



Agenda

Planning Committee

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| Date: | Wednesday, 31 July 2019 at 10am |
| Venue: | Town Hall, St Annes, FY8 1LW |
| Committee members: | <p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p> |

Public Speaking at the Planning Committee

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

| | PROCEDURAL ITEMS: | PAGE |
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| 1 | Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided. | 1 |
| 2 | Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 3 July 2019 as a correct record. | 1 |
| 3 | Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24. | 1 |
| | DECISION ITEMS: | |
| 4 | Planning Matters | 3-119 |
| 5 | Fylde Council Tree Preservation Order 19:0001 65 Ribby Road Kirkham PR4 2BB | 120-126 |
| | INFORMATION ITEMS: | |
| 6 | Planning Enforcement Update | 127-132 |
| 7 | List of Appeals Decided | 133-136 |

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

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

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Background Papers

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

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

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

Planning Committee Schedule

31 July 2019

Item Number: 1

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 18/0535 | Type of Application: | Full Planning Permission |
| Applicant: | Lytham Cricket & Sports Club | Agent : | FWP |
| Location: | LYTHAM CRICKET CLUB, CHURCH ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5QD | | |
| Proposal: | ERECTION OF DEMOUNTABLE AIR DOME OVER EXISTING DOUBLE TENNIS COURTS FOR SEASONAL USE BETWEEN OCTOBER AND APRIL EACH YEAR INCLUDING RELOCATION OF PERIMETER FENCING AND ACCESS PATHS, REMOVAL OF TWO PROTECTED TREES AND INTRODUCTION OF NEW LANDSCAPING | | |
| Ward: | CLIFTON | Area Team: | Area Team 1 |
| Weeks on Hand: | 14 | Case Officer: | Matthew Taylor |
| Reason for Delay: | Awaiting for Consultee comments | | |

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

<https://www.google.co.uk/maps/@53.7379263,-2.9726389,288m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the site of Lytham Cricket and Sports Club – a broadly square-shaped parcel of land occupying an area of *circa* 4.4 hectares between Church Road and the Blackpool South – Preston Railway line. The land falls within the Lytham Conservation Area, is a locally listed heritage asset and is bordered by a collection of statutorily listed buildings at St Cuthbert's Church to the west. The majority of trees on the site are protected by Tree Preservation Orders.

The proposed development involves the siting of an inflatable, semi-circular dome over two tennis courts located to the northwest corner of the site. The dome would be of a translucent, single skin plastic construction and is proposed to be in place between October and April each year (a period of 7 months) to allow continued 'indoor' use of the tennis courts between autumn and early spring. The scheme also includes the creation of new footpaths and relocation of perimeter fencing to the margins of the tennis courts.

The air dome would be discreetly located to the northwest corner of the site and would be substantially screened from surrounding public vantage points by clusters of protected woodland following the southern (to Church Road) and western (to St Cuthbert's Church) boundaries of the site. Views from the closest dwellings to the east would be over a

minimum distance of around 200m and partially screened by existing and proposed planting surrounding a scoreboard to the east of the site. Accordingly, the dome would not appear as a dominant or intrusive feature in the landscape and would not have an oppressive or overbearing impact on the occupiers of neighbouring dwellings.

Any harm to the conservation area and locally listed heritage asset arising from the dome's scale and translucent, plastic material would be less than substantial given its inconspicuous siting in relation to the main vista of the conservation area, its effects would be temporary and would be outweighed by the public benefits of delivering year-round tennis provision. The extent and density of screening between the site and nearby listed buildings would avoid any intervisibility between the development and those buildings and thus prevent any harmful effects on those designated heritage assets.

The siting of the dome and associated increase in the width of the margins to its perimeter would necessitate the removal of two mature trees, one of which is protected by a Tree Preservation Order. This harm would, however, be adequately mitigated through the introduction of replacement planting nearby in a 3:1 ratio. No other adverse effects would arise with respect to prejudicial impacts on other sports facilities at the site, ecology or to surrounding infrastructure (including the adjacent railway line) that would outweigh the benefits of granting permission. Therefore, the proposal is considered to represent sustainable development in compliance with the relevant policies of the FLP and the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval.

Site Description and Location

The application relates to the site of Lytham Cricket and Sports Club – a broadly square-shaped parcel of land occupying an area of *circa* 4.4 hectares between Church Road to the south and the Blackpool South – Preston Railway line flanking the northern boundary. The site includes cricket and football pitches to the central and eastern areas and a collection of grass and hard tennis courts to the western end. The site has a single point of vehicle access from Church Road which opens onto a hardstanding parking area to the southwest corner. A collection of single storey storage, changing room and club house buildings are located between grass tennis courts and a woodland shelter belt to the western boundary.

The site is enclosed by dense woodland buffers following an L-shaped layout flanking the southern boundary with Church Road and the western boundary with the grounds of St Cuthbert's Church. These belts of woodland are protected by a woodland Tree Preservation Order (TPO) – 1951 no. 7. A group of five mature trees surrounding a scoreboard to the north western edge of the cricket pitch are also protected by TPO – 2004 no. 7. St Cuthbert's Church is a grade II* listed building and the hall to the east of the church is grade II listed. A series of other features within the church grounds (including a war memorial, sundial, monument and boundary walls) are also grade II listed. The whole of the site falls within the boundaries of the Lytham Conservation Area and is also identified as a locally listed heritage asset.

This application relates to two hard surfaced tennis courts located to the northwest corner of the site, immediately to the west of the scoreboard. The courts are presently enclosed by *circa* 3m high mesh fencing and have a narrow flagged run-off to their margins. Six equidistantly spaced floodlights

mounted on 10m high columns flank the northern and southern edges of the tennis courts. The closest dwellings are located *circa* 200m to the east of the site on St Cuthbert's Close, Upper Westby Street and Westwood Mews. These dwellings have a combination of front and side facing aspects to the sports ground and are separated from it by low level boundary walls and fencing.

Details of Proposal

The application seeks full planning permission for the siting of an inflatable, semi-circular dome over two tennis courts located to the northwest corner of the site. The dome would measure 34.7m in length and 32.2m in width and reach a maximum height of 9m. Externally, the structure would comprise a translucent, single skin plastic construction held in place by a lattice of steel cables with a revolving access door to the east side. The dome is proposed to be in place for 7 months each year between October and April to allow continued 'indoor' use of the tennis courts between autumn and early spring.

