

AGENDA FOR 27 APRIL 2022 PLANNING COMMITTEE

Item 1

Application No:	21/1078	Case Officer:	Rob Buffham Area Team 1
Applicant:	Mr Dodd	Agent:	MCK Associates Limited
Location:	29 STATION ROAD, KIRKHAM, PRESTON, PR4 2HA		
Proposal:	ERECTION OF THREE STOREY BUILDING PROVIDING 16 NO. X 1 BED RESIDENTIAL FLATS FOLLOWING DEMOLITION OF EXISTING BUILDINGS		
Ward:	Kirkham North	Parish:	Kirkham
Statutory Expiry:	17 March 2022	Earliest Decision:	1 February 2022
Reason for any delay:	Officers negotiating design improvements		To view application file on FBC website click here

Officer Recommendation: Approve subject to s106 agreement

Summary of Officer Recommendation

The proposal relates to a mixed commercial/ residential plot within the settlement boundary of Kirkham and Wesham. The proposal is a full planning application for the construction of a block of 16 x 1 bedroom apartments. The proposed layout makes no provision for car parking and provides for 16 covered and secure cycle spaces.

The principle of development is acceptable given the sites location within a designated Key Service Centre as per the Fylde Local Plan to 2032 (Incorporating Partial Review). The development will result in the loss of an existing business from the site, though the applicant/ business owner has confirmed that the business will relocate within the Kirkham area and that all staff (25) will be retained.

The development is of appropriate appearance and in-keeping with the character of the area, providing regeneration benefit through the redevelopment of buildings that presently undermine the visual quality of the locality.

The zero approach to car parking is acceptable based upon the site's accessibility being in walking distance of Kirkham train station and 2 bus stops, as well as recreational and employment opportunities. In their response to the application Lancashire County Council as the Local Highway Authority (HA) report that there will be a demand for resident and visitor parking from the development, and that this may impinge on the amenity of other residents who are reliant on the street for parking. To mitigate this scenario, the HA have requested provision of cycle spaces and investment by the applicant into off site highway works (tactile crossing points to 3 access points on Station Road and Quality Bus Stop Kerbing at 2 bus stops on Station Road close to the site) to encourage the use of sustainable modes of transport (walking, cycling and public transport). The Highway Authority consider that there are no access or safety concerns with the scheme following these works. Indeed, removal of on street servicing associated to the existing business will improve the visibility of vehicles on the road, especially when exiting from the adjoining access to Pear Tree School.

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The proposal provides for a satisfactory relationship to neighbours of the site and there are no other technical matters of note that would warrant refusal of the proposal.

There is an outstanding matter relating to ecology, namely the requirement of additional bat emergence survey work which is required prior to determination of the application. Notwithstanding, there is no reason why this issue should delay referral of the application to Planning Committee.

The development accords with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21, the proposal should be approved without delay and the Officer recommendation is that Members support the application and the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to receipt of the additional ecological survey report, the completion of a Section 106 agreement and a schedule of appropriate conditions.

Reason for Decision Level

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 located to the northwest of Kirkham, immediately west of Station Road and adjacent to the vehicular access to Pear Tree School. The application site is in mixed use as a Plumbing and Heating specialist, employing 25 staff, and housing.

The site is approximately 0.06 hectares in size and is presently occupied by 2 storey buildings in the form of a terrace of 3 properties, 2 of which are in residential use. The 3rd terrace is within commercial use as a Plumbing and Heating Contractors, used in combination with 2 other single storey buildings located to the southern portion of the application site. The residential properties are constructed of painted render (white) with grey slate roof, those in commercial use have degraded over time through lack of investment with external paint work and original windows being weathered and a damaged shop front. There is a single vehicular access point to the site that serves a small yard area associated to the commercial use.

The site is located within a mixed-use area consisting of the YMCA (swimming pool and gym) to the north, Pear Tree School to the west and housing that consists of terraced true bungalows and 2 storey dwellings to the east. There is a variance of construction material as a consequence of this mix, ranging from red brick, painted render with tile and slate roofs.

Station Road is the main road into Kirkham Town centre from the north, there are 2 bus stops within close proximity that operate a regular service between the town and settlements beyond, and Kirkham train station is within 5 minutes walk. A footpath is available to both sides of Station Road which links into a wider network to the north and Town Centre, providing access to bus stops and the train station.

The site is located within the settlement boundary of Kirkham and Wesham and has no formal allocation in the adopted Fylde Local Plan to 2032 (Incorporating Partial Review).

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Details of Proposal

Full planning consent is sought for the demolition of all buildings on the site and construction of 16 number 1 bedroom apartments.

The building occupies an L-shaped footprint that is located to the south and eastern boundaries of the plot, with communal garden area located to the rear which includes hard and soft landscaping (tree and shrub planting). The structure is part 3 storey/ part 2 storey, with accommodation provided within the roof void through use of dormers to front and rear roof slopes. The 3-storey element is located to the southern corner of the plot where it then wraps around to Station Road and the access road to Pear Tree School, before reducing in scale to 2 storeys. The 3-storey element incorporates a squared corner feature to the junction of Station Road/ access to Pear Tree School.

Revisions have been received during the consideration of the application to improve the appearance of the building through alteration of construction materials and window design. Construction materials are indicated to be red brick with dark grey tiled roof. Windows are coloured dark grey and incorporate timber clad infill panels and dark grey surround between floors.

A total of 16 covered and secure cycle spaces and a communal bin store is provided within the scheme which are located to encourage use by all residents, as well as ease of access to Station Road.

The applicant has confirmed that the existing business use will relocate to alternative premises within the Kirkham area, retaining all existing staff employed.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
88/0901	CHANGE OF USE GARAGE AND STORE TO SHOWROOM AND STORE	Granted	17 May 1989
80/0275	ALTERATIONS TO EXISTING PREMISES TO FORM OFFICES	Granted	30 April 1980
74/0056	CONVERSION OF BUILDING TO DWELLINGHOUSE	Refused	24 April 1974

Parish/Town Council Observations

Parish/Town Council	Observations
Kirkham Town Council	<u>Comments received on 10 February 2022 and comment:</u> <i>It appears to the Town Council that the application site and its surroundings are characterised by mixed uses. The principle of residential development is acceptable. Density and design are best left to the local planning authority. The Town Council is encouraged by the significant exchanges that have taken place between the applicants and the local planning authority's Planners and that the applicants have revised their plans to address the issues raised. It is noted that the application site is outside the Kirkham Conservation Area. The absence of dedicated parking provision is of concern.</i>

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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<u>Summary</u> <i>LCC Highways does not have any objections to the proposed erection of three storey building providing 16 No. x 1 bed residential flats following demolition of existing buildings, providing the applicant can address the issues regarding sustainable transport and construction traffic, as detailed in this report.</i> <u>Introduction</u> <i>The proposal development is situated within the town of Kirkham and is considered to be in a sustainable area. There are bus stops and a train station within walking distance of the proposals. Established signalised pedestrian crossings are to the north-west and south-east of the site. Neighbouring the development site is a Special Educational Needs and Disabilities (SEND) school to the south and a fitness centre to the north-west, both neighbouring sites have their vehicle and pedestrian accesses on the borders of the proposed development. Fronting the proposals is an adopted footway of sufficient width and parking restrictions in the form of double yellow lines.</i> <i>The site is, in LCC Highways opinion in a sustainable location with very good public transport links and access to employment areas, leisure and amenities via sustainable transport.</i> <u>Sustainable Transport</u> <i>From the submitted documents in support of this planning application the proposals are for a mostly sustainable development with no provision for motor vehicle use. Normally a development of this nature would provide 1 car parking space per dwelling, which in the case of the proposals would equate to 16 car parking spaces within the development. However, given that the development is in a sustainable location a car free development is not an unreasonable proposal. Nonetheless it is reasonable to assume that there would be some car parking from residents and their visitors.</i> <i>Whilst there is on street parking available close to the site, it is LCC Opinion that this would not be sufficient to meet the above requirement without impacting on residential amenity there are no highway access and safety concerns due to the presence of the on-street parking restrictions. Given the proximity of car parks for the fitness centre/ SEND school and Health Centre some residents and visitors of the proposed development may be tempted to park here, however, in our assessment LCC Highways have assumed that the parking demand for the development will only take place on the local road network.</i> <i>As previously stated, the site is in a sustainable location therefore, LCC Highways can accept this lack of parking provision if sustainable transport is fully embraced by the proposed development. To achieve this, tactile paving provision would be needed to help pedestrian traffic generated by the</i>

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	<i>proposals navigate across the multiple junctions and property accesses to the bus stops to the north-west and south-east of the site.</i> <i>The bus stops to the northwest of the site have acceptable shelters but do not have quality bus stop kerbs meaning they are not Equality act 2010 compliant. This could act as a barrier to sustainable transport for pedestrian demand created due to the proposed development. To partially meet the sustainable development requirements set by all developments in the National Planning Policy Framework (2021) the enhancement of the bus stops to the North West of the site along with tactile paving provision will be necessary. These works would need to be carried out via a S278 agreement.</i> <i>Finally, as the proposals are intended to be a sustainable transport development it is reasonable to assume that the residents would wish to use bicycles. From the submitted documents no safe and secure bicycle storage is proposed. To make bicycle ownership a more attractive option and thus encourage sustainable transport sufficient bicycle storage is required. From the joint structure plan for Fylde the requirements for bicycle storage for a residential development of this type would be two per dwelling.</i> <u><i>Construction Traffic</i></u> <i>Due to the sensitive nature of the surrounding area of the site, a Traffic Management Plan will need to be agreed with the Local Planning Authority (in conjunction with the Local Highway Authority). This will have to take into account vehicle movements in relation to, the disposal of waste, delivery of materials and contractor parking.</i> <i>If the applicant is not able to address the matters raised above, it is LCC Highways opinion that the application should be refused until a time in which the applicant can.</i> <i>If the applicant is able to address these matters then LCC Highways would like to be reconsulted to recommend appropriate conditions.</i>
Strategic Housing	<i>The planning requirement for schemes over 10 units is for 30% affordable housing provision. As this site is directly in the centre of Kirkham and we currently have high number of single households approaching the service and registered for rehousing on MyHomeChoice Fylde Coast we would be looking at the affordable units being delivered on site at 29 Station Road, Kirkham. As the units are due to be sold as market housing we would consider a split between shared ownership and affordable rented accommodation but this would be dependent on the Registered Provider appointed to work with the Developer.</i>
Environmental Protection	No objection subject to conditions relating to land contamination and internal noise thresholds exceedance levels).
GMEU (Ecology)	<i>The ecology report (ERAP ref 2021-243) has identified that 4 of the buildings have potential to support roosting bats, and internal access was not possible for two of these. Therefore at least 1 bat activity survey of the buildings (and potentially more depending on access arrangements to the</i>

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	<i>buildings and the findings of the first survey) would be required. Bats and their roosts are legally protected and their presence or otherwise is a material consideration when determining a planning application. As the ecology report has identified that further bat survey work is required to determine whether or not bats are using the buildings, we would advise that this application is not determined prior to receiving this additional information.</i> <i>Evidence of nesting birds was also detected in the ecology report and therefore appropriate mitigation and compensation measures will be required. Figure 3 within the ecology report details how this can be achieved within the development, and these measures should be secured through the planning process.</i>
NHS	Report a direct impact created by new residents placing increased pressure on existing services. The proposed development falls within the catchment area of Kirkham Health Centre. This need, with other new developments in the area, can only be met through the development of a new practice premises to ensure a sustainable general practice. Financial contribution of £5222 sought toward new infrastructure. New infrastructure should be in place in time to accommodate new residents, thus trigger for payment sought if prior to commencement.
United Utilities	No objection subject to conditions relating to surface water drainage design, and the management and maintenance of surface water drainage.
LCC Education	The local education authority refer to the scale and nature of the dwellings that are proposed and confirm that an education contribution is not required.
Lancashire Fire & Rescue	No objection, though do make observation of the development with regards to Building Regulations (sprinkler systems, turning head and road design to facilitate emergency service vehicles, provision of fire fighting water).

