



Agenda

Planning Committee

Date:	Wednesday, 1 March 2023 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

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	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the Committees held on 18 January 2023 and 1 February 2023 (previously circulated) as correct records.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3-97
	INFORMATION ITEMS:	
5	Report of Findings of Case Investigation by Local Government and Social Care Ombudsman	98-102
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Contact: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

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

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Item No.	Appn No.	Location	Proposal	Recommendation	Page No
1	21/0811	LAND AT ROSEACRE, WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 52 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES AND PADDOCKS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Delegate to Officers	5
2	22/0802	LAND TO THE SOUTHEAST OF MOSS SIDE LANE RIBBY WITH WREA PR4 2PE	CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN USE AND ERECTION OF STABLES, RIDING ARENA AND ASSOCIATED WORKS FOR PRIVATE USE	Grant	50
3	22/0949	FORMER GIRLS CHARITY GRAMMAR SCHOOL / LLOYDS TSB BANK 52-64 POULTON STREET KIRKHAM PR4 1AH	ALTERATIONS AND EXTENSIONS TO FORMER BANK PREMISES ASSOCIATED WITH USE AS BAR / RESTAURANT, INCLUDING: 1) ERECTION OF SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR EXTENSIONS AND OUTBUILDINGS, 2) FORMATION OF PATIO AREA TO REAR OF EXTENSIONS.	Grant	63
4	22/0950	FORMER GIRLS CHARITY GRAMMAR SCHOOL / LLOYDS TSB BANK 52-64 POULTON STREET KIRKHAM PR4 1AH	LISTED BUILDING CONSENT FOR ALTERATIONS AND EXTENSIONS TO FORMER BANK PREMISES ASSOCIATED WITH USE AS BAR / RESTAURANT, INCLUDING: 1) ERECTION OF SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR EXTENSIONS AND OUTBUILDINGS, 2) FORMATION OF PATIO AREA TO REAR OF EXTENSIONS, 3) INTERNAL ALTERATIONS SUCH AS REMOVAL OF FORMER SAFE ROOM AND FORMATION OF GLAZED ENTRANCE LOBBY	Grant	80
5	23/0106	EXPLORATORY SITE PRESTON NEW	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2023/0002 FOR VARIATION OF CONDITION 2 OF	Raise Objection	89

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ROAD
LITTLE
PLUMPTON
WESTBY WITH
PLUMPTONS

LCC/2014/0096 TO ALLOW THE DATE OF
FINAL RESTORATION OF THE SITE TO BE
POSTPONED UNTIL 1 APRIL 2025.

Background Papers

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

- Fylde Local Plan to 2032 (incorporating Partial Review) – December 2021
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

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Item 1

Application No:	21/0811	Case Officer:	Rob Buffham Area Team 2
Applicant:	Rowland Homes Ltd	Agent:	Smith & Love Planning Consultants
Location:	LAND AT ROSEACRE, WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ		
Proposal:	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 52 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES AND PADDOCKS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Ward:	Park	Parish:	St Anne's on the Sea
Statutory Expiry:	3 March 2023	Earliest Decision:	22 February 2023
Reason for any delay:	Awaiting amended or additional details from applicant/agent		Online application file here

Summary of Officer Recommendation: Delegate to Officers

Summary of Officer Assessment

Outline planning permission is sought for the construction of up to 52 dwellings, with those matters applied for relating to access only. Appearance, landscaping, layout and scale are reserved for subsequent Reserved Matters application(s). The site is presently occupied by a bungalow with stables set to the rear which are both located to the southern boundary of the application site. The remainder of the site is in use as a grassed paddock for the grazing and exercise of horses in-conjunction with the stables use.

Due to the outline nature of the application, assessment is related only to the principle of development and the suitability of the access arrangements.

The application site is located within the settlement boundary of St Annes, immediately east of Wildings Lane, and is allocated as a non-strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review) (FLPPR) as per Policy H1. Density of housing proposed is approximately 30 dwellings per hectare, based upon a site size of 1.7 hectares, in accordance with policy H2. The principle of residential development on the site is therefore supported.

There is a variance between the site's housing allocation in the FLPPR when compared to the St Anne's on the Sea Neighbourhood Development Plan 2016-2031 (SNDP) Proposals Map which places the application site outside of the settlement boundary, within Open Countryside. The development is therefore contrary to the locational housing policies (GP1 and HOU1) of the SNDP which encourage development to locations within the settlement boundary. Notwithstanding, it has been concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason, the site's allocation for housing within the FLPPR takes precedence in the decision-making process.

Vehicular access to the site will be obtained via a continuation of Wildings Lane into the application site, at which point Wildings Lane is to be closed off to vehicles beyond the site entrance. A shared footpath/ cycle path is proposed as a means of closure and this will follow the existing route of the lane. This ensures that Wildings Lane will only serve as means of vehicular access to the current

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application site, with adjacent land parcels being accessed from the north– reflecting the agreed access strategy for the wider development.

Members should note that, as agreed by the approving Planning Committee, planning approval (ref: 19/0642) for a care home further along Wildings Lane granted temporary use of Wildings Lane as means of vehicular access until such a time that access becomes available from the Queensway housing development to the north. Once that is available Wildings Lane will be stopped up as per this current proposal. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 of the Queensway development, which are the latter stages of construction. The care home approval also requires specific off-site highway work improvements, including:

- provision of a footpath along Wildings Lane linking from Heyhouses Lane to the boundary of the current planning application.
- Re-prioritisation of the Wildings Lane/ Jubilee Way junction.

The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane, opposing the application site, that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that take account of this land ownership issue:

1. Option 1 assumes that the land in question can be developed and provides for a simple continuation of Wildings Lane and footpath.
2. Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of priority give way road markings.

The applicant submitted a Transport Statement to demonstrate acceptability of the proposal with regards to capacity and safety of adjacent roads. Lancashire County Council as local highway authority (LHA) have considered the access arrangements and Transport Statement, including temporary use of Wildings Lane by the care home, and have no objection to the proposal subject to condition. The LHA insist that Option 1 access road design is progressed in the first instance since vehicles larger than a large car could find it difficult to manoeuvre from properties (13 and 15 Wildings Lane) in close proximity to the road alterations proposed by Option 2. The access arrangements are therefore acceptable.

There are no amenity drainage or ecological issues of note that would warrant refusal of the proposal.

Policies H4 and INF2 require affordable housing and financial contribution towards the mitigation of a development's impact on infrastructure, services and the environment and contribute towards the requirements of the community. Notwithstanding, these policies also allow for a reduction of any planning obligation where development is made unviable by the requirements of the obligation(s). To this end, the applicant has provided a Viability Appraisal which has demonstrated that the development will be made unviable as consequence of the affordable housing and other required contributions (£198,024 for education, £14,355 for health care, £1000 per dwelling for public open space, £6000 for Travel Plan monitoring).

There is a single matter of disagreement with regards to viability, relative to need for sheet piling of drainage (estimated at £378,000), and this saving could make the development more viable in order to support affordable housing and/or other financial contributions. It is your Officers' advice that this matter should not delay determination of the application since necessary safeguards can

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be imposed upon the applicant to ensure provision of affordable housing and/or financial contribution in the event that sheet piling is not needed. In essence the S106 will require the developer to confirm and evidence that sheet piling is necessary, as well as a mechanism for payment of contributions if it is found that this is not the case. In this circumstance contributions will be put toward affordable housing provision in the first instance, with any surplus put toward education, health care, public open space and travel plan monitoring (priority order).

The development accords with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21. The recommendation is therefore that the decision to grant planning permission be delegated to the Head of Planning on completion of the section 106 agreement and subject to 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 determination.

Site Description and Location

The application site measures 1.7 hectare in size, located immediately adjacent to the eastern side of Wildings Lane and to the north eastern edge of Lytham St Annes.

The site comprises of a detached red brick bungalow named Roseacre, that has detached stable accommodation located to the rear with remaining land being used for the external exercise and grazing of associated horses. It forms part of a larger housing allocation known as 'Queensway' as designated by the Fylde Local Plan to 2032 (Incorporating Partial Review), that has planning consent and is currently under construction.

Topography of the site is flat, being set to a slightly lower land level than Wildings Lane, it is laid to grass with post and rail fence and vegetation forming boundaries. A watercourse flanks the eastern boundary that connects into a wider network of drainage ditches that lie within the farmland beyond to the east and north eastern margins.

Existing housing on Wildings Lane and Jubilee Way are located beyond the application site to the south and west, and are of bungalow appearance being constructed of red brick, with some rendered properties also. New housing to the western side of Wildings Lane, whilst not under construction, has been granted consent for 2 storey development. The landscape surrounding the site is typical of the area and comprises low lying, level, grazing land, with ditches and wind sculpted woodland.

It is noted that the site has previously had the benefit of full planning permission for 45 dwellings, albeit that consent has now lapsed since construction did not commence within the statutory 3 year period post approval (expired on 2nd November 2019).

Details of Proposal

Outline planning permission is sought for the construction of up to 52 dwellings on the site, with those matters applied for relating solely to access. Appearance, landscaping, layout and scale are reserved for subsequent Reserved Matters application(s).

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Vehicular access to the site will be obtained via Wildings Lane that runs in a southerly direction before it junctions with Heyhouses Lane. The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane and opposing the application site that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that takes account of this land ownership issue:

1. Option 1 assumes that the land in question can be developed and provides for continuation of Wildings Lane and footpath.
2. Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of Priority Give Way road markings due to a pinch point in road width.

The eventual situation is that the remainder of Wildings Lane is to be closed off to vehicles beyond the site entrance, with a shared footpath/ cycle path provided as means of closure that follows the existing route of the lane. This ensures that Wildings Lane will only serve as means of vehicular access to the current application site, with the remainder of the housing allocation accessed via Heyhouses Lane – reflecting the agreed access strategy for the wider development.

Members should note that, as agreed by the approving Planning Committee, planning approval (ref: 19/0642) for a care home further along Wildings Lane granted temporary use of Wildings Lane as means of vehicular access until such a time that access becomes available from the Queensway housing development. Where following that, Wildings Lane will be stopped up as per this current proposal. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 of the Queensway development, which are the latter stages of construction.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
16/0061	ERECTION OF 45 DWELLING HOUSES AND ASSOCIATED PUBLIC OPEN SPACE, AND ENHANCEMENT TO WILDINGS LANE, FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES, MENAGE AND PADDOCKS	Approved Subject to 106	08 November 2017
90/0229	ERECTION OF ONE DWELLING HOUSE	Granted	25 April 1990
89/0899	OUTLINE ONE DWELLING HOUSE	Granted	03 January 1990
88/0951	ERECTION OF STABLES	Granted	25 January 1989
77/1006	TWO PURPOSE BUILT STABLES AND SIX SHEDS AND USE OF LAND FOR HORSE GRAZING ON FIELD IN WILDINGS LANE	Granted	15 February 1978

Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<u>Comments received on 21st September 2021:</u> Comments/Decision: OBJECT

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	<p><i>The proposal is based on No Affordable Housing Element when NPPF requirement is 30% minimum. You refer in Planning Statement to the Covid pandemic being responsible for increased cost of materials. We argue that any increased cost of materials will be passed on to the purchaser. Furthermore, there is a much greater need for more affordable housing to be provided because of inflation and job uncertainties, Landlords right to evict, and families have been separated and now requiring separate living accommodation.</i></p> <p><i>Affordable Housing is a priority. Affordability of housing is a basic requirement for any Local Authority. Each application will be considered on its own merit.</i></p> <p><i>The previous application 16/0061 (lapsed), was for 45 dwellings. This application also included enhancement to Wildings Lane. The Town Council Objected re following grounds.</i></p> <p><i>Object. 1. Share concerns raised by LCC Highways especially in relation to “piecemeal” development and proposals.</i></p> <p><i>2. Outside the settlement boundary.</i></p> <p><i>3. Negative impact on natural environment.</i></p> <p><i>N.B. Many of the documents relating to this application were unavailable.</i></p> <p><i>Your Planning statement makes reference to the fact that some 20m deep pile driving will have to be undertaken to reach competent strata, together with ground stabilisation and surcharging works to prevent future settlement, and therefor 30% affordable housing would not be viable. The peat deposits and overlaying alluvium deposits are exactly the reason for 200 years; this land was considered to be unsuitable for development. To evidence this, you have only got to look at how much the roads have sunk at Cypress Pont, to the effect that the manholes stand several inches proud of the road surface.</i></p> <p><i>You refer to previous applications having applied for Variation of Conditions relating to the affordable housing provision previously agreed. It must be understood in context. At the time, the presumption in favour of sustainable development was Central Government’s way of increasing the housing supply, and therefore Fylde’s Officers had to balance the need for affordable provision against the need to comply with the provisions of the NPPF. Now having produced Fylde’s Local Plan, a five-year housing supply being clearly demonstrated, makes the Presumption in favour of sustainable development a much less important factor in considering planning applications.</i></p> <p><i>1.3 You mention delivery of new housing and widening housing choice. But no affordable element reduces housing choice.</i></p>
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	<p><i>Application form 15. Market housing only. The Saint Anne's on the Sea Neighbourhood Development Plan (NP) was made by Referendum in August 2016. The fact that it pre-dates the adoption of the Fylde Local Plan to 2032 and was the subject of a subsequent legal challenge, that was dismissed by the Supreme Court on 14th May 2021, makes it no less of a robust legal document to ensure the planning policies contained within it are adhered to by both Applicants and the Decision- Making Authority FBC.</i></p> <p><i>Policy GD1 confirms that developments will be assessed against all relevant policies of the LP and any inconsistencies i.e., Outside the Settlement Boundary, will have to be agreed.</i></p> <p><i>Emerging Partial Review of the Fylde Local Plan to 2032 (FLP32). The Partial Review principally relates to the proposed revised housing requirement for the residual plan period from 2019 to 2032, which is reduced from 415 (net) homes per annum to 305 (net) homes per annum and results from the up-to-date calculation of local housing need in accordance with the standard method.</i></p> <p><i>(As Statutory Consultees), The Town Council's Observations conclude that the proposed development does not comply with NPPF, The Local Plan, or NP, by virtue of proposing zero contribution to much needed Affordable Housing Supply.</i></p> <p><i>Observations: Object</i></p> <p><i>In addition to the Town Council's previous Objections: Object. 1. Share concerns raised by LCC Highways especially in relation to "piecemeal" development and proposals.</i></p> <p><i>2. Outside the settlement boundary.</i></p> <p><i>3. Negative impact on natural environment.</i></p> <p><i>The proposal is based on No Affordable Housing Element when NPPF requirement is 30% minimum.</i></p> <p><i>We also have concerns about flooding with the statement that 'due to ground levels (the site) will require a pumped system with an underground pumping station' for foul water discharge (Section 5.40 of the 'Planning and Affordable Housing Statement').</i></p>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	<i>No objection subject to conditions relating to land contamination, and noise assessment to inform possible mitigation within the construction of dwellings.</i>
Electricity North West	<i>The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.</i>

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	<p><i>Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.</i></p> <p><i>The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.</i></p> <p>They then refer to documents that highlight how work close to electricity assets should be safely implemented.</p>
NHS Fylde & Wyre Clinical Commissioning Group (CCG)	<p>No objection subject to financial contribution of £14,355.</p> <p><i>The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.</i></p> <p><i>The obligation should also include the provision for the reimbursement of any legal costs incurred in completing the agreement.</i></p> <p><i>We would highlight “that failure to secure the contribution we have requested effectively means that we are objecting to the application”.</i></p> <p><i>This proposal will generate approximately 125 new patient registrations based on dwelling mix provided).</i></p> <p><i>The proposed development falls within the catchment area of Ansdell Medical Centre which is located a mile away. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice.</i></p> <p><i>(The Ansdell Medical Centre is located 1.0 mile from the development and would therefore be the practice where most of the new residents register for general medical services.)</i></p> <p><i>From a CCG perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.</i></p>

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	<p><i>It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.</i></p>
LLFA	<p><i>No objection subject to conditions requiring:</i></p> <ol style="list-style-type: none"> <i>1. development to accord with the flood risk assessment.</i> <i>2. submission of surface water drainage details.</i> <i>3. construction phase surface water details.</i> <i>4. Operation, maintenance & verification report of surface water design.</i>
United Utilities	<p><i>No objection subject to conditions requiring:</i></p> <ol style="list-style-type: none"> <i>1. submission of surface water drainage details.</i> <i>2. Foul and surface water to be drained on separate systems.</i> <i>3. Operation, maintenance & verification report of surface water design.</i>
Lancashire Fire & Rescue	<p><i>No objection and advice offered with regards to building regulations.</i></p>
Natural England	<p><i>No objection subject to appropriate mitigation.</i></p> <p><i>We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:</i></p> <ul style="list-style-type: none"> <i>• Ribble & Alt Estuaries Special Protection Area (SPA);</i> <i>• Ribble & Alt Estuaries Ramsar site; and</i> <i>• Ribble Estuary Site of Special Scientific Interest (SSSI).</i> <p><i>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured, as set out in the appropriate assessment submitted in support of the Application:</i></p> <ul style="list-style-type: none"> <i>• Homeowner information packs to be provided to each new dwelling.</i> <p><i>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites and advice on other natural environment issues is set out below.</i></p> <p><u><i>Internationally designated sites</i></u> <i>The Application Site is within 2.5km of Ribble & Alt Estuaries Ramsar site, and Ribble & Alt Estuaries SPA.</i></p>

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	<p><i>In our last written response (dated 08 October 2021), Natural England requested further information in order to determine the significance of potential impacts upon the above sites, and the scope for any mitigation required, in the form of a Habitats Regulations Assessment (HRA) to include an appropriate assessment.</i></p> <p><u><i>Further advice on mitigation</i></u> <i>Natural England have now reviewed the Shadow HRA prepared by Envirotech NW Ltd on behalf of your authority which has been submitted in support of the above planning application.</i></p> <p><i>Natural England notes that the HRA has not been produced by your authority, but by the Applicant. In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), as competent authority it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</i></p> <p><i>The Shadow appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</i></p> <p><i>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required, as set out within the appropriate assessment on page 15 of the Shadow HRA:</i></p> <p><i>Homeowner information packs to be provided to each new dwelling, which will include (but may not be limited to):</i></p> <ul style="list-style-type: none"> <i>• Introduction letter to the pack, setting out the issue and providing a contents page of included documents.</i> <i>• Description of the FLL site and its features, this should include a map explaining the boundaries of FLL.</i> <i>• An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the FLL.</i> <i>• List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).</i> <i>• Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).</i> <i>• Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).</i>
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	<ul style="list-style-type: none"> • <i>Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).</i> <p><i>The following principles shall be applied to the homeowner information packs:</i></p> <ul style="list-style-type: none"> • <i>The householder packs are tailored to the location of the development and the Natura 2000 designated sites in the area.</i> • <i>Tailored to the audience using clear and easy to understand language.</i> • <i>An appropriate format is used to present and share the householder packs (i.e. print, size).</i> <p><i>We advise that appropriate planning conditions or obligations should be attached to any planning permission to secure these measures.</i></p> <p><u><i>Site of Special Scientific Interest</i></u> <i>The Application Site is within 2.5km of Ribble Estuary Site of Special Scientific Interest (SSSI). Our concerns regarding this SSSI coincide with those as mentioned above for the SPA and Ramsar site. Therefore we are content that providing the application is undertaken in strict accordance with the details submitted, and providing the above conditions are secured, the development is not likely to damage the interest features for which these sites have been notified.</i></p> <p><i>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.</i></p>
<p>Ecological (GMEU)</p> <p>Consultant</p>	<p>No objection subject to condition.</p> <p><u><i>Impact on designated wildlife sites.</i></u> <i>The application site is within 3km of the Ribble and Alt Estuaries Special Protection Area (SPA), a European designated site. Under the terms of Conservation of Habitats and Species Regulations 2019 (as amended), the Council has a formal requirement to assess the potential harmful impact of the proposal on the special interest of the SPA in the determination of the planning application.</i></p> <p><i>The applicant has provided a 'shadow' HRA which the Council could consider adopting to comply with the terms of the legislation. This HRA has concluded that the development proposal will not cause any harm to designated sites, providing that as a Condition of any approval which may be granted to the development a Homeowners Pack is provided to new residents of the development. The purpose of this Pack is to mitigate any possible disturbance to birds using the nearby Estuary arising from recreation. I would agree with the</i></p>