The scheme also includes the following ancillary works in order to create additional space for the dome:

- The construction of a 4.6m x 2.95m store room for the dome and cables to the northwest corner of the courts. The store would have a lean-to roof reaching 1.8m to the eaves and 2.2m to the ridge.
- The re-positioning and enlargement of the perimeter footpath around the margins of the tennis courts to form a continuous, 0.9m wide walking route.
- The re-siting of the existing 3m high mesh fencing to the perimeter of the courts.
- The removal of two trees to the west of the scoreboard (T4 – a Beech; and T6 – a Sycamore), one of which (T4) is protected by TPO.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 19/0338 | INSTALLATION OF 2.1M HIGH VEHICLE BARRIER | Granted | 12/07/2019 |
| 18/0483 | PART RETROSPECTIVE ADVERTISEMENT CONSENT FOR DISPLAY OF EXTERNALLY 2NO NON ILLUMINATED ENTRANCE SIGNS WITH 4 NO. SIGNBOARDS TO EACH | Granted | 17/08/2018 |
| 18/0404 | MINOR MATERIAL AMENDMENT OF CONDITION 2 TO PLANNING PERMISSION 16/0527 TO ALLOW THE REPOSITIONING OF THE CRICKET NETS | Granted | 13/07/2018 |
| 17/0639 | APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0527 FOR CONDITION 4 - MATERIALS CONDITION 5 - LIGHTING, CONDITION 6 - LANDSCAPING AND CONDITION 8 - DRAINAGE | Advice Issued | 21/10/2017 |
| 16/0527 | TWO FULL SIZE TENNIS COURTS WITH 3M AND 4.5M FENCING AND 10M HIGH FLOOD LIGHTS, RELOCATED JUNIOR COURT AND RELOCATED FOUR LANE 3.66M CRICKET NETS WITH ASSOCIATED EXTERNAL WORKS | Granted | 17/02/2017 |
| 06/0261 | PROVISION OF 2 NO. TENNIS HARD COURTS, RESURFACING OF 2 NO. EXISTING COURTS AND INSTALLATION OF FLOODLIGHTS. | Granted | 22/06/2006 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A. Non-Parish area.

Statutory Consultees and Observations of Other Interested Parties

Network Rail: Submitted a holding objection to the application on 20.05.19 pending the submission of a method statement to show how the manufacturer's design along with procedures for installation/removal mitigates the risk of the air dome being blown onto the railway. Final response dated 17.07.19 as follows:

- The information provided by the developer is acceptable and the holding objection can be removed. A site-specific method statement indicating the maximum wind speed for an attempt at installation/demounting of the air dome as well as the methodology/equipment Lytham Sports Club will utilise for measuring the wind speed has been provided. The site-specific method statement has identified that installation/demounting will not be attempted if wind speeds are any greater than 10mph base winds with 15mph gusts.

Sport England: Initially objected to the application on 20.05.19 due to the risk of ball strike from the cricket pitch onto the proposed air dome if cricket is being played and the air dome is still in place. Final response dated 25.06.19 as follows:

- The applicant has indicated that the times when the dome is in place should not coincide with the cricket season but, to ensure there is no overlap, has indicated that the Club will set the air dome erection and dismantling programme around the beginning and end of each cricket season once fixtures are confirmed. The air dome will only be erected after the last game of the cricket season each year and will be fully dismantled prior to the first game of each year. This will ensure there will be no chance of cricket balls striking the air dome at any time.
- Given the above commitment, Sport England is satisfied that the proposed development meets Exception 2 of our Playing Fields Policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'
- Accordingly, Sport England removes its holding objection of 20.05.19 subject to the imposition of a condition requiring that the air dome is dismantled each Spring before the cricket season begins; and is re-erected in the Autumn at the close of the cricket season for safety reasons to avoid the risk of ball strike from cricket upon the persons using the air dome.

Tree Officer: Objects to the application for the following reasons:

- The application includes the removal of TPO trees which provide amenity and biodiversity value to the area for a range of users, visitor and surrounding residents. I cannot accept the loss of any TPO trees in good health (which these specimens appear to be).
- Not only would the loss of these trees have a negative impact on amenity value, it will also put the remaining trees under un-accustomed biomechanical conditions. Due to the trees' root systems intermingling and having developed a network of communication they will have a symbiotic association where they can uptake essential nutrients and defend against pest and diseases living in the ground. The trees have grown and developed together and the removal of any tree will open up the rest of the trees to abnormal loading conditions as

they haven't developed all round canopy cover to offset the forces from the wind. This will potentially impact on the longevity of the remaining protected trees in the group.

Neighbour Observations

| | |
|-----------------------------------|----------------|
| Neighbours notified: | 24.04.19 |
| Site notice posted: | 10.05.19 |
| Press notice: | 02.05.19 |
| Amended plans notified: | N/A |
| No. Of Responses Received: | One |
| Nature of comments made: | One objection. |

The appropriate neighbouring properties were notified of the application by letter on 24.04.19. In addition, as the application involves major development notices have also been posted on site and in the local press. One letter has been received in objection to the application. The points made in the letter are summarised as follows:

- The removal of two protected trees within the sports ground is a contradiction to the purpose of that area which is to provide green space.
- Tennis in England is not a year round sport and the loss of trees is not justified by the erection of the dome.

Relevant Planning Policy

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

| | |
|------|--|
| GD1 | Settlement Boundaries |
| GD7 | Achieving Good Design in Development |
| HW3 | Protection & Provision of Indoor & Outdoor Sports Facilities |
| ENV1 | Landscape |
| ENV2 | Biodiversity |
| ENV3 | Protecting Existing Open Space |
| ENV5 | Historic Environment |

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Policy context and main issues:

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

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

- (c) approving development proposals that accord with and up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are considered to be:

- The principle of development.
- The development's effects on the character and appearance of the area, including its impact on heritage assets.
- The scheme's impact on surrounding occupiers.
- Other matters relevant to the decision, including those relating to trees, ecology and infrastructure safeguarding.