Neighbour Observations

Neighbours notified:	20 December 2021
Amended plans notified:	n/a.
Site Notice Date:	20 December 2021
Press Notice Date:	30 December 2021
Number of Responses	Total number of comments Total Number Objecting Total Number supporting
	1 1 0

Summary of Comments	The comments received in opposition to the application can be summarised as:
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	Pear Tree School caters for children aged 2-19 with severe learning difficulties and profound and multiple learning difficulties. We also have an additional intensive support centre for pupils with extreme levels of challenging behaviour. In total there are 100 pupils on roll and we employ 110 staff. It is an extremely small site which is also shared with the doctor's surgery. The site was originally designed as a shared public services site (health, social care and education) and any problems over parking and access could be relatively easy to resolve because of the shared sense of purpose. This would not be the case with a building with multiple private residences. 90% of pupils are brought into school each day on dedicated school transport, this involves 8 mini-buses and 12 large private taxis. This is in addition to the vehicles some parents use to transport their own children. Due to the nature of needs in the school, many children use wheelchairs and many present severe levels of challenging behaviour meaning their transport must be parked very close to the school building to enable safe access to the building. The shared driveway on site is already impractical due to the vast numbers of vehicles requiring access and I would be extremely concerned from a health and safety perspective and environmental perspective that we would be able to keep our school community safe if the number of vehicles increased. Shared entrance onto the site comes from the busy road outside and there is only 1 shared entrance and exit route. Additional vehicles will cause traffic to build up on the main road and will create safety issues at the exit/entrance with all the other vehicles. Any additional traffic on this site will undoubtedly cause an accident and I will not allow my extremely vulnerable pupils to be put at any further risk. I already work very closely with school transport as I am incredibly concerned about pupil and staff safety at the beginning and end of the day and I do not want to increase this risk further. I invite members from the planning committee to attend on site at 8.45 am or 3pm to see how busy our site gets and to understand the sheer volume of vehicles and the potential risk adding further vehicles would bring. I implore you to seriously consider the suitability of this proposal from both a health and safety perspective and as an environmental concern for the very vulnerable pupils that Pear Tree School so effectively cares for. Our children have very challenging lives and this disruption would further unsettle them and impact negatively on their development. I cannot see any benefits that this development would bring.
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Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy.

DLF1 - Development Locations for Fylde.

SL4 - Kirkham & Wesham Strategic Location for Development.

GD1 - Settlement Boundaries.

GD7 - Achieving Good Design in Development.

H1 - Housing Delivery and the Allocation of Housing Land.

H2 - Density and Mix of New Residential Development.

H4 - Affordable Housing.

INF2 - Developer Contribution.

T5 - Parking Standards.

CL2 - Surface Water Run-Off and Sustainable Drainage.

ENV4 - Provision of New Open Space (Part of the Green Infrastructure Network).

National Policy and Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

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Comment and Analysis

The main issues pertinent in the assessment of this proposal are:

- Principle of Development.
- Design.
- Amenity.
- Highways Safety.
- Other matters - ecology, health and well-being and affordable housing.

Taking each matter in turn:

Principle of Development

The site is located within the designated settlement boundary of Kirkham and has no other site specific allocation in the Fylde Local Plan to 2032 (Incorporating Partial review) (FLPPR).

FLPPR Policy S1 identifies Kirkham as 1 of 3 Key Service Centres within the Fylde, stating that the role of these towns will be maintained over the life-time of the local plan. With regards to housing, Policy S1 states that a range of housing will be promoted and delivered.

Policy DLF1 encourages the majority of future growth toward 4 sustainable locations, which includes Kirkham, and states that such development is key to delivery of the development strategy advocated in the FLPPR.

Justification text to FLPPR Policy H2 refers to a need for increasing the number of small (1, 2 or 3) bedroom properties in the Fylde. Policy H2 therefore requires developers to include a mix of dwellings on all sites of 10 or more homes which must include at least 50% of homes to be 1, 2 or 3 bedroom. It should be noted that this is a minimum requirement and that no maximum is specified, thereby allowing policy support for 100% single bedroom developments.

Given the site's location within the settlement boundary and single bedroom nature of the development, the proposal is considered to be policy compliant with the strategic development objectives of the FLPPR and the principle of development is acceptable.

The proposal involves loss of an existing business from the site. Notwithstanding, the applicant is the business owner who has confirmed that the existing premises are not now suitable and that new premises within the Kirkham area will be sought subject to approval being granted. This is a strong commitment from the applicant that the business stays local with the retention of jobs for local residents.

Design

FLP Policy GD7 requires development to be of a high standard of design, providing a number of criteria for planning applications to be determined against. Appropriate to the current application the following criteria of GD7 are considered relevant:

- a) Development will be expected to deliver strong street frontages,
- b) Development should wherever possible enhance the local character of the surrounding area.
- d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding

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context.

e) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

i) make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, and para 134 requires development that is not well designed to be refused.

The site presently consists of a 2-storey terrace of 3 properties and 2 single storey buildings. Two of the terrace properties are in residential use and have been maintained to an acceptable standard, with painted frontage set beneath a slate roof. The remaining terrace and detached buildings are occupied by the applicant and are in commercial use but have been left un-maintained, with an unkempt paint finish, deteriorated shop front and windows. The buildings occupy a prominent position in the street, being located directly to the back of the footpath, with distance views obtained from the Town Centre located to the south. The commercial structures detract from the visual appearance of the site, which is only exacerbated by the prominence of the buildings. Redevelopment will therefore greatly improve and enhance the visual quality of the site and locality, subject to an acceptable design solution.

The built form adjacent to the site is a variance of scale and materiality, true bungalows and small scale 2 storey dwellings are located to the east, whilst larger proportioned buildings are located to the north (YMCA) and south (LCC Social Services). Further afield, the majority of buildings are 2 storey in appearance to the north and south on Station Road, interspersed by 3 storey development about the town centre junction of Station Road/ Poulton Street. Construction materials are predominantly red brick and/ or render, set beneath a dark coloured slate or tiled roof.

The current proposal seeks consent for a part 3/ part 2 storey building, occupying an L-shaped footprint that reflects the existing layout of buildings on site. The 3-storey element is located primarily to the south of the plot and includes a focal projecting square corner feature the junction of Station Road/ Pear Tree School access road. The third storey wraps around the front elevation of the building to Station Road and along the Pear Tree School access road, before stepping down to 2 storeys. This results in a corresponding step in ridge and eaves height acting to break up the mass of roof.

The 3-storey scale of development proposed is greater than that presently on site, though it is considered that there is precedence for larger scale properties in the locality. Main views of the 3-storey element will be from the south, where the proposal will be visible in the street scene, providing a vista within views up Station Road from the Town Centre.

A revision to the original scheme has been received which has improved the building symmetry through a more uniformed material palette to the main elevations, and simplified window design that groups the different floors by a vertical frame and timber cladding feature. Construction materials are of red brick, timber cladding and dark grey tile. Hard and soft landscaping will be provided to the rear of the building with tree and shrub planting being indicated on plan.

Overall, the development is considered to make a positive contribution to this part of Kirkham, taking into consideration the character and traits of the locality. Importantly it will rejuvenate a plot of land that presently detracts from the visual appearance of the street scene. Design of the development is therefore considered acceptable, in accordance with the development plan and NPPF.

Amenity

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FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses, existing residents that live adjacent and prospective occupants of the development. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours or those living within the development, or during the construction period.

The existing neighbours that could be affected by the proposal are largely limited to occupants that live within 44 and 46 Station Road directly opposing the application site. These properties form part of a terrace of 4 true bungalows which have habitable room windows to the front elevation that will be overlooked by the development. Siting of the proposed building mirrors that of those existing on the site, resulting in a separation distance between the development and these neighbours at its closest point of approximately 16m. The proposed internal layout is reflective of that of the existing dwellings also, including lounge accommodation at ground floor with bedrooms at first floor.

The scale and siting of the development has created an almost identical relationship to 44 and 46 Station Road to the existing arrangement, Therefore the proposal will not undermine the amenity of these neighbours to any greater extent than that currently witnessed from the existing dwellings on the site.

The scheme incorporates 2 dormers to the Station Road elevation that would look out over the side gable of 44 Station Road, with a more restricted view of a habitable room window to the front elevation of the property. Submitted drawings indicate the dormers to serve living space within flat 14 and to be obscure glazed. The use of obscure glazing will remove opportunity for overlooking and is considered appropriate in order to safeguard privacy.

The lack of parking in the scheme may displace vehicles to the road and reduce the availability of on-street parking for adjacent residents. On-street parking is available in the locality and is utilised by existing residents who do not have access to off street provision. Notwithstanding, the proposal is highly accessible making provision for 16 cycle spaces and being within walking distance of the train station and bus stops on Station Road. This accessibility actively encourages viable alternatives to the private car and will reduce reliance of the car for prospective residents. The applicant has also made a commitment to improve accessibility through junction and bus stop enhancement. In addition, the lack of dedicated parking is likely to discourage those dependent upon a car from occupying the development. It is inevitable that demand for on street parking will increase as a consequence of the development, though given the sites accessibility this matter is not considered sufficient reason to warrant refusal of the proposal.

The layout of the development provides for a communal external space to the rear of the building which includes a landscaped garden and patio areas. Bearing in mind the single bedroom nature of the development and resultant occupant numbers, the amenity needs of prospective residents is catered for within the development. Environmental Protection have requested noise exceedance thresholds to protect occupants of the development from external noise, namely road noise. Existing houses on the site as well as other residential use along the Station Road corridor do not have this restriction, the request is therefore considered to be unreasonable.

It is inevitable that there will be some disruption for neighbours during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions will be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, noise/ dust/ vibration controls.

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On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

Highway Safety

FLP policy GD7 supports good design that prioritises non-motorised users (p), would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly, Policy T4 encourages walking and cycling to improve quality of life and reduce the Boroughs carbon footprint.

Policy T5 relates to parking provision and indicates that provision should be on site wherever possible to ensure there is no detrimental effect on highway safety, and enables a flexible approach to the level of car parking provision dependent on the location of the development. It is noted that on-site parking provision is not a mandatory requirement of FLPPR Policy T5.

Paragraph 11.61 of the FLP indicates that the Council will prepare a Supplementary Planning Document (SPD) on parking standards. The SPD has not yet been adopted and standards contained in the Joint Lancashire Structure Plan (JLSP) are therefore still applicable, in this circumstance the relevant standard is 1 car and 1 cycle space per dwelling and guidance allows for reductions in areas of good accessibility.

Policy H2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel.

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A neighbour objection from the Headteacher of Pear Tree School has been received with regards to the likelihood of increased vehicles resultant from the development, and the impact this would have for the safety of both staff and pupils especially at the beginning and end of the school day. The objection reports that 90% of pupils are brought to school on dedicated transport, involving 8 mini-buses and 12 large private taxis, in addition to parent transport. Due to wheelchair use and challenging behaviour, vehicles must park close to the school building. The shared access from Station Road that also serves the medical centre is impractical. Additional vehicles will cause traffic build up on the main road and create safety issues at the access point, causing accidents.

The scheme provides for no car parking but does make provision for 16 covered and secure cycle spaces. Justification for the zero-parking approach is based upon the single bedroom nature of apartments proposed and the sites accessibility, being within a 5 minute walk of Kirkham and Wesham train station and the presence of 2 bus stops close by on Station Road.

The Highway Authority (HA) comments that *'the site is in a sustainable location with very good public transport links and access to employment areas, leisure and amenities via sustainable transport'* and for this reason are supportive of the development despite the lack of car parking.

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The HA does however confirm that the development would generate some on street parking demand resultant from both residents and visitors. Whilst the HA state that this parking solution would not undermine access or safety it is reported to impinge on resident amenity - affecting existing residents' capability to park on street. The HA are willing to support the lack of parking provided that the applicant actively encourages sustainable transport in order to reduce reliance of prospective occupants on the private car. Cycle parking must be provided on the site, and off-site highway works are requested to provide tactile crossing points at 3 separate crossing points on Station Road, as well as the upgrade of 2 bus stops adjacent to the application site on Station Road to provide quality bus stop kerbing. The applicant has confirmed their acceptance to these works which are required to be implemented prior to occupation of the development.

The HA confirm that safety is not a concern for the development, and this is supported by there being no reported accidents in the vicinity over the last 5 years (source: www.crashmap.co.uk). This statistic is a little surprising given the applicant has confirmed that the existing business is serviced from Station Road, receiving up to 4 large vehicle deliveries on a daily basis. In addition, the company operates a fleet of 14 vans all of which require daily access to the site to pick up parts. This on street servicing will act to obstruct visibility of on-coming cars in a southerly direction when exiting the school access point, heightening safety concerns for the present use. The development will result in relocation of the business, thereby removing any highway safety issues generated by existing service vehicles.