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	<p><i>conclusion of the HRA, and would recommend that as a Condition of any permission granted to the proposal, a Homeowners Pack is required to be prepared.</i></p> <p><i>The site is also adjacent to the 'Lytham Moss' Biological Heritage Site (BHS) and is close to 'Lytham Moss Copse' BHS. Lytham Moss Copse was originally designated because it supported a population of Tree Sparrows. This population has unfortunately now become extinct and the reason for the designation is redundant.</i></p> <p><i>There will be no direct land-take of the Lytham Moss BHS sites resulting from the development proposal and the development will not result in any (further) fragmentation of the sites. Whilst there may be some indirect disturbance to birds using the BHS sites caused by an increase in the local population, the population increase from this relatively small site is unlikely to be substantive. The effect can be mitigated by provision of the Homeowners Pack recommended above.</i></p> <p><u><i>Ecological value of the application site</i></u> <i>The ecological survey and assessment of the site provided to inform the application has been undertaken by suitably qualified consultants and is to appropriate and proportionate standards.</i></p> <p><i>The survey has found that the site is not itself designated for its nature conservation value and is considered to have only low potential to support any specially protected or priority species. Overall I would not disagree with this assessment.</i></p> <p><i>However, there are some features of local nature conservation interest that should be taken into account in any future detailed layout proposals, including hedgerows, shrubs and a small watercourse. I would recommend –</i></p> <ul style="list-style-type: none"> <i>• that no vegetation clearance required by the scheme take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.</i> <i>• that the precautions for avoidance of possible harm to bats as detailed in section 7.4 of the 'Envirotech' ecological survey report provided to inform the application should be required to be implemented. All UK bats and their resting places are specially protected in law.</i> <i>• That as part of any future Reserved Matters applications, a fully detailed landscape plan is required to be prepared. The Landscape Plan should take into account the need for the development to achieve an enhancement in the nature conservation value of the site.</i>
LCC Highways	<p>No objection subject to conditions requiring detailed design of access and off site highway works of improvements to Wildings Lane (including footpath to west side of Wildings Lane, dropped crossing</p>

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	<p>and tactile paving), improvement of west and east bound bus stop on Heyhouses Lane to provide DDA compliancy and shelter, provision of access & off site highway works pre-occupation, provision of a travel plan, construction method statement, visibility splays and a pre-construction road condition survey.</p> <p><u>Background</u></p> <p><i>North of this application site, construction is underway for the proposed Care Home at the site known as HS50 – Valentine Kennels on the adopted Fylde Local Plan to 2032 (PA No. 19/0642). The ongoing works include the site access and highway improvement works on Wilding's Lane. I would note that the long-term access strategy for the Care Home facility sees access taken from new highway infrastructure that will be delivered as part of the wider Queensway development site. However, in the interim period, access to the Care Home remains via Wilding's Lane.</i></p> <p><i>As noted, this proposed development lies immediately to the east and south of the approved Queensway site (i.e., if approved, would continue the built environment without any area of separation). Of key importance in regard to the Queensway development, was that Wilding's Lane cannot be used to provide future vehicular access into any part of the Queensway site as per all Masterplans. As the Queensway site is built out and the necessary highway infrastructure delivered, Wilding's Lane is to be closed to vehicular traffic (immediately north of the Roseacre site) to provide a necessary high-quality link for sustainable transport modes.</i></p> <p><i>LCC Highways have been engaged in pre-application discussions with the applicant for this site, which was concluded with a written pre-application advice note 20th March 2021. As such, many of the details of the application have been agreed in advance and have been carried forward into this application.</i></p> <p><u>Access Strategy</u></p> <p><i>The site layout indicates that the proposed vehicular access strategy to serve the development will be off Wilding's Lane.</i></p> <p><i>A number of infrastructure changes, that were previously subject to delivery by the expired application at this site, are being delivered by the care home application (PA No. 19/0642/FUL). This includes a change in priority at the Wilding's Lane / Jubilee Way junction and the delivery of an (at least) 2m wide footpath along the west of Wilding's Lane, from Heyhouses Lane north up to the point where adopted highway narrows at the boundary between No's. 11 and 15 Wilding's Lane.</i></p> <p><i>There is a section of Wilding's Lane (adjacent to No. 13, 15 and 17) where the ownership is unknown and is currently being investigated. LCC are investigating the status of this land to understand all possible</i></p>
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	<p><i>options to best deliver access for emerging development. This application proposes two access designs.</i></p> <p><i>Access Option 1 proposes the use of the full extent of the lane (including the land currently under investigation). A 5.5m carriageway is shown along Wilding's Lane. Access Option 2 proposes an access arrangement that does not require the unknown land as described above. This option is the fallback position, dependant on the ongoing investigation. A 5.5m carriageway is proposed, which reduces to 3.5m, at a priority / give way arrangement adjacent to No. 12 Wilding's Lane.</i></p> <p><i>It is likely that vehicles larger than the large car would find it difficult to manoeuvre to/from the existing properties on Wilding's Lane, considering Access Option 2. For this reason, at detailed design stage, Access option 1 is to be progressed primarily. If, at this stage, a currently unforeseen and unresolvable land issue on Wilding's Lane does not allow the implementation of Access Option 1, only then should Access Option 2 be progressed. This is to be protected by a suitably worded condition.</i></p> <p><i>Both options provide crossing points across Wilding's Lane with a 2m footpath on the eastern side of Wilding's Lane. Access Option 1 provides the footway from the southern red edge boundary of the application site, and Access Option 2 provides the footway from where the road will narrow. The proposed footpath on the eastern side should extend along the full site frontage with Wilding's Lane, within the red line boundary of the application site. To be clear, the footway to the north of the site should be completed to ensure contiguous footway as development comes forward on the HSS1 site to the north. The access layouts shown on drawings J32-5505-PS-001 (Rev D, dated 19/11/2021) and J32-5505-PS-005 (Rev D, dated 19/11/2021), provided via email on 19th and 21st November 2021, show contiguous footway to the north of the site.</i></p> <p><i>As suggested during the pre-application discussions, the applicant should progress both access options for the planning application, until the position regarding the unknown land is concluded.</i></p> <p><i>The proposed trip generation for the proposed development are 7 arrivals and 23 departures in the AM Peak and 23 arrivals and 12 departures in the PM Peak.</i></p> <p><u><i>Junction Assessment</i></u></p> <p><i>Following LCC Highways' pre-application advice, the application provides assessment of the Heyhouses Lane / Wilding's Lane junction using Junctions 9 (PICADY module). Table 6.2 the TS shows that the junction operated within capacity. In the future year scenario, with the proposed development and committed developments, there is a low residual cumulative impact on queuing, delay and capacity on the Heyhouses Lane / Wilding's Lane junction. Table 3.2 of the Highways</i></p>
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	<p><i>TN provides updated modelling results for the Wilding's Lane / Heyhouses Lane junction including the Queensway traffic. The information shows that the junction operates within capacity.</i></p> <p><u><i>Accident Analysis</i></u> <i>The TS reviews the latest five-year accident record, over the local network. Having reviewed the most up to date collision data records held on LCC's Highways system, I am satisfied that the influenced network with the development will not result in residual safety issues.</i></p> <p><u><i>Public Transport</i></u> <i>There are 2 bus stops located within 400m of the site, which are served by Service 78. The frequency and routes covered by this service deem the site is adequately served by public transport. The northbound bus stop is DDA compliant, however the southbound bus stop will benefit from an upgrade to provide the raised kerb. This to be provided by this applicant, through the s278 agreement.</i></p> <p><i>As user requirements increase with development, it is expected that improvements will be required to the existing infrastructure, including consideration for the provision of shelters, and DDA compliant stops, to be provided by this applicant.</i></p> <p><u><i>Travel Plan</i></u> <i>A full Travel Plan and its implementation will be appropriate for this development proposal and should be conditioned by suitably worded condition and £6k contribution toward support and implementation of the Travel Plan.</i></p>
LCC Education	<p>This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met.</p> <p><u><i>Primary School provision:</i></u> <i>Latest projections for the local primary schools show there to be 355 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 3 school place. With an expected pupil yield of 19 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.</i></p> <p><u><i>Secondary School provision:</i></u> <i>Latest projections for the local secondary schools show there to be a shortfall of 195 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 8 places from this development the shortfall would increase to 203.</i></p>

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	<p><i>Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 8 places (8 x £24753 = £198024.00).</i></p> <p><u><i>Expenditure Project:</i></u> <i>The nominated project is at Lytham St Anne's Technology and Performing Arts College and/or St Bede's Catholic High School. These are the closest secondary schools to the development that have space to accommodate an expansion. This is subject to:</i></p> <ul style="list-style-type: none"> • <i>willingness of school governing body to expand suitability of site.</i> • <i>planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.</i> • <i>consultation with local schools and the community</i> • <i>parental preference at the time that the places are required</i> • <i>school standards at the time that the places are required</i> • <i>availability of other funding streams</i> <p><i>Should the secondary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local secondary school places are provided to address the impact of the development at no cost to the owner.</i></p> <p><i>If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable.</i></p> <p><i>Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.</i></p>
National Air Traffic Services (NATS)	<p><i>No objection subject to condition requiring final layout and mitigation that may include modification of radar software.</i></p>
Environment Agency	<p><i>No comments to make.</i></p> <p><i>There are no statutory or non-statutory consultation triggers for this proposal on our consultation checklist (attached for info), so there is no requirement for us to respond. Those triggers being:</i></p> <p><i>Development, other than minor development or as defined in our FRSA, which is carried out on land:</i></p> <ul style="list-style-type: none"> • <i>within Flood Zone 2 or 3, or</i>

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	<ul style="list-style-type: none"> • <i>in an area within Flood Zone 1 which has critical drainage problems as notified by the Environment Agency.</i>
Blackpool Airport (BA)	<p><i>The following comments have been made:</i></p> <ul style="list-style-type: none"> • <i>Cranes height during construction. Contact to be made with BA if exceeding 10m prior to works commencing.</i> • <i>No non-domestic water features such as communal ponds or water courses (bird attractant).</i> • <i>No trees of any significant size... certainly not above the planned rooftop level (height safeguarding and bird attractant).</i> • <i>No development above planned rooftop level, such as TV antennae, amateur radio masts etc. (Height and technical safeguarding).</i> • <i>Streetlights are to be shielded so cannot be seen from aircraft approaching to land from the east, and aligned so that they could not be mistaken for runway lights; ie parallel equally spaced lights aligned west/east would fall into this category.</i>
Keppie Massie (KM)	<p>KM were instructed to assess the applicants Viability Appraisal. After protracted dialogue and submission of additional information by the applicant, KM comment:</p> <p><i>In summary based on the updated construction cost position the application proposals are not sufficiently viable to support affordable housing or S106 contributions. The construction cost assessment includes for a notional length of sheet piling to the surface water and rising main. The applicant contends based on experience from the adjacent site that sheet piling is required, whilst our QS believes there is some uncertainty regarding this. Should this not be required a potential saving of £378k could allow the scheme to support the required S106 contributions.</i></p> <p><i>If the applicant demonstrates that sheet piling is required then there will be not be a contribution. If however sheet piling is required then they would be required to pay all S106 contributions and possibly a small contribution towards affordable housing.</i></p>

Neighbour Observations

Neighbours notified:	09/09/2021
Amended plans notified:	n/a
Site Notice Date:	17/08/2021
Press Notice Date:	23/09/2021
Number of Responses	Total number of comments 10
Summary of Comments	<p>The comments received are all in opposition to the application and can be summarised as:</p> <ul style="list-style-type: none"> • Application site is in a countryside location. • Application is for permission to develop green belt land.

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- The proposed development is over-intensive and would cause loss of designated countryside. It is not in accordance with the Revised Preferred Option (RPO) of the Local Plan nor the neighbourhood plan for St Annes. This site is excluded for development in both planning policy documents.
- The real fear is that the 52 house development is just the tip of the iceberg. Back in 2017 (Planning Application 16/1025) sought approval for the building of 550 houses, although it was turned down the more recent approval to allow the Retirement Village to go ahead on adjacent land will open the door to further development.
- There is already new housing on Queensway, behind Booths and on Shepherd Road so another building development on agricultural land is not needed.
- Over development of the area.
- Flooding of house and the local area in general, fields are continually under water.
- Underground/ blocked ditches. Contains water all year and is completely overgrown/blocked. Every Summer the water stagnates, particularly in hot weather.
- Several years ago we were told by the council that whoever owns the land next to the ditch is a Riparian owner, and as such with other landowners is responsible for the maintenance of said ditch. Will the owners of the new homes built alongside the ditch be informed of this responsibility?
- Subsidence is a problem in this area as a whole. In Winter and in wet periods, a large part of the proposed site (which is much lower than surrounding land) is underwater for long periods, and is certainly not suitable for residential buildings. Again, how are you going to ensure this will not happen, despite referencing efforts to do so, and incredibly having noted no flooding risk in the associated paperwork?
- LCC does not support further piecemeal development off Wildings Lane beyond the existing built environment that is not in line with the properly planned approach as set out at the Queensway inquiry. This was their stated position when consulted on the adjacent application at Valentines Kennels and this position remains unchanged.
- Development off Wildings Lane that is not in accordance with a properly planned approach is contrary to the decision by the Secretary of State in relation to the larger Queensway site insofar as it secures a high-quality pedestrian/cycleway through Wildings Lane to Heyhouses Lane.
- 52 dwellings will mean that well over 100 cars could be accessing the development and the site application plan appears to allow traffic to use Wildings Lane just with traffic calming measures.
- Extra traffic on Wildings Lane and Heyhouses Lane.
- Wildings Lane is not suitable for any more traffic.
- Precedence for future developers using Wildings Lane as means of access.

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- Junction of Wildings Lane/ Heyhouses Lane is dangerous, it regularly floods and has a blind spot.
- No footpath on Wildings Lane and pedestrians regularly are in the road as the lane is used regularly by walkers, dog walkers, horse riders etc... this will be more problematic when the care facility opens and worse if the Moss link road is not constructed.
- no pavement outside my property I am unsighted to the right where all this construction traffic comes.
- Traffic flows restricted on Wildings Lane due to construction vehicle parking, causing problems for access by emergency vehicles.
- Detrimental to public safety and would most likely make Jubilee Way into a main thoroughfare for Lytham, etc. which as a circular road would not be ideal, and equally so as it was not built for that increased weight of traffic.
- Accidents do happen, especially in Winter, when these roads are never gritted, but are always the last in St Anne's to de-frost and so cars often skid along Jubilee Way.
- The raised ironworks caused by subsidence on Jubilee Way are a problem when cars approach in opposite directions at the same time, they are impossible to avoid and drivers have to brake or risk damage to the underneath of their vehicles.
- Noise, disruption will be excessive.
- Noise disturbance from construction vehicles accessing the car facility site prior to 07:30.
- For the past 8 years we have had constant noise following the developments on the old Civil Service site at Heyhouses, resulting in PILING for Housing, Care homes, Waters Edge Pub, Booths Supermarket plus Houses on the ex Hewlett Packard Site and also the current Retirement Village on Wildings Lane. The noise and vibration has been continuous for so many years. We have recently had to decorate again due to hairline cracks in internal walls and ceilings.
- Each vehicle traversing the lane throws up clouds of dust making it a very unpleasant environment and I have often had to pick up food paper wrapping cast aside by the workmen who walk up and down to Booths to buy food and drink.
- Existing construction of care facility resulted has churned up road surface so that it is not safe to walk down Wildings Lane.
- Impact to local wildlife – nesting birds, hedgehogs, sparrowhawks, woodpeckers, bats, frogs, squirrels, all in the area. The moss is used by Swans, lapwings, hares and curlews. The habitat is already being disturbed for the care village, several trees have already been cut down on that development.
- encompasses roosting grounds for large flocks of native birds and also flocks in transit along our Fylde coast in autumn and spring. This oasis will be eliminated by the proposed development.
- reducing the effect of carbon on the environment and increase the risk of global warming. As we know global warming has badly affected our climate with extreme weather events.

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- Effect on infrastructure - Water mains, Sewerage, Gas and Electrical Mains are already overstretched with constant disruption to repair/extend existing infrastructure.
- Lack of services to support growth including doctors, dentists and schools.
- Access from the proposed sight onto Jubilee Way will increase the incidence of dog fouling on the green areas off Jubilee Way.
- Residential amenity will be adversely impacted by the visual impact of the development. The effect of the development on the character of the neighbourhood with the loss of existing views of countryside from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council 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.

Fylde Local Plan to 2032 (incorporating Partial Review):

DLF1 - Development Locations for Fylde
SL1 - Lytham and St Annes Strategic Locations for Development
GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
GD8 - Demonstrating Viability
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
H4 - Affordable Housing
INF2 - Developer Contribution
T4 - Enhancing Sustainable Transport Choice
T5 - Parking Standards
ENV2 - Biodiversity
ENV4 - Provision of New Open Space
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage

St Anne’s on the Sea Neighbourhood Development Plan 2016-2031 (SANDP)

GP1 – Settlement Boundary.
EN1 – Sites of biological and geographical importance.
TR1 – Accessibility for all.
TR2 – Better public transport.
HOU1 – Housing development.
SU1 – Incorporate sustainable urban drainage into new development.
DEL1 – Developer contributions.

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Other Relevant 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 and does not need to be accompanied by a formal Environmental Statement.

Comment and Analysis

Scope of Assessment

The application is submitted in outline, with matters relating to access applied for only. Therefore, the proposal is being considered in respect of these matters only, with the appearance, landscaping, layout and scale of the development being reserved for later consideration through subsequent reserved matter(s) application.

Having regard to the provisions of relevant local and national planning policies, the nature of the development and land uses proposed, and the comments received from members of the public and consultees, it is considered that the main issues pertinent in the assessment of this application are:

- Principle of residential development on the site, including anticipated density.
- Highway safety.
- Other material considerations relating to residential amenity, flood risk and drainage, ecology, health, education and viability.

Principle of residential development on the site, including anticipated density:

The site falls within the settlement boundary of Lytham St Annes as defined on the Fylde Local Plan to 2032 (Incorporating partial review) (FLPPR) Policies Maps. FLPPR policy GD1 is generally supportive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies.

Paragraph 60 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes". The FLPPR outlines the Council's housing strategy to meet this objective, with several policies of relevance outlined below.

FLPPR policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). FLPPR policy H1 c) stipulates that the Council will provide for and manage the delivery of new housing by "ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the "Liverpool" method from the start of each annual monitoring period and in locations that are in line with Policy DLF1".

Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in accordance with a development strategy which follows the four-tier settlement hierarchy set out in policy S1. FLP policy S1 identifies St Annes as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development". In addition, DLF1 states that 90% of new homes delivered over the plan period will be

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located in the four Strategic Locations for Development.

Policy SL1 identifies a number of sustainable greenfield sites on the edge of settlements to help meet the Fylde's housing requirement, allocating the application site as a non-strategic housing site (ref: HS61). This allocation weighs heavily in support of the principle of residential development.

It is also relevant at this time to consider the number of dwellings proposed. In this respect Policy H2 of the FLPPR requires a minimum net residential density of 30 homes per hectare. Taking into account the site size (1.7 hectares) as confirmed by the submitted application form and number of dwellings proposed, the density of the scheme equates to 30.5 homes per hectare. On this basis the number of dwellings proposed accords with the density requirements for new housing development as required by Policy H2.

Alongside the density requirements, Policy H2 of the FLPPR also makes reference to the sale and nature of the accommodation. This is in two areas: a need for developments of over 10 dwellings to provide at least 50% of the properties as smaller (-3 bed) dwellings, and that those of over 20 dwellings should provide at least 20% of the dwellings to meet the specifics of optional technical standard M4(3(2a)) relating to wheelchair accessibility to support the potential for elderly occupation of the properties. As this is an outline application there are no details of these at this stage as they would be assessed as part of the reserved matter of appearance. However this decision would be the grant of planning permission and so this is the appropriate point where these policy obligations are secured. This is through the imposition of planning conditions that will specify that the reserved matters submissions will need to satisfy these policy obligations.

Members should note that the St Annes on the Sea Neighbourhood Development Plan (SANDP) designates the application site outside of the settlement boundary and within the Open Countryside. Policy GP1 (Settlement Boundary) of the SANDP is of relevance and states that development will be directed towards the settlement boundary, and that development outside of such areas will be assessed against national policy and any relevant development plan policies. Policy HOU1 of the SANDP also directs residential development toward sites within the settlement boundary.

There is therefore an inconsistency between the application site's allocation as a 'non-strategic housing allocation' within the FLPPR and the 'countryside designation' of the SANDP. Planning Practice Guidance (Neighbouring Planning) stipulates that a neighbourhood plan 'should support the delivery of strategic policies set out in the local plan'. In this regard, the allocation of housing sites within the FLPPR is considered to be a strategic policy of that plan. Accordingly, the application should be determined in accordance with the allocation set out in the FLPPR which indicates that the site is within the settlement boundary and allocated for housing development. It is also relevant to note that the FLPPR was adopted (December 2021) after adoption of the SANDP (May 2017), reinforcing the outdated nature of the SANDP.

It can therefore be concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason, the site's allocation for housing within the FLPPR takes precedence in the decision making process. The proposal for 52 dwellings is in accordance with the above policies of the FLPPR and the principle of development is therefore supported.

Highway Safety

FLP policy GD7 supports good design subject to specific criteria. Criteria relevant to the current proposal include:

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- (q) The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design.
- (r) should not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user
- (s) appropriate provision of public transport, access on cycle or foot, and consideration of specific groups in the community.

In addition, 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.

Objective 7 of the SANDP seeks to ensure that the Town is safe, accessible and attractive to all its residents, visitors and people who work in it. Policy HOU4 of the SANDP requires housing development greater than 25 dwellings to provide details of vehicular access arrangements, Policies TR1 and TR2 support new development that improve access to all, including the elderly and disabled, and encourage improvements of public transport.

The application seeks outline consent for the construction of up 52 dwellings along with the vehicular access arrangement to the development. Given the outline nature of the planning application, the highway assessment is restricted to the design of the access into the site and the associated intensification of vehicles using Wildings Lane, as well those roads and junctions within the vicinity, including that of Wildings Lane and Heyhouses Lane.

