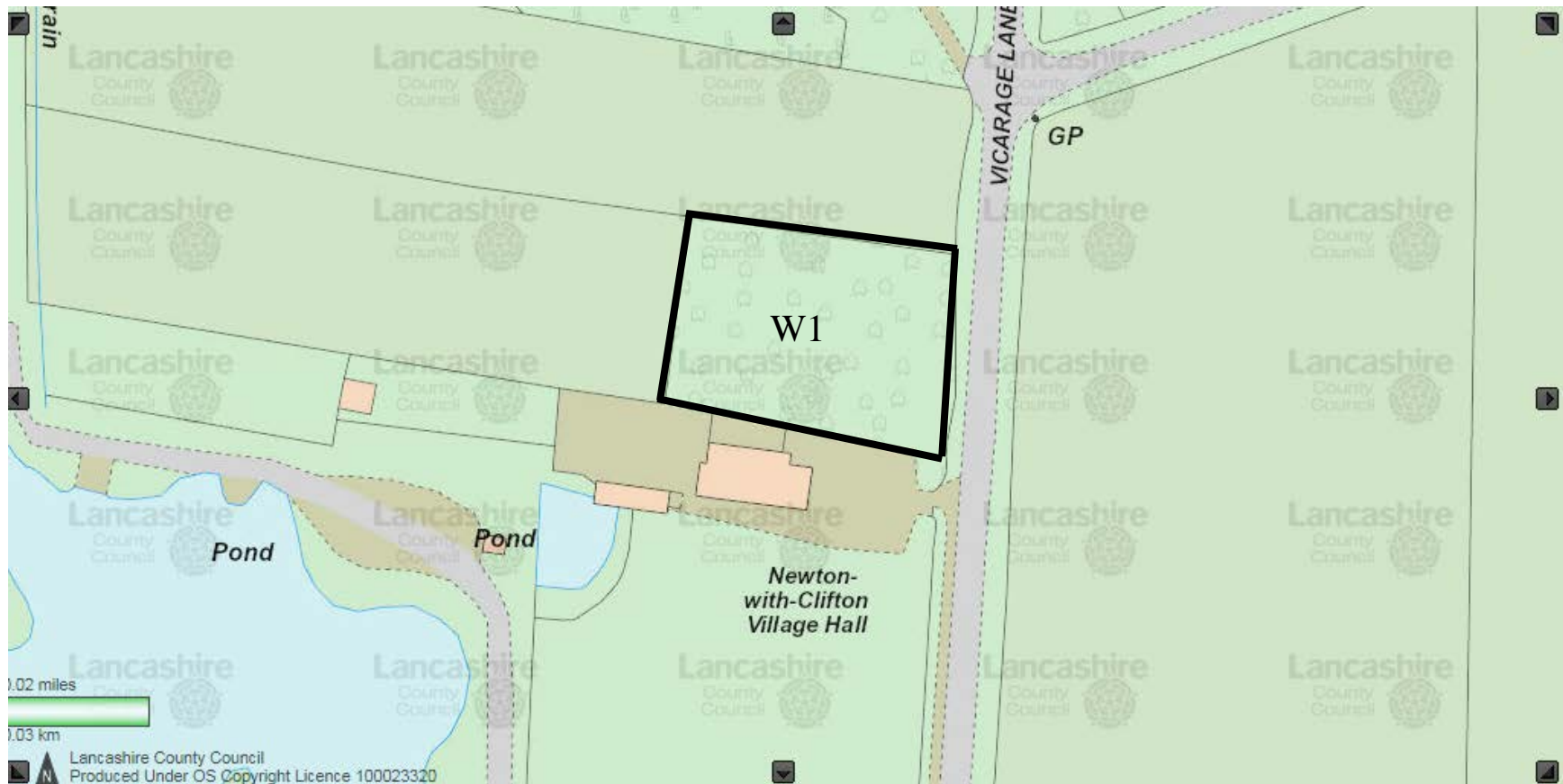
Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	The area consists of primarily deciduous woodland of Oaks, Sycamores, Ash, Apple	Eastings 345312 Northings 431199 Area 1196m ² (0.30 Acres)

Appendix 8 -TPO for Land North of Village hall Newton, West of Vicarage lane

Fylde Council Tree Preservation Order 2019.0005 Land North of Village Hall, Newton, West of Vicarage Lane





Mr [REDACTED]
[REDACTED]
[REDACTED]

Our Ref: 2019.0005/AR

Your Ref:

Please Ask For: Andrew Rayner

Telephone: 01253 658446

Email:

Date: 03/09/ 2019

Dear [REDACTED],

**Fylde Borough Council Tree Preservation Order 2019/0005: Land North of Village Hall, West side of
Vicarage Lane, Newton with Scales, Preston, PR4 3RU**

**FYLDE BOROUGH COUNCIL TREE PRESERVATION ORDER IMPORTANT – THIS COMMUNICATION MAY
AFFECT YOUR PROPERTY**

This is formal notice under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that the Council has made the above Tree Preservation Order.