Principle of development:

The land falls inside the settlement boundary of Lytham St Annes and includes football and cricket pitches that are listed as sports facilities to be protected in accordance with FLP policy HW3. Policy HW3 states that, subject to certain exceptions, existing indoor and outdoor sports facilities will be protected and that new indoor and outdoor sports facilities will be supported where:

- They are readily accessible by public transport, walking and cycling; and
- The proposed facilities are of a type and scale appropriate to the size of the settlement; and
- They are listed in the action plan in the adopted Playing Pitch Strategy and / or the Built Facilities Review, subject to the criteria in this policy.

FLP policy ENV3 relates to the protection of existing open space, including football and cricket pitches identified on the Policies Map. The policy indicates that existing open space will be protected

from inappropriate development subject to the following criteria:

- Existing Open Space, including sports and playing pitches (subject to policy HW3: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless the requirements of paragraph 74 of the Framework are met and the findings of any published and adopted needs assessment are met.
- Existing Open Space, including sports and playing pitches (subject to policy HW3: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless it can be demonstrated that any proposal will not have adverse effects contrary to the landscape, biodiversity and water management requirements of the Local Plan and the requirements set out in the other criteria in this policy are met.
- Development will not be permitted on Existing Open Space which is considered essential to the setting, character, recreational benefits for residents, or visual amenities of Key Service Centres, Local Service Centres and rural settlements.

In addition, paragraph 97 of NPPF 2019 (which has replaced paragraph 74 in the 2012 version mentioned in policy ENV3) indicates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The air dome would be located over two existing hard surfaced tennis courts to the northwest corner of the site. While the area required for the dome and its run-off is slightly larger than the existing tennis courts (3.2m and 1.8m greater in width and length respectively), this would not result in the dome encroaching upon any of the other surrounding playing pitches or adjacent tennis courts. Accordingly, the proposal would not result in the loss of existing playing fields. Indeed, the development is associated with the enhancement of sports provision at the site in order to allow year-round use of the two tennis courts in question.

Sport England raised initial concerns that the seasonal use of the dome could result in some overlap with the cricket season and, as a result, that dome would be subject to ball strike if used simultaneously with the nearby cricket pitch. In order to resolve this issue, the applicant has indicated that they would be willing to accept the imposition of planning condition requiring that the dome is only erected after the last game of the cricket season and that it is dismantled prior to the first game of the following season. While it is not envisaged that this will result in a significant deviation from the proposed seasonal use of the dome between October-April, there may be a requirement for this period to be reduced depending on fixtures for the cricket season. Sport England are satisfied that this timetabling for the erection and dismantling of the dome is sufficient to ensure that the structure will not be at risk from ball strikes. Accordingly, Sport England have raised no objection to the application and consider that it is in compliance with the Playing Fields policy.

The proposed development would provide enhanced sports provision for tennis at Lytham Cricket and Sports Club by extending the use of these courts during inclement weather conditions between autumn and spring. Subject to the imposition of an appropriate planning condition restricting the seasonal placement of the dome, its siting would have no prejudicial effects on other sports uses at the site. Accordingly, the proposed development complies with the requirements of FLP policies HW3 and ENV3, and paragraph 97 of the NPPF.

Character, appearance and heritage impacts:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria d), f), h), i) and m) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Conserving and enhancing the built and historic environment.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates 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 the way it functions”.

In terms of heritage impacts, FLP policy ENV3 d) states that development will not be permitted on existing open space that makes a positive contribution to the historic environment including the character, appearance and setting of conservation areas and listed buildings, unless the proposal meets the requirements of Policy ENV5.

FLP policy ENV5 states that proposals for development should “conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde’s designated and undesignated heritage assets”. Policy ENV5 sets out specific considerations relating to listed buildings, conservation areas and locally important heritage assets. These requirements are reinforced in chapter 16 of the NPPF. In particular, paragraphs 193, 196 and 197

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

The whole of Lytham Cricket and Sports Club falls within the boundaries of the Lytham Conservation area. The grounds are also identified on the Council's local list of heritage assets. To the west of the site, St Cuthbert's Church is a grade II* listed building and the hall to the east of the church is grade II listed. A series of other features within the church grounds (including a war memorial, sundial, monument and boundary walls) are also grade II listed. Accordingly, the development has the potential to impact on both designated and non-designated heritage assets.

The site of the proposed dome is located in the far northwest corner of the site, some 140m from the vista of Church Road and a minimum of around 105m from the closest of the listed buildings at St Cuthbert's Church. The dome would be contained between a dense shelter belt of protected woodland planting to the west, the railway line to the north and a cluster of six mature trees to the east – five of which are protected by TPO. Adjacent tennis courts border the site to the northeast and south.

The proposed air dome would comprise a translucent plastic material, with the structure held in place by a network of steel cables arranged in a lattice style. The dome would be semi-circular in shape and, at 9m to the highest point, would be of significantly greater scale in comparison to the existing single storey storage, changing room and clubhouse buildings to the southwest corner of the site. Its translucent plastic material – especially when illuminated by the six retained floodlights to the perimeter – would also be in contrast to the prevailing brick, timber and rendered surfaces of nearby buildings. Accordingly, the scale and external appearance of the dome has the potential to adversely impact the character of the area and the significance of heritage assets. The magnitude of those effects must, however, be assessed in the context of the dome's site-specific characteristics. The applicant has provided photomontages to show visualisations of the development superimposed on surrounding viewpoints.

While located within the conservation area, visibility across the grounds of Lytham Cricket and Sports Club varies significantly from surrounding viewpoints. The site of the dome falls to the northern fringe of the conservation area and is substantially screened from public views by dense woodland planting to the southern and western edges of the grounds. Accordingly, public views from vantage points on Church Road to the south are restricted significantly by existing woodland planting in order that only glimpsed views towards the site of the dome – principally through the vehicular access point – are available. These views would also be over a distance of around 140m. Similarly, the density and height of mature planting to the western boundary would avoid any inter-visibility between the site and neighbouring listed buildings at St Cuthbert's Church and the dome would be positioned adjacent to the cemetery at the rear of those buildings, being some 105m from the closest of the buildings themselves. Views from the railway line to the north would be fleeting from the carriages of passing trains and, although a footpath (the 'Witch Wood Walk') flanks the railway line to the north, a thick buffer of woodland runs along the southern edge of this footpath where it passes the site of the proposed dome. Accordingly, public views from the north of the site would be significantly restricted.