A range of objections have been received from local residents concerning the use of Wildings Lane for access purposes, referring to increased number of vehicles and resultant safety issues, the precedence of other developers using Wildings Lane as an access, safety concerns over the junction of Wildings Lane/ Heyhouses Lane, lack of footpaths to Wildings Lane, and fact that LCC does not support further piecemeal development off Wildings Lane beyond the existing built environment as that is not in line with the properly planned approach as set out at the Queensway inquiry including provision of a high-quality pedestrian/cycleway through Wildings Lane to Heyhouses Lane.

The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane and opposing the application site that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that takes account of this land ownership issue:

- Option 1 assumes that the land in question can be developed and provides for a simple continuation of Wildings Lane and footpath.
- Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of Priority Give Way road markings.

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The proposed access into the site has been designed to facilitate closure of Wildings Lane, though this closure will only take place once vehicular access to adjoining land parcels is provided from the north through the larger Queensway housing development. The closure includes provision of a shared cycle/ pedestrian link which ensures that Wildings Lane will, in time, only serve as a means of vehicular access to the current application site, with adjacent land parcels being accessed from the north— reflecting the agreed access strategy for the wider development.

Members should note that a care home, further along Wildings Lane, is presently in the latter stages of construction (ref: 19/0642). As agreed by the approving Planning Committee, the care home has been granted temporary use of Wildings Lane until such a time that vehicular access becomes available from the Queensway housing development. Following that, the care home is required to stop up Wildings Lane. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 which are the latter phased of the Queensway housing scheme. The care home approval also requires specific off-site highway work improvements that include:

- provision of a footpath along Wildings Lane linking from Heyhouses Lane to the boundary of the current planning application.
- Re-prioritisation of the Wildings Lane/ Jubilee Way junction.
- The eventual stopping up of Wildings Lane with a shared cycle/ pedestrian link.

This planning application is accompanied by a Transport Statement (mode transport planning, J325505 version 1.4, 10th August 2021) (TS). The TS reports 2 slight road collisions in 2017 and that on this basis there is no evidence to suggest that the highway layout, design or condition are significant factors of road collisions, nor is there evidence to suggest that the development would increase risk of such. The site is assessed to have good accessibility to local amenities including supermarket, bus stops, cycle routes, local shops and schools all within reasonable walking distance. The TS estimates that the proposed development will generate 30 two way trips during the AM peak hour and 34 two way trips in the PM peak hour. The TS also considered the operation of the Heyhouses Lane/ Wildings Lane junction, which included existing traffic as well as that resultant from committed development (including temporary use of Wildings Lane by the care facility), confirming that the junction will operate '*below capacity*' and with '*minimal queuing*'. The TS concludes:

- The site is located to the north of an established residential area with a range of local amenities accessible in Lytham St Annes.
- Following a review of the most recent Personal Injury Collision records, there is no evidence to show the proposed development will have a detrimental impact on highway safety.
- A safe and suitable site access can be achieved through the two options proposed.
- The proposed car parking provision will be agreed with LCC as part of the Reserved Matters Application.
- The proposed development is expected to generate 30 two-way trips during the AM peak hour and 34 two-way trips during the PM peak hour. This is equivalent to around 1 trip every two minutes and therefore it can be reasonably concluded that the development will have a low impact on the local highway network.
- The junction capacity analysis results demonstrate that the Wildings Lane / Heyhouses Lane priority junction will operate comfortably within capacity during the AM and PM peaks in the 2026 future year with development scenarios. Development traffic will therefore have a low residual cumulative impact on queuing, delay and capacity.

Lancashire County Council as the local highway authority (HA) have been consulted on the application. With regards to the 2 access options, they comment that Option 1 should be progressed to detailed

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design stage subject to resolution of the land ownership issue, since Option 2 discourages access to some neighbouring properties (13 and 15 Wildings Lane) by 'vehicles larger than the large car'. Both options provide crossing points across Wildings Lane with a 2m footpath on the eastern side of Wildings Lane. The footway to the north of Wildings Lane should be completed to ensure a contiguous footway as development comes forward with development beyond within the allocation. Submitted swept path drawings demonstrate that refuse vehicles and large cars can negotiate the access simultaneously without conflict.

The development will result in an increased number of vehicles using the Wildings Lane/ Heyhouses Lane junction. The HA accept the traffic modelling, trip generation rates and distribution of such on the network that is presented within the TS, and confirm that the TS has considered appropriate committed and emerging development, indeed acknowledging that '*vehicular access to the former Valentine Kennel site via Wilding's Lane is for an interim period only*'. They do not raise any concern with conclusions drawn within the TS concerning the junction of Wildings Lane/ Heyhouses Lane or accident analysis.

The HA confirm that the proposal does not directly affect any public rights of way though should provide footway connections within the application site along Wildings Lane, and that 2 bus stops located 400m from the site ensure that that site is adequately served by public transport, requiring improvements to these stops, including provision of a shelter and Disability Discrimination Act compliancy.

The application site is located within a sensitive area, with existing housing 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 works commencing on the site.

The HA confirm that they have no objection to the proposal, subject to the provision of the proposed highway works and off site works to improve sustainable travel, as well as a construction method statement, Travel Plan and £6000 financial contribution toward the implementation and monitoring of that Plan. Such matters can be controlled by condition and/ or Section 106 Agreement. Accordingly, the proposed access arrangements are compliant with the development plan, SANDP and the NPPF21.

Other Matters – Ecology

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets. Importantly the strongest protection will be given to sites of international importance (predominantly the Ribble and Alt Estuaries Special Protection Area and Ramsar site), development affecting sites of local importance will be provided where it is necessary to meet an overriding local public need or where in relation to nature conservation purposes. Development within or affecting nature conservation or ecological networks must adhere to set criteria. Those relevant to the current proposal include proposals that enhance or conserve biodiversity will be supported, and, provision of mitigation measures where development is considered necessary. Planning permission will be refused in circumstances where significant harm cannot be avoided. Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.

The above policies are considered to reflect guidance within the NPPF21.

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Policy EN1 of the SANDP states that development which is likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted.

The proposal is made in outline form, relating to matters of access only. The site layout, including retention and provision of new landscaping is therefore unknown, thus assessment of ecology at this time relates only to those matters relative to the site's redevelopment. The planning application is accompanied by an Ecological Appraisal, Shadow Habitat regulations Assessment and Tree Survey.

The Ecology Appraisal (EA) included a full botanical survey of the site to establish the presence or otherwise of notable species that may be affected by the proposal. Key findings are summarised below:

- Plant species - predominantly poor semi-improved grassland, with smaller pockets of tall herb and fern, and scrub, which are common in the local area and of low ecological value. It is advised that all trees should be retained where feasible, and compensatory landscaping, including mature and wildlife friendly species, be provided.
- Amphibians - there are no ponds on or within 250m of the site and no records of great crested newts (GCN) were found within 2km. Aquatic habitats were present on the site and a running water course close to the eastern boundary, albeit this is an unfavourable breeding habitat for GCN and of low value to the common toad. As there are no potentially suitable ponds located within 250m, it is highly unlikely that the site would be within the range of GCN and it is therefore unlikely they are present on the site. No mitigation is suggested, though advice is provided with regards to cessation of works if presence of GCN is found.
- Badger – There are no badger records within 2km of the site. Setts were not found to be present on the site, and lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. It is advised that works take place during daylight hours as badgers are more likely to commute over the site over night.
- Bats – 8 records of common pipistrelle bats within 2km of the site. Foraging habitat at the site is very poor being open and exposed, and grassland offers negligible opportunity. There will not be significant degradation of foraging habitat as a consequence of the development provided boundary ditches are retained or loss compensated by landscaping within the scheme. There is no indication of bats roosting within bushes or leylandii of the bungalows garden area. No evidence of bats present within existing buildings on the site. Reasonable avoidance measures are advised to be undertaken during the construction period, including pre-demolition inspection, as well as use of bat friendly lighting and bat boxes within the development.
- Birds – House sparrow were noted as nesting in the house under the eaves and a stable block was found to hold 4 swallow nests. The pasture within the proposed development site comprises very small, fenced compartments grazed by horses for much of the year and is therefore not considered to provide suitable habitat for wintering birds. Site clearance should avoid the nesting season, proposed landscaping should include opportunity for nesting and artificial nesting sites.
- Brown Hare – 9 records of this species found within 2 km, but no indication of presence on the site. Use reduced by its open and exposed nature and regular human activity. It is advised that works take place during daylight hours as brown hare are more likely to commute over the site over night.
- Otter – No record of otters within 2km of the site and no indication of presence on the site. The ditches are considered unlikely to support fish other than eel. There are no waterbodies in proximity to the site which would be attractive to amphibians. It is advised that works take place during daylight hours as otters are more likely to commute over the site over night.

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- Water Vole – 5 records within 2 km of the site and vegetation growing adjacent to ditches could be accessed by this species. No evidence (droppings, feeding piles or footprints) found on site, and precautionary mitigation is suggested to retain or recreate soft edges to the ditches. A pre-commencement survey is advised and subsequent method statement for their protection during construction necessary if found to be present.

The Shadow Habitat Regulations Assessment (SHRA) considered all Likely Significant Effects to two statutory designated wildlife sites of European importance (Ribble and Alt Estuaries SPA and Ribble and Alt Estuaries Ramsar) and included consideration of records held Fylde Bird Club, as well as that gained from other planning applications in the vicinity. Site surveys were also undertaken in 2020/21 which identified active construction close by, acting to displace birds from fields. Due to the presence of this construction, historic records are considered appropriate by the applicant's ecologist. Key findings reported include:

- Previous reporting (Atmos consulting, 2016) confirmed the presence of Whooper swans within 200m of the application site, with pink footed geese found 400m and Bewick's swans 300m respectively. As such, no significant displacement effects are therefore predicted for Bewick's swans or Pink-footed geese. With regards to Whooper swans, the level of use that form part of the SPA population or the support provided by the locale where the sighting occurs appears to be low and very intermittent. Use of the site and/ or surrounding land by curlew is low, representing approximately 0.7% of the SPA population of this species.
- The 2020/21 survey data also suggests a lack of use of fields immediately adjacent the site by Bewick's swan, Whooper swan, Pink-footed goose and Curlew.
- LERN data set confirm the absence of records of these species from and within 200m of the site.
- The proposed development would not have any impact on the supporting processes upon which the habitats of the qualifying features rely, or on the populations of the qualifying features. Similarly, there would be no effect on the distribution of the qualifying features within the site.
- The proposed development is not situated within the Ribble and Alt Estuaries SPA and there would be no effect on habitats within the SPA.
- The habitats within the application site are unsuitable for feeding waterfowl and there are no records of swans or geese occurring within the Fylde Bird Club data set.
- There would therefore be no effect on the extent and distribution of the habitats of the qualifying species.
- In-combination effects with 2 other developments (Queensway (housing) and Valentines kennels (care home – reported as housing though a care home is under construction) considered, and whilst recreational pressure on the SPA may increase, no significant effects were concluded.
- Implementation of the application with appropriate mitigation will not have a significant impact on the special interest of the SPA sites concerned.
- Mitigation is suggested in the form of Homeowner Packs for all occupants of the development, to raise awareness of the statutorily designated wildlife sites, highlighting the sensitivity of the area and impacts caused as a result of recreational disturbance.

The Council's ecological consultant (GMEU) were consulted on the application. They agree with the findings of the applicants Shadow HRA, subject to all new occupants of the development being provided with a Homeowners Pack. Lytham Moss Biological Heritage Site (BHS) and Lytham Moss Copse BHS are located adjacent to the application site – the latter being designated due to the presence of a Tree Sparrow population that is no longer present following removal of their habitat some years back ensuring that the reason for this designation is now redundant. GMEU report that

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there may be some in-direct disturbance to birds using the Lytham Moss BHS due to increased human activity in the locality, but this increase is small and effects can be mitigated by the Homeowners Pack. GMEU also concur with the EA findings that the site has low potential to support specially protected or priority species and makes suggestion for inclusion of hedgerows, shrubs and watercourse with the reserved matters layout. Conditions requiring site clearance outside of the bird nesting season, implementation of the bat precautionary measures provided within the applicants EA and landscaping details as part of subsequent reserved matters applications are recommended.

Natural England have also raised no objection to the development, requiring adoption of the Shadow HRA by the Council and stating that the application would have an adverse effect on SPA, RAMSAR and SSSI sites, though this effect could be mitigated through the provision of Homeowner Packs.

The application site is of limited ecological value, and it has been demonstrated that the development will have no Likely Significant Effect to any statutory sites of nature conservation interest subject to provision of Homeowner Packs. Biodiversity measures can be incorporated into the final scheme through retention/ new provision of landscaping, bat habitat and bird nesting opportunities in lieu of any ecological value that will be lost. Subject to the imposition of suggested conditions, the development will protect the boroughs biodiversity assets in accordance with Policy ENV2.

Other Matters - Residential Amenity

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

The proposal is made in outline form, relating to matters of access only. The site layout, including position of dwellings on the site and their relationship to neighbouring properties is not therefore known at this time and will be assessed through subsequent reserved matters applications. Assessment is therefore related to the development of the site in general, most notably increased vehicles using Wildings Lane and the construction process.

Objection letters have been received on grounds relating to disturbance during the construction period, referring especially to disturbance resultant from construction of the care facility on Wildings Lane. In addition, concerns of vibration have also been referenced.

The development will increase the number of vehicles using Wildings Lane to access new housing, and this has the opportunity to increase disturbance to residents that live on Wildings Lane as a consequence of increased road noise. The TS reports that the development is expected to generate 30 two-way trips during the AM peak hour and 34 two-way trips during the PM peak hour, equivalent to 1 trip every two minutes. This demonstrates that vehicular use of Wildings Lane is low, even during busier periods of the day, and that associated noise disturbance would be same. The low road speed of vehicles will also reduce noise disturbance. In conclusion whilst the number of vehicles associated to the development will increase, the levels of disturbance are not considered to be of sufficient scale to warrant refusal of the proposal. The temporary use of Wildings Lane by the care home must also be factored into this assessment, albeit for the same reasons, the combined effect of additional vehicles using Wildings Lane to neighbour amenity is not considered sufficient grounds for refusal.

With regards to construction disturbance, it is inevitable that there will be disruption for neighbours during this period. This disruption however is temporary, for duration of the build and is therefore

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acceptable. Conditions will be imposed to reduce this disruption for neighbours including construction hours restriction (including deliveries to site), wheel wash facility, noise/ dust/ vibration controls.

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 GD7.

Other Matters - Flood risk and Drainage

Policy CL1 requires all new development should minimise flood risk by a number of specific criteria, including ensuring use of sustainable surface water drainage solutions, ensuring new development is directed away from high risk areas of flooding (Flood Zone 2 and 3) and the incorporation of mitigation in lower risk areas. Policy CL2 provides detailed design guidance for surface water drainage strategies, including attenuation requirements.

Policy SU1 of the SANDP requires use of sustainable urban drainage systems (SUDS) within new development, including use of ponds, swales and permeable paving, unless otherwise agreed by the Council and statutory consultees. SUDS should form a positive feature of the development, being an integral part of green infrastructure and street network, mitigate adverse effects from surface water run off on people, property and ecology.

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map.

The planning application included a Flood Risk Assessment (ELLUC Projects, revision F4, 19/08/2021) which confirms:

- Risk from fluvial flooding from adjacent watercourses, drains and other waterbodies is considered to be low.
- Environment Agency mapping confirms that the site is not at risk from surface water flooding and risk of such is categorised to be low as well.
- Risk of groundwater flooding is also considered to be minimal though will necessitate the increase of existing land levels by a minimum of 150mm.
- Infiltration drainage for surface water may not be feasible due to the presence of land drains and watercourses within the locality, combined with low site levels and a high water table.

The surface water drainage strategy for the development is also confirmed within the FRA, which outlines that the site will drain to directly into a new surface water attenuation system comprising of oversized pipes and cellular storage tanks, before discharging at an attenuated rate (to be confirmed with the LLFA) into the watercourse situated to the eastern boundary of the application site. Surface water flows rates will be designed to ensure that the existing green field flow rates from the site are maintained.

The Lead Local Flood Authority and United utilities have not raised objection to the proposal subject to condition relating to construction being in accordance with the FRA, submission of drainage strategy, construction phase surface water management plan and operation, maintenance and verification report of the constructed drainage system.

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding and that a satisfactory drainage solution is feasible for the development that accords with the drainage hierarchy, in accordance with the development plan and NPPF.

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Other Matters – 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 in 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. Policy DEL1 of the SANDP presents a similar policy position as the FLPPR.

The NHS Blackpool Clinical Commissioning Group (CCG) comment that the development sits within the catchment area of Ansdell Centre and that the pressure resultant from 52 dwellings (125 people based upon an average of 2.4 persons per unit), along with all other committed development, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice. Whilst the CCG was replaced by the NHS Lancashire and South Cumbria Integrated Care Board in July 2022 that new body retains the same responsibility for ensuring adequate health provision is available in the sub-region and so the CCG comments that pre-date the change remain relevant.

A financial contribution of £14,355 towards reconfiguration of Ansdell Medical Centre has 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 CCG comment that their comments will represent objection if the applicant does not commit to payment.

The development has the potential to draw new residents into the area and impinge upon existing service provision at Ansdell Medical Centre as a consequence. The contribution request is therefore valid and consistent with the development plan requirements.

Other Matters – Education

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 education. Policy DEL1 of the SANDP presents a similar policy position as the FLPPR.

Lancashire County Council as Local Education Authority (LCCE) have raised objection to the development and comment that their objection will be withdrawn on the proviso that the applicant provides a financial contribution of £198,024 towards the provision of 8 secondary school places to assist in meeting the education demands of the development. They expect that this contribution will be used to provide additional places at Lytham St Annes Technology and Performing Arts College and/or St Bedes Catholic High School as the closest schools to the site. This position is formed on the basis that there is a shortfall of 195 places, taking into account levels of inward/ outward migration at schools presently, as well as those development within planning consent. The cost per place used in this assessment is in line with the Education Methodology at the point of assessment.

With regards to primary school provision, LCCE comment that the development will have an expected pupil yield of 19, though there is a surplus of 355 places available within existing schools to cater for this demand so no contribution is sought for this level of education.

LCCE report that the development will place increased pressure on secondary schools within the area

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and that existing schools cannot cater for this demand due to a deficiency of spaces on their school roll. The contribution request is therefore valid and consistent with the development plan requirements.

Other Matters - Viability

As per above comment, the proposal requires education and health contributions to mitigate the shortfall of provision of these existing services. In addition, the applicant is also expected to contribute £6,000 toward implementation and monitoring of a Travel Plan and £52,000 for the enhancement or new provision of public open space.

The level of required financial contribution expected of the development is summarised below:

- £198,024 (Education, the development will result in the 8 secondary school places)
- £52,000 (Open Space, £1000 per unit)
- £14,355 (Health, 125 new patient registrations based on dwelling mix provided)
- £6,000 (Travel Plan monitoring)

In addition, Policy FLPPR H4 requires the provision of 30% affordable housing on all private market housing schemes of 10 or more homes, and so that is a 'development cost' for the scheme.

Notwithstanding the policy requirements for these contributions, the applicant contends that development of the site is not viable when factoring in the Council's requirement for affordable housing and financial contributions.

In this regard, Policy H4 of the FLPPR states that the Council will take account of viability when assessing affordable housing requirements of individual schemes, allowing provision of affordable housing below the 30% threshold required by Policy H4. However, the Council will expect robust financially-based justification to be provided by the applicant, demonstrating that the development would be unviable with a higher level of affordable housing than proposed.

Moreover, Policy INF2 requires new development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community. The wording of Policy INF2 makes it clear that this mitigation is '*subject to viability*', stating '*Where a development is made unviable by the requirements of a planning obligation, the Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.*'

Policy DEL1 of the SANDP states that development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services, environment and requirements of the community. But as per above policies of the FLPPR, there is exception to this requirement where development would be made unviable as a result of a contribution, subject to appropriate evidence being submitted by the applicant.

In accordance with the requirements of Policy H4, INF2 and DEL1, the applicant has submitted a Viability Appraisal (Cushman & Wakefield, 2112ZJ00, October 2021) (VA) of the site, as well as further information with regards to abnormal costs associated to ground conditions, including the need for preloading of the site and sheet piling of drainage. The VA concludes that there is no scope for any affordable housing provision or other S106 contributions from the proposed scheme.

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Due to the complex nature of this matter, the Local Planning Authority have sought external advice from consultants Keppie Massie (KM) to assess the viability arrangements. This process has resulted in protracted dialogue with the applicant and consequent delay in referral of this application to Planning Committee, focussed primarily on the reported abnormal costs associated to construction of the development by the applicant. Following this negotiation KM are now satisfied with majority of the information provided by the applicant, however there remains a single outstanding matter relating to the applicant's claim that sheet piling is necessary for all drainage excavations. KM assert that there is uncertainty in relation to the need for sheet piling of drainage excavations, since the required preloading of the site could mitigate the need for piling and this would result in a saving of £378,000. This figure could then support affordable housing requirements and/ or other financial contributions.