The application site is located within a sensitive area, with housing and specialist school located in close proximity. It is therefore imperative that the development is constructed so as to safeguard highway safety. The HA have therefore requested submission of a Construction Management Plan which will take into consideration vehicle movements, waste disposal, deliveries and contractor parking. This can be controlled by condition with details being required prior to the demolition of buildings on the site.

On balance, whilst the proposal makes no allowance for on-site parking, the application site is located within a highly accessible location and makes a strong commitment to encourage alternative sustainable travel modes. The HA confirm that the proposal will have no highway access or safety concerns. Accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies GD7, T4m T5, H2 and TR1, and the NPPF.

Other matters

Ecology

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the boroughs biodiversity and geological assets. With regards to the current proposal, Policy ENV2 safeguards protected species and states that development that has any adverse effect will not be supported, unless the benefits of development outweigh the ecological impact, and subject to appropriate mitigation.

The planning application was accompanied by an Ecological Assessment (EA). With the exception of bats, the EA demonstrated minimal impact to protected species and suggested mitigation measures with regards to replacement habitat including soft landscaping and bird nesting opportunities. The EA reported low or negligible presence of bats on the site, it did however refer to the need for emergence bat survey work due to some features of importance (gaps under slates, around windows, and at fascia level) being unable to be surveyed appropriately.

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The Council's ecological consultant agreed with the report findings, requiring that the additional survey work be undertaken prior to determination of the application.

The emergence survey work can only be undertaken during specific times of the year, namely mid-May to August, though it is not considered necessary to delay referral of the application to the Planning Committee for this reason. On this basis recommendation is made subject to receipt of acceptable survey reports which will be assessed by the Council's Ecological Consultant post planning committee. This will allow the decision to be amended to incorporate any mitigation or other measures that are required to address the impacts on this protected species, should they be present at the site. This would then allow compliance with Policy ENV2.

Health and Well-Being

FLP Policy HW1 d) seeks to reduce health in-equalities through seeking financial contributions towards new or enhanced facilities where new housing results on a shortfall or worsening of provision. Similarly, FLP Policy INF2 e) requires development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community, including health.

The NHS Blackpool Clinical Commissioning Group comment that the development sits within the catchment area of Kirkham Health Centre and that the pressure resultant of 16 x 1 bedroom apartments, along with all other committed development, cannot be accommodated within the existing Kirkham Health Centre either by extension or reconfiguration. A financial contributions of £5,222 toward the provision of a new infrastructure have therefore been requested, with payment made pre-commencement of development to ensure that the additional capacity is created in advance of the population growth. This is in accordance with the CCG's methodology for calculating the impact of new development on health service capacity, and which has been adopted by Fylde Council for use in the determination of planning applications.

The development has the potential to draw new residents into the area and impinge upon existing service provision at Kirkham Health Centre as a consequence. The contribution request is therefore valid and consistent with the development plan requirements. The applicant has confirmed acceptance of the contribution amount, required by S106 with payment made pre-commencement of the development.

Affordable housing

FLPPR Policy H4 requires new housing development of 10 or more homes to provide 30% affordable housing on site. This scheme is over that threshold and so it is appropriate that provision is made for the delivery of affordable housing to satisfy this policy obligation.

The comments reported above from the Strategic Housing team manager confirms the need for provision on site *'As this site is directly in the centre of Kirkham and we currently have high number of single households approaching the service and registered for rehousing..'*

The applicant has confirmed acceptance of this requirement which will be delivered by S106 Agreement to be concluded prior to the grant of any planning permission.

Conclusions

The principle of the proposed development is considered acceptable being located within a Strategic Location for Development.

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The development is of appropriate appearance and in-keeping with the character of the area, providing significant regeneration benefit through the redevelopment of a prominent and unkempt plot. The development would not compromise the safe, efficient or convenient movement of all highway users, and provides for a satisfactory relationship to neighbours. Other than the outstanding ecological matter, there are no other technical matters to note.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21.

In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for Members of the Planning Committee to delegate approval of the application to the Head of Planning and Housing, subject to further ecological assessment.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning, with that decision being subject to:

- 1) The receipt of the outstanding bat emergence report, the consideration of its findings by the council's ecological consultant, and the incorporation into the scheme of any mitigation that is required to ensure that the development will not lead to any negative impact on bats or any other protected species.
- 2) The completion of a Section 106 agreement which is to secure:
 - provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032.
 - a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the FLPPR.
 - a financial contribution of £5,222 (and the phasing of the payment of this contribution) towards new health care infrastructure in accordance with the requirements of Policy HW1, INF1 and INF2 of the FLPPR.
 - a financial contribution of £900 (and the phasing of the payment of this contribution) towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010.

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) and a schedule of appropriate conditions. These conditions are to be based on the following suggestions, with the Head of Planning having the authority to add, delete or amend these as necessary to respond to matters that arise prior to the decision being issued:
 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.

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2. This permission relates to the following plans:

- Location Plan drawing reference: 20-108 1000
- Proposed site plan drawing reference: 20-108 1003 rev D
- Proposed floor plan drawing reference: 20-108 1003 rev C
- Proposed elevations drawing reference: 20-108 1004 rev C

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

3. Notwithstanding the submitted details, prior to any works above slab level, confirmation of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. Prior to commencement of the development hereby approved, finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in complete accordance with the approved finished floor levels.

Reason: In order to ensure a satisfactory relationship between the proposed development and its surroundings (including buildings and the street scene), in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to any works above slab level, confirmation of the boundary treatments for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in complete accordance with the approved boundary treatments, with these boundary treatments erected in accordance with the approved plans and retained as such thereafter.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the dwellings hereby approved are first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating partial review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options contained in the Planning Practice Guidance and, where relevant, shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:

a) Separate systems for the disposal of foul and surface water.

b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

e) Flood water exceedance routes, both on and off site.

f) Details of water quality controls, where applicable.

g) A timetable for implementation, including phasing as applicable.

h) Details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker

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

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

8. Prior to occupation of the development hereby approved, a Surface Water Verification Report and Operation and Maintenance Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.
The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition to this planning permission (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures;

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landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

9. Prior to occupation of the development hereby approved, bat roosting boxes and bird nesting boxes shall be provided within the development in accordance with Figure 3 (Plan to Show Ecological Protection and Enhancement) of the submitted Ecological Survey and Assessment (ERAP, ref: 2021-243, November 2021).

Reason: To ensure that the development does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

10. The below highway improvement works shall be implemented in full before any of the dwellings hereby approved are first occupied:

Tactile paving at the following locations:

- a) South east of the development across the vehicular access for the car park of St Georges Place (1-12 Station Road).
- b) North of the development across the access for the leisure centre (YMCA Rural Splash Pool & Gym).
- c) North west of the development across the junction of Mellor Road and Station Road.

Provision of Quality Bus Stop Kerbing at:

- d) One bus stop on the north bound carriageway of Station Road outside of Kirkham Library.
- e) One bus stop on the south bound carriageway of station Road approximately 170m from the development.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

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

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- a) Hours of work for site preparation, delivery of materials and construction;
- b) Arrangements for the parking of vehicles for site operatives, contractors and other visitors;
- c) Details of areas designated for the loading, unloading and storage of plant and materials;
- d) Arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- e) Times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) Measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- g) Measures to control the emission of dust and dirt during construction;
- h) A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

12. The bicycle parking spaces as identified on the proposed Site Plan (Drawing ref: 20-108 1003 rev D) shall be constructed and made available for use prior to first occupation of the development and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 (Incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

13. If, during development, contamination is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

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

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive

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receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 and the National Planning Policy Framework.

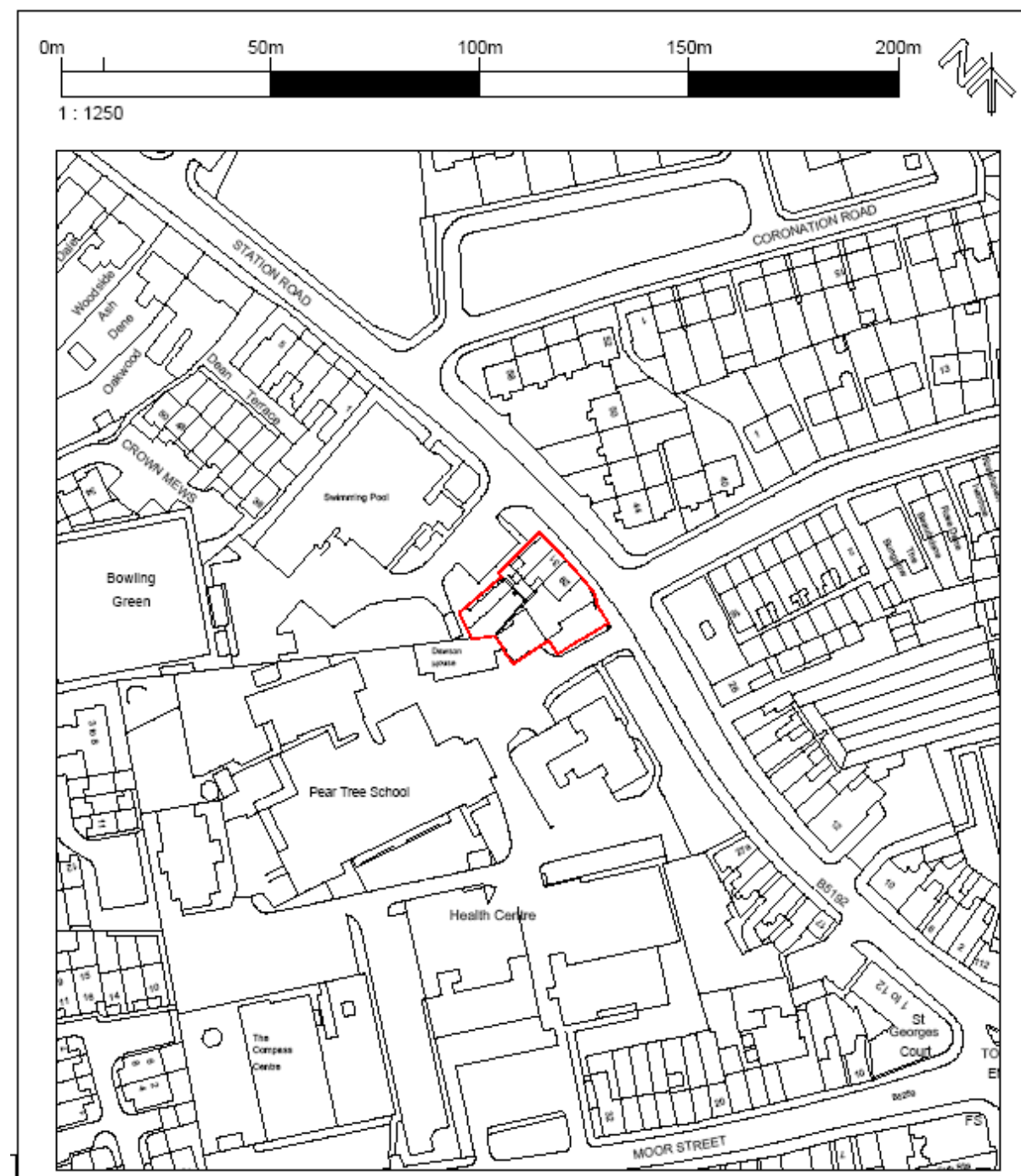
14. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the following fenestration shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the extensions hereby approved are first occupied:
- The first floor lounge window of flat 12 as annotated on drawing number: 20-108 1003 rev C.
 - The second floor lounge window of flat 16 as annotated on drawing number: 20-108 1003 rev C.
 - The two second floor lounge windows of flat 14 as annotated on drawing number: 20-108 1003 rev C.

The duly installed obscured glazing shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between future occupiers of the approved dwellings and existing properties in order to ensure a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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Location Plan for 21/1078



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Item 2

Application No:	22/0022	Case Officer:	Alan Pinder Area Team 2
Applicant:	MR BUX	Agent:	Mrs Lawrenson
Location:	LAND SOUTH OF CHURCH LANE, NEWTON WITH CLIFTON, PR4 0ZE		
Proposal:	ERECTION OF AGRICULTURAL STORAGE/LIVESTOCK BUILDING INCLUDING ASSOCIATED HARDSTANDING		
Ward:	Newton with Treales	Parish:	Newton with Clifton
Statutory Expiry:	8 March 2022	Earliest Decision:	5 February 2022
Reason for any delay:	Delayed by available officer capacity		To view application file on FBC website click here

Officer Recommendation: Grant Planning Permission

Summary of Officer Recommendation

The application site relates to agricultural land located on the southern side of Church Lane in the parish of Newton with Clifton. The site is in a rural area where the predominant land uses are agricultural. The site is within the Countryside in the Fylde Local Plan to 2032 (incorporating Partial Review).