The most prominent views of the dome would be from vantage points on the cul-de-sacs of Westwood Mews (also within the conservation area), Upper Westby Street and St Cuthbert's Close to the east. The closest dwellings on these cul-de-sacs are located around 200m away. A landscaped grass verge to the western edge of Westwood Mews provides a degree of screening between the site and this cul-de-sac. This planting is, however, intermittent and would not provide the same shelter belt screening to the south and west. Accordingly, there would be views of the dome across this verge. Similarly, views from Upper Westby Street and St Cuthbert's Close would be largely across open ground. The exception to this is the cluster of six trees planted around the scoreboard located immediately to the east of the dome. While two of these trees are to be removed to

facilitate the scheme, four would be retained and a further six specimens would be planted to the east of the scoreboard to mitigate this loss of tree cover. The replacement planting would be in the form of extra heavy standards which, in the medium term, are capable of providing a greater level of screening from vantage points to the east than the two trees to be lost. In the longer term, when these specimens reach maturity, they would have the effect – in combination with the retained planting – of creating a continuous screen to the southern half of the dome. When the effects of this screening is considered in combination with the dome's separation from cul-de-sacs to the east, the structure would not appear as a discordant or unsympathetic addition in the landscape.

The above factors show that the dome would be located on the most inconspicuous part of the site, as far away as practical from surrounding public vantage points, dwellings and with the greatest potential for screening with neighbouring heritage assets. As a result, it is not considered that, by virtue of its height, siting and materials, the structure would appear as an unduly dominant or incongruous feature within the conservation area, nor would it adversely affect the character and appearance of the street scene. It follows, therefore, that any harm to heritage assets (both designated and non-designated) arising from the development would be 'less than substantial' for the purposes of FLP policy ENV5 and paragraph 196 of the NPPF.

The applicant has prepared a statement of public benefits that would arise as a result of the scheme. In summary, this indicates that:

- The tennis club has 260 senior member and 154 junior members. A decade ago, these figures stood at 149 seniors and 144 juniors. There is, therefore, a growing body of membership and demand for year-round tennis provision.
- The potential for use of outdoor tennis courts between 1 October and 31 March is curtailed significantly by inclement weather conditions. Suitable outdoor tennis playing time is reduced by over 60% during this period and there are no indoor courts available in Fylde (excluding those at schools).
- The number of people and length of playing time currently drops off significantly during the above period. The installation of the proposed dome would allow year-round playing time, events and coaching. This will enable existing members to play more frequently and attract new members with a continuous, year-round offer which is unique to Fylde.
- The provision of 2 indoor courts could allow tennis to be played continuously from 09:00 – 22:00 on a daily basis during the winter months.
- The dome would allow the club to offer various tennis activities to new and existing members under the control of their LTA coach which would include Seniors tennis, Zumba tennis, Cardio tennis, after school tennis taster days (currently only available in the summer term), more junior tennis camps, increased junior coaching, open days and taster sessions.
- Overall, it is estimated that the dome would allow tennis to be played at least twice as much in the winter months, with a minimum 20% increase in the number of participants.

When these public benefits to a range of users are weighed against the limited, less than substantial harm that the development would cause to the conservation area – including the fact that its seasonal siting would limit these effects to no more than 7 months of the year – it is considered that the benefits of the scheme (including securing the optimum viable use of the Sports Club) are sufficient to outweigh any harm arising in this regard (including that occurring from the loss of trees within the conservation when the mitigation of the replacement planting is taken into account).

Effects on surrounding occupiers:

Criterion (c) of FLP policy GD7 requires that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and

proposed.

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

In addition, paragraph 180 a) of the Framework states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

Uses surrounding the site include a church and cemetery to the west; a railway line separates the site from Lytham Hall Park Primary School to the north; a collection of dwellings are located on cul-de-sacs to the east; and Lowther Gardens is located on the opposite side of Church Road to the south.

The development’s relationship with surrounding buildings, including its separation and screening in relation to them, is described above. In summary, it is concluded that the dome’s scale, spacing with neighbouring buildings and the presence of intervening screening between them would ensure that it does not appear as an oppressive or overbearing feature in the outlook of surrounding occupiers. For the same reasons, there would be no adverse amenity impacts through overshadowing or overlooking.

The dome is to be illuminated by six existing floodlights to the northern and southern margins of the courts. This floodlighting will allow play into the evening in the off-season. Despite their separation with neighbouring dwellings, it is considered that operating hours of the proposed indoor courts within the dome needs to be properly controlled in order to avoid any adverse impacts arising from noise and disturbance at unsocial hours. Planning permission 16/0527 granted consent for three new tennis courts and associated floodlighting alongside the northern boundary of the site. Condition 7 of that planning permission restricts the hours of use for those courts to between 08:00 and 22:30 hours each day. For consistency, it is recommended that a condition is imposed as part of this permission to limit the hours of use for the indoor courts that would arise from this application to the same times. Accordingly, suitable controls can be imposed to ensure that the development would have no undue impact on the amenity of neighbouring occupiers as a result of noise and disturbance.

Other matters:

Trees:

The increased land take required by the dome and its surrounding perimeter run-off would necessitate the removal of two trees around the scoreboard to the east of the site. Both trees – T6 (a Sycamore) and T4 (a Beech) are mature specimens and T4 is protected by TPO 2004 No. 7. The trees also contribute to the character of the conservation area by virtue of their amenity value and enhancement of the site’s sylvan setting. The Council’s Tree Officer has objected to the application based on the proposal’s need to remove T4 and T6. This is also a concern raised in the public representation to the scheme.

Criterion m) of FLP policy GD7 requires developments to demonstrate good design by “protecting existing landscape features and natural assets as an integral part of the development”.

Criteria b) and c) of FLP policy ENV1 state that development should:

- Ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting.
- In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features, including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features.

In this case, the siting of the dome is fixed by virtue of the position of the tennis courts. It would not be practical to re-locate the dome in a different position which could avoid the loss of T4 and T6. In particular, the siting of the dome on the adjacent hard courts to the south has been investigated and this too would necessitate the removal of at least one protected tree (T5) while also positioning the dome in a more exposed location in relation to surrounding public vantage points. Accordingly, there is no satisfactory alternative location for the dome that would avoid impacting on protected trees surrounding the scoreboard. The only alternative would, instead, be to ‘do nothing’.