Notwithstanding this disagreement over the true viability position, it is your Officers' advice that Members can progress determination of the planning application, subject to necessary safeguards in the circumstance that sheet piling is not required as it has been demonstrated that these savings could support financial contribution for AH or S106 contribution. In essence the wording of a S106 agreement will be designed to require the developer to confirm whether the sheet piling is necessary prior to construction, and then include a mechanism for the payment of contributions if it is found that this is not the case. The agreement would then ensure that this #saving# would be used to contribute toward affordable housing in the first instance, with any surplus put toward education, health care, public open space and travel plan monitoring in that priority order.

Policy H4 requires provision of affordable housing on the site in the first instance, although does allow off site provision by exception. In this circumstance, the requirement for affordable housing will be dictated by the need, or otherwise, for piling of drainage runs and this will only be known following a start of works on the site. It is too late at this point to insist that affordable housing is provided on the site, thus by exception, an off-site contribution is considered the most appropriate mechanism of delivery.

LCC education and the NHS Fylde & Wyre Clinical Commissioning Group confirm that if requested contributions are not forthcoming then this will invoke objection on grounds that the development would not be sustainable. Whilst these consultees may not consider the development to be sustainable in relation to the availability of education and health care within the area, the proposal is considered to be sustainable in all other respects, as per above assessment. Members should also be aware that FLPPR policy INF2 allows for reduced payment of obligations, subject to viability. On that basis, the requirements of policy INF2 are sufficient to outweigh the objections raised.

Conclusions

The application site is located within the settlement boundary of St Annes and is allocated as a non strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review). Density of housing proposed is approximately 30 dwellings per hectare and therefore accords with provision of policy H2.

Whilst the St Anne's on the Sea Neighbourhood Development Plan 2016-2031 places the application site outside of the settlement boundary, within Open Countryside, and is therefore contrary to the housing locational policies of that plan (GP1 and HOU4). Notwithstanding, it has been concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason the sites allocation for housing within the FLPPR takes precedence in the decision making process. The principle of residential development on the site is therefore supported.

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The development would not compromise the safe, efficient or convenient movement of all highway users, and there are no amenity, drainage or ecological issues of note that cannot be dealt with by condition post determination.

The proposal requires affordable housing and financial contribution towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community. Notwithstanding, the applicant has provided sufficient evidence to demonstrate that the development will be made unviable as consequence of the affordable housing and required contributions.

There is a single matter of disagreement with regards to viability, relative to costs and need for sheet piling of drainage, and it has been demonstrated that potential savings could support financial contribution for affordable housing and/ or financial contributions. It is considered that this matter should not delay determination of the application since necessary safeguards can be imposed upon the applicant to ensure provision of affordable housing and/ or financial contribution in the event that sheet piling is not needed. In essence the S106 will require the developer to confirm whether the sheet piling is necessary, and a mechanism for payment of contributions if it is found that this is not the case.

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 approval to Members of the Planning Committee.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning, in consultation with the Chairman and Vice-Chairman of the Planning Committee, with that decision being subject to the satisfactory completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

1. At least 28 working days before the commencement of development (excluding any demolition, site clearance and preloading of the site) the owner and developer shall submit an independent technical assessment from a Chartered Civil Engineer registered with the Institution of Civil Engineers (supported by relevant drawings) to the Council demonstrating that sheet piling for all drainage infrastructure within the development is reasonably necessary in order to adequately support the loadings from that infrastructure.
2. On the basis of the evidence submitted, if the Council are satisfied that sheet piling of drainage infrastructure is not reasonably necessary, the Owner and developer shall provide a mechanism for the payment of £378,000 (index linked) financial contribution which will be put towards the provision of off-site affordable housing in the first instance, in accordance with Policy H4 and the Affordable Housing Supplementary Planning Document. Where any surplus remains then this shall contribute toward the following requirements in order of priority:
 - a) a financial contribution of £198,024 towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the FLPPR.
 - b) A financial contribution of £14,355 towards the improvement of health care in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the FLPPR.

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- c) a financial contribution of £1,000 per dwelling (£52,000) towards securing enhanced or new provision of off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the FLPPR.
- d) a financial contribution of £6,000, towards the implementation and monitoring of a Travel Plan in accordance with the requirements of Policies H2 and GD7 of the FLPPR.
- e) a financial contribution of £300 for each trigger and each element of the agreement to support 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 suggested Planning Conditions and Reasons are as follows, but are to be subject to final consideration and agreement by the Head of Planning as set out above:

1. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the "reserved matters") before any development takes place:

- the appearance,
- landscaping,
- layout and
- scale of the development.

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

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

4. This permission relates to the following plans:

- Development Framework - Drawing No. ROW/SKL-237
- Preliminary Site Access Option 1 - Drawing No. J32/5505-PS-001 revision D
- Preliminary Site Access Option 2 - Drawing No. J32/5505-PS-002 revision D
- Interim combined highways works plan - Drawing No. J32/5505-PS-003
- Visibility Splays - Drawing No. J32-5505-PS-008 revision B
- Forward Visibility Splay - Drawing No. J32-5505-PS-009 revision A

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with and/or not exceed the details shown on the approved plans insofar as they relate to the site area, the quantum of development and the means of access to the development.

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Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established by this permission.

5. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 1 of this permission shall provide for:
 - at least 50% of the dwellings as 1-3 bedroom homes.
 - at least 20% of the dwellings to be designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3)(2)(a) (wheelchair-adaptable dwellings) contained in Part M, Schedule 1 of the Building Regulations 2010 (as amended).

Reason: To ensure that the development delivers a broad mix of types and sizes of home suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment 2014 (or any successor document) in accordance with the requirements of Fylde Local Plan to 2032 policy H2 and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved (excluding demolition and site clearance), details of the finished floor levels for the buildings and the ground levels for the external areas of the site, above ordnance datum, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the proposed buildings and between the development and surrounding buildings before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. So far as practicable, any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which retains existing trees and hedgerows located to the southern boundary of the application site sharing a boundary with 12 Wildings Lane, 1-3 Commonwealth Close (inclusive).

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the developments visual impact to neighbouring properties, in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

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

- i) a survey of the extent, scale and nature of contamination;

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ii) 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.

where necessary, an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

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

9. The development hereby approved shall be constructed in complete accordance with the principles set out within the submitted Flood Risk Assessment (Ref: ELLUC Projects, ELLUC-CP-21029-FRA revision F4, 19/08/2021). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

10. Prior to commencement of the development hereby approved (excluding any demolition, site clearance or preloading of the site), details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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 policies CL1 and CL2 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

11. No development shall take place until a scheme for the management of surface water and pollution prevention during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:
 - a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.
 - b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall thereafter be carried out in accordance with the duly approved scheme for the entirety of the construction period.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during the construction phase in order that it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact existing or proposed water bodies in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1, CL2 and GD9, and the National Planning Policy Framework.

12. Prior to the first occupation of any part of the development hereby approved, a Surface Water Verification Report 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 10 (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; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

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 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

13. Prior to the first occupation of any part of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development scheme, pertaining to

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the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained in accordance policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

14. Prior to the first occupation of any part of the development hereby approved, full details of a homeowner's pack that will be made available to new and future occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The homeowner packs shall highlight and explain the sensitivity of the surrounding areas, and include (but will not be limited to) the following information:

- a) Introduction letter to the pack, setting out the issue and providing a contents page of included documents.
- b) Description of the Functionally Linked Land (FLL) and Biological Heritage Site (BHS) and their features, this should include a map explaining the boundaries of FLL and BHS.
- c) An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the FLL and BHS.
- d) List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- e) Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).
- f) Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- g) Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032, the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

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15. No part of the development hereby approved shall be commenced until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) If necessary, the times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) If necessary, the role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The duly approved CEMP shall be implemented concurrently with the construction of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on water quality, linked water-dependent nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

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

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

17. Prior to the first occupation of any part of the development hereby approved, a scheme for the provision of bat roosting boxes and bird nesting boxes shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the duly approved details.

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

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Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

18. Prior to commencement of the development hereby approved (excluding demolition), a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles shall be undertaken. Findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032, and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

19. The precautions for avoidance of possible harm to bats as detailed in section 7.4 of the Preliminary Ecological Appraisal (Envirotech, 7113 version 2, 17/08/2021) shall be implemented in full throughout demolition, site clearance and construction of the development.

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

20. Prior to commencement of the development hereby approved, a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The site accesses and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The site access and off site highway works to be covered by this condition includes:

- (i) the site access junction off Wilding's Lane and associated improvement works on Wilding's Lane, as shown in Drawing No. J32-5505-PS-001 Rev D (Access Option 1, dated 19/11/2021) and Drawing No. J32-5505-PS-002 Rev D (Access Option 2, dated 19/11/2021);
- (ii) Improvement to the westbound bus stop on Heyhouses Lane (immediately northwest of Wilding's Lane) to provide a shelter; and
- (iii) Improvement to the eastbound bus stop on Heyhouses Lane (immediately southeast of Main Drive) to provide a Disability Discrimination Act compliant raised kerb and shelter.

Note: Access Option 1 is to be progressed, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highway Authority. Access Option 2 therefore, would only be progressed if an unforeseen, unresolvable land issue arises on Wilding's Lane.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to achieve a safe and suitable means of access to the development for all users in the interests of highway safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

21. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 19 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

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Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

22. Prior to the first occupation of any part of the development hereby approved, Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

23. 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 the following details:

- a) continued access to be maintained to and from the care home facility on Wilding's Lane, north of this development site, at all times;
- b) 24 Hour emergency contact number;
- c) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- d) areas designated for the loading, unloading and storage of plant and materials;
- e) arrangements for the parking of vehicles for site operatives and visitors;
- f) Construction vehicle routing to and from the site;
- g) arrangements for turning of vehicles within the site;
- h) swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- i) Measures to protect vulnerable road users (including pedestrians, cyclists and horse riders);
- j) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- k) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- l) measures to control the emission of dust and dirt during the construction period;
- m) measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- n) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- o) the siting, luminance and design of any external lighting to be used during the construction period;
- o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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q) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to 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.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof, with or without modification), visibility splays as detailed on drawing numbers J32-5505-PS-008 Rev B and J32-5505-PS-009 Rev A shall be kept clear of:

- a) any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.
- b) any overhanging tree branches lower than 2.4 metres in height.

Reason: To ensure adequate visibility at the junction of the development's access with the public highway and to maintain a safe and suitable means of access to the development for all users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

25. Prior to commencement of the development hereby approved (including site clearance, demolition, siting of site compound/welfare facilities) a road condition survey shall be submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane from the application site up to and including its junction with Heyhouses Lane. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Within 1 month of the development's practical completion (the point when all the dwellings are substantially constructed) a road survey showing the post-development condition of the same stretch of the road (The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane from the application site up to and including its junction with Heyhouses Lane) shall be submitted to and approved in writing by the Local Planning Authority. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

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The post-development survey shall be accompanied by a scheme which details the extent and construction specification for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development surveys. The works of resurfacing and/or repair set out in the scheme accompanying the post-development survey shall be implemented in full within 1 month of the Local Planning Authority giving its written approval.

Reason: Construction traffic associated with the development has the potential to cause significant deterioration to the surface of Wildings Lane and its junction with Heyhouses Lane. The developer is required to undertake works of repair to the road surface where deterioration arises as a result of its use by heavy construction vehicles between the pre and post construction periods. The works of resurfacing and/or repair are required in order to ensure continued safe and convenient access for other road users in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

26. No above ground work shall take place (excluding site clearance, demolition or preloading) until the following information has been submitted to and approved in writing by the Local Planning Authority:

1. A detailed plan for the proposed buildings within that parcel demonstrating that there would be no detrimental impact upon the operation of St Annes Radar; or,
2. Details of a scheme to mitigate any detrimental impact upon the St Annes Radar, including any associated timescales for implementation of the mitigation works.

The approved scheme of mitigation shall be implemented in accordance with the approved details and within the approved timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not have a harmful impact on the operation of the St Annes radar station in the interests of aviation safety and in order that the development does not prejudice the operation of any existing aerodrome in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies DLF1 and T3, and the National Planning Policy Framework.

27. On site works, including any heavy vehicular movements and deliveries to/from the site, shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To ensure that appropriate measures are put in place to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties 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.

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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. Habitat Regulation Assessment Adoption Informative:

In issuing this decision the local planning authority has had regard to the document titled 'Shadow habitats regulations Assessment' (Envirotech, 7113 version 3, 04/10/2021) 'Ecological Assessment, Appendix 5: Information to Inform a Habitats Regulations Assessment' (Avianecology, ref: Light-068-1087 Issue V3, dated: 24/03/2022) and the comments from Natural England in their letter dated 17th November 2021 confirming that they are in agreement with the report findings that the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment by 'Envirotech Ecological Consultants' as part of its decision.

3. Homeowner Information Pack informative

The following principles shall be applied to the homeowner information packs:

- a) The householder packs are tailored to the location of the development and the Natura2000 designated sites in the area.
- b) Tailored to the audience using clear and easy to understand language.
- c) An appropriate format is used to present and share the householder packs (i.e. print, size).

4. Highway Informatives:

a) The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

b) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby 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 should be advised to contact the Lancashire County Council, Highways in the first instance, to ascertain the details of such an agreement and the information to be provided.

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c) Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

5. Crane Height Informative

The developer is advised that in the event that the construction of the development hereby approved is to be undertaken using a crane that exceeds a height of 10m above ground level to the tip of any jib or other point, then the details of the dates that the crane is to be present at site, its specific location within the site, and the specific timing that it is to be extended above that height are to be provided to Blackpool Airport no less than 28 days before its arrival at site. This is to ensure that air safety is not compromised by this activity.

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Location Plan for Item 1 – 21/0811



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Item 2

Application No:	22/0802	Case Officer:	Beth Winstanley Area Team 1
Applicant:	Mr & Mrs A Bradshaw	Agent:	Emery Planning
Location:	LAND TO THE SOUTHEAST OF MOSS SIDE LANE RIBBY WITH WREA PR4 2PE		
Proposal:	CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN USE AND ERECTION OF STABLES, RIDING ARENA AND ASSOCIATED WORKS FOR PRIVATE USE		
Ward:	Ribby with Wrea	Parish:	Ribby with Wrea
Statutory Expiry:	28 February 2023	Earliest Decision:	1 February 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application	Online application file here	

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is an area of greenfield land that is located immediately to the south of Wrea Green village and is accessed from a gap in the roadside hedge to Moss Side Lane. The proposal is to change the use of the land from agriculture to a private equestrian use, with this including the erection of a timber stable building with 3 individual stables, a manure store and an outdoor exercise arena. The site would be accessed from an improvement of the existing access point to Moss Side Lane with a surfaced and gated entrance point leading to a parking and turning area behind.

With the site being located in the countryside the application is to be assessed against under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). This policy permits uses that are considered to be appropriate in a rural area, and the equestrian activity is considered to be such a use. The stables and other development that are associated with this use are suitably scaled, designed and located to ensure that they do not lead to any harm to the rural character of the area and so are also considered to satisfy the requirements of Policy GD4.

Whilst the proposed use will be more intensive than the existing agricultural one, it is considered that the details are such that the proposal does not create any undue impact on highway safety, residential amenity or other planning interests. Accordingly, it is considered to be an appropriate form of development that satisfies the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and so is recommended for approval. A series of conditions are required to ensure that acceptability including ones to secure improvements to the access, to control the use to be private, and to ensure that the site is operated to minimise the risk of pollution and amenity impacts from the manure storage.

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 with the officer recommendation being for approval.

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Site Description and Location

The application site is an area of greenfield land positioned to the south of Wrea Green village, located adjacent to Moss Side Lane, which is one of the arterial roads that leads to the green which forms the centre of the village. The site is irregular in shape but has a north - south dimension of circa 180m and an east-west dimension of circa 170m. In total the site area extends to circa 3.1 Ha and so is classed as a major scale development.

The land at present is open agricultural land which is used for a mixture of crop growing and grazing. The site is located within an area of countryside as defined under policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Surrounding land uses are mixed, with residential properties on the opposite side of Moss Side Lane to the west and to the north behind a farm building, there is agricultural land to the east with properties on Bryning Lane beyond that field, and there is the extended garden area to a dwelling to the south. The site is outside of the village conservation area but there is a row of trees that stand along the Moss Side Lane frontage that are protected by a tree preservation order.

Details of Proposal

The application seeks planning permission for the change of use of the land to an equestrian use which requires planning permission as that use is a material change from the existing agricultural use.

To support this equestrian activity there is a stable building which has dimensions of 7.7m depth x 12m in length and is equally divided into 3 stables. This is to be timber clad with a panelled roof and a stable door to each stable. This is sited to the north east of the site where it backs onto a track that serves the agricultural land and leads from The Green.

Alongside this is a manure store which is an open topped storage clamp. Both this and the stables are sited on an area of hardstanding that is connected to the site access by a track. Also in this area is an exercise arena which is to be located along the northern boundary of the site. This is unilluminated and surrounded by a timber fence. No specific details of the surfacing are provided other than it is to be supplied by a local specialist.

The access to the site is to be from the existing field gate to Moss Side Lane which is to the western edge of the site. This is to be improved with the recessing of the gate to allow a vehicle to pull clear of the highway with fencing around the sides of the recess. This leads to a parking and turning area alongside the access with a 2m wide track shown to connect across the site to the stable location to the eastern edge of the site.

The plans under consideration are a revision from the original proposal which incorrectly indicated the existing access point at a location elsewhere on the Moss Side Lane and also included additional land that was seemingly not within the applicant's control.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
12/0720	OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ASSOCIATED OPEN SPACE AND LANDSCAPING (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	15 March 2013

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16/0619	OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED	Refused	11 January 2017
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The 2016 application was one of four major scale residential developments that were subject to appeals that were determined following a combined public inquiry. The inspector dismissed all four appeals on the basis that the residential development that was proposed would conflict with the development strategy in the Fylde Local Plan to 2032, and that this Plan provided the appropriate housing delivery for the borough. The appeal in this case was also dismissed as the Inspector concluded that the residential development would have a harmful impact on the setting of the village conservation area.

Parish/Town Council Observations

Parish/Town Council	Observations
Ribby With Wrea Parish Council	<p><u>Comments received on 12/1/23</u></p> <p><i>It was resolved to offer NO OBJECTIONS, however, on the proviso that the lighting for an arena and/or stables should be considered as not to produce pollution for neighbouring properties / rural locations; the units should only be utilized for personal use and non commercial; the access and egress is made safe for vehicle plus horse trailer with due consideration to Moss Side Lane. Additional consideration for the developer: The PC considered that the siting of the stables would be preferable in the north-east corner of the field from a visual aspect.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p>They have provided comments on the original access point and then on the current corrected one. Those later comments state:</p> <p><i>‘LCC Highways does not have any objections regarding the proposed change of use of agricultural land to equestrian use and erection of stables, riding arena and associated works for private use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The access from the carriageway for a minimum of 5m into the site is requested to be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. This to prevent loose surface material from being carried on to the public highway and causing a potential source of danger to other road users.’</i></p> <p>They then suggest a condition wording for this, and request a further condition is imposed to ensure that the stables are only used privately.</p>
Lead Local Flood Authority	<i>The Lead Local Flood Authority has no objection to the above application.</i>

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Neighbour Observations

Neighbours notified:	30 November 2022
Amended plans notified:	18 January 2023
Site Notice Date:	30 November 2022
Press Notice Date:	8 December 2022
Number of Responses	Total number of comments 9
Summary of Comments	The comments received in opposition to the application can be summarised as:

- Express concern that the development proposed here is intended as a precursor to a more intensive development of the site
- The activity will disturb the wildlife that uses the site
- There are likely to be amenity issues with the use such as increased flies and odours
- There is no clarity over the level of lighting that could be used and if the site is to be illuminated it would be highly disruptive to the area.
- There is no water supply to the site so the suitability of its use is queries
- The access point is unsuited to a more intensive use
- The development could exacerbate existing drainage concerns.
- The loss of the land from agricultural production should be resisted.

Further comments regarding highway safety were raised with the original submission as that was said to be an existing access but clearly wasn't. The provision of the access in that original location would also have involved the removal of a number of TPO trees and so residents highlighted their objection to that. These points are not relevant to the current scheme which correctly locates the existing access point.

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 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – was adopted by Fylde Council 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.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Development in the Countryside

GD7 - Achieving Good Design in Development

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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

This application seeks planning permission for a change of use of the land from open agricultural field to equestrian use and the erection of a timber stable block and associated hardstanding and arena for private use. The main issues to consider as part of this application are:

- The principle of the use
- The visual impact on the streetscene and countryside
- The impact on residential amenity
- Highway safety

Principle

With the site being located in the Countryside the starting point for the assessment is against Policy GD4 of the FLPPR. This is generally restrictive of new development in such areas but does set out a series of exceptions to that restraint. One of these is:

- a) where it is needed for the purposes of meeting local business and community needs; for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).*

The restrictions on the scope of development are designed to preserve the general rural character of the area whilst allowing uses that are appropriate to a rural area. It is inconceivable that an equestrian use could be undertaken in any area other than a rural one and so whilst it is not one of the specified uses in this exception, it must be considered as an 'other use appropriate to a rural area'. Such equestrian uses are widespread in the borough and particularly in the areas around the rural settlements. As such the principle of the equestrian use of this site is considered to be acceptable.

The application here involves the establishment of several supporting facilities for that use including a stable building, exercise paddock and a manure store. These are also rural type uses that are clearly connected to the equestrian use by their function and so must be considered to be equally acceptable in principle.