The application relates to the erection of an agricultural storage building measuring 18.2 metres by 12.1 metres and with a 5.2 metre high ridged roof. The building would be sited in close proximity to an existing field access and alongside a field boundary comprised of hedgerow and trees.

Policy GD4 permits the development of buildings that are required for agricultural purposes in the countryside. Officers are satisfied the building is to be used for the purposes of agriculture, and its appearance, character and siting would have a limited impact on the rural character of the area. Accordingly the proposal is not in conflict with policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). A condition is proposed to ensure that the use remains agricultural.

The application does not create any highway safety or other planning issues and so it is recommended for approval as being in accordance with the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032.

Reason for Decision Level

The officer recommendation for approval conflicts 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 relates to a circa 6.2 hectare area of agricultural land located on the southern side of Church Lane, opposite Lund Vicarage, in the parish of Newton with Clifton. The land comprises of two parcels of land, one measuring *circa* 2.5 hectares in area and owned by the applicant and the other

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being *circa* 3.7 hectares in area and rented by the applicant from the landowner, Mr James Harrison of Tunsteads Farm, Greenhalgh.

Church Lane forms the northern boundary and a protected woodland (Stanagate Plantation) forms part of the eastern boundary.

The site is within the Countryside Area as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

This application seeks planning permission for the erection of an agricultural storage building with associated hard standing. The building would have a ground footprint measuring 18.2 metres by 12.1 metres, a dual pitched roof with a 5.2 metre high ridge and 3.6 metre high eaves. The elevations would comprise of tanalised timber Yorkshire boards atop 1.5 metre high concrete panels and the roof covering would be grey fibre cement sheets.

The building would be sited in the north eastern corner of the land, approximately 25 metres back from Church Lane and 8 metres off the eastern boundary. Access would be via an existing field access that serves an existing area of compacted hardcore, which will be extended to the front and eastern side of the building.

The applicant intends to use the agricultural land for growing of oilseed rape and grazing sheep. The building is to be used for the storage of oilseed rape crop, winter feed for sheep, and the following items:

- Tractor
- Trailer
- Haybob
- Quad bike
- Mower/Topper
- Chain Harrow
- Miscellaneous tools and equipment

The building would also be used during the lambing season as protective cover for birthing sheep.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Decision Date
21/0809	PRIOR APPROVAL FOR ERECTION OF AGRICULTURAL STORAGE BUILDING PURSUANT TO SCHEDULE 2, PART 6 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Refused	10 November 2021

Parish/Town Council Observations

Parish/Town Council	Observations
NEWTON WITH CLIFTON PARISH COUNCIL	<u>Comments received on 12 January 2022</u> Object to the proposal

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	<i>Members determined the proposed building is excessive in footprint and scale which, given the proposed use as storage of arable crop and equipment ancillary to the agricultural activity and the housing of livestock, constitutes over development. Consequently the proposed development is considered to conflict with FLP policy GD7 which is intended to ensure siting, layout, massing and scale of a proposed development proportionately relate to the surrounding location.</i>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed erection of agricultural storage/livestock building including associated hardstanding and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i> <i>It is noted that the existing access has been formed from road planning / loose gravel in the adopted highway verge. It is requested that the applicant enters into a s184 agreement for the formation of vehicle crossing in the highway. This is to protect the adopted highway and to prevent loose surface material from being carried on to the public highway causing a potential source of danger to other road users.</i>
Greater Manchester Ecology Unit	<u>Summary</u> <i>There are unlikely to be any ecological issues associated with this development.</i> <u>Proximity to Ribble Estuary SPA</u> <i>The development is located just over 3km at its nearest point to the Ribble Estuary SPA. Whilst there will be no direct impacts, indirect impacts to functionally linked land need to be considered, through increased disturbance.</i> <i>The proposed barn is in a corner of the field adjacent to a road by an existing gate, it will therefore not in any significant in the reduction of the scale of the field or fragmentation, it will also be utilised for storage and livestock, therefore usage will not be continuous ie any disturbance would be occasional and minor finally the field is not located on a site highlighted on Natural England's constraints layer of functionally linked land.</i> <i>I am therefore satisfied that the development will not have any likely significant effects on the functionality of the SPA. No further information or measures are required.</i> <u>Great Crested Newts</u>

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	<i>I agree with the great crested newt assessment that the development is very unlikely to have any significant effect on great crested newts even if present in nearby ponds. No further information or measures are required.</i> <u><i>Contributing to and Enhancing the Natural Environment</i></u> <i>Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a very small area of low ecological value habitat. Technically some form of mitigation should be provided. I suggest some form of bird box or bat box would be suitable. The details can be conditioned.</i>
Cadent Gas	No objection
Health & Safety Executive	Do not advise against the development on safety grounds

Neighbour Observations

Neighbours notified: 12 January 2022
Amended plans notified: N/A
Site Notice Date: 12 January 2022
Press Notice Date: N/A
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Development in the Countryside

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GD7 - Achieving Good Design in Development

ENV1 - Landscape

ENV2 - Biodiversity

National Policy and Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The Principle of the Proposed Development

The application site is located within countryside as designated in the FLPPR Policies Map. Policy GD4 of the FLPPR limits development within countryside to that which falls within one or more of six categories ('a' through to 'f') set out within the policy. Of these six categories only 'a' is relevant to this application, which provides support for:

"that (development) needed for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area..."

Members will note that this element of Policy GD4 does not require there to be an essential need for an agricultural building, rather it is simply the case that the building is needed for the purposes of agriculture. The land in question has historically been used as arable crop land (most recently growing oilseed rape) and it is the applicant's intention to continue this agricultural activity. Section 4.2 of the farm tenancy agreement between the applicant and the landowner states that the land cannot be used for any purpose other than agricultural purposes.

Having regard for the design of the building and evidence submitted it is considered on balance that the building is to be used for the purposes of agriculture and so accords with policy GD4 and is acceptable in principle. A condition would be imposed on any grant of permission to require that this is the case, and that the building be removed should agricultural activity cease.

Visual amenity

The proposed building would have the appearance of agricultural buildings that are widely found throughout the Fylde borough, and so in respect of the design and appearance of the building there are no overriding concerns. The building would be sited in close proximity to Church Lane and the eastern boundary of the site. This siting reduces the extent of the hard surface track required to access the building and provides some screening of the building in views from the east and a green backdrop in views from the west.

Having regard for the appearance of the building and its siting it is considered that the development would not be unduly intrusive or harmful to the character of the area and so accord with Policy GD7 and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Neighbour amenity

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The closest dwelling to the building is Lund Vicarage which lies *circa* 100 metres north west of the proposed siting of the building and on the opposite side of Church Lane. The application site is currently in agricultural use and the agricultural use of the land would continue at a similar level. Accordingly there is no reason to consider that the amenity of Lund Vicarage would be prejudiced by the development.

Access and Parking

The proposal would utilise an existing field gate from Church Lane, and the 12 metre length of existing area of hardcore inside the access would be extended by *circa* 13 metres to serve the building. Given the nature and low level of vehicular traffic that would be associated with the use of the building it is considered that this existing field access is appropriate for the context of this development and hence acceptable. County Highways have been consulted on the application and have raised no objections, opining that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The local highway authority make a suggestion that the access to the site should be constructed with the provision of a solid surface with this secured through a formal highway agreement. However, the access point is not part of this application, being an existing field gate that is to be used in its current state to serve the development. As such there is no obligation for the developer to be required to undertake such works, which would lead to the site access taking on a more engineered and so urban appearance, which is unlikely to be justified by the level and nature of traffic that would access a site that is in use for arable agriculture purposes.

Ecology

The proposed siting of the building is within 250 metres of two ponds and so in accordance with Natural England's standard guidance a Great Crested Newt (GCN) survey has been undertaken by the applicant and submitted in support of the application. The Greater Manchester Ecology Unit (GMEU) has been consulted on the findings of this survey and comment "*There are unlikely to be any ecological issues associated with this development.*"

The survey, carried out by an established and recognised ecological consultancy (Envirotech NW Ltd) found no evidence of the presence of GCNs and concluded the ponds provide a poor aquatic habitat for GCNs and any risk to GCNs should be considered to be very low. The GMEU agree with the findings of the survey and opine that no further information or measures are required. They do advise that biodiversity enhancements should be provided as part of the development, in accordance with paragraph 174 of the NPPF, and suggest the provision of a bird nesting box and a bat roosting box. These can be achieved by condition.

Planning History

Members will note that there is a recent refusal of an application for an agricultural building on the site as listed in the planning history section of this report, and so officers believe it is appropriate to provide some background to that decision.

The submission that was made was refused for two reasons. The first was a procedural point in that the 'Part 6 Prior Approval' process only permits the erection of agricultural buildings where the agricultural enterprise exceeds 5 hectares in size. The information presented with that application failed to demonstrate and so the erection of a building could not be permitted development. The

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second reason related to the appearance and visual impact of the building that was proposed. That building differs from the one under consideration here as it was larger in area, and featured a more industrial appearance being entirely clad in box profile steel whereas the building proposed under this application has a more agricultural appearance with Yorkshire boarding cladding.

The officer recommendation for approval of this application confirms that these reasons for the refusal of that earlier application have been addressed with the fact that this is a planning application, rather than a Part 6 Prior Approval submission helpful in allowing the merits of the submission to be more thoroughly examined and the use of the building appropriately controlled.

Conclusions

The application seeks permission for a new agricultural storage building, and associated hardstanding, located within designated countryside in the parish of Newton with Clifton. The development is for the purposes of agriculture and would have no unacceptable impacts on residential amenity, the safe use of the local highway, or rural character of the area. Accordingly the development accords with policies GD4, GD7 and ENV1 of the Fylde Local Plan to 2032. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Stanfords VectorMap Drawing
- Proposed Site Plan, Building Plan and Elevations - Drawing no. ML/SB/6005

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 external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

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

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4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the approved building shall only be used for agricultural purposes. In the event that the need for the building to be used for agricultural purposes within the unit edged in blue on the site plan listed in condition 2 of this permission ceases, then the building shall be removed from the site and the land restored to its previous agricultural grazing land state within a period of no more than 12 months from the date that the agricultural use first ceases.

Reason: To ensure that the future use of the building is limited to the use which justifies its erection, and that the building is to be removed should that use cease in order to preserve the open rural character of the countryside within which it is sited in accordance with Policy GD4 of the Fylde Local Plan to 2032.

5. The development shall be carried out in full accordance with the recommendations detailed within the Great Crested Newt Scoping Survey produced by Envirotech NW Ltd, dated 15 December 2021.