While the loss of T4 and T6 is regrettable, the effects arising from this must be balanced against: (i) the wider benefits of the development as a whole; and (ii) the replacement planting that is proposed to mitigate the loss of existing trees. The application includes the introduction of new planting in the form of six extra heavy standards of native species (Alder, Silver Birch and English Oak) on land to the east of the scoreboard. The siting of this replacement planting is intended to provide mitigation as close as possible to the site of removals without impacting on the usable area of the adjacent playing pitches or overhanging other nearby tennis courts. The new planting would also provide medium-long term screening benefits from vantage points to the east.

Given the wider public benefits arising from the scheme and the 3:1 ratio of replacement planting to compensate for the loss of two existing mature trees (one of which is protected by TPO), it is considered that any adverse impacts arising from the loss of T4 and T6 can be adequately mitigated through the introduction of replacement planting and that the public benefits of the scheme outweigh the harm arising in this regard.

Ecology:

The site is not subject to any statutory or non-statutory nature conservation designations and as the dome simply seeks to cover existing tennis courts on the site of a sports club which is already used intensively for this purpose, the development will not give rise to any added ecological impacts. However, as the application involves the removal of two mature trees there is potential for this to disturb nesting birds if works to these trees are carried out during the bird nesting season (March to August inclusive). Accordingly, a condition has been imposed to restrict removal of these specimens to times outside the bird nesting season (unless the absence of nesting birds is demonstrated by survey).

Infrastructure safeguarding:

Land to the north of the site is occupied by the Blackpool South – Preston railway line. The northern edge of the dome would be located *circa* 7m from the boundary with the railway embankment. A

method statement setting out the procedure and conditions required for inflation and deflation of the air dome has been submitted following concerns raised by network rail relating to the potential for the dome to be blown onto the railway if inflation/deflation is attempted above a certain wind speed. Network Rail have confirmed that the final method statement – which states that installation and demounting of the air dome will not be attempted if wind speeds are any greater than 10mph base winds with 15mph gusts – is acceptable. Compliance with the requirements of the submitted method statement can be achieved through the imposition of an appropriate planning condition to ensure that the development does not adversely affect the safe operation of neighbouring transport infrastructure.

Conclusion

The application relates to the site of Lytham Cricket and Sports Club – a broadly square-shaped parcel of land occupying an area of *circa* 4.4 hectares between Church Road and the Blackpool South – Preston Railway line. The land falls within the Lytham Conservation Area, is a locally listed heritage asset and is bordered by a collection of statutorily listed buildings at St Cuthbert's Church to the west. The majority of trees on the site are protected by Tree Preservation Orders.

The proposed development involves the siting of an inflatable, semi-circular dome over two tennis courts located to the northwest corner of the site. The dome would be of a translucent, single skin plastic construction and is proposed to be in place between October and April each year (a period of 7 months) to allow continued 'indoor' use of the tennis courts between autumn and early spring. The scheme also includes the creation of new footpaths and relocation of perimeter fencing to the margins of the tennis courts.

The air dome would be discreetly located to the northwest corner of the site and would be substantially screened from surrounding public vantage points by clusters of protected woodland following the southern (to Church Road) and western (to St Cuthbert's Church) boundaries of the site. Views from the closest dwellings to the east would be over a minimum distance of around 200m and partially screened by existing and proposed planting surrounding a scoreboard to the east of the site. Accordingly, the dome would not appear as a dominant or intrusive feature in the landscape and would not have an oppressive or overbearing impact on the occupiers of neighbouring dwellings.

Any harm to the conservation area and locally listed heritage asset arising from the dome's scale and translucent, plastic material would be less than substantial given its inconspicuous siting in relation to the main vista of the conservation area, its effects would be temporary and would be outweighed by the public benefits of delivering year-round tennis provision. The extent and density of screening between the site and nearby listed buildings would avoid any intervisibility between the development and those buildings and thus prevent any harmful effects on those designated heritage assets.

The siting of the dome and associated increase in the width of the margins to its perimeter would necessitate the removal of two mature trees, one of which is protected by a Tree Preservation Order. This harm would, however, be adequately mitigated through the introduction of replacement planting nearby in a 3:1 ratio. No other adverse effects would arise with respect to prejudicial impacts on other sports facilities at the site, ecology or to surrounding infrastructure (including the adjacent railway line) that would outweigh the benefits of granting permission. Therefore, the proposal is considered to represent sustainable development in compliance with the relevant policies of the FLP and the NPPF.

Recommendation

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

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

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

2. This permission relates to the following plans:

Drawing no. 5668_D_L01 Rev A – Location Plan.

Drawing no. 5668_D_L02 Rev A – Site Plan.

Drawing no. 5668_D_L03 Rev A – Existing & Proposed Site Layout Plans.

Drawing no. LTC051801 – Lytham TC Layout.

Drawing no. 5668_D_L04 – Precedent images.

Drawing no. 5668_D_L05 – Existing and Proposed Sectional Elevations.

Drawing no. 201 – Tree Retention, Removal, Protection and Mitigation Plan.

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

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

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

Reason: To ensure use of appropriate materials which are appropriate to the character of the site, its surroundings and heritage assets in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies ENV5, GD7 and the National Planning Policy Framework.

4. The dome hereby approved shall only be in place between the following dates, whichever occurs first: From 1st October or following the last fixture of the cricket season (where a match is to be played at Lytham Cricket and Sports Club) until 31st April the following year or the first fixture of the next cricket season (where a match is to be played at Lytham Cricket and Sports Club).

Reason: The dome is required for temporary, seasonal use only and must be dismounted during the cricket season to avoid the potential for ball strikes to endanger users of the indoor tennis courts. The condition is required to ensure that the development does not have a prejudicial effect on the use of playing pitches at the site for other sports in accordance with the requirements of Fylde Local Plan to 2032 policies HW3 and ENV3, and the National Planning Policy Framework.

5. The tennis courts located inside the dome hereby approved shall only be open for use (for any purpose) between the hours of 08:00 and 22:30 on any day.