It is therefore considered that the proposal accords with Policy GD4 in principle. However, this is predicated on the proposal not being visually harmful or leading to other overriding planning harms and so these are to be assessed below.

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Visual Impact of the Development

The proposed site area is extensive at just over 3 hectares, but only a small portion of this being used for any built development. This ensures that the majority of the site will remain open and so its visual impact on the rural landscape will be relatively unchanged.

The development that is proposed is sensitively sited within the application site being located to the rear boundary when viewed from the main vantage points of the site on Moss Side Lane. The stables are a single storey building that is to be timber clad and is modest in its footprint. It is to be located approx. 90m from Moss Side Lane. The other supporting development for the use is also clustered in that location and will have a limited visual impact from Moss Side Lane as a result.

From other aspects the built development will be screened by an agricultural building to the immediate north ensuring views from the properties that flank the southern side of The Green will be effectively masked. The views from the east will be at a distance of around 150m and so the development will not establish any harm to their rural aspect.

There are no public rights of way in the vicinity where the development would impact on the experience of users.

The one aspect of the scheme that will create some impact is the improvement of the access point. At present this is an ungated gap in the roadside hedge where the grass verge area extends back from the edge of the carriageway to the field. The proposal is to formalise and improve this with a gated entrance and surfaced access point that leads to a parking and turning area. The proposal is that the access to the carriageway be widened to 4.5m, with a double gate of the same width positioned 10m back into the field from the edge of the carriageway so that vehicles can pull clear of the road when towing a typical horsebox to access or exit the site. Fencing will be erected around this area to ensure site security.

Whilst this will address highway safety requirements for the use of the access, it will have a visual impact, particularly as the level of the field rises up from the road ensuring that the access will be prominent to users of Moss Side Lane and neighbouring properties. Whilst this has to be considered as a negative factor of the development, it is a typical arrangement in a rural location where many access points feature a similar design to enable their safe use by modern agricultural and equestrian related traffic. As such these works are not sufficiently harmful to justify a refusal of the application.

The application form and supporting Planning Statement confirm that there is no intention to introduce any illumination to the site. This is a helpful confirmation as overly bright and poorly directed illumination can often have harmful urbanising impacts to rural areas when it is installed to support equestrian facilities such as this. Where illumination is used to allow year round use of exercise arenas and sand paddocks it is generally installed on columns which are of a height and permanence that ensure that they require planning permission, and so the impacts of this lighting can be assessed at that time. Notwithstanding this requirement and the applicant's confirmation regarding the lack of illumination in the submission officers recognise that there may be a desire for the users of the stables to introduce some incidental lighting to allow the safe access around the stables in times of the day and year when natural lighting is not available. It would be unreasonable to prevent this and so a condition is suggested that requires details of any such lighting prior to it being installed so that the council can be satisfied that this lighting is suitable for that purpose and that it will not lead to the harmful intrusion into the rural area that excessive lighting creates.

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The overall development is small in scale, with a stable block for three horses constructed from timber, an appropriate material for stable use. The rest of the development will see minimal changes to the streetscene due to the works mainly consisting of post and rail fencing and an arena. Due to the location of the development on the site and the proposal largely retaining the site as open it will not enclose or create harm to the prevailing countryside character of the area and will still allow the countryside to be seen when using Moss Side Lane. As such, it is considered that the proposal will comply with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Highway Arrangements

As set out in the preceding section the proposal is to utilise the existing access point to Moss Side Lane, but with it having an increased width, increased scale, and formalised surface treatment. This access is located on the outside of a bend in Moss Side Lane, which is a classified road that is of a width that comfortably allows two-way traffic flows. This location and the standard of the road ensures that there is good visibility available in both directions, and that the road is suitable for the level and nature of traffic that would access this development as a private stable operation.

In their consultation response the local highway authority confirm that they have no specific objection to the development due to the limited vehicle movements the proposed development would generate. They have requested that a condition be applied to the application for private use as this ensures that those using the access are likely to be familiar with the location of the access point and so able to better use it safely. This condition will therefore be imposed to prevent the additional highway concerns that would be created if the equestrian use were to be intensified such as if it were to become a livery yard. They have also requested a condition to ensure the implementation of the access improvement works which is also considered an appropriate request given the scale and nature of the development.

Behind the access itself the scheme indicates an area being provided for the parking and turning of vehicles. This is suitable in its scale and location for the scale and nature of the development, although its use will also have a visual impact on the rural landscape as it will be prominent in views when leaving the village in particular.

Whilst it is noted that some residents have expressed concerns over the safety of the use of the access point due to its location on the bend in the road, these concerns are not shared by your officers or the local highway authority given the nature and scale of the vehicle movements that would be associated with the development. Whilst the number of movements will likely increase over that associated with the existing agricultural use this will not lead to any impacts on highway safety through the imposition of the conditions to control the use and secure design improvements to the access point itself. With these conditions the development will accord with the requirements of Policy GD7 of the FLPPR in this respect.

Relationship to neighbours

The application site is positioned to the eastern side of Moss Side Lane, to the western side are a number of dwellings of varied size and scale which face on to the development site. There are also dwelling sin reasonable proximity to the stables themselves which are located on the southern flank of The Green. Finally, there are a couple of properties located to the south of the application site. The development is likely to create some amenity impacts on all, with these considered in this section.

The access point is directly opposite Orchard Cottage which is located alongside Moss Side Lane immediately opposite the existing access point and has its driveway to the side of the dwelling which

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is therefore also opposite this access. The improvements to the access point that are required to facilitate the use of the site for the equestrian activity will alter the rural aspect from this property, and its use by vehicles will lead to some additional noise and light disturbance to the occupiers as the movements will inevitably be more frequent than with the existing agricultural use. However, the access point is located slightly to the north of the dwelling itself and angled away from it with the result that it is unlikely that vehicle lights will be shining directly at the property on exit. It is also the case that the property must suffer existing disturbance from the vehicle use of Moss Side Lane given the status of that road and the proximity of the dwelling to the road side. The use of this site as is proposed here is unlikely to make a material difference in traffic volumes or the noise generated.

There are other properties on the western side of Moss Side Lane that face the site but with the retained hedge and trees on the roadside edge of the application site these are to be adequately screened from any adverse impacts from the development that is proposed.

The second potential neighbour impact is to the dwellings that are located nearer the stables themselves, with this likely to come from noise, odour, flies, etc. type impacts associated with that concentration of activity. The nearest dwelling is Four Oaks which is around 100m to the north of the stable building, with the terrace of properties fronting The Green being around 12m to the north. The intervening land contains two agricultural buildings that appear to be used in a mixture of agricultural and other storage uses. These will provide an effective visual screen to the development and will also assist with some attenuation of any noise that is created by activity at the stables. The proposal includes a separate manure store that is located alongside the stables and can be the subject of a standard planning conditions to ensure it remains sheeted and is regularly emptied to minimise the potential for other disturbances.

There is no lighting shown to the exercise arena in this location, and such works would require planning permission so the impacts of the lighting of this facility would be properly considered should that be presented as a proposal at a later date.

With these arrangements it is considered that the potential for the development to lead to unacceptable impacts on neighbouring amenity in this area is sufficiently limited.

The final area where there are near neighbours to the site is to the very south of the site where there are properties close to the site boundaries. However, the stables are circa 260m from these dwellings and at this distance will not impact them. The proximity of grazing horses to their properties will not lead to any residential amenity impacts.

Having considered the potential impacts on the amenity of neighbouring residents to the development it is officer view that the proposal will not lead to any undue harm as set out here and so the proposal complies with the requirements of Policy GD7 of the FLPPR in that respect.

Other Matters

Loss of Agricultural Land

With the site being in agricultural use at present the development will lead to a loss of land from agricultural production when brought into an equestrian use. This is an area of concern when that agricultural land is found to be of Best and Most Versatile quality (BMV), which is defined as being Grade 1, Grade 2 or Grade 3a. The high-level categorisation of the application site available from Natural England indicates that the site is entirely Grade 2 and so would be BMV. However, a more detailed study was presented to support the earlier residential development schemes which was based on an intrusive investigation of the site and concluded the land was actually Grade 3b and so

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not BMV. This was largely as a result of its 'wetness', and whilst this survey is now dated as it was produced in 2012 it seems unlikely that the climatic situation or other improvements will have changed sufficiently to enable it to fall into one of the BMV grades.

Unlike in the previous Local plan, the FLPPR does not contain any policies that specifically protect Best and Most Versatile agricultural land, other than in respect to renewable energy generation, as this is addressed in para 174 of NPPF to consider the economic importance of BMV in planning decisions.

In this case the council has previously accepted that the site was not BMV in its determination of the residential development proposals that were put forward relatively recently. It is also the case that whilst 3 Hectares is an extensive area, it is well below the 20 hectare threshold where Natural England are to be consulted on proposals that remove BMV. As such it could be reasonably concluded that the loss of an area of BMV of that scale, even if this site were of that quality, would not be sufficiently detrimental to the nation's food production capacity to justify a refusal of planning permission under present guidance.

Ecology

A number of residents have highlighted the value that land brings for ecological habitat, and that this would be lost, or at least harmed, by the development that is proposed.

Whilst that could be a factor, as agricultural land the site will have limited ecological value as it is influenced by the regular use for crops or other activities, including the application of fertilisers and the turning of the topsoil. This means that its agricultural value is likely to be relatively limed, with this being the conclusion of the submissions made at the time of the earlier residential development schemes where ecological factors were not included in the council's reasons for resisting that development. Unlike with those schemes this proposal will allow the site to remain free from development and so continue to provide foraging habitat for a range of species, with the roadside hedges and trees retained to provide further habitat opportunities. Accordingly, it is not considered that there are any ecological implications that could lead to the scheme being refused.

Heritage Aspects

The earlier residential development proposal on this site was refused, and then dismissed at appeal, partly as a result of the visual impact when viewed from The Green as this would have compromised the setting of the conservation area. The current proposal tucks the built development to the immediate south of the dwellings on The Green and an agricultural storage building that is to the rear of those dwellings. As a result, it will not have any impact on views from The Green or to the setting of the Conservation Area.

Conclusions

The application site is an area of greenfield land that is located immediately to the south of Wrea Green village and is accessed from a gap in the roadside hedge to Moss Side Lane. The proposal is to change the use of the land from agriculture to a private equestrian use, with this including the erection of a timber stable building with 3 individual stables, a manure store and an outdoor exercise arena. The site would be accessed from an improvement of the existing access point to Moss Side Lane with a surfaced and gated entrance point leading to a parking and turning area behind.

With the site being located in the countryside the application is to be assessed against under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). This policy permits uses that are considered to be appropriate in a rural area, and the equestrian activity is considered to be such a use.

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The stables and other development that are associated with this use are suitably scaled, designed and located to ensure that they do not lead to any harm to the rural character of the area and so are also considered to satisfy the requirements of Policy GD4.

Whilst the proposed use will be more intensive than the existing agricultural one, it is considered that the details are such that the proposal does not create any undue impact on highway safety, residential amenity or other planning interests. Accordingly, it is considered to be an appropriate form of development that satisfies the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and so is recommended for approval. A series of conditions are required to ensure that acceptability including ones to secure improvements to the access, to control the use to be private, and to ensure that the site is operated to minimise the risk of pollution and amenity impacts from the manure storage.

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 - Anyon Drawing 27/20LOC
- Proposed Site Plan - Anyon Drawing EL27/21P1 Rev D
- Proposed Plans and Elevations - Anyon Drawing S127/21P3B1 Rev D

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 stable building hereby approved shall be clad in green painted horizontal timber boarding under a grey finished roof as detailed on the approved plans listed in condition 2 of this permission and the Planning Statement .

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) policy GD7 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the erection of fencing on the site shall only be undertaken in accordance with the details (including the siting, height, materials, finish and design) shown on drawing S127/21P3B1 Rev D hereby approved.

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Reason: To ensure that the fencing that is erected to support the equestrian use of the site has an appropriate design and extent for its use and to be sympathetic to the character and appearance of the rural area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. The equestrian use of the land and the occupation of the stables hereby approved shall be for private use only and shall not be used for any commercial purpose, including as a livery business.

Reason: To limit the scale of the use and so prevent the potential for an intensification of the use which could give rise to harmful effects in terms of traffic generation, hours of use and the need for associated apparatus that could be harmful to the open character of the countryside and the amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4 and GD7, and the National Planning Policy Framework.

6. Before the stables hereby approved are first brought into use the manure store hereby approved shall be constructed as shown on the approved plans listed in condition 2 of this planning permission. This manure store shall be operated as the sole location on site for the storage of manure, this store shall be sheeted whenever access is not required for its use or its emptying, and the manure shall be appropriately removed from site whenever this storage area reaches capacity.

Reason: In order that appropriate facilities are provided for the storage and removal of waste at the site in the interests of the amenity of surrounding occupiers and to minimise the risk of pollution of ground waters in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. Prior to the commencement of the construction of the stables or the first use of the site for equestrian purposes (which ever is soonest), the improvement of the site access to Moss Side Lane shall be undertaken in full accordance with all the details shown on approved drawing S127/21P3B1 Rev D. This shall include the widening of the access point, the construction of a fenced entrance, the erection of a field gate across that entrance, the surfacing of the entrance, and the provision of the parking and turning area within the site.

Reason: To enable the site access to be constructed to a standard that enables its safe use for the development in the interests of highway safety as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

8. Notwithstanding the rights available in the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no external lighting installed on the stable building and/or the external areas of the site unless a scheme including details of the lighting's: (i) position and height on the building and/or site; (ii) spillage, luminance and angle of installation; and (iii) any shields or hoods to be fixed to the lights shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of

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light pollution in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

Informative(s)

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

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

2. Highway Improvements

The alterations to the access to Moss Side Lane are likely to include works to the adopted highway fronting the site and so will need to be constructed in accordance with an agreement entered into under section 278 of the Highways Act 1980. 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 to make arrangements for the design and implementation of these works.

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Location Plan for Item 2 - 22/0802



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Item 3

Application No:	22/0949	Case Officer:	Rob Buffham Area Team 1
Applicant:	Fylde Borough Council	Agent:	DC & MG Associates
Location:	FORMER GIRLS CHARITY GRAMMAR SCHOOL / LLOYDS TSB BANK 52-64 POULTON STREET KIRKHAM PRESTON PR4 1AH		
Proposal:	ALTERATIONS AND EXTENSIONS TO FORMER BANK PREMISES ASSOCIATED WITH USE AS BAR / RESTAURANT, INCLUDING: 1) ERECTION OF SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR EXTENSIONS AND OUTBUILDINGS, 2) FORMATION OF PATIO AREA TO REAR OF EXTENSIONS.		
Ward:	Kirkham North	Parish:	Kirkham
Statutory Expiry:	16 February 2023	Earliest Decision:	2 February 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application property is located within Kirkham Town Centre and is presently vacant following the closure of the Lloyds TSB bank several years ago. The building is a Grade II listed building that constructed in the 1860's, originally used as a girl's charity school, and is of Gothic revival style architecture. The building has been insensitively extended to the rear through the addition of single storey structures of both flat and pitched roof form most likely associated with the functional requirements of the bank use. These extensions do not appear to form part of the original building, and their appearance, along with the unkempt nature of the rear garden space, presently detract from the Listed Building itself and its setting.

Planning consent is sought for demolition of the existing single storey structures located to the rear of the building, and construction of a replacement single storey extension including service area, refuse store and external terrace area. This extension is associated with the proposed re-use of the building as a restaurant which does not in itself require planning permission as both the existing bank use, and the proposed restaurant use, both fall within Class E of the Use Classes Order which relates to town centre uses.

The extension proposed is of a consistent design that acts to declutter the rear elevation whilst ensuring that visibility of the Listed Building is no greater obscured by built form when compared to the existing arrangement. The external works to the garden area are minimal, but nonetheless will enhance the setting of the Listed Building. Internally, works proposed are minor and relate to the removal of 3 walls to increase the usable floor space of the building only.

There is potential of some harm to be caused to the significance of the Listed Building from the possible requirement of an external extraction system associated with the use. Such details are not however provided in the submission on grounds that there is no end user for the premises as yet, and it is not known what extraction needs the user will require.

There are several extractions options available, however, it is considered that the extraction would harm the internal or external historic fabric of the building to some extent, though it should be

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borne in mind that the importance of the Listed status is primarily focussed upon the front elevation of the structure. In any event, this harm must also be balanced against the overall impact of the extension proposed, including removal of the existing insensitive extensions, the proposal bringing the building back into use and providing longevity of the Listed Building. It is considered that these factors outweigh potential harm to the significance of the Listed Building resultant from the proposal, including extraction demands. To ensure control over the external appearance, Members are advised that final details of the extraction system should be agreed prior to installation. Subject to condition, design of the proposal is considered to be acceptable, and will not harm the character or significance of the Listed Building, alternatively as a minimum the proposal will conserve, arguably enhance, the significance of the heritage asset.

The development would not compromise the safe, efficient or convenient movement of all highway users, and subject to condition, the development provides for a satisfactory relationship to neighbours and there are no ecological issues of note.

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 subject to a schedule of appropriate conditions.

Reason for Decision Level

The application is submitted by Fylde Borough Council and so it is necessary to present the application to the Planning Committee for determination.

Site Description and Location

The application site is located within Kirkham Town Centre and is presently vacant following closure of the Lloyds TSB bank several years ago. The building is a Grade II listed building, constructed in the 1860's it was originally used as a girl's charity school and is of Gothic revival style architecture.

The building forms part of a terrace row that fronts onto Poulton Street, with those neighbouring terrace properties being of commercial use to the ground floor with mix of storage and residential accommodation above. It is constructed of red brick, with stone detail to windows and doors under a slate roof. The properties within the vicinity are built of similar materials though render is also prevalent.

The building incorporates a public thoroughway that connects Poulton Street to Mill Street car park. Whilst the frontage of the building remains as originally constructed, the full width of the rear elevation has been extended through provision of insensitive single storey additions that have a mix of flat and pitched roofs. The property has a rear garden space which is presently grassed, with some trees to its periphery. The public thoroughfare runs adjacent to the eastern boundary of this garden space, the boundary between the two being formed by black railings.

Details of Proposal

Planning consent is sought for demolition of the existing single storey structures located to the rear of the building, and construction of a replacement single storey extension including service area, refuse store and external terrace area.

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The demolition aspects of the proposal seek to remove all structures from the rear elevation of the school building, with that in replacement being of contemporary flat roof design using large expanses of glazing and red brick that include sandstone copings, with an expansive overhang. The submitted application form confirms the existing footprint of the building and extension to be 158.4sqm, the proposal will increase this figure to 239.5sqm (increase of 81.1sqm). The scheme includes an open top service area/ refuse store set to the western side of the extension proposed, which will be enclosed by 1.8m wall.

There are no external alterations proposed to the front elevation or roof of the building.

The rear garden space is indicated to include a garden terrace, accessible from the building via bi-fold doors/ single door set within the rear elevation of the extension, and will be used for external dining. Railings that form the present boundary treatment to the public thoroughfare are indicated for replacement.

Internal works are also proposed and are for consideration as part of application 22/0950 on this agenda which seeks listed building consent for the works associated with this project. The internal alterations to the Listed Building includes removal of walls (2) of a centrally located room that contained the safe of the bank, to open up and provide additional dining space for the restaurant. A new opening from the former safe room will be formed in the outer wall of the main building into the extension proposed.

Following dialogue with Kirkham Town Council and concerns raised with regards to loss of car parking, the applicant has revised the scheme and has removed a service lift located in the Mill Street car park from the scheme proposal.

Members should note that the proposal does not include change of use of the building. Recent changes to the Use Classes Order made by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 has now placed financial services, such as banks, within the same land use classification (Class E) as a food and drink establishment (mostly consumed on the premises). The effect of this modification to the Use Classes Order is that the former bank use of the building and the bar/ restaurant use now proposed fall within the same land use classification (Class E), consequently planning consent is not needed for the intended use.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
18/0777	CHANGE OF USE FROM BANK TO DRINKING ESTABLISHMENT (USE CLASS A4), DEMOLITION OF SINGLE STOREY REAR EXTENSION, ERECTION OF SINGLE AND TWO STOREY REAR EXTENSION WITH ROOF TERRACE AND OUTDOOR TERRACE TO REAR	Granted	07 December 2018

Earlier planning history associated with modifications to building when in use as a bank have been omitted due to lack of relevance.