A copy of the Order is enclosed for your information. In basic terms, the Order prohibits anyone from cutting down, topping or lopping the tree described in the Schedule to the Order and shown on the plan attached to it, without the Council's consent.

Reasons for making the Order:

The Council has made this tree preservation order to ensure that the amenity and biodiversity value provided by these trees including in it is safeguarding, in the event of any future development of the site. Trees are important for visual amenity, ecology and climate change adaptation due to their size and age. Provide vital biodiversity corridor links that are crucial for the wildlife that these trees provide as habitats.

The Order took effect on from 3rd September 2019 on a provisional basis for a period of 6 months from this date until the Council confirm it, following which it will remain in force permanently. A separate confirmation letter will be sent after the twenty-eight day objection period has elapsed.

The Order will not prevent works in accordance with good arboriculture practice or the removal of dead or dying trees for safety reasons.

Making objections or representations:

Before the Council decides to confirm the Order you have a right to make objections or other representations about any of the trees covered by the Order. You can do this by writing to:

The Tree & Landscape Officer, Fylde Borough Council, Town Hall, Lytham St Annes, Lancashire FY8 1LW.

The objections and representations must be received by us no later than 1st October 2019 and in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. This is excerpted below. All valid objections and representations will be carefully considered before a decision is made whether or not to confirm the Order. The Council will write to you again when that decision has been made.

Town and Country Planning (Tree Preservation) (England) Regulations 2012
6 Objections and representations

- (1) Subject to paragraph (2), objections and representations--
 - (a) shall be made in writing and--
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Yours faithfully,

Andrew Rayner
Tree & Landscape Officer.
andrew.rayner@fylde.gov.uk

Subject: FW: Hi How are things?

From: Bennett, Andy <Andy.Bennett@forestrycommission.gov.uk>

Sent: 27 November 2019 12:33

To: Andrew Rayner <andrew.rayner@fylde.gov.uk>

Subject: RE: Hi How are things?

Hi Andrew,

In principle I am more than happy to work with the LA/TPO officer in this situation,

I have had a chat with our regulations manager regarding this site/felling licence. Can you confirm if felling has taken place. If so has the TPO been issued after the felling? If this is the case I think our part has been fulfilled. There is some new guidance regarding TPO and tree felling licences which has just come out or ready to come out. I will seek the new info and we can meet up to discuss. What time scale are we working to regarding the vote? I will call in to site but I will need to tie in with other work as a licence is in place and we are not discussing breach of the licence.

Sorry for being a little vague regarding regulations etc but I want to get this right.

Andy.

Andy Bennett
Woodland Officer South Lakes and North Lancashire

tel mobile
Direct office no. 0300 067 4188
e mail; andy.bennett@forestrycommission.gov.uk

Please note: If you are applying for a felling licence please send applications to:
Forest Services, FC England, Buller's Hill, Kennford, Exeter, Devon, EX6 7XR
Admin Hub Email: adminhub.bullershill@forestrycommission.gov.uk Admin Telephone: 0300 067 4960

To apply for other CS grants further information is available at: <https://www.gov.uk/guidance/countryside-stewardship-manual>

- [How to apply for a woodland management plan online](#)
- [On-screen help for online WMP applications](#)
- [WMP YouTube video](#) - 10 minute video to explain the online process

Subscribe to our e-alert to stay up to date on forestry Grants & Regulations

From: Andrew Rayner [<mailto:andrew.rayner@fylde.gov.uk>]

Sent: 20 November 2019 15:21

To: Bennett, Andy

Subject: Hi How are things?

Hi Andy,

Hope you are well and managing to keep on top of your work load and you have got your thermals at the ready, for winter is coming☺?

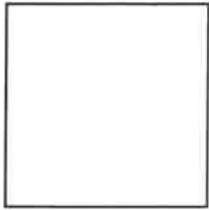
Last time we spoke I mentioned that I placed a TPO on a woodland that already had been given a felling licence. The woodland is located in Newton Le scales, land North of the village hall of Vicarage Lane, PR4 3RU.

I am compiling a report ready for the Councils Committee members to vote on if the TPO should be confirmed or not, as the land owner of the wood has objected to the TPO. When we chatted about it, you mentioned you were happy for the Council to take the lead when it came to tree work on this land, especially when it came to the mature trees that are situated near the back boundary. If the land owner wasn't happy because he has already got a felling licence, we would work together to come to an amicable agreement. Is this still the case?

If you are still happy with that, would you be able to send me a letter to confirm it and I will attach it to the report I submit to committee.

Thanks

Andrew



Andrew Rayner

Trees and Arboriculture Officer

t: 01253 658446

e: andrew.rayner@fylde.gov.uk

Fylde Borough Council

www.fylde.gov.uk

Email Disclaimer



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	15 JANUARY 2020	6
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

There were no appeal decisions received between 06/12/2019 and 03/01/2020.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members that no appeals that have been decided during the period.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473