Reason: To minimise the potential for noise and disturbance to the occupiers of surrounding dwellings and to ensure consistency with the hours of opening for other floodlit tennis courts at the site (including those granted pursuant to planning permission 16/0527) in the interests of the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. The installation and/or dismantling of the dome hereby approved shall be carried out in full accordance with the method statement set out in the following documents:

- Document titled 'Method Statement' by Covair dated 12/07/2019 (relating to the dismantling of the dome).
- Document titled 'Method Statement' by Covair dated 12/07/2019 (relating to the re-inflation of the dome).
- Document titled 'Health & Safety Risk Assessment dated 12/07/2019.
- Document titled 'Seasonal Use of Covair Dome'.
- Document titled 'Wind Speed Switch with wind speed display'.

Installation and/or dismantling of the dome shall not be attempted if wind speeds are greater than 10mph base winds with 15mph gusts.

Reason: To avoid any risk of the dome being blown onto the adjacent railway line during the process of installation and/or dismantling in order to maintain the safe operation of the railway network in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees identified as being retained on drawing no. 201. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed in the positions indicated by a purple dot-and-dash line on drawing no. 201. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing protected trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

8. With the exception of those specimens identified on drawing no. 201, no other trees shall be lopped, topped or felled unless a separate works to trees application has first been submitted to and approved in writing by the Local Planning Authority.

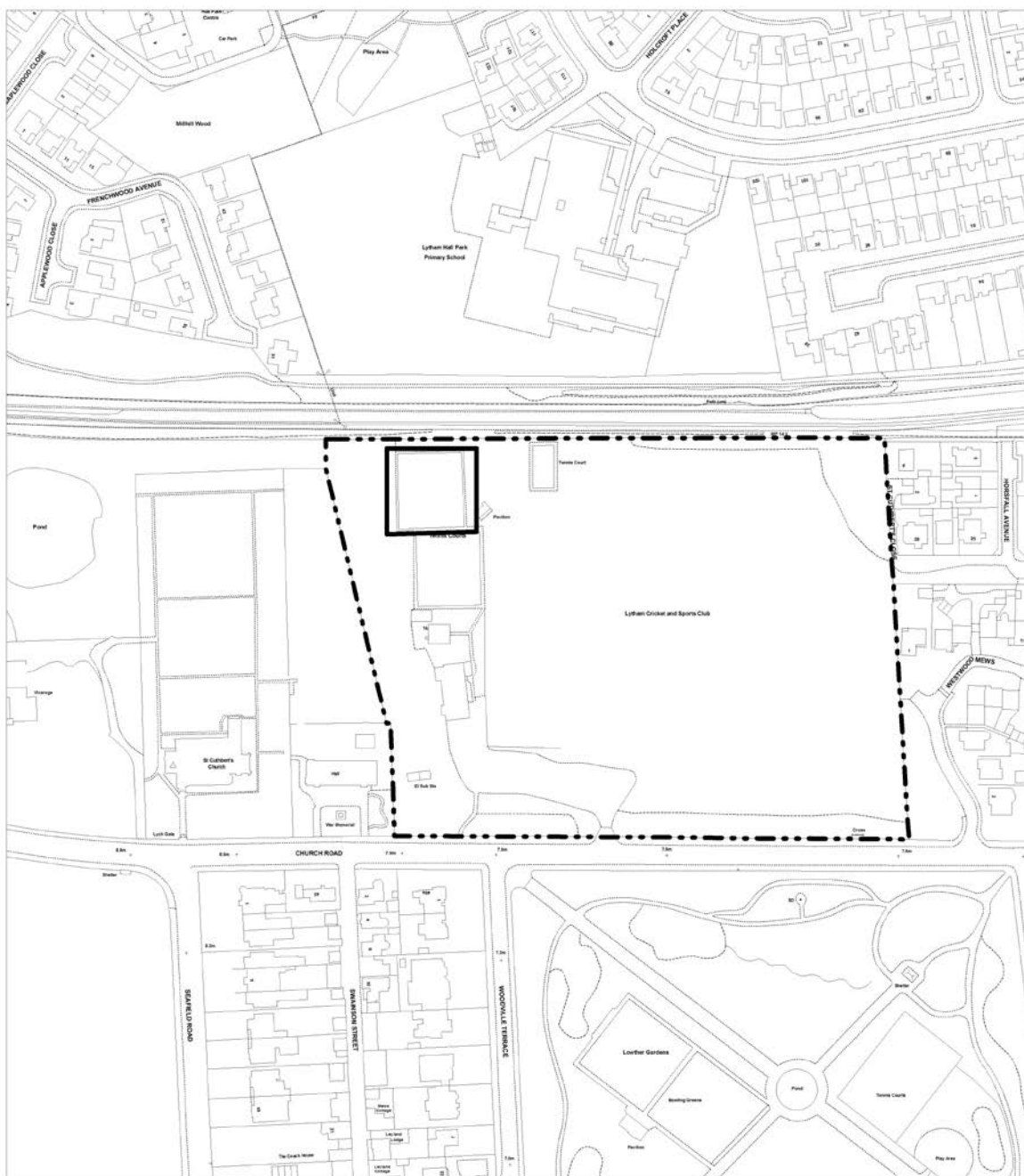
Reason: In order to safeguard existing trees in the vicinity of the development that are protected by a Tree Preservation order and to prevent harmful works being undertaken to trees that are shown to be retained as part of the development in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV5.

9. All six of the "proposed native trees" shown on drawing no. 201 shall be planted in full accordance with the details indicated on the approved plan during the first planting season that follows the removal of the existing trees labelled T4 and T6. If any of the "proposed native trees" are subsequently removed, die, become severely damaged or seriously diseased within 10 years of planting, they shall be replaced by trees of the same size and species originally required to be planted.

Reason: To ensure appropriate compensatory planting following the loss of protected trees on the site in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV5.

10. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1st March and 31st 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 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.



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Ordnance Survey (100006084).