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Parish/Town Council Observations

Town Council	Observations
Kirkham Town Council	<p><u>Comments received on 7 February 2023</u></p> <p><i>The Councillors have agreed the application</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	No objection subject to condition requiring no amplified music to outdoor areas, use of outdoor areas to cease by 22:00 and final design of any external extraction.
FBC Food Safety	They advise of the regulations relating to the licencing of a food business, and highlight that those wishing to progress this scheme to that stage would need to ensure that the scheme meets their requirements. They have not assessed the scheme to that details but highlight that this will need to include: toilet provision where seats are provided for dining customers, adequate area for refuse storage, and adequate fume extraction system.
Ecology (GMEU)	<p>No objection, subject to condition.</p> <p><i>No significant ecological constraints were identified by either of the developer's ecological consultants. Issues relating to bats, nesting birds and ecological mitigation and enhancement can be resolved via condition.</i></p> <p><u>Bats</u></p> <p><i>Previous surveys in 2018, assessed the building as moderate risk. No bats were found during dusk and dawn surveys. An updated day time assessment has been provided. This has downgraded the risk of bats using the building to low and no further surveys recommended, owing to no works being proposed on the roof or in the loft, where the potential exists. I have no reason to doubt the findings of the report. As bats turn up in unexpected locations I recommend an informative along the following lines is applied to any permission.</i></p> <p><i>Whilst the building to be converted has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.</i></p> <p><i>One semi-mature ash is to be removed. Due to the presence of ivy, the tree has been assessed as low risk (ie the trunk is obscured and therefore potential roost features may be hidden). Reasonable</i></p>

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	<p><i>avoidance measures have been recommended for removal of this tree. This is in-line with current guidance for bats and low risk trees.</i></p> <p><i>The recommendations of section 2.2 compartment A relating to felling of the ash in the updated habitat survey should be conditioned.</i></p> <p><u><i>Nesting Birds</i></u> <i>There was evidence that jackdaws were breeding on the building in 2018 and a tree will be removed. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.</i></p> <p><i>No tree or shrub clearance shall occur or external works commence to the roof, roof space or exterior of the first floor between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</i></p> <p><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 small overgrown garden, a semi-mature ash and potentially, though unlikely given no roof works are proposed a jackdaw breeding site. Mitigation and enhancement in the form of bird boxes, bat boxes and a replacement native tree should be provided. The details can be conditioned.</i></p>
LCC Highways	<p>No objection subject to condition.</p> <p><i>Drawing No 22 1230 P01 Proposed Site Plan and Floor Plans shows a door from the Hall opening into the underpass. This is not permitted under s153 of the Highways Act 1980 - A door, gate or bar which is put up on any premises and opens on a street shall be so put up as not to open outwards . It is requested that all door open inwards from the underpass.</i></p> <p><i>The site is within a sustainable location with a car park at the rear of the site and no further off street car parking is requested.</i></p> <p><i>The agreement for the lift into the car park is with Fylde Council as the car park owner to agree the details and bay markings to allow for effective deliveries and use for customers.</i></p> <p><i>For the construction/ contractor vehicles and deliveries to the site it is requested that the applicant discusses the use of the rear car park to ensure the parking bays close to the site reserved for the construction phase of the site.</i></p>

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LCC Archaeology	<p>No objection subject to condition.</p> <p><i>The former Girls Charity School is a designated heritage asset, a Grade II Listed Building recorded on the Lancashire Historic Environment Record, PRN18251 & DLA3060, dating to 1860. The D + A Statement would appear to show that a soft-strip of the building has already been completed, revealing a number of surviving original features. Archaeological work on Mill Street Car Park in the 1990s encountered evidence for a fairly deep post- medieval deposit sealing a level which contained Roman and Medieval pottery indicating settlement of those dates in the immediate vicinity, whilst a watching brief at No. 50 in 2011 revealed a well of probable post medieval date.</i></p> <p><i>Archaeological advice in relation to applications 18/0777 & 18/0778 to redevelop the site advised of the need for both an archaeological watching brief on any groundworks, as well as a formal archaeological building record be made of the former school and bank building to document its use before any significant demolitions or alterations take place. These works were subsequently made a condition of the planning permission and listed building consent.</i></p> <p>The HET is of the opinion that both forms of archaeological investigation and recording remain necessary and relevant, and that should planning permission and listed building consent be granted for this, or any similar scheme, that the previous condition be attached.</p>
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Neighbour Observations

Neighbours notified:	4 January 2023	
Site Notice Date:	3 January 2023	
Press Notice Date:	12 January 2023	
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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council 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.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries.
 GD7 - Achieving Good Design in Development.
 ENV5 - Historic Environment.

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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

This main issues pertinent in the assessment of this application are:

- Principle of the development
- Design and Heritage.
- Residential amenity
- Highways and parking
- Ecology

Taking each matter in turn.

Principle of the development

The application site is located within the settlement boundary of Kirkham as per the FLPPR Policies Map. As detailed in policy GD1 of the FLPPR, the extension of commercial properties within the identified settlements is acceptable in principle, subject to the development's compliance with other relevant policies of the Plan.

Design and Heritage

Introduction

The application seeks consent for the demolition of several single storey rear extensions and replacement of those with a single storey rear extension that projects across the full width of the host building, an external terrace area, as well as minor internal works to facilitate a change of use of the premises to a restaurant. The application property is a listed building and as such it is also necessary to assess the impact of the proposal on the heritage value of the building.

Policy Background

Policy GD7 of the FLPPR expects development to be of a high standard of design, subject to a number of criteria. Those relevant to the current proposal are:

- d) design relates well to surrounding context with regards to siting, massing, layout, scale, design, materials character, proportion and landscaping.
- f) conserving and enhancing the built and historic environment.
- h) avoiding demonstrable harm to the visual amenity of the area.
- i) positive contribution to the character and local distinctiveness of the area.

Paragraph 130 of the NPPF21 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and

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the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

FLPPR policy ENV5 states that development proposals should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets. The subsection to policy ENV5 relating to Listed Buildings indicates that "Fylde's listed buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Proposals will only be granted in exceptional circumstances where they can be clearly justified in accordance with national planning guidance on heritage assets." The subsection then sets out a series of criteria that developments affecting listed buildings and their settings should satisfy in order to demonstrate compliance with the policy.

Annex 2 of the NPPF defines the terms "designated heritage asset" and "heritage asset" as follows:

- "A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation."
- "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."

Paragraph 199 of the NPPF indicates that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 200 of the NPPF states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Paragraph 201 of the NPPF indicates that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the [circumstances in a) – d)] apply."

NPPF paragraph 202 states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 206 of the NPPF indicates that "local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

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

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

Assessment

Whilst the frontage of the Listed Building to Poulton Street remains unaltered, insensitive extension has been undertaken to the rear of the premises through provision of single storey additions.

These extensions were built to reflect the operations and the building use as a bank. They are of variable height and design, incorporating flat and pitched roof detail, and act to obscure the ground floor of the Listed Building they are attached to. They are of poor quality and do not relate well to the original building, being designed for functionality. Whilst the records do not clearly state if the building was listed with the knowledge of the additions, it is considered that they are both inappropriate and have no architectural merit. For these reasons the existing extensions are considered to be insensitive additions that presently harm the significance of the Listed Building. This harm being exacerbated by prominence of the rear elevation of the Listed Building when viewed from the adjacent public thoroughfare.

The proposed single storey extension is to the full width of the building. The structure is of modern design, having a flat roof of consistent height, with deep overhang of the vertical wall plates. The side and rear elevations are comprised mainly of floor to ceiling glazing, providing a lightweight structure that facilitates visibility into the extension and creates activity when viewed from the public thoroughfare. Where brick work is proposed, this will replicate that of the existing building. The rear yard space will be renovated through provision of an external terrace and landscaped gardens, railings to the public thoroughfare will also be replaced to maximise visibility into the development whilst providing a secure boundary to the site.

The extension proposed is of a consistent design that acts to declutter the rear elevation whilst ensuring that visibility of the listed building is obscured by built form to no greater a degree than at present. The external works to the garden area are minimal, but nonetheless will enhance the setting of the Listed Building.

Internally, works proposed relate to the removal of 3 walls to increase the usable floor space of the building. These works will alter the internal layout of the former bank use of the building, and would result in less than substantial harm to the significance of the Listed Building, though it is not clear whether the walls to be removed formed part of the original building fabric as a school.

The end user of the building is not known at this time, however the kitchen area proposed may require extraction. Detail of this extraction cannot be provided at this time since its design is dependent upon requirements of the end user. Notwithstanding this lack of clarity, it is considered likely that the extraction could undermine the internal and/ or rear elevation of the Listed Building, resulting in less than substantial harm to the significance of the Designated Heritage Asset.

However, it should be borne in mind that the importance of the external fabric is primarily focussed upon the front elevation of the property. Moreover, the reported harm resultant from the internal alterations and extraction system, must also be balanced against the overall impact of the works proposed, including:

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- removal of the existing extensions,
- the proposal facilitating a change of use of the building, and,
- the proposal bringing the building back into use and providing longevity of the Listed Building.

On balance, it is considered that the above factors outweigh the reported harm to the significance of the Listed Building resultant from the development proposed. To ensure control over the external appearance, it is suggested that final details of the extraction system are agreed prior to installation, which can be achieved by an appropriately worded condition.

Accordingly the development is consistent with the provision of policy ENV5 of the FLPPR, and the NPPF21.

Residential amenity

Policy Background

Criteria c) of FLPPR Policy GD7 supports new development that would have no adverse impact to neighbouring uses. In this regard adverse impact is associated to the physical presence of the structures proposed with regards to loss of light, overshadowing, dominance and privacy, as well as any disturbance (noise and odour) from use of the external terrace and extraction equipment.

Assessment

The extension proposed is massed against similar single storey additions within the rear yard of the adjoining neighbour. The ground floor of this neighbour is also within commercial use, thus it is considered that there would be no adverse impact resultant from the physical presence of the extension.

Nearest noise and odour sensitive neighbours live within flats above adjacent commercial properties on Poulton Street.

The application is accompanied by a Noise and Odour Assessment (Martin Environmental Solutions, ref: 2443-1, February 2023). The extension is open plan to the main building, thus for completeness the assessment considered use of the building as a restaurant/ bar, and included sound readings taken from one of the adjoining first floor flats. With regards to noise, the report has considered transmission from within the building as well as external sources such as the terrace area and possibility of external extraction. The report concludes that noise would not undermine the amenity of neighbours, subject to inclusion of a silencer within any extraction equipment. It is also advised that odour has a high potential to impinge on neighbours and that this should be mitigated through provision of grease removal and odour treatment within the extraction system. On this basis, and to ensure that the extraction does not impinge upon amenity, it is suggested that final details are agreed prior to installation. This matter can be controlled by condition.

The external terrace will be used in-conjunction with the restaurant/ bar for external dining purposes. The application site is located within Kirkham Town Centre where background noise levels are much higher as a consequence of late-night opening and busier roads. Residents who choose to live in such areas are accustomed to this and it therefore follows that lower amenity thresholds should be applicable when compared to a residential area. The background noise levels will help to reduce the overall impact of any disturbance associated to use of the external terrace. Notwithstanding, it is known that there are residential uses adjacent and whilst there hasn't been any objection to the

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proposal, it is necessary to provide an appropriate level of protection to their amenity relevant to the Town Centre location.

The council's Environmental Protection team have been consulted on the proposal, and consider that the disturbance associated to use of the external terrace can be controlled by hours of use restriction with 10pm appropriate to be consistent with other establishments within the Town Centre, and no playing of live or amplified music. Such matters can be controlled by condition.

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 and wheel wash facility.

Subject to condition requiring restriction on use of the external terrace, no amplified music externally and detailed design of the extraction equipment, the proposal would not undermine the amenity of neighbours, in accordance with Policy GD7 of the FLPPR.

Highways and parking

Policy Background

FLP policy GD7 supports good design that (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). 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. P

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. Paragraph 111 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.

Assessment

With regard to the development proposals there is no car parking on site but the site is in the town centre and adjacent to the Mill Street public car park. Level access to the extension is provided internally within the building as well as from external areas. With regard to servicing arrangements, it is expected that deliveries will be made from Poulton Street and whilst this is not ideal, it nonetheless is a common feature and one that is accepted within a Town Centre location due to the lack of available space for provision of dedicated servicing arrangements.

The highway authority confirm that in their view the proposal will not have a significant impact on safety, capacity or amenity in the immediate vicinity of the site. Accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies and the NPPF.

Ecology

Policy Background

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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.

Assessment

The application involves demolition of existing structures which have opportunity for bat or bird populations to be present. With this in mind, the applicant has provided an ecology appraisal of the site and building in order to ascertain presence, or otherwise, of protected species and inform any necessary mitigation. The assessment did not report the site to be of ecological importance, confirming that no bats were recorded emerging, using or entering the property during surveys undertaken.

The Council's ecological consultants (GMEU) have considered the submission and concur with the report findings, though do recommend conditions relative to bird nesting and an informative concerning the protected nature of bats.

The application site is of limited ecological value, with protected species not being established on the site and habitat being restricted to bird nesting. Biodiversity measures can be incorporated into the scheme through provision of landscaping and nesting opportunities in lieu of any ecological value that will be lost. Subject to condition, the development will protect and enhance the boroughs biodiversity assets in accordance with Policy ENV2.

Conclusions

The extension proposed will result in the removal of insensitive extensions located to the rear of the building, and replacement with a structure of a modern, sleek design. Removal of internal walls and requirement for extraction have the potential to result in less than substantial harm to the Listed Building, though any harm to that significance must also be balanced against the overall benefit of the scheme resultant from:

- removal of existing extensions,
- appearance of the extension proposed, and,
- facilitation of bringing the building back into use and consequent longevity of the Listed Building.

In this circumstance, the benefits arising, including securing a viable end use for the building, are considered to outweigh the harm reported.

The development would not compromise the safe, efficient or convenient movement of all highway users, and subject to condition, the development provides for a satisfactory relationship to neighbours and there are ecological issues of 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 approval to Members of the Planning Committee.

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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:

- Site Location Plan Drawing no. 22 1230 L01
- Proposed Site Plan & Floor Plans Drawing no. 22 1230 P01 rev B
- Proposed Elevations Drawing no. 22 1230 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. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works of development shall take place until samples or full details of all materials to be used on the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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

4. Tree felling shall be undertaken in complete accordance with paragraph 2.2 of the 'Updated Habitat Survey' (ref: Living Ecosystems, dated December 2022).

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

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

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development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

6. Prior to first use of the extension hereby approved, a scheme for the installation of bat and bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, location, height, aspect and specification of the bat and bird boxes, and a timetable for their provision. The bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements as recommended in section 5 of the document titled "Ecological Assessment" by 'The Environment Partnership' dated February 2020 in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

7. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include:

(i) A formal record of the Listed Building to Level 3 as set out in 'Understanding Historic Buildings' (Historic England 2016); and

(ii) A formal archaeological watching brief during interventions into the building fabric and all groundworks required as part of the scheme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any development that could disturb buried archaeology in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

8. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the extension hereby approved is first brought into use, a hard and 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.

9. The external terrace and garden area shall only be open to use by customers between the hours of 09:00 and 22:00 on any day. When the outdoor drinking/dining area is not in use all external lighting within that area shall be switched off.

Reason: To limit the potential for noise generation and light pollution 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.

10. There shall be no playing of amplified music (including radios, speakers or other, similar devices) or live music within any external areas of the site at any time.

Reason: To limit the potential for noise nuisance being caused to neighbouring occupiers in order to safeguard the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

11. If any system(s) for mechanical ventilation, refrigeration, air conditioning and/or the extraction and filtration of cooking odours is required in connection with the development hereby approved, a scheme including the following details of that system(s) shall be submitted to and approved in writing by the Local Planning Authority before the system is installed:

- the siting, design and finish (including colour treatment) of any external plant and/or flue(s);
- measures to attenuate noise and minimise vibration arising from its operation, including a BS4142 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features;
- manufacturer's operating instructions; and
- a programme of equipment servicing/maintenance.

The system(s) for mechanical ventilation, refrigeration, air conditioning and/or the extraction and filtration of cooking odours shall be installed in full accordance with the duly approved scheme and the equipment shall thereafter be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

Reason: In order to ensure the efficient dispersal of any emissions (including cooking odours) emanating from the permitted ground floor use of the building in the interests of safeguarding the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

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Informative(s)

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

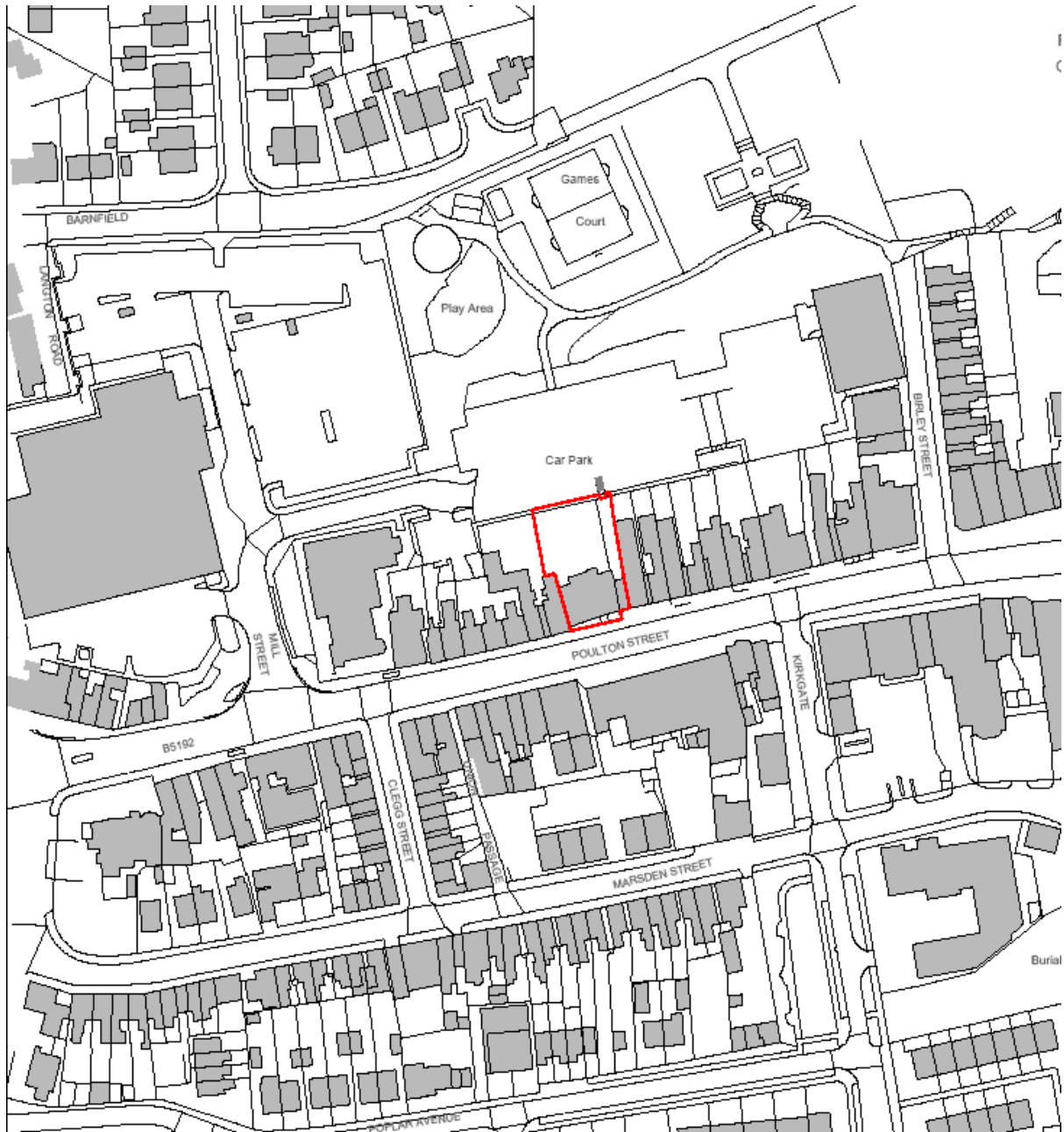
The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the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

2. Precautionary Bat Informative

Whilst the building to be converted has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

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Location Plan for Item 3 – 22/0949



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Item 4

Application No:	22/0950	Case Officer:	Rob Buffham Area Team 1
Applicant:	Fylde Borough Council	Agent:	DC & MG Associates
Location:	FORMER GIRLS CHARITY GRAMMAR SCHOOL / LLOYDS TSB BANK 52-64 POULTON STREET KIRKHAM PRESTON PR4 1AH		
Proposal:	LISTED BUILDING CONSENT FOR ALTERATIONS AND EXTENSIONS TO FORMER BANK PREMISES ASSOCIATED WITH USE AS BAR / RESTAURANT, INCLUDING: 1) ERECTION OF SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR EXTENSIONS AND OUTBUILDINGS, 2) FORMATION OF PATIO AREA TO REAR OF EXTENSIONS, 3) INTERNAL ALTERATIONS SUCH AS REMOVAL OF FORMER SAFE ROOM AND FORMATION OF GLAZED ENTRANCE LOBBY		
Ward:	Kirkham North	Parish:	Kirkham
Statutory Expiry:	16 February 2023	Earliest Decision:	2 February 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site relates to the former Girls Charity Grammar School on Poulton Street in Kirkham which is a Grade II Listed Building. The importance of the Listing is formed primarily from its front façade and some internal features, such as its stained glass arched windows within the front elevation. Most recently the building has been in use as the TSB bank and to facilitate this use the building has been insensitively extended to the rear through the addition of single storey structures of both flat and pitched roof form. These extensions do not appear to form part of the original building, and their appearance along with the unkempt nature of the rear garden space presently detract from the Listed Building itself and its setting.

Listed Building consent is sought for demolition of the existing single storey structures located to the rear of the building, construction of a replacement single storey extension including service area, refuse store and external terrace area. Internally, alteration to the Listed Building includes removal of walls to a centrally located room that contained the safe of the bank, to open up and provide additional dining space for the restaurant. A new opening from the former safe room will be cut into the outer wall of the main building into the extension.