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

6. Before the building hereby approved is brought into first use one bird nesting box and one bat roosting box shall be installed on the exterior of the building at eaves height or higher. Once installed these biodiversity measures shall be retained thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

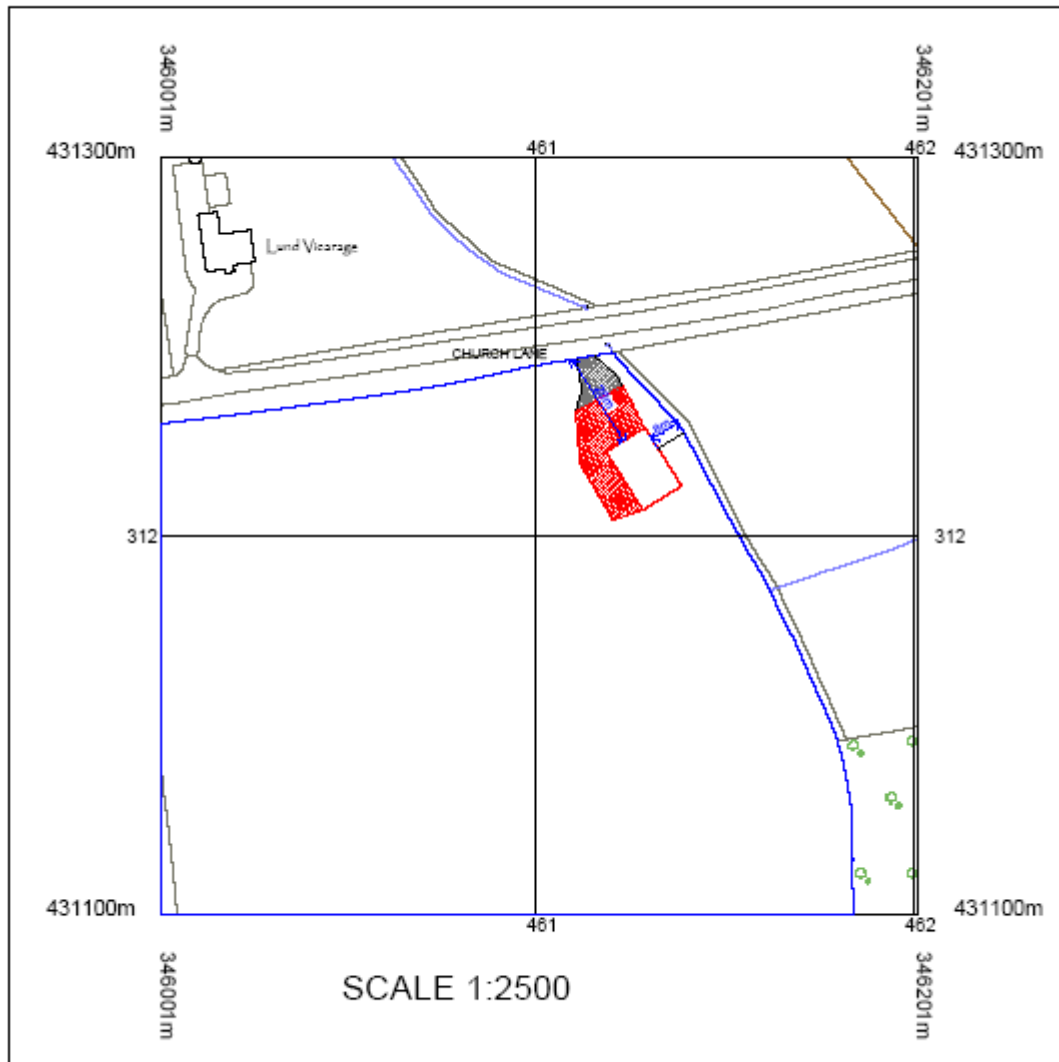
Informative(s)

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

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

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Location Plan for 22/0022



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Item 3

Application No:	22/0094	Case Officer:	Beth Winstanley Area Team 2
Applicant:	Mr P Shuttleworth	Agent:	Mr P Shuttleworth
Location:	6 GRASMERE ROAD LYTHAM ST ANNES FY8 2HZ		
Proposal:	REMOVAL OF CONDITION 4 OF PLANNING PERMISSION 15/0479 TO PERMIT RESIDENTIAL ANNEXE TO BE OCCUPIED AS INDEPENDENT RESIDENTIAL DWELLING		
Ward:	St Johns	Parish:	St Anne's on the Sea
Statutory Expiry:	27 April 2022	Earliest Decision:	31 March 2022
Reason for any delay:	Not applicable as decision will be 'in time'		To view application file on FBC website click here

Officer Recommendation: Grant Planning Permission

Summary of Officer Recommendation

The application site is a single storey building located within the rear garden of a semi-detached property in St Annes. It was originally constructed as a garage to the dwelling, but has been in use as a residential annex since planning permission was granted for that in 2015. The application here proposes the removal of a condition to the planning permission for that use so that it is available for independent residential use.

The town council have objected to the application due to concerns relating to the site not being large enough to provide for two dwellings, and that there is inadequate amenity space within the garden area to serve the two dwellings.

The rear garden of the host property has previously been extended into vacant land to the rear which allowed the garden to be of a much larger size in comparison to other dwellings surrounding the application site. The proposal here is to divide this space so that the original garden area of the semi-detached dwelling is to be re-instated, with the additional space to the rear serving the ancillary unit.

The rear garden areas of both properties are of a size which will allow appropriate amenity space for the occupants of each dwelling, with an outdoor footprint of 45m² for the semi-detached dwelling and 177m² for the proposed independent unit. The spaces are not overshadowed or cramped which allows an appropriate level of sunlight to serve each garden area and therefore creating a positive and attractive outdoor amenity space for both occupants.

LCC Highways provided comments which did not object to the proposal so long as additional information was provided to meet the requirements for parking and driveway space and materials. An additional plan was provided by the applicant which provided the relevant information and showed that the parking area of the proposed unit has enough space for a turning circle to allow vehicles to enter and exit in forward gear, as well as being able to show that the driveway would have sufficient space for a car and pedestrian access.

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As such, it is considered that the proposal complies with policies DLF1 and GD7 criteria c), h), o), q) and r) of the Fylde Local Plan to 2032 (Incorporating Partial Review) and therefore is recommended for approval.

Reason for Decision Level

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

Site Description and Location

The application site is located within a residential area of Lytham St Annes. The original property is a semi-detached brick and rendered dwelling which is positioned within a streetscene of similar scaled and designed dwellings. The residential annex is located to the rear of no. 6 with its own driveway which runs up between no.6 and no. 4 Grasmere Road. The annex has been completed and has 1 bedroom, a living area with kitchen included and appropriate bathroom facilities. There is a garage to the front elevation for additional storage.

Details of Proposal

Planning permission is sought for the removal of condition 4 of planning permission 15/0479 which restricts the occupation of the outbuilding to purposes that are ancillary to the occupation of the main dwelling. The idea being that this would allow the annex to be used as an independent residential unit. No external alterations will be taking place to the annex and all ground work to both the annex and no. 6 Grasmere has already been undertaken using the properties permitted development rights.

The annex was originally approved under ref 15/0479 to be ancillary living to the main house at no. 6 and has been occupied as such since then. It is understood that the unit was occupied by the son of the occupant of the host dwelling so that he could be on hand to provide for her care needs, and this application is presented as that need no longer exists and so a re-purposing of the building is sought.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
15/0479	PROPOSED ALTERATIONS AND EXTENSION TO REAR OF EXISTING GARAGE TO FORM DETACHED RESIDENTIAL ANNEXE	GRANTED	04/09/15
04/0227	PROPOSED SINGLE STOREY REAR EXTENSION	GRANTED	30/04/04
78/0166	DOUBLE GARAGE EXTENSION	GRANTED	05/04/1978
78/0165	FRONT PORCH AND 2 STOREY REAR EXTENSION	REFUSED	05/04/1978

Parish/Town Council Observations

Parish/Town Council	Observations
	<u>Comments received on 4/4/22</u>

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St Annes On Sea Town Council	<i>Please see Decision Notice 4. of 15/0479 - The proposed development shall only be occupied as part of an extended family unit at the application property and shall not be sold off or sublet as a separate unit of accommodation.</i> <i>The sub-division of an existing residential curtilage could be injurious to the amenities of adjacent residential property owners, while there may be additional development implications which require further consideration by the Local Planning Authority.</i> <i>The committee feels that the overall site is not large enough to provide for two dwellings and that there is not enough adequate amenity space to be physically covered by two buildings.</i>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	LCC Highways does not have any objections in principle to the proposed removal of condition 4 of planning permission 15/0479 to permit residential annexe to be occupied as independent residential dwelling, providing the applicant can address the issues regarding the parking layouts as detailed in this report. - The annex which has been constructed from planning application 15/0479 has a garage and additional parking for the dwelling is not required. One parking space is recommended for a one bedroomed dwelling. - As the long driveway at the side of the existing dwelling is proposed to be shared for pedestrian access and vehicle access it is requested that turning within the rear garden is shown to allow for vehicles to be in forward gear. This will ensure the residents of No 6 and the annex building will have intervisibility on the driveway. - The proposal for the two off street parking spaces in the front garden of No 6 for the existing dwelling is acceptable in principle. It is requested that the applicant details the material for the driveway and it is appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. This is to prevent loose surface material from being carried on to the public highway and causing a potential source of danger to other road users. - The applicant is requested to enter into a s184 agreement for the formation of the vehicle crossing in the adopted highway. - For the application to be supported, it is requested that the applicant provides a more detailed plan to show the extents of the off street parking for No 6, the existing dwelling, with the material for the driveway detailed. 2 - It is requested that the turning area for the annex building is detailed to show a 6m manoeuvring area. This is to enable vehicles to enter and leave the highway in forward gear and

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	maintain intervisibility with pedestrians on the shared driveway.
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Neighbour Observations

Neighbours notified: 3 March 2022
Number of Responses Total number of comments None

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
DLF1 - Development Locations for Fylde
S1 - The Proposed Settlement Hierarchy
EC5 - Vibrant Town, District & Local Centres
H1 - Housing Delivery and the Allocation of Housing Land
ENV1 - Landscape and Coastal Change Management Areas

National and Other policies and guidance

NPPF – National Planning Policy Framework (July 2021)
NPPG – Planning Practice Guidance
STANP – St Annes On Sea Neighbourhood Plan

Environmental Impact Assessment

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

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Comment and Analysis

Principle of Development

Policy Background

The development needs of the borough are set out in Policy DLF1 which refers to the development locations for Fylde, and in Policy S1 which identifies the settlement hierarchy and so locations where development is directed to. Together these establish the level of development that is envisaged to be delivered in the borough over the plan period, and the strategy for the delivery of that development across the borough. The basic approach is to locate 90% of the development in the main settlements and a number of Strategic Locations for Development, with the balance delivered in the smaller rural settlements and elsewhere. This is set out in Policy DLF1 and then carried through in the allocation policies which follow it.

The site is located within the settlement, as defined under Policy GD1, therefore allowing the proposal to be assessed against all relevant local plan policies. Policy GD7 provides general principles of good design.

The application site is located within the settlement of St Annes. Therefore, the application falls within the St Annes Neighbourhood Plan. STANP policy DH1 states that "all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods." Additionally, the policy requires that "development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards."

Assessment

The overriding relevance of this policy background in respect of this application is that it is located within an existing settlement area, and one where the surrounding land uses are entirely residential. The planning policy background supports the principle of making efficient use of land in settlement areas and of focusing the majority of the borough's housing growth over the Plan period in those areas.

With St Annes being part of the wider Lytham St Annes Strategic Location for development there can be no policy argument against the provision of additional dwellings in this area unless the site is allocated for an alternative use, which is not the case here, or there are other planning issues that would dictate against the application based on the specifics of the scheme. Those matters will be assessed in the remainder of this report.

Scale of Site and Amenity Considerations

Policy Background

Fylde Local Plan to 2032 policy GD7 c) requires that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed". In addition, criterion h) states that developments should be "sympathetic to surrounding land uses and occupiers".

Criteria c) and h) of FLP policy GD7, Criterion o) of the policy states that: "all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or

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inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents."

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

Assessment

The application sees the creation of an independent residential unit which is located within the extended curtilage of no. 6 Grasmere Road. The unit has already been constructed with definite boundaries between it and the host dwelling and so highlights the amenity space that is available to both dwellings.

The Town Council have objected to the application, as they feel that "the overall site is not large enough to provide for two dwellings and that there is not enough adequate amenity space to be physically covered by two buildings."

The original dwelling at 6 Grasmere Road is a semi-detached property, and when constructed it would have had a domestic garden area that projected to the rear of the dwelling by around 12m, with the adjoining semi retaining that area. The situation at No. 6 is different as there is an area of land to the rear of the property which is bounded by the rear gardens of properties on Highbury Road East and Heely Road which has become part of its extended domestic curtilage. This gave the property at No 6 a significantly larger garden area than the neighbours. The application building was constructed in this area and then extended under the planning permission in 2015 which permitted its use as a residential annex. The proposal now is that the garden area available to NO. 6 be revised back to its original scale, and the extended garden area be provided for the annex dwelling.

With regards the garden area for No. 6, this is reduced from its original scale by a single storey extension that has been constructed to the rear of the property, but provides a depth of around 8.5m for the width of the dwelling. Whilst there are no specific guidelines that set out minimum garden sizes for dwellings this area is equivalent in size to that of the adjoined neighbour and many others in the surrounding area. The area available is not overlooked or would be impacted by the activity at the annex dwelling to any greater degree than any other domestic garden, and therefore it is considered that the area provides sufficient amenity spec to meet the needs of the occupiers of this dwelling.

With regards the annex dwelling this is located within the extended curtilage of no. 6 and was originally unused space which was bought by the owner of no. 6 many years ago. The overall garden area is extensive with dimensions of around 25m in depth and 16m in width. The building is within this area and so reduces the available garden area, but is relatively modest in its proportions. The building comprises of a single bedroom with a living/kitchen space and appropriate bathroom facilities. There is a garage to the front of the building to create additional storage. The overall garden area of the building is of a scale and size which compliments the building and allows an appropriate amenity level to the occupants which allows them to not feel cramped within the small unit. The position of the garden to the rear of surrounding gardens allows the space to not be overshadowed or overlooked any more than a traditional rear garden would, and as such is considered to be an appropriate and acceptable outdoor amenity space for occupants of the proposed dwelling.