Application No.
5/18/0535

Address
Lytham Cricket Club, Church Road,
Lytham St Annes

Grid Ref.
E.3358 : N.4273

Scale
0 10 20 30 40 m

Item Number: 2

Committee Date: 31 July 2019

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 18/0798 | Type of Application: | Full Planning Permission |
| Applicant: | MCS Properties | Agent : | PWA Planning |
| Location: | PEEL HALL BUSINESS PARK, PEEL ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5JX | | |
| Proposal: | PROPOSED REDEVELOPMENT OF EXISTING BUSINESS PARK FOR A MIX OF B1, B2 AND B8 USES | | |
| Ward: | WARTON AND WESTBY | Area Team: | Area Team 1 |
| Weeks on Hand: | 42 | Case Officer: | Kieran Birch |
| Reason for Delay: | Design Improvements | | |

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

<https://www.google.co.uk/maps/@53.7758071,-2.975033,1149m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is the Peel Hall Business Village, which is a former farm premises located on the eastern side of Peel Road midway between Ballam Road and Peel Corner. The site has a long standing planning permission for employment uses and has been designated for employment purposes under Policy EC1 and EC2 in the Fylde Local Plan to 2032 as a consequence of this permission and its current use.

The application under consideration here relates to the wholesale redevelopment of the site with the clearance of the existing buildings that are not currently converted to employment use, and the erection of a series of new units for Class B1, B2 or B8 employment purposes along with areas of parking, drainage facilities and a landscaped perimeter.

Given the local plan designation for employment purposes and the need to provide such facilities to enhance the availability of appropriately sited and designed economic opportunities in the borough, the use proposed is acceptable in principle. The scheme raises a series of issues including the implications for highway connectivity and safety, the appearance of the buildings in the surrounding rural landscape, and the amenity of neighbouring properties. These have been considered carefully by officers and the scheme under consideration is a revision to that originally presented to address some initial officer and consultee concerns.

The scheme will present a significant growth in the scale and level of activity at the site, but does so in a way that allows it to fulfil its potential as a designated employment site without causing undue levels of harm. As such it is recommend that members support the application as presented, with the recommendation being to delegate the decision to officers on conclusion of a s106 legal agreement related to the provision of a sum of money to assist with transport improvements to enhance the sustainable access to the site for all, and the adoption of a satisfactory Habitats Regulation Assessment.

Reason for Reporting to Committee

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

Site Description and Location

The application site is Peel Hall Business Park, which is located on the east side of Peel Road, approximately 1.3 miles from the M55 motorway and 2 miles north of Lytham. The site is allocated as an existing Employment site under policy EC1 of the Fylde Local Plan to 2032 and currently consists of a number of different types of employment buildings. The site was formerly in agricultural use until it was granted permission through application 99/0914 which permitted the conversion of these former agricultural buildings to all the Business class uses.

The majority of existing development is located towards the north and west of the site, a small portion of which fronts Peel Road. The southern and eastern portions of the site remain largely undeveloped and currently comprise mainly marshy grassland and scrub vegetation. There are pockets of vegetation around the site, notably mature vegetation in the north-western corner, as well as along the northern and western edges of the site, with younger vegetation along the southwestern edge by way of a landscaped bund. The existing access is taken directly from Peel Road via a gated/walled entrance located at the south west corner of the site.

The site is surrounded by open countryside with some residential dwellings to the north and west of the site. A landfill site and further commercial/industrial buildings lie to the south west off Peel Road/Anna's Road. The site does not fall under any landscape or ecological designations and falls within flood zone 1.

Details of Proposal

The application is submitted in full and seeks a comprehensive re-development of the Business Village with the aim of creating a high-quality, attractive business park for existing and prospective users. The development would comprise a mix of B1, B2 and B8 uses. The proposal comprise the following;

- The demolition of existing buildings in the northern portion of the site which are in a poor, dilapidated condition (see Demolition Plan (ref. L005));
- 3no. new build office units located in the northwest portion of the site;
- 9no. new build office units/ 'pods' in the southern portion of the site – 4no. of these units would be located to the west of the internal access road, and the remaining 5no. would be located to the north of the attenuation ponds in the southeast corner of the site;
- 11no. new build industrial units located in the northern portion of the site;
- Retention of existing buildings, comprising a mix of brick built and steel-frames buildings and grain store. Existing building 7 will be refurbished and extended to the rear as shown on the Masterplan;
- Internal roads and parking as depicted on the Masterplan;
- Provision of attenuation ponds and habitat mitigation area in the south eastern portion of the site;
- Landscaping scheme for the site including the relocation of the landscaped bund along the south western edge of the site; and
- Ancillary development including bin stores, sub-station and overflow gravel car parking area.

The scheme proposes 2165sqm of office space set out in 12 units, and 4996sqm of industrial space. It is proposed that the site will be developed in five phases. Phase 1 consisting of landscaping, drainage, ponds and roadways, phase 2 being the industrial buildings in the north of the site, Phase 3 industrial buildings to the south, then phase 3 being the office and employment pods to the south of the site and the final phase being the buildings in the north west corner of the site adjacent to the highway.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------------------|-------------|
| 19/0048 | CHANGE OF USE FROM DAY NURSERY (CLASS D1) TO OFFICE (CLASS B1) | Granted | 28/06/2019 |
| 17/0815 | ADVERTISEMENT CONSENT FOR 2 NO FREE-STANDING EXTERNALLY ILLUMINATED SIGNS AT EITHER SIDE OF SITE ENTRANCE | Withdrawn by Applicant | 13/11/2017 |
| 16/0246 | CHANGE OF USE OF LAND TO STORE VEHICLES (EXPANSION OF EXISTING BUSINESS) - RETROSPECTIVE APPLICATION. | Granted | 05/07/2016 |
| 15/0704 | APPLICATION FOR PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF OFFICE BUILDING (CLASS B1) TO A REGISTERED NURSERY UNDER SCHEDULE 2, PART 3, CLASS T OF THE GPDO | Approve Prior Determination | 17/11/2015 |
| 13/0424 | CHANGE OF USE FOR STORAGE OF MOTOR VEHICLES | Granted | 14/10/2013 |
| 11/0052 | TEMPORARY SITING OF HYDRO ELECTRIC TRIAL PLANT UNTIL 30/11/2011 | Refused | 23/03/2011 |
| 09/0096 | OUTLINE APPLICATION FOR THE ERECTION OF B1 (a) OFFICE BUILDING (AS AMENDED), INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE | Refused | 23/12/2009 |
| 09/0097 | OUTLINE APPLICATION FOR THE ERECTION OF 3 NO. B2 / B8 INDUSTRIAL UNITS (AS AMENDED), INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE. | Refused | 23/12/2009 |
| 09/0098 | OUTLINE APPLICATION FOR THE ERECTION OF A RENEWABLE ENERGY GENERATOR. | Withdrawn by Applicant | 05/08/2009 |
| 07/1056 | CHANGE OF USE FROM DWELLING TO B1 OFFICE USE. | Granted | 07/12/2007 |
| 07/0130 | CONVERSION OF EXISTING REDUNDANT DWELLING INTO OFFICE ACCOMMODATION AND ERECTION OF REPLACEMENT SITE OWNERS DWELLING. | Refused | 05/04/2007 |
| 03/0878 | USE OF LAND FOR EXTERNAL CAR STORAGE AREA AND ERECTION OF DOUBLE GARAGE | Refused | 15/10/2003 |
| 03/0504 | RE-SUBMISSION OF 02/759 FOR RETENTION OF BUND TO FRONT OF SITE WITH LANDSCAPING | Granted | 23/07/2003 |
| 03/0360 | USE OF LAND FOR EXTERNAL STORAGE OF CARS | Refused | 23/07/2003 |
| 02/0953 | REMOVAL OF CONDITION 10 ON APPLICATION 99/814 WHICH RESTRICTS OCCUPANCY OF THE HOUSE TO AN EMPLOYEE OF THE INDUSTRIAL ESTATE | Refused | 14/01/2003 |
| 02/0759 | RETROSPECTIVE APPLICATION FOR LANDSCAPE BUND TO FRONTAGE ON PEEL ROAD | Refused | 21/01/2003 |