The extension proposed is of a consistent design that acts to declutter the rear elevation whilst ensuring that visibility of the listed building is no greater obscured by built form when compared to the existing. The external works to the garden area are minimal, but nonetheless will enhance the setting of the Listed Building.

There is potential of harm to the significance of the Listed Building resultant from the possible requirement of an external extraction system. Such details are not however provided in the submission on grounds that there is currently no known end user for the premises and so these details are yet to be designed. There are several extractions options available, however, it is considered likely that the extraction would harm the internal or external historic fabric of the building to some extent, though it should be borne in mind that the importance of the Listed status

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is primarily focussed upon the front elevation of the structure. In any event, this harm must also be balanced against the overall impact of the extension proposed, including removal of the existing insensitive extensions, the proposal bringing the building back into use and providing longevity of the Listed Building. These factors outweigh potential harm to the significance of the Listed Building resultant from an external extraction system. To ensure control over the external appearance, Members are advised that final details of the extraction system should be agreed prior to installation.

Subject to condition, design of the proposal is considered to be acceptable, and will not harm the character or significance of the Listed Building, alternatively as a minimum the proposal will conserve, arguably enhance the significance of the heritage asset. In this circumstance, the benefits arising, including securing a viable end use of the building, are considered to outweigh the harm reported, in accordance with Policy ENV5 and NPPF21, and the officer recommendation is that Members support the application subject to finalisation of a schedule of appropriate conditions.

Reason for Decision Level

The application is submitted by Fylde Borough Council and so it is necessary to present the application to the Planning Committee for determination.

Site Description and Location

The application site relates to the former Girls Charity Grammar School on Poulton Street in Kirkham which is presently vacant following closure of the Lloyds TSB bank several years ago. The building is a Grade II Listed Building, constructed in the 1860's and is of Gothic revival style architecture.

The Heritage England listing entry states the following:

Former girls' charity school, now banking hall, 1860. Brick (in Flemish bond) with sand-stone dressings, axial stacks and coped gables. Gothic Revival. Single storey schoolroom to left of front door and (?) school-mistress' house to right, with broad archway for passage to back garden at far right. Doorway has a two-centre arch under a hoodmould and a glazed tympanum divided into three by mullions. Central bay between buttresses has to left of door a 7-light window with steeply pointed cusped lights under a continuous hoodmould. Left-hand bay has a similar window of 2-lights. Mistress' house has a gable and a gabled dormer to the window above the side arch. The gable facade has, on the ground floor, 2 lancets with hoodmoulds, between which stands an engaged semi-octagonal pier which carries a semi-circular stone first-floor oriel with 3 lights similar to those in the school room. History: Built at the expense of Thomas Langton Birley of Carr Hill for the girls' charity school, founded in 1760 on another site.

The building forms part of a terrace row that fronts onto Poulton Street, with those neighbouring terrace properties being of commercial use to the ground floor with mix of storage and residential accommodation above. It is constructed of red brick, stone detail to window and doors with a slate roof, those properties within the vicinity are built of similar materials though render is also prevalent. The building incorporates a public thoroughway that connects Poulton Street to Mill Street Car park. Whilst the frontage of the building remains as originally constructed, the full width of the rear elevation has been extended through provision of single storey additions that have a mix of flat and pitched roofs. The property has a rear garden space which is presently grassed, with some trees to its periphery. The public thoroughfare runs adjacent to the eastern boundary of this garden space, the boundary between the two being formed by black railings.

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Details of Proposal

Listed Building consent is sought for demolition of the existing single storey structures located to the rear of the building, and construction of a replacement single storey extension including service area, refuse store and external terrace area. As well as minor modification of the internal layout that includes removal of 2 walls of a safe room and a new opening from the safe room in the outer wall of the building into the extension proposed.

The demolition aspects of the proposal seek to remove all structures from the rear elevation of the school building, with that in replacement being of contemporary flat roof design using large expanses of glazing and red brick that include sandstone copings, with expansive overhang. The submitted application form confirms the existing footprint of the building and extension to be 158.4sqm, the proposal will increase this figure to 239.5sqm (increase of 81.1sqm). The scheme includes an open top service area/ refuse store set to the western side of the extension proposed, which will be enclosed by 1.8m wall.

There are no external alterations proposed to the front elevation or roof of the building.

The rear garden space is indicated to include a garden terrace, accessible from the building via bi-fold doors/ single door set within the rear elevation of the extension and will be used for external dining. Railings that form the present boundary treatment to the public throughfare are indicated for replacement.

Internally, alteration to the Listed Building is minimal and includes removal of walls of a centrally located room that contained the safe of the bank, to open up and provide additional dining space for the restaurant. A new opening from the former safe room will be formed in the outer wall of the main building into the extension proposed.

A service area, from Mill Street car park set to the rear of the application site, that included a lift to overcome land level changes was originally proposed. However, following dialogue with Kirkham Town Council and concerns raised with regards to loss of car parking, this element of the scheme has been removed from the development proposed.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
18/0777	CHANGE OF USE FROM BANK TO DRINKING ESTABLISHMENT (USE CLASS A4), DEMOLITION OF SINGLE STOREY REAR EXTENSION, ERECTION OF SINGLE AND TWO STOREY REAR EXTENSION WITH ROOF TERRACE AND OUTDOOR TERRACE TO REAR	Granted	07 December 2018

Earlier planning history associated with modifications to building when in use as a bank have been omitted due to lack of relevance.

Parish/Town Council Observations

Town Council	Observations
Kirkham Town Council	<u>Comments received on 7 February 2023</u> <i>The Councillors have agreed the application</i>

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Statutory Consultees and Observations of Other Interested Parties

There are no relevant consultee comments to report.

Neighbour Observations

Neighbours notified:	3 January 2023	
Site Notice Date:	3 January 2023	
Press Notice Date:	12 January 2023	
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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council 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.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD7 - Achieving Good Design in Development - Distance:

ENV5 - Historic Environment - Distance:

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

Introduction

The application relates to a Grade II Listed Building, seeking listed building consent for the demolition of several single storey rear extensions and replacement of those with a single storey rear extension that projects across the full width of the host building, an external terrace area, as well as minor internal works to facilitate a change of use of the premises to a restaurant. It sits alongside the planning application for the external works that is on this agenda as application 22/0949 but is required to assess the impact of these works on the listed building and its setting under that separate legislation. Much of this assessment is the same as that which is undertaken for a planning application, but also includes the internal works that are outside of the scope of the planning assessment.

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Heritage Policy Background

FLPPR policy ENV5 states that development proposals should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets. The subsection to policy ENV5 relating to Listed Buildings indicates that "Fylde's listed buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Proposals will only be granted in exceptional circumstances where they can be clearly justified in accordance with national planning guidance on heritage assets." The subsection then sets out a series of criteria that developments affecting listed buildings and their settings should satisfy in order to demonstrate compliance with the policy.

Annex 2 of the NPPF defines the terms "designated heritage asset" and "heritage asset" as follows:

- "A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation."
- "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."

Paragraph 199 of the NPPF indicates that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 200 of the NPPF states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Paragraph 201 of the NPPF indicates that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the [circumstances in a) – d)] apply."

NPPF paragraph 202 states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 206 of the NPPF indicates that "local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

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

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

Heritage Assessment

Whilst the frontage of the Listed Building to Poulton Street remains unaltered, insensitive extension has been undertaken to the rear of the premises through provision of single storey additions.

The extensions were built to support the operation needed under building's previous use as a bank. They are of variable height and design, incorporating flat and pitched roof detail, and act to obscure the ground floor of the Listed Building they are attached to. They are of poor quality and do not relate well to the original building, being designed for functionality, and whilst the records do not clearly state if the building was listed with the knowledge of the additions, it is considered that they are inappropriate and have no architectural merit. For these reasons the existing extensions are considered to be insensitive additions that result in less than substantial harm to the significance of the Listed Building. The setting of the Listed Building is also undermined by the present unkempt appearance of the rear garden areas. With this harm being exacerbated by prominence of the rear elevation of the Listed Building when viewed from the adjacent public thoroughfare.

The proposed single storey extension is to the full width of the building. The structure is of modern design, having a flat roof of consistent height, with deep overhang of the vertical wall plates. The side and rear elevations are comprised mainly of floor to ceiling glazing, providing a light weight structure that facilitates visibility into the structure and creates activity when viewed from the public thoroughfare. Where brick work is proposed, this will replicate that of the existing building. The rear yard space will be renovated through provision of an external terrace and landscaped gardens, railings to the public thoroughfare will also be replaced to maximise visibility into the development whilst providing a secure boundary to the site.

The extension proposed is of a coherent design that acts to declutter the rear elevation whilst ensuring that visibility of the listed building is no greater obscured by built form when compared to that existing. The external works to the garden area are minimal, but nonetheless will enhance the setting of the Listed Building.

Internally, works proposed relate to the removal of 3 walls to increase the usable floor space of the building. These works will alter the internal layout of the former bank use and would result in less than substantial harm to the significance of the Listed Building, though it is not clear whether the walls to be removed formed part of the original building fabric as a school.

The end user of the building is not known at this time, however the kitchen area proposed may require extraction. Detail of this extraction cannot be provided at this time since its design is dependent upon requirements of the end user. Notwithstanding this lack of clarity, it is considered likely that the extraction could undermine the internal and/ or rear elevation of the Listed Building, resulting in less than substantial harm to the significance of the designated Asset.

However, it should be borne in mind that the importance of the external fabric is primarily focussed upon the front elevation of the property. Moreover, the reported harm resultant from the internal alterations and extraction system, must also be balanced against the overall impact of the works proposed, including:

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- removal of the existing extensions,
- the proposal facilitating a change of use of the building, and,
- the proposal bringing the building back into use and providing longevity of the Listed Building.

On balance, it is considered that the above factors outweigh reported harm to the significance of the Listed Building resultant from the development proposed. To ensure control over the external appearance, it is suggested that final details of the extraction system are agreed prior to installation, which can be achieved by an appropriately worded condition.

Accordingly the development is consistent with the provision of policy ENV5 of the FLPPR, and the NPPF21.

Conclusions

The extension proposed will result in the removal of insensitive extensions located to the rear of the building, and replacement with a structure of a modern, sleek design. Removal of internal walls and requirement for extraction have the potential to result in less than substantial harm to the Listed Building, though any harm to that significance must also be balanced against the overall benefit of the scheme resultant from:

- removal of existing extensions,
- appearance of the extension proposed, and,
- facilitation of bringing the building back into use and consequent longevity of the Listed Building.

In this circumstance, the benefits arising, including securing a viable end use for the building, are considered to outweigh the harm reported, in accordance with Policy ENV5 and NPPF21, and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

That Listed Building Consent 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 consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

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3. Notwithstanding any description of materials in the application plans referenced in note 1 to this decision, no works associated with the internal alterations and structural works, or the fit out of the building to facilitate the use authorised, shall take place until samples or full details of all materials to be used in the internal alteration works to be undertaken to the application building (including flooring, wall construction, doors, new and replacement windows, new ceilings, skirtings/covings/architraves, etc) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials supported with samples and manufacturers details where appropriate.

The alterations shall thereafter be implemented in accordance with the duly approved details, or any alternative to them that are subsequently approved in writing by the Local Planning Authority in advance of their use.

Reason: To ensure that the conversion works preserve the historical and architectural integrity of the building by utilising appropriate materials in the internal works undertaken in accordance with that conversion as required by Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV5, and the National Planning Policy Framework.

4. If any system(s) for mechanical ventilation, refrigeration, air conditioning and/or the extraction and filtration of cooking odours is required in connection with the development hereby approved, a scheme including the following details of that system(s) shall be submitted to and approved in writing by the Local Planning Authority before the system is installed:
 - the internal specification and design of the extraction equipment including the design and routing of any connections from the extraction source to the external venting point.
 - siting, design and finish (including colour treatment) of any external plant and/or flue(s);

The system(s) for mechanical ventilation, refrigeration, air conditioning and/or the extraction and filtration of cooking odours shall be installed in full accordance with the duly approved scheme.

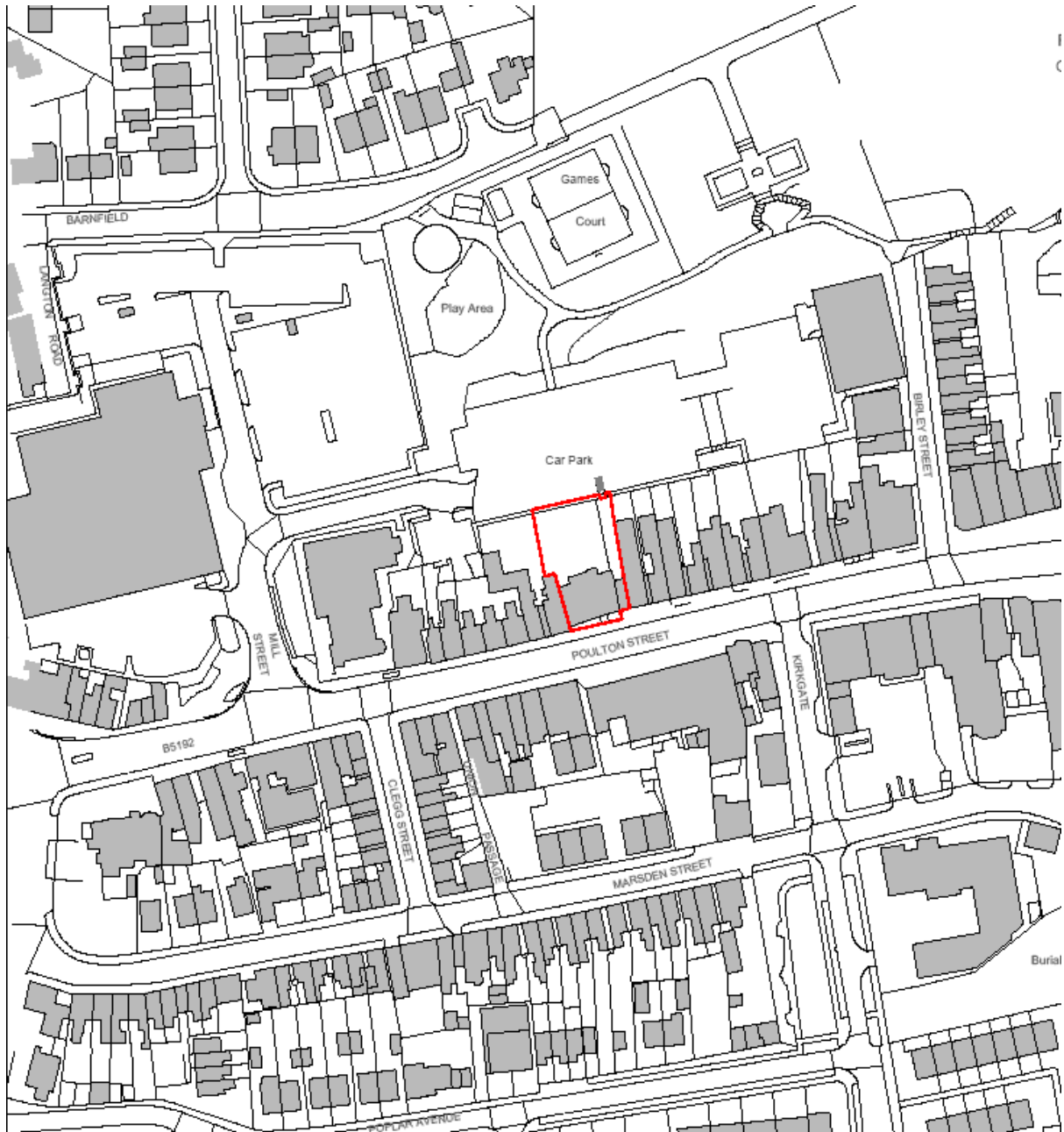
Reason: In order to ensure that these details are installed without creating any harmful impacts on the architectural or historical importance of the building as a designated heritage asset to a degree that would conflict with the requirements of policy GD7 and ENV5 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Informative(s)

1. This permission relates to the following plans:
 - Site Location Plan Drawing no. 22 1230 L01
 - Proposed Site Plan & Floor Plans Drawing no. 22 1230 P01 rev B
 - Proposed Elevations Drawing no. 22 1230 rev A

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Location Plan for Item 4 – 22/0950



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Item 5

Application No:	23/0106	Case Officer:	Andrew Stell Area Team 1
Applicant:	Cuadrilla Bowland Ltd	Agent:	N/A
Location:	EXPLORATORY SITE PRESTON NEW ROAD LITTLE PLUMPTON WESTBY WITH PLUMPTONS		
Proposal:	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2023/0002 FOR VARIATION OF CONDITION 2 OF LCC/2014/0096 TO ALLOW THE DATE OF FINAL RESTORATION OF THE SITE TO BE POSPONED UNTIL 1 APRIL 2025.		
Ward:	Warton and Westby	Parish:	Westby with Plumptions
Statutory Expiry:	3 March 2023	Earliest Decision:	N/A
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Raise Objection

Summary of Officer Assessment

This report relates to a consultation request from Lancashire County Council to Fylde Council, asking for Fylde Council's formal views on an application that has been received by Lancashire County Council in respect of the shale gas exploration site at Preston New Road in Little Plumptions. As members will be aware this site has the benefit of a planning permission that was granted on appeal which allows for the development of up to 4 wells for shale gas exploration. The site is currently inactive as work was suspended some years ago.

The planning permission currently requires that the site is decommissioned within a period of 75 months from the commencement of development, which is April 2023. This application proposes that this timescale is extended by 24 months so that the site would be decommissioned and the aftercare works completed to facilitate the site's reuse for agricultural activity by mid-2025.

Given this narrow focus to the application members are advised to consider only the impacts of this delay which seem by officers to be limited to the extension of the visual harm that the site causes to the countryside. Whilst this area is not particularly protected by any landscape quality designation it is nonetheless an attractive and characteristic part of the rural landscape of the borough that is being harmed by the continued presence of this site within it whilst delivering no economic benefit that outweighs that harm.

Officers accept that there are some legal and practical measures to be completed as part of the outstanding works, and that the level of harm caused to the countryside is limited. However, the justifications provided for works not having commenced on the decommissioning, and the stated intention in this application to delay commencement of these works until September 2023, are unconvincing. With that in mind officers recommend that Fylde Council advises Lancashire County Council of its objection to the current application based on the proposed 24 month extension of the timescale for the works to be completed being excessive as a result of the unjustified harm it causes to the character of the countryside. This is creating a conflict with the requirements of Policy GD4, GD7, and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

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Reason for Decision Level

As a consequence of the subject of the application being connected to Shale Gas extraction the Head of Planning considers that it is appropriate for the council's views on this application to be determined by the Planning Committee.

Site Description and Location

The application site is the shale gas exploration site that is located to the north of Preston New Road in Little Plumpton. The site is located within a fenced compound that is connected to Preston New Road by a fenced access road and then meets that road with mesh gates.

The site is located in the Countryside as designated by Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). The surrounding land uses reflect that rural location with the land around the site generally in agricultural use with clusters of dwellings.

Details of Proposal

The planning and appeal history section below confirms that the site has the benefit of a planning permission with reference LCC/2014/0096 that was granted on appeal for the construction and operation of a site for drilling up to four exploration wells, the hydraulic fracturing of the wells, the testing for hydrocarbons, and then the subsequent abandonment of the wells and restoration.

Condition 2 of the planning permission states that:

The site development works comprising the drilling operations of four vertical/lateral exploration boreholes, initial flow testing, extended flow testing, decommissioning and site restoration shall be completed within a period of 75 months from the commencement of the development as defined by this planning permission. All drilling and hydraulic fracturing operations shall be completed within a period of 30 months from the date of commencement of the drilling of the first well in accordance with condition 3.

This application has been submitted to Lancashire County Council as the minerals planning authority to vary the wording of condition 2. The supporting information with the application confirms that the application is:

The proposed development will be for a time extension to maintain the existing site and two (2) suspended wellbores followed by the subsequent decommissioning of the two (2) existing wells and site restoration. The proposed development will not include further drilling or hydraulic fracturing. The proposed time extension is seeking to extend the period of 75 months by a further 24 months to allow sufficient time to complete desktop research, decommission and restore the site. Condition 2 requires the site to be restored by April 2023.

With the nature of the application being a 'county matter' the decision on this application will be made by Lancashire County Council. However, the legislation requires that they consult with, and consider the views of, the district-level planning authority, and so this report is to establish the views of Fylde Council on this matter.