It is not usual for the domestic garden of a dwelling to be of a sufficient size to accommodate a second dwelling without it appearing cramped, and so the concerns of the Town Council on this point are understood. However, the specifics of this site with the extended garden area being available mean that this small dwelling can be accommodated without appearing cramped, or restricting the amenity space available to each property. This is one of the key elements of the policies set out in this section,

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and also para 71 of NPPF which advises against the inappropriate development of residential gardens in instances where it would cause harm to the local area. This is not the case with this submission which is acceptable as a result of the extended garden area circumstances

Highways and Access Considerations

Policy Background

The key element of the FLPPR is criteria j of Policy GD7 which requires that parking areas are safe and accessible, and criteria r) which requires that new development does not prejudice highway safety.

These are echoed in Policy TR3 of the St Annes Neighbourhood Plan which requires that in curtilage parking should be provided wherever possible for residential developments, and the general good design principles in the Design Guide with regard to its sensitive siting.

Assessment

The site is located in a settlement where there is a reasonable access to shops and other services. However it is reasonable to assume that they will each generate a demand for parking, and so this should be provided on site to satisfy the policy tests set out above, albeit there are no parking restrictions outside the site and it seems that pressures on on-street parking in the area are low.

The application has an existing side access located between no. 6 and no. 4 Grasmere Road which provides vehicle access to the existing annex where there is a hard surfaced area provided to the front that can accommodate the parking and turning areas needed for at least the single vehicle that would be required for a 1 bedroomed unit under the parking standards. This is in situ at present and surfaced in block paving which is an appropriate material for a private parking area. The existing driveway has a width of approx. 3.1m. A car will normally have a width of approx. 2.5m (the average width of a carparking space), Therefore allowing an additional 0.6m for pedestrians to use if both were to use the access simultaneously. This is narrow, but acceptable for a single dwelling use.

In their comments on the application LCC Highways refer to the front garden area of the original property which provides the parking for that dwelling. This front garden has already been surfaced in heavy duty gravel parking grids filled with 10mm limestone and layered on type 1 sub-base. The gravel grids allow the gravel to stabilise and not move, therefore not creating any harm in regards to adding material on to the highway which could damage other road users. The materials have already been put in place with the wall being removed as part of permitted development. This provides appropriate parking levels for that dwelling also, and whilst the use of a permeable surface to the front garden is not ideal, it is not uncommon and will not be overly harmful to the streetscene so that a refusal of the application could be justified.

LCC Highways have provided comments relating to the application. The comments relate to appropriate materials to all vehicle areas, an appropriate turning circle to allow cars to enter and exit the newly created dwelling in forward gears as well as informing the application to enter an s184 agreement if a dropped kerb is required at the dwelling, although this latter element is irrelevant as no alterations to the access point are needed. Since the comments were made additional details have been provided with regards parking and a condition can be imposed to ensure these remain available to serve the needs of the two dwellings.

As a summary to this point, the application site is well served by the adopted highway, has a safe and convenient access to the highway network, and provides appropriate levels of on-site parking and turning. Subject to a condition to secure their retention the development will comply with the policy requirements.

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Relationship to surrounding occupants

The proposed unit to the rear has already been constructed as an ancillary structure, and has been lived in for a number of years by the applicant, albeit incidentally to the occupation of the main dwelling.

The change of this use to be as an independent dwelling will not affect how it relates to the amenity of neighbours. The size of the outbuilding does not over dominate the boundary line due to the sympathetic flat roof and the limited bedrooms allows a minimal use of the unit. The application does not advise of any external changes to the outbuilding and therefore the position of the dwelling will not cause any additional or new harm to the surrounding occupants.

Conclusions

The application relates to the removal of condition 4 of planning application 15/0479 which relates to the creation of an ancillary living accommodation in order to create an independent dwelling which would no longer be linked to no. 6 Grasmere Road. The application shows an appropriate level of outdoor amenity space for both occupants and a scheme which does not harm the safety of the highway due to the provision of appropriate off-street carparking. It accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the St Annes Neighbourhood Plan, and as such 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 - Scale 1:1250
- Site Plan - Received 28/2/22 Scale 1:200
- Site Plan showing highway measurements and surface materials - Received 7/4/22 Scale 1:200

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 private vehicle parking and manoeuvring areas for each dwelling shall be constructed and made available for use in accordance with the details (including their surface treatment) shown on the drawing listed in condition 1 of this permission before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

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

Informative(s)

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1. Highway Note regarding access point

This planning permission relates to the use of the existing vehicle access point to Grasmere Road only. Any use of the gravelled front garden area to No. 6 will require a separate agreement with the local highway authority with regards appropriate alteration to the footway and kerb. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before works to create any dropped crossing begin on site. Further information and advice can be found at www.lancashire.gov.uk (search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation").

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

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

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Location Plan for 22/0094



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Item 4

Application No:	22/0124	Case Officer:	Katie Halpin Area Team 2
Applicant:	Mrs Denise McDonnell	Agent:	Mr David Hadwin
Location:	36 STAINING RISE STAINING BLACKPOOL FY3 0BU		
Proposal:	CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO A HOME FOR UP TO 2 YOUNG PEOPLE (BETWEEN THE AGES OF 8 AND 17) WITH CARE PROVIDED BY NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2)		
Ward:	Staining and Weeton	Parish:	Staining
Statutory Expiry:	29 April 2022	Earliest Decision:	28 April 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	To view application file on FBC website click here	

Officer Recommendation: Grant Planning Permission

Summary of Officer Recommendation

This application relates to a detached 3 bedroomed property located on the east side of the cul-de-sac end of Staining Rise in the settlement of Staining. It benefits from 2 off road parking spaces to the front of the property. To the rear is an enclosed garden area.

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

The proposed use is considered to be an acceptable use of a residential property in a residential area and is not anticipated to cause any more noise and disturbance than the usual ebb and flow of visitors to any residential property.

The application is subject to an objection from Staining Parish Council relating to a concern about increased traffic and a business being run from a residential area. In particular, the Parish Council considers this use to be more appropriately located in a non-residential area.

A management plan has been submitted with the application. With regards to the traffic concerns, the applicant has stated that handover between staff will be phased to limit the impact of traffic and the applicant has demonstrated that 3 off road parking spaces can be provided. With regards to the issue of a business being run from a residential area, many businesses are run from residential premises subject to their impact on the amenity of surrounding properties which have been examined in this report and it has been found that the impact will be not materially different to that of a residential property. Furthermore, the property will continue to provide residential accommodation albeit on a commercial basis. With regards to this use being more appropriate in a non-residential area, it is considered that a children's home would be far more unacceptable in a commercial or industrial setting due to the impact that these areas could have on the amenity of the children themselves.

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

Reason for Decision Level

The officer recommendation for approval conflicts 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 property is a detached 3 bedrooomed property located on the east side of the cul-de-sac end of Staining Rise in the settlement of Staining. It benefits from 2 off road parking spaces to the front of the property. To the rear is an enclosed garden area. It is located within the settlement boundary in accordance with Policy GD1 of the Fylde Local Plan to 2032 incorporating Partial Review (FLLPR), adopted 6 December 2022.

Details of Proposal

Planning permission is sought for the change of use of the dwelling to a home for young people aged 8-17. No extensions or alterations to the property are proposed, other than some internal re-allocation of rooms. The proposed layout indicates that the property would comprise an entrance hall to a through lounge, dining room, kitchen and W/C to the ground floor. The first floor would comprise a bathroom, office and 2 bathrooms. The application has been supported by a management plan.

Relevant Planning/Appeal History

N/A

Parish/Town Council Observations

Parish/Town Council	Observations
Staining Parish Council	<u>Comments received on 7th April 2022</u> <i>It was resolved to object to the application:</i> <i>There are concerns from the PC with regards to increased traffic.</i> <i>Additionally, this is a purely residential area with no businesses, of any type. An establishment of this ilk would surely be better suited to a non-residential area.</i>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>The proposed change of use will lead to the existing 3-bedrooms being reduced to 2 and requires the provision of 2 no off-street car parking</i>

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	<i>spaces to accord with the local authority car parking standard.</i> <i>The applicant proposes 3 no parking spaces including the existing garage as shown on site plan referenced, A022/007/P/01 (28-02-22). However, the 2 new spaces located on the driveway to the garage will be unacceptable as the parking spaces are wider than the gap available between the building and the wooden boundary fence. The inadequate width of the driveway to accommodate the width of a parking space raises the question as to how the garage is currently accessed. If the driveway is too narrow to provide safe access to the garage, it implies that the garage cannot be counted as a parking space.</i> <i>Given the inherent safety implications of the current proposal, approval of the application is not recommended until amendments are made.</i>
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Neighbour Observations

Neighbours notified:

1 March 2022

Number of Responses

Total number of comments 2

Summary of Comments

The comments that have been received raise objection to the proposal, with the grounds raised being set out in full here:

- *The application is to change the category of the private dwelling from the current class C3 to a class C2. This will allow the owner to change a home into a care-business. The owner already appears to run another business from the address... a Hair Dressing business. She used to have the hairdressers on nearby Chain Lane which has closed. The business moved to 36 Staining Rise and continued, to an extent, from there. I feel that this location is wholly unsuitably for any business which attracts increased volumes of traffic (above and beyond the ordinary connected to it as a residential property). It has a driveway for two cars.*
- *In the first instance this house has always been, a residential dwelling. The whole estate was built for that purpose and, originally, the builders (Moore Bros), drafted a covenant that this would be the estate's use.*
- *The house is located at the head of a cul-de-sac. Immediately outside the house is a 'turning-circle' for all kinds of vehicles. However, when vehicles cannot turn in that 'turning circle' they (to the annoyance of local property owners) use private driveways to turn around. Customers who attend the hairdressers, who very often can't park on the driveway of number 36, park in the head of the cul-de-sac and heavier vehicles (for example, refuse, and delivery, vehicles) reverse back down the cul-de-sac and, it is Windmill Close before they can exercise a manoeuvre that will allow them to safely drive forward.*
- *Whilst I appreciate that, there is a need for smaller, specialist care-homes for reduced numbers of people who would greatly benefit*

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from such a setting. I feel that this setting isn't it. The owner appears to intend to move out and then, benefit from the commercial enterprise without, really, being affected? Professional carers will be coming, and going, 'in shifts' on a business-like arrangement. There will be a greater number of vehicles on change-over times... on a 24hr basis?. The driveway, of the house, will not accommodate the volumes of traffic anticipated (it doesn't as a hairdressers). Opposite the address are bungalows, the occupants of which are elderly. There will be an increase in noise-pollution (car door slamming, engine noise etc) which will affect the residents.

- *The area is not suitable for this type of conversion. There are already issues with parking along the street and the turning circle will become a carpark for the staff on shift. I have 2 young children who enjoy playing with their friends in the area and the extra vehicles will cause huge concern for their safety.*
- *There are many reasons why this application should be rejected and other more suitable premises be found.*

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

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Environmental Impact Assessment

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

Comment and Analysis

Need for Planning Permission

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

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

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

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

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

The existing property clearly lies within a C3 use. It has a single front door that leads to a standard arrangement and nature of rooms which is evidently in use as a single dwelling within Use Class C3(a). Externally there is an open front garden with an imprinted concrete drive way and small raised bed and a private, enclosed garden to the rear.

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

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

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falling within Class C3.

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

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

This application is for planning permission and has been submitted, presumably, because the applicant's agent believes that the use which is to be operated is materially different from a residential use. The factors that could lead to that view will be examined in the remainder of this report.

Principle of Development

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

Concerns have been raised that this development should not be located within a residential area. However the purpose of this proposal is intended to provide a family home environment for children whose circumstances render them unable to live with the family of their own. It is considered that a residential area is the only area that this use could be considered appropriate, as a commercial or industrial area would be considered inappropriate for a residential use of this nature, particularly when considering the proposal is proposed to house children.

Design and Appearance in the Streetscene

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

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

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

The application property is a detached 3 bedroomed property that is proposed to be reduced to a 2 bedroomed property with the smallest bedroom to be converted to an office for the staff on duty. No external alterations to the property are proposed other than the removal of landscaping to facilitate parking to the side of the property which is hidden behind gates. The property will retain the appearance of a residential dwelling and therefore there are no design conflicts to consider within this application.