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|---------|---|---------|------------|
| 02/0668 | ERECTION OF DEMONSTRATION BUNGALOW STRUCTURE | Granted | 05/03/2003 |
| 02/0291 | MODIFICATION OF CONDITION OF 5/99/814 TO ALLOCATE UNIT 6G WITH B2 USE AND RETENTION OF TWO FLUES ON ROOF | Granted | 11/09/2002 |
| 01/0283 | SINGLE REPLACEMENT DWELLING HOUSE . | Refused | 20/06/2001 |
| 01/0233 | RE-POSITIONING OF LANDSCAPING BUND TO EASTERN SITE BOUNDARY OF DEVELOPMENT APPROVED UNDER 5/99/814 . | Granted | 18/07/2001 |
| 00/0850 | PROPOSED TWO NEW DETACHED DWELLINGS | Refused | 28/02/2001 |
| 99/0814 | CONVERSION OF BUILDINGS WITHIN REDUNDANT FARMSTEAD TO CLASS B1 (BUSINESS) , CLASS B2 (GENERAL INDUSTRIAL), AND CLASS B8 (STORAGE AND DISTRIBUTION) USE. | Granted | 13/07/2000 |

Relevant Planning Appeals History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 11/0052 | TEMPORARY SITING OF HYDRO ELECTRIC TRIAL PLANT UNTIL 30/11/2011 | Withdrawn | 18/09/2011 |
| 07/0130 | CONVERSION OF EXISTING REDUNDANT DWELLING INTO OFFICE ACCOMMODATION AND ERECTION OF REPLACEMENT SITE OWNERS DWELLING. | Dismiss | 30/01/2008 |
| 03/0878 | USE OF LAND FOR EXTERNAL CAR STORAGE AREA AND ERECTION OF DOUBLE GARAGE | Allowed | 07/07/2004 |
| 01/0283 | SINGLE REPLACEMENT DWELLING HOUSE . | Dismiss | 17/12/2001 |
| 03/0878 | USE OF LAND FOR EXTERNAL CAR STORAGE AREA AND ERECTION OF DOUBLE GARAGE | Allowed | 07/07/2004 |
| 00/0850 | PROPOSED TWO NEW DETACHED DWELLINGS | Dismiss | 17/12/2001 |

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 12 October 2018 and comment:

"It was resolved to offer no objections."

The Parish Council were re-consulted on the revised plans on 5 July 2019. At the time of writing no comments have been received. However as the revised scheme is an improvement in terms of increased landscaping and pulling development away from the boundaries it is not anticipated that their view will alter. If comments are received prior to Committee these will be provided in the late observations.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

The Highways authority provided a response on 24/1/19. The key points from this response are as follows:

- The access is generous in width and meets the requisite highway parameters in terms of set-back distance, junction radii and visibility.

- There are no cycle ways in proximity to the site. With surface improvements Annas road can provide a pedestrian/cycle link to North Houses Lane which together with Wild Lane are proposed to become pedestrians and cyclists only route following the construction of the ongoing Heyhouse Link Road. Therefore LCC seek the applicants improvement of Anna's road as a 3m wide pedestrian and cycle link to deliver convenient routes as required by the NPPF.
- Raise concerns with the applicant's assessment of baseline traffic condition. State TRICS would have been a better prediction of traffic. LCC assess that if proposed traffic is added to background traffic the signalised junction of the Preston New Road/Peel
- Road/White Hill Road would worsen in capacity terms in future years. They consider that this problem can be alleviated by operating MOVA and require the funding of this measure.
- No committed developments in the area have been taken into account. LCC refer the applicants to these committed developments and state until these are taken into account and impact on junctions beyond 2018 and 5 years after completion of the development it cannot be said that the impact of the development would be minimal.
- LCC require analysis of the injury records on the local highway within the vicinity of the site.
- No comparison between existing and anticipated pedestrian or cycle trips has been made.
- It is considered that the applicant should provide opportunity for commuting to the site by public transport by carrying out improvements to the two bus stops to include raised boarding area, kerbs, bay markings, clear ways etc.
- Parking appears to have been over-provided however there are no disabled parking or cycle storage spaces.
- The mitigation required to make the development acceptable is summarised as;
- Carry out improvements to Anna's Road to make it a 3.0m wide pedestrian/cycle link.
- Provide an extension to the existing footway on the east side of Peel Road from where it currently ends up to the site access, estimated to be for a distance of 1.5km.
- Introduce MOVA to the existing traffic signals at Preston New Road/Peel Road/White Hill Road
- Carry out improvements to the two nearest bus stops to the site on Preston
- New Road to include raised boarding area etc. as described above.
- The submitted Framework Travel Plan meets LCC's submission criteria, therefore a full TP needs to be developed in line with the timescales outlined in the Framework. LCC require £6000 to ensure appraisal and monitoring