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Relevant Planning/Appeal History

Reference	Description	Decision	Date	Appeal
14/0432	COUNTY MATTER APPLICATION FOR PROPOSAL: LCC/2014/0096 - CONSTRUCTION AND OPERATION OF A SITE FOR DRILLING UP TO FOUR EXPLORATION WELLS, HYDRAULIC FRACTURING OF THE WELLS, TESTING FOR HYDROCARBONS, ABANDONMENT OF THE WELLS AND RESTORATION, INCLUDING PROVISION OF AN ACCESS ROAD AND ACCESS ONTO THE HIGHWAY, SECURITY FENCING, LIGHTING AND OTHER USES ANCILLARY TO THE EXPLORATION ACTIVITIES, INCLUDING THE CONSTRUCTION OF A PIPELINE AND A CONNECTION TO THE GAS GRID NETWORK AND ASSOCIATED INFRASTRUCTURE TO LAND TO THE NORTH OF PRESTON NEW ROAD, LITTLE PLUMPTON	Raise Objections	6 October 2016	Allowed
16/0856	CONSULTATION ON LANCASHIRE COUNTY COUNCIL APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS 8 (ACCESS ARRANGEMENTS), 10 (WHEEL CLEANING FACILITIES), 11 TRAFFIC MANAGEMENT PLAN), 12 (CONSTRUCTION METHOD), 13 (BASELINE HIGHWAY SURVEY), 26 (NOISE MANAGEMENT), 28 (NOISE MONITORING), 32A (CONTROL OF DUST), 33 (LIGHTING), 34 (EQUIPMENT COLOUR), 36 (SECURITY FENCING), 37 (ECOLOGICAL), 40 (LANDSCAPING), 43 (ARCHAEOLOGY) AND 48 (COMMUNITY LIAISON) ON PLANNING PERMISSION LCC/2014/0096	Comments issued	1 December 2016	
17/0894	CONSULTATION ON COUNTY MATTER APPLICATION REF LCC/2014/0096 FOR A NON-MATERIAL AMENDMENT TO THE WORDING OF PLANNING CONDITION 19 ASSOCIATED WITH TIMING OF DELIVERIES TO THE SITE	No Objection	21 November 2017	
18/0581	CONSULTATION ON COUNTY MATTER APPLICATION REF LCC/2014/0096/3 FOR APPROVAL OF DETAILS RESERVED BY CONDITION 6A (REMOVAL OR DISASSEMBLY SCHEME AND PROGRAMME), CONDITION 26 (UPDATED NOISE MANAGEMENT PLAN), AND CONDITION 33 (LIGHT IMPACT ASSESSMENT) OF PERMISSION LCC/0214/0096/1	Comments Issued	06 September 2018	

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Parish/Town Council Observations

Parish/Town Council	Observations
Westby Parish Council	<p>With the nature of the application being a County Matter, then the responsibility for consulting with the Parish Council lies with LCC as the determining body. However, in this case Westby parish Council have supplied comments to that authority in advance of a formal consultation, with these supplied as part of this application.</p> <p>Their comments of 8 January 2023 on this application are:</p> <p><i>“It was resolved to object to the proposal as their [sic] is no rationale proposed to retain the open wells and this seems to merely be a delaying tactic in the hope that legislation may alter. The parish council unanimously voted to NOT permit the extension and to adhere to existing guidelines.”</i></p>

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

Neighbour Observations

Neighbours notified: No consultations undertaken as this is a matter for LCC as determining body.

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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council 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.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 – Development in the Countryside

ENV1 – Landscape

GD7 – Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

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Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Lancashire County Council officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

Policy Background

The application site is located in the Countryside in the Fylde Local Plan to 2032 (incorporating Partial Review). This policy is restrictive of new development, unless it meets one of a limited number of exceptions, with the intention being to protect the rural character of the area. The impact of the development on the landscape character of the borough is a key part of the assessment of the application with further guidance on this provided in Policy ENV1 relating to landscape matters and Policy GD7 relating to general design considerations. The Joint Lancashire Minerals and Waste Local Plan also forms part of the development plan and is particularly relevant as the proposal relates to the winning and working of minerals.

Current Situation on Site

In addition to the planning permission obligations for the operation of the site there are other legal controls over its use, such as a permit from the Environment Agency and approval from the 'North Sea Transition Authority'. This latter body issued a suspension notice in April 2022 to confirm the on-going suspension of activity at the site which runs until 30 June 2023. As a result of this activity at the site is currently safely suspended, although the suspension notice does allow for the operators to enter the wells for certain activities, which are set out in an agreed work programme as:

- a) Defining the key controls on induced seismicity.
- b) Improving the seismic imaging of natural faults & fractures
- c) Supporting, as appropriate additional research requirements emerging from the British Geological Survey (BGS) scientific review of shale gas commissioned by the government in April 2022.

Extent of Proposed Works

To assist Members understand the reason for the extended timeframe for the planned works it is considered helpful to set out the extent of the works that are intended. These are in the following three stages, with the application asserting that a 24 month period is needed to provide reasonable and sufficient time to achieve these works.

Stage 1 Works – Well suspension, wellhead maintenance and data collection

The application explains that the two wells and the site are currently suspended, meaning that the wells are both inactive but the wellheads and the site in general are subject to maintenance and monitoring visits and works.

According to the Planning Statement this stage is designed to 'allow the wellbores and site to remain in situ as desktop research and policy regarding the industry develops'. This will then allow a future decision to be made whether to bring the wells back into operation, or to plug and abandon them.

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The choice of these options is said to be 'dependent on the outcome of the technical studies and evolving government policy regarding the security and provision of natural gas supply.'

Stage 2 Works– Decommissioning of Wells

This would be undertaken in accordance with the relevant guidance or an alternative to that to be agreed with the Environment Agency, the Health and Safety Executive and an independent Well Examiner. It is expected to involve the wellheads being removed, and appropriate equipment brought to site so that the casing can be removed to a depth of 2m below ground level to facilitate a return to agricultural use.

There are logistical requirements in terms of the equipment needed for this work being brought to site and the works themselves which is expected to take around 6 months for the activity to be planned and completed. A further 12 month post-decommissioning environmental monitoring period would then follow.

Stage 3 Works – Restoration

Following the environmental monitoring the site restoration is expected to take 4 months subject to weather conditions. This will involve the removal of the equipment within the site fence, the destruction and removal of the concrete well pad, the removal of the drainage and other infrastructure, the restoration of the stie with the soil bunds that are around the site and then the installation of field drainage and seeding for future agricultural use.

Conditions on the planning permission set out detail of the scope of this restoration, with this application only proposing a variation in its timeframe.

The application sets out these works in a timeline chart as follows:

Figure 5.1: Proposed Development Timeline

Stages/ Dates	2023										2024				2025	
	April	May	June	July	Aug	Sep	Oct	Nov	Dec		Q1	Q2	Q3	Q4	Q1	Q2
Stage 1 operate under NSTA notice																
Decision from NSTA																
Stage 2 Well Decom																
EA GW Monitoring /permit surrender																
Stage 3 Restoration																

Reason for Extension

From this information it is clear that there are some engineering, monitoring and logistical implications involved in the work that will take some time to complete.

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It is also clear that these works have not yet commenced and so the justification for the application's submission seems to be the impending approach of the April 2023 timeframe by which the work should have been completed to comply with the requirements of condition 2 as currently drafted based on the date when the site became operational.

The Planning Statement provides some commentary as to why this could be, with reference to the record recent price of wholesale natural gas across Europe as a consequence of the Ukraine conflict and other constraints on supply. The document then states:

'Cuadrilla successfully drilled the UK's first shale gas horizontal wells which produced high-quality natural gas. The PNR site is unique as the only site in the UK which has two horizontal wells fractured in the Bowland Shale. Government policy makes it clear that gas remains an important part of the UK's energy mix. Energy policies recognise the continuing importance of fossil fuels whilst acknowledging the need to manage the UK's reliance on them, their potential environmental impacts and the risks associated with security of supply. It would, therefore, be prudent to maintain access to the site given the current context of uncertain global natural gas supplies.'

'The time extension being requested is reasonable to allow for stage 1 activities to be completed and further time to plan, deliver and monitor stages 2 and 3. The timeframe presented accounts for wider regulatory requirements including surrendering the Environment Agency permit.'

Implications of extension

As with any planning decision the ultimate decision on this application will need to be made against the policies of the development plan and other material considerations. In this case the decision is one for Lancashire County Council to make, with the development plan they must consider comprising the Fylde Local Plan to 2032 (incorporating Partial Review) and the Joint Lancashire Minerals and Waste Local Plan.

Fylde Council's role is to provide its comments on the proposed extension to assist with LCC's ultimate determination. The planning merits of the operation of this have previously been considered when planning permission was granted at appeal. Accordingly, there is no need to assess the impact of the development of the site on highway safety, water quality, heritage assets, etc as these were all considered as part of the original decision apart from assessing the impacts of the extended occupation of the site. The previous decision to grant planning permission included a requirement to conclude the gas extraction and remediate the site and so the method of reinstatement has also been assessed already. The consideration is, therefore, a narrowly focused one that is limited to the impacts of the continued retention of the site as it currently stands for a further 2 year period beyond that envisaged when the original decision to grant planning permission was made. This is essentially a landscape based assessment.

The key factors for Members to weight in this are considered to be on one side:

- The countryside that the site forms part of is not specifically designated for its landscape quality in the way that, for example, an Area of Outstanding Natural Beauty would be,
- The scale of development involved in the site is limited in area and height, with the result that it is not particularly prominent in the landscape
- With the site being suspended the level of activity is limited, and the extension that is proposed here will not involve any increased activity on site beyond that which is necessary to complete the decommissioning and aftercare of the site

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On the other side:

- The nature of the development is not one that sits comfortably in any of the exceptions to the restraint on development in areas that are allocated as Countryside and so this proposal is extending the time that this development remains in the rural landscape
- The appearance of the site is industrial and functional and so causes an element of harm to the landscape
- The supporting information with the application advises that the extension of the time that is sought is partly related to existing delays (as the decommissioning works could have been commenced some time ago to accord with the existing condition timeframe), and partly due to future delays (as works are not scheduled to commence until September 2023). These justifications do not appear to be particularly compelling.

As an overall view on these it is officer recommendation that the council should accept there are some logistical elements that will need to be completed to allow the site to be decommissioned and remediated to a safe and useful state whereby it can be returned to agricultural use. As this work has clearly not yet commenced and will inevitably take longer than the 2 months that are available under the existing wording of condition 2, it is appropriate for a revision to the wording to be agreed.

However, there is no coherent explanation as to why these works have not commenced, and the explanations given for that, and the intention to delay the commencement of decommissioning until September 2023, appear to be primarily motivated by the applicant's interest in the potential for future economic opportunities at the site rather than any practical or other justification. Given the council's stated position on this development has consistently been to oppose the development based partly on the visual impact that it causes to the rural landscape of the site, and that this proposal will extend that visual impact without sufficient justification, the council should object to the proposed extension that is requested in this application.

Recommendation

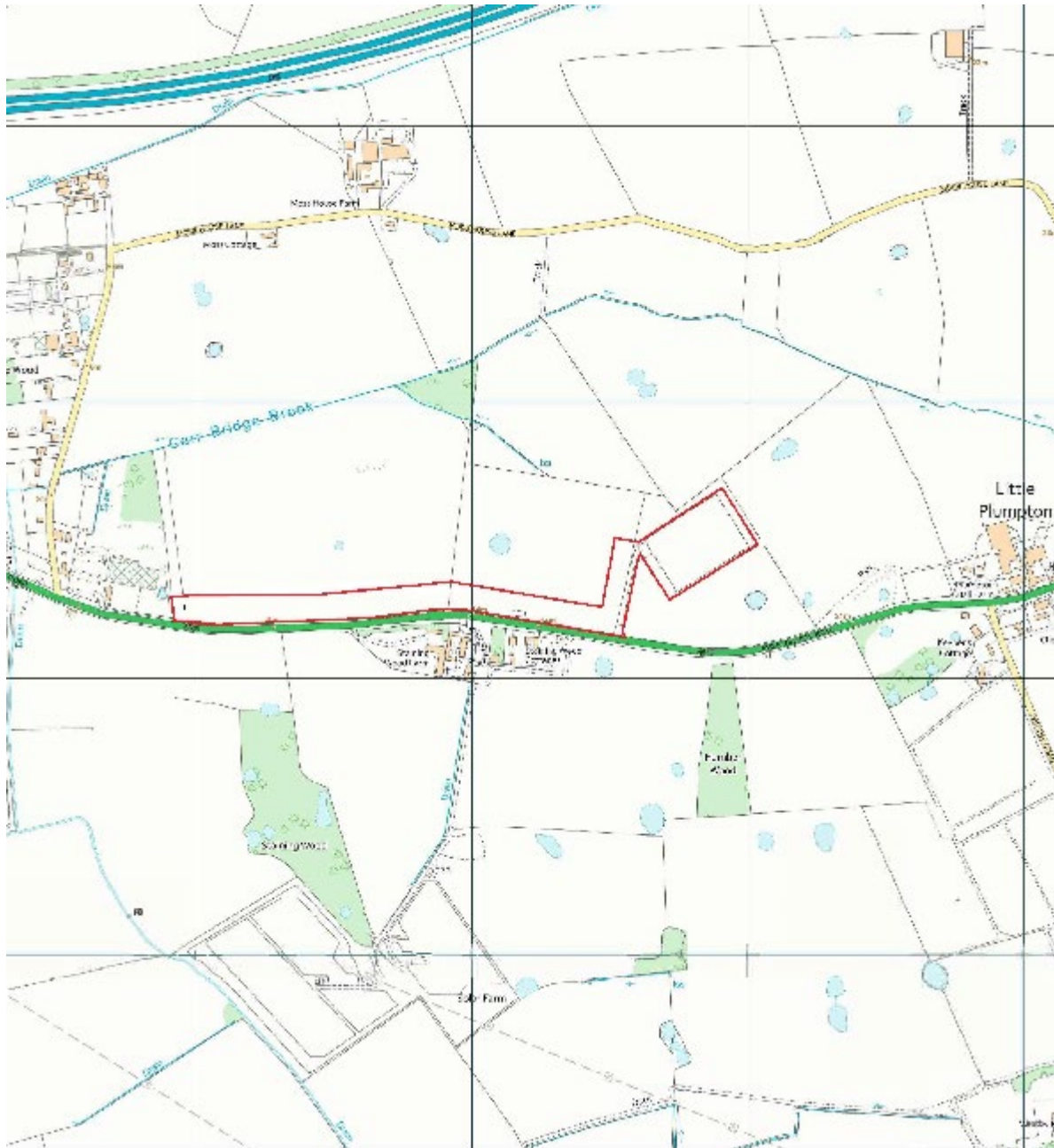
That Lancashire County Council be advised that Fylde Council OBJECTS to the proposed extension of time for the decommissioning and restoration of the site for the following reasons:

1. Even in its current suspended state, the development site involves an industrial form of development that intrudes incongruously into the rural landscape of the area and does not accord with any of the exceptions of Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review) regarding development in the Countryside.

The application proposes an excessive extension of time for this intrusion to continue without appropriate justification that it is required to complete the outstanding reinstatement works required to conclude the permitted project. The result of this is that the landscape harm that the development causes is protracted beyond the timeframe that is demonstrably necessary to undertake the decommissioning and after care works set out in the submission. This will prolong the harm that is caused to the rural landscape and so the conflict with Policy GD4, GD7 and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

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Location Plan for Item 5 – 23/0106



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	1 MARCH 2023	5
REPORT OF FINDINGS OF CASE INVESTIGATION BY LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The Local Government and Social Care Ombudsman had received a complaint about the Council's decision to approve a neighbour's planning application. The Ombudsman found fault because the Council did not have a copy of its planning case officer's report. The ombudsman completed their investigation because the Council agreed to the remedy suggested by the Council.

SOURCE OF INFORMATION

Local Government and Social Care Ombudsman www.lgo.org.uk

Tracy Manning – Deputy Chief Executive

INFORMATION

Final decision notice for case reference 22007838 is attached.

In addition to presenting this item for Committee's information, the Ombudsman's letter advises that an apology should be offered to the neighbour and that a replacement report on the planning application for the neighbour's extension should be prepared to document that decision, with this placed on the relevant application file as a public record. The report was added to the online application file on 9 February 2023 and the apology letter sent on 10 February 2023.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

One of the agreed actions was for the Council to report what has happened at its next scheduled meeting of the Planning Committee.

FURTHER INFORMATION

Contact Mark Evans, Head of Planning, mark.evans@fylde.gov.uk

The Ombudsman's final decision

Summary: Mr and Mrs X complained about the Council's decision to approve their neighbour's planning application. We found fault because the Council does not have a copy of its planning case officer's report. We completed our investigation because the Council agreed to the remedy we suggested.

The complaint

1. Mr and Mrs X complained about the Council's decision to approve their neighbour's planning application to extend and alter their home.
2. Mr and Mrs X said the approval allowed their neighbour to seriously affect their amenities, including:
 - loss of light;
 - privacy;
 - overshadowing; and
 - overbearing impact.
3. They are especially concerned about loss of light to their kitchen, which is on the side of their home facing the new development.

The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

6. I read the complaint and discussed it with Mrs X and a planning manager. I read the Council's response to the complaint.

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7. I gave Mr and Mrs X an opportunity to comment on a draft of this decision. I considered the comments I received before making a final decision.

What I found

Planning law and guidance

8. Councils should approve planning applications that accord with policies in the local development plan, unless other material planning considerations indicate they should not.
9. Planning considerations include things like:
- access to the highway;
 - protection of ecological and heritage assets; and
 - the impact on neighbouring amenity.
10. Planning considerations do not include things like:
- views from a property;
 - the impact of development on property value; and
 - private rights and interests in land.
11. We normally expect to find evidence of consideration of the key material issues in the case officer's report, which is written to advise the decision making body or individual.
12. We accept that delegated reports might be written differently, as their target audience is a professional planner, not a member of the planning committee. However, delegated reports still need to demonstrate the core issues have been considered and set out the reasons for judgements on planning matters, albeit briefly stated.
13. The purpose of the report is not merely to facilitate the decision, but to demonstrate the decisions were properly made and due process followed. Without an adequate report, we cannot know whether the council took proper account of the key material planning considerations or whether judgements were affected by irrelevant matters.
14. The courts have made it clear that case officer reports:
- do not need to include every possible planning consideration, but just the principal controversial issues;
 - do not need to be perfect, as their intended audience are the parties to the application (the council and the applicant) who are well versed of the issues; and
 - should not be subject to hypercritical scrutiny, and do not merit challenge unless their overall effect is to significantly mislead the decision maker on the key, material issues.
15. Not all planning decisions are made by council planning committees. Councils may delegate decisions to planning officers to make, that are restricted to circumstances set out in delegation schemes. Delegation schemes are found in a council's constitution.
16. Decisions made by officers using delegated powers are controlled by the Openness of Local Government Bodies Regulations 2014. The 2014 regulations

require that certain decisions and their background papers are publicised on council websites, as soon as is practicable after the decision is made.

17. The 2014 regulations apply to a decision that has been delegated to an officer, if it:
- grants a permission or licence;
 - affects the rights of an individual; or
 - awards a contract or incurs an expense that materially affects the council's financial position.
18. The courts have found that the regulations apply to delegated decisions relating to planning applications and planning enforcement.

What happened

19. Mr and Mrs X's neighbour submitted a planning application to extend their home. The application was considered by a planning case officer, who wrote a report setting out their analysis of the issues and recommendations. The case officer's report and the application were considered by a planning manager, who approved it using delegated powers.
20. The planning manager told me that he recalls the application and has since visited the site. He thinks it is likely the report covered the main issues, which are:
- a description of the site and proposal;
 - a summary of neighbour comments;
 - the policy background;
 - comment and analysis, including the impact on the street-scene and neighbouring properties, and issues raised in neighbour comments;
 - a recommendation to approve with a list of suggested conditions.
21. The planning manager said the Council cannot provide a copy of the report. This is because of a technical problem following a change in software. The manager went on to say that after planning data was transferred from its original software system to the new system, complaints where revised plans triggered the re-notification process, the original case officer reports were lost.
22. The Council is now considering a retrospective planning application. This happened because the new building was not constructed in accordance with plans. The Council had approved extensions and changes to the existing building, but instead the property was demolished. Further to this, it had been built closer to the boundary shared with the complainants and the eaves were higher.
23. The Council has told me that it will refer the retrospective planning application to its planning committee to decide at its next scheduled meeting.

Findings

24. A planning case officer's report is an important document, as it can explain how the Council reached the decision it did. Councils are obliged by law to keep records of decision reasoning and background documents and to publish them on its website.
25. The Council is at fault because it does not have a copy of the case officer report for this case, and it is not available on its website.

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26. This fault causes uncertainty for the complainants, who still have concerns about the original decision to approve their neighbour's application, but they cannot know whether the planning issues were properly considered at the time. However, as the building was not built in accordance with this application, the complainants will get the opportunity to comment on the retrospective application.
27. I recommended a remedy to remedy the injustice, so far as it is now reasonably possible to do so, that is caused by the fault I have found. The Council has agreed to the remedy and informed me that it has already begun the work necessary to comply with it.

Agreed action

28. To remedy the injustice I have found, the Council agreed to the following:
- a) It will write to the complainants and apologise for the uncertainty caused by the fault. This part of the remedy will be carried out within one month from the date of our final decision.
 - b) It will correct its records by writing a post-decision case officer report that explains issues and recommendations. This report will be saved on its planning file and uploaded to its website. This part of the remedy will be carried out as soon as possible, but no later than one month from the date of our final decision.
 - c) The Council will report what has happened at its next scheduled meeting of its planning committee, so the members and the public can be made aware of the fault I have found, and it is placed on the public record through committee papers and minutes. The Council will confirm this has happened within one week from the date of the next planning meeting.

Final decision

29. I found fault that caused injustice to the complainants that the Council has agreed to remedy. I have now completed my investigation.

Investigator's decision on behalf of the Ombudsman

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
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LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The Council received no appeal decisions between 20 January and 17 February 2023.

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473