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

Impact on Neighbouring Amenity

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

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

There is only one directly neighbouring property at 34 Staining Rise to the south of the application property. The circular end to the cul-de-sac results in there being public open space to the north and east of the property and bungalows at numbers 73 & 75 Staining Rise on the opposite side of the road to the west.

The planning statement accompanying the application details that the property will be run in much the same way as a residential dwelling. The applicant envisages that activity will peak between the normal working hours of 09:00 and 16:00 although the children are likely to leave the property before this time as they are indicated as attending full time education. No education is proposed to be carried out on site. This activity would not be unusual or out of place in a residential setting. The home will have rules and codes of conduct that the children must abide by in much the same way that parents would have with their own children. Extra visitors to the property are not proposed to be more than 1 per week per child. This must be compared to residential dwellings generating visits from relatives or friends. Based on the above it is not envisaged that there will be any unacceptable increase in the level of noise to impact upon neighbouring amenity.

The running of the home will be regulated and inspected by OFSTED and the appointed manager is expected to introduce themselves to close neighbours in order to deal with any issues which may arise.

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

Highways and Car Parking Arrangements

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Lancashire County Council Highways have queried the space available for the proposed parking. The parking standards set out that a 2 or 3 bedroomed property should be provided with 2 parking spaces. The original plans identified a rear garage as a potential parking space, however the officer's site visit revealed this was not possible due to its conversion to a garden room and a stepped access. Amended plans have since been received to show 3 proposed parking spaces which are accomplished by utilising the existing hard surfaced space to the front of the property and 2 spaces on the driveway to the side of the property once existing vegetation has been removed. Lancashire County Council Highways have been reconsulted on this new arrangement and their response will be provided to Committee members via the late updates. However, given that the parking provision now reflects the standards in the parking standards it is not envisaged that they will be raising any objections.

The proposed 3 parking spaces for 2 proposed staff member provides sufficient parking for the proposed use, and will accommodate the additional needs associated with care visits and during shift handover. The applicant has stated that shift changeover will be phased in 30 minute stages to ensure no inconvenience is caused to other residents and will be within the hours of 07.30 and 21:30 so there will be no activity overnight, which was a concern raised in the objections.

It is not envisaged that there will be multiple car journeys a day as the children are expected to attend mainstream education in the same way as any other family dwelling. The third space would provide off street parking for any visits to the children which the applicant does not expect to be any more than once per week per child. It is not anticipated that any of the young people will have cars so the proposed use is likely to result in a lesser number of car movements than could occur with the current use of the property as a family dwelling could generate with adult children.

The level of trip generation and parking demands are not envisaged to cause any noticeable impacts to the character of the property or the surrounding area, and will certainly not involve highway safety or amenity impacts to a degree that could justify a refusal of planning permission. The proposal is considered to provide an appropriate level and location of parking for the site and does not compromise access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Other matters

Whilst neighbouring residents have raised issues relating a covenant on the land and issues with a previous hairdressing business (which is understood to be operated on an ad hoc basis and will be ceasing if this application is approved) these are not material planning considerations which are relevant to the determination of a planning application. In particular, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

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

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Conclusions

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

This conclusion is on the basis that the proposed change of use is not considered to create any unduly harmful impacts to the relevant planning considerations, which in this case relate to the character of the area, the amenity of neighbours and highway safety. Indeed, these impacts are such that it would be a reasonable assumption that the implications of the change of use are at such a modest scale that they are unlikely to amount to a material change of use and so may not even require planning permission. However, as the application has been submitted it is to be determined and is recommended for approval for the reasons set out above.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

Conditions or Reasons for Refusal

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

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

2. This permission relates to the following plans:

Location Plan - Mapserve produced on 4th Feb 2022

Proposed Elevations, Floor Plans & Site Plan - Drawing no. A022/007/P/01 Rev A

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

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

3. The use hereby approved shall at all times operate in accordance with the Management Plan recorded as received by the Council on 1 March 2022.

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

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4. Prior to the commencement of the use hereby approved, the 3 car parking spaces indicated on drawing A022/007/P/01 Rev A shall be made available for use, and shall be remain available for the parking of vehicles at all times that the proposed use is undertaken at the property.

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

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

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

Informative(s)

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

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

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Location Plan for 22/0124



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Item 5

Application No:	22/0222	Case Officer:	Matthew Taylor Area Team 2
Applicant:	Fylde Borough Council	Agent:	Mrs Laura Foster
Location:	FAIRHAVEN LAKE PAVILLION INNER PROMENADE LYTHAM ST ANNES LANCASHIRE FY8 1EA		
Proposal:	CHANGE OF USE OF BUILDING FROM STORAGE (USE CLASS B8) TO RETAIL KIOSK FOR SALE OF FOOD AND DRINK (USE CLASS E (A)) INCLUDING INSTALLATION OF TWO SERVING HATCHES TO SOUTH FACING ELEVATION		
Ward:	Fairhaven	Parish:	
Statutory Expiry:	12 May 2022	Earliest Decision:	8 April 2022
Reason for any delay:	Not applicable as decision will be 'in time'		To view application file on FBC website click here

Officer Recommendation: Grant Planning Permission

Summary of Officer Recommendation

The application relates to a single storey pavilion building located on the north side of Fairhaven Lake between the lakeside and a skatepark/adventure play area. The pavilion is a timber-clad building with a brick plinth and dual-pitched roof finished in clay tiles. Two folding timber windows forming serving hatches are located to either side of a central entrance door on the building's northern elevation. The building has historically been used for storage, but recently accommodated a temporary ice cream kiosk during the refurbishment of the Lakeside café (though this use has since ceased).

Planning permission is sought for the change of use of the building from storage (use class B8) to a retail kiosk for the sale of food and drink (use class E(a)). The application also includes the installation of two external serving hatches comprising folding timber-framed windows with exterior timber shutters to the southern elevation facing the lake.

The proposed food and drink kiosk is a retail use and, in turn, is a 'main town centre use' for the purposes of the definition in the National Planning Policy Framework. The pavilion is *circa* 760m away from the closest defined centre (the Ansdell District Centre on Woodlands Road) and so is an 'out of centre' site. In this case, however, the siting of the retail kiosk within Fairhaven Lake and Gardens, in combination with the type of goods to be sold from it, is intended to provide a bespoke retail offer which caters specifically for visitors to the lake and so could not reasonably be met in another, sequentially preferable location outside that visitor attraction. As the siting of the proposed kiosk is intrinsically linked to the building's location within Fairhaven Lake and its use is explicitly intended to serve visitors to that tourist attraction, the proposal does not conflict with the objectives of the sequential test and would not divert trade away from other, nearby town centres.

The proposed use of the kiosk would enhance the existing food and drink offer to visitors of Fairhaven Lake and would complement other leisure and commercial uses within the park's grounds. The development, by virtue of its modest scale, limited hours of opening, siting amongst other recreational uses and relationship with neighbouring dwellings, would not have any harmful effects on the amenity of surrounding occupiers by reason of its scale, siting, design, hours of operation or any other nuisance.

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The proposed external alterations to the building to create the additional windows and serving hatches to its southern elevation would replicate the features already in place on the northern elevation and would be sympathetic to the character of the host building and heritage value of the lake and gardens in terms of their size, proportions, materials and design.

There are no other technical issues concerning access, ecology or flood risk associated with the proposed development which would give rise to any significant and demonstratable harm that would outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

Reason for Decision Level

The application is submitted on behalf of Fylde Borough Council and so must be referred to the Planning Committee for determination in accordance with the Council's Scheme of Delegation.

Site Description and Location

The application relates to the site of Fairhaven Lake and Gardens to the south of Inner Promenade, Lytham St Annes. Specifically, this application involves a rectangular, single storey pavilion building located to the western end of the gardens on the north side of the lake. The pavilion is a timber-clad building with a brick plinth and dual-pitched roof finished in clay tiles. Two timber-framed windows enclosed by timber shutters are located on its north side. Externally, the pavilion is encircled by a hardstanding forecourt which provides pedestrian access around the perimeter. The building has historically been used for storage, but recently accommodated a temporary ice cream kiosk during the refurbishment of the Lakeside café (though this use has since ceased).

A skatepark and adventure play area are located to the north of the pavilion. Beyond this, a landscaped embankment intervenes between the site and the closest neighbouring dwellings on Inner Promenade located *circa* 80m away. A bowling green lies to the east of the site and open greenspace falls to the west.

Details of Proposal

The application seeks permission to change the use of the pavilion's 21 sqm internal floorspace from storage (use class B8) to a retail kiosk for the sale of food and drink (use class E(a)). Opening hours are proposed between 09:00 and 20:00 on each day.

The application also includes the installation of two timber-framed windows to each side of the building's southern elevation to provide lakeside serving hatches for the use. These hatches would be enclosed by hinged, timber-clad shutters. The openings would match the size, spacing, proportions and materials of the two openings to the northern elevation.

Relevant Planning/Appeal History

None relevant to the application building.

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Parish/Town Council Observations

N/A. Non-parish Area.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection:

- There are no objections to the proposal, however I recommend the applicant contact the Food safety section in order to ensure compliance with Food Hygiene legislation – commercialteam@fylde.gov.uk

Food Safety Team (FBC):

- There will likely be implications for internal layout, construction and design that will fall outside of the planning remit, but could affect a food hygiene rating awarded. The applicant should contact the Food Safety Team directly with internal layout plans to discuss these issues further. General considerations would be the provision of handwash basins in addition to double sink/ dishwasher for cleaning equipment etc. The requirements will depend upon exactly what activities are being undertaken.

LCC Highways:

- No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified:	18 March 2022
Site notice posted:	29 March 2022
Press notice:	N/A
Amended plans notified:	N/A
No. Of Responses Received:	None at the time of writing. Any representations received prior to the committee meeting will be summarised within the late observations report.
Nature of comments made:	N/A

The appropriate neighbouring properties were notified of the application by letter on 18.03.22. Additional publicity has been undertaken through the display of a notice near the site on 29.03.22. The statutory public consultation period expires on 19.04.22. Any representations received between the preparation of this report and the committee meeting will be summarised in the late observations report for consideration by members.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with

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matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

National Policy:

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
EC5 - Vibrant Town, District & Local Centres
ENV2 - Biodiversity
ENV3 - Protecting Existing Open Space (Part of the Green Infrastructure Network)
ENV5 - Historic Environment

Environmental Impact Assessment

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

Comment and Analysis

Policy context and main issues:

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

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

- c) approving development proposals that accord with and up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - or

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- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

Having regard to the nature of the development proposed, its location and the planning history of the site, the main issues in this case are:

1. The principle of development, including whether it represents a suitable use within Fairhaven Lake and Gardens and its compliance with the sequential test applicable to main centre uses.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on the amenity of surrounding occupiers.
4. Other material considerations relating to effects on highway safety, ecology and flood risk.

Principle of development:

The site falls within the settlement boundary of Lytham St Annes as defined on the FLPPR Policies Map. Policy GD1 of the FLPPR is permissive of development within settlement boundaries providing that it complies with other relevant policies of the local plan.

Siting within Fairhaven Lake:

The wider site of Fairhaven Lake and Gardens is allocated as a 'Park and Garden' under FLPPR policy ENV3, which seeks to preserve the Borough's areas of Existing Open Space. Specifically, policy ENV3 indicates that “Existing Open Space will be protected from inappropriate development, having particular regard to the multi-functional benefits of open spaces” in accordance with six criteria (a-f)).

As the proposed development involves the change of use and external alterations to an existing building that would not affect the provision (in either quantitative or qualitative terms) or involve the loss of existing open space at Fairhaven Lake and Gardens, the provisions of policy ENV3 are not of direct relevance in this case and the scheme would not result in any conflict with the overarching objective of policy ENV3 which aims to preserve the Borough's allocated Existing Open Spaces as an integral part of Fylde's green infrastructure network.

Compliance with sequential test:

The proposed retail kiosk falls within use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) – a use “for the display or retail sale of goods, other than hot food, principally to visiting members of the public”. The definition of “main town centre uses” in Annex A of the NPPF includes “retail development”. Accordingly, the proposal involves a main town centre use for the purposes of the definition in the Framework and so the provisions of paragraph 87 of the NPPF and policy EC5 of the FLPPR which set out the sequential test to be applied to applications for main town centre uses are applicable.

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Paragraph 87 of the NPPF indicates that “local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.” Paragraph 88 of the Framework goes on to advise that “when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

FLPPR policy EC5 sets out the retail hierarchy of town, district and local centres within Fylde and identifies each designated centre. The definition of “town centre” in Annex 2 of the NPPF makes clear that these include: “Area[s] defined on the local authority’s policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.”

With respect to development outside of town centres, FLPPR policy EC5 indicates that “proposals for retail, leisure and office development in ‘edge of centre’ or ‘out-of-centre’ locations will be considered in line with the Framework, bearing in mind the impacts on existing centres. When assessing proposals for retail, leisure and office development outside of centres, a local threshold of any development more than 750 square metres, will apply in terms of requiring a retail impact assessment. When undertaking a sequential test, or retail impact assessment, it will be necessary to have regard to likely impact upon other centres, including those outside of Fylde.”

The proposed retail kiosk has a gross internal area of 21 sqm. Accordingly, the 750 sqm floorspace threshold in policy EC5 – above which a retail impact assessment would be required – is not triggered in this case. Therefore, matters relating to town centre impacts are limited to the application of the sequential test in paragraphs 87 and 88 of the NPPF and policy EC5 of the FLPPR.

Paragraph 87 of the NPPF requires a sequential approach to be applied when considering applications for main town centre uses which – as is the case here – are neither in an existing centre nor in accordance with an up-to-date plan. The sequential approach requires main town centre uses to be directed firstly to locations “in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.” Annex 2 of the Framework includes the following definitions for “edge of centre” and “out of centre” sites:

- Edge of centre – “For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”
- Out of centre – “A location which is not in or on the edge of a centre but not necessarily outside the urban area.”

In this case, the closest designated centre which meets the definition of “town centre” in Annex 2 of the NPPF is the Ansdell District Centre, located approximately 760m away (as the crow flies) on Woodlands Road. As the proposal involves a Class E(a) use, the stricter interpretation for “edge of

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centre” sites relating to retail uses is applicable in this case. As the site is not within 300m of a designated primary shopping area, it is not an “edge of centre” location and must, instead, be regarded as “out of centre”.

The application is accompanied by a ‘Town Centre Statement’. While this does not strictly follow the approach for a sequential test set out in the NPPG, the statement concludes as follows:

- “The location of the proposed retail pavilion is intrinsically linked to the tourism of the lake, and therefore the sequential test is considered of less relevance to the proposals. This is due to the fact that retail use is only being proposed in this location because of the presence of the lake and therefore it could not be feasibly be located within a designated town centre, as it would not serve the same need or customer base. The facility would be seen as supporting both the Local Plan and Coastal Strategy in that it promotes and enhances the leisure and tourism offering in Fairhaven Lake.”

Ansdell District Centre is a well-occupied centre with a very low vacancy rate. Moreover, at 21 sqm, the floorspace required for the proposed retail kiosk falls significantly below that of the larger shops within the Woodlands Road parade. Therefore, even if any vacant units were available within the Ansdell District Centre their floorspace would be oversized for the proposed kiosk.

That notwithstanding, it is recognised that, as set out in the applicant’s supporting statement, the principal reason for the proposed kiosk’s location relates to its setting within the visitor attraction of Fairhaven Lake and Gardens. Indeed, were it not for the pavilion’s location within that attraction, there would be no need for the kiosk. In this sense, it is accepted that the proposed kiosk’s siting is intrinsically linked to its position within the heart of Fairhaven Lake and, in turn, that it is intended to provide a bespoke retail offer which caters specifically for visitors to the lake and that the same offer could not reasonably be met in another, sequentially preferable location outside that visitor attraction. As the siting of the kiosk is necessitated by its location within Fairhaven Lake, the proposal does not conflict with the objectives of the sequential test to be applied to main town centre uses. To ensure this remains the case, conditions are recommended to limit the type of goods that can be sold from the kiosk to food and drink only and permitted development rights which would allow the premises to be used for other purposes have also been withdrawn.

Having regard to the above, it is considered that the applicant has satisfactorily demonstrated that there are no alternative sequentially preferable sites available to accommodate the proposal. Accordingly, the sequential test in paragraphs 87-88 of the NPPF and policy EC5 of the FLPPR is passed and the principle of development is acceptable.

Character and appearance:

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design by taking account of the character and appearance of the local area in accordance with 16 guiding principles (a – p). Criteria d), f), h) and i) of the policy are of greatest relevance in this case as follows:

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

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using sustainable natural resources where appropriate.

FLPPR policy ENV5 indicates that “proposals for development should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde’s designated and undesignated heritage assets.” The subheading “locally important heritage assets” identifies Fairhaven Lake as one of “a number of assets of historic interest, which whilst not statutorily protected, make an important contribution to the distinctive character of the area.” The policy indicates that “development which would remove, harm or undermine the significance of a locally important heritage asset, or its contribution to the character of the area, will only be permitted where robust evidence can demonstrate that the public benefits of the development would outweigh the harm based on a balanced judgement.”

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

In addition, paragraph 203 of the NPPF indicates that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The pavilion is a *circa* 1930s building with a dark brick plinth and walls clad in timber. It has a dual-pitched roof finished in terracotta clay tiles. Two rectangular, timber-framed windows with a folding provide serving hatches on either side of a central entrance door to the building’s northern elevation. These windows are enclosed by hinged timber shutters.

The scheme includes the introduction of two new timber windows with a folding profile and hinged timber shutters to provide additional serving hatches to the building’s southern elevation facing the lake. The size, proportions, materials, colour treatment and style of the new windows would match the existing openings on the northern elevation, as would their relative positions and spacing. Accordingly, the building’s altered southern elevation would replicate the appearance of the current northern elevation.

The use of white painted timber windows with glass separated by slender glazing bars in a matching design to the existing openings would ensure a sympathetic relationship with the character of the host building and the development’s successful assimilation into the historic setting of the wider parkland. The hinged timber shutters used to enclose the openings when the premises is closed would not detract from the building’s character and would match the existing features to the northern elevation. Therefore, the proposed development would not harm the character and appearance of the area and would respect the significance of Fairhaven Lake and Gardens as a non-designated heritage asset in accordance with the objectives of FLPPR policies GD7 and ENV5.

Impact on amenity:

Criterion c) of FLPPR policy GD7 requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.”

Furthermore, paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and

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well-being, with a high standard of amenity for existing and future users.”

Within the park, the closest neighbouring uses include a skatepark and adventure play area to the north of the pavilion, a bowling green to the east and an area of open greenspace to the west. The closest neighbouring dwellings outside the park are located on Inner Promenade a minimum of approximately 80m to the north. A tree lined embankment screens the pavilion from these dwellings.

The proposed kiosk is a small-scale retail use which would open between the hours of 9am and 8pm on each day (though it is anticipated that these operating hours would vary seasonally). There are other, similar uses within the park and various other leisure uses which operate at similar times. The external alterations to the pavilion would take place on the lake side facing towards the coast and so would not be visible from neighbouring dwellings on Inner Promenade.

Given the presence of intervening uses, the degree of spacing and screening between the site and neighbouring dwellings outside the park, the kiosk's proposed hours of opening and its setting amongst other tourism, leisure and commercial uses within the wider parkland, it is not considered that the proposed development would have any adverse effects on the amenity of surrounding occupiers by reason of its scale, siting, design, hours of operation or any other nuisance. Accordingly, the amenity requirements of FLPPR policy GD7 and the NPPF would be satisfied.

Other matters:

Highways:

The pavilion building is encircled by footpaths which provide a wide forecourt around the perimeter of the building. There is sufficient space for customers to queue within this forecourt without obstructing pedestrian routes around the building and lake. The level of vehicle traffic generated by the use would be limited to deliveries and collections which it is anticipated would occur within nearby communal areas.

Ecology:

The application land does not form part of any designated nature conservation site, but is close to the Ribble and Alt Estuary Ramsar and Site of Special Scientific Interest (SSSI). The nature of the scheme is such that the proposed use and external alterations to the existing building would not give rise to any likely significant effects on the Ribble and Alt Estuary and so any such impacts can be screened out without the need to proceed to the Appropriate Assessment stage of the Conservation of Habitats and Species Regulations (2017).

Flood Risk:

While part of Fairhaven Lake and Gardens falls within flood zones 2 and 3, the application site itself is in flood zone 1 as identified on the Flood Map for Planning. Accordingly, it is at the lowest risk from fluvial and tidal flooding and the proposal represents an appropriate use within flood zone 1. The proposed development involves modest external alterations to the existing building which would not result in an increased risk of flooding either to the development itself or elsewhere.

Conclusions

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The application relates to a single storey pavilion building located on the north side of Fairhaven Lake between the lakeside and a skatepark/adventure play area. The pavilion is a timber-clad building with a brick plinth and dual-pitched roof finished in clay tiles. Two folding timber windows forming serving hatches are located to either side of a central entrance door on the building's northern elevation. The building has historically been used for storage, but recently accommodated a temporary ice cream kiosk during the refurbishment of the Lakeside café (though this use has since ceased).

Planning permission is sought for the change of use of the building from storage (use class B8) to a retail kiosk for the sale of food and drink (use class E(a)). The application also includes the installation of two external serving hatches comprising folding timber-framed windows with exterior timber shutters to the southern elevation facing the lake.

The proposed food and drink kiosk is a retail use and, in turn, is a 'main town centre use' for the purposes of the definition in the National Planning Policy Framework. The pavilion is *circa* 760m away from the closest defined centre (the Ansdell District Centre on Woodlands Road) and so is an 'out of centre' site. In this case, however, the siting of the retail kiosk within Fairhaven Lake and Gardens, in combination with the type of goods to be sold from it, is intended to provide a bespoke retail offer which caters specifically for visitors to the lake and so could not reasonably be met in another, sequentially preferable location outside that visitor attraction. As the siting of the proposed kiosk is intrinsically linked to the building's location within Fairhaven Lake and its use is explicitly intended to serve visitors to that tourist attraction, the proposal does not conflict with the objectives of the sequential test and would not divert trade away from other, nearby town centres.

The proposed use of the kiosk would enhance the existing food and drink offer to visitors of Fairhaven Lake and would complement other leisure and commercial uses within the park's grounds. The development, by virtue of its modest scale, limited hours of opening, siting amongst other recreational uses and relationship with neighbouring dwellings, would not have any harmful effects on the amenity of surrounding occupiers by reason of its scale, siting, design, hours of operation or any other nuisance.

The proposed external alterations to the building to create the additional windows and serving hatches to its southern elevation would replicate the features already in place on the northern elevation and would be sympathetic to the character of the host building and heritage value of the lake and gardens in terms of their size, proportions, materials and design.

There are no other technical issues concerning access, ecology or flood risk associated with the proposed development which would give rise to any significant and demonstratable harm that would outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the provisions of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

Recommendation

That planning permission be GRANTED subject to the following conditions:

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

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

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2. This permission relates to the following plans:

- Drawing no. 22-01 PL01 – Location plan.
- Drawing no. 22-01 PL03 Rev A – Proposed layout plan and elevations.

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials (including their colour treatments and finishes) detailed on the approved plans listed in condition 2 of this permission and described in the application form and document titled "Heritage Statement" dated 08.03.2022.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV5 and GD7, and the National Planning Policy Framework.

4. The retail kiosk hereby permitted shall only be open for trade or business between the hours of 09:00 and 20:00 on any day.

Reason: To limit the potential for noise generation at times when surrounding occupiers would reasonably expect to be undisturbed and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. The retail kiosk hereby permitted shall only be used for the display and sale of food and drink. No other types of goods shall be displayed or sold from the premises.

Reason: To restrict the display and sale of goods to those associated with a customer base and bespoke retail offer which is intrinsically linked to the site's location within the visitor attraction of Fairhaven Lake and Gardens in order to safeguard the vitality and viability of town centres by minimising the potential for the diversion of trade away from those centres in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy EC5 and the National Planning Policy Framework.

6. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order revoking and re-enacting that Order with or without modification, the retail kiosk hereby permitted shall only be used for purposes which fall within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending or replacing that Order.

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Reason: To ensure that the future use of the premises is limited to one which is intrinsically linked to the site's location within the visitor attraction of Fairhaven Lake and Gardens and is intended to serve the customer base arising from that attraction in order to safeguard the vitality and viability of town centres by minimising the potential for the diversion of trade away from those centres in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy EC5 and the National Planning Policy Framework.

Informative(s)

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

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

2. Food Safety:

The applicant/operator is advised to contact the Council's Food Safety Team (commercialteam@fylde.gov.uk) to ensure compliance with Food Hygiene legislation as there will likely be implications for internal layout, construction and design that could affect a food hygiene rating awarded.

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Location Plan for 22/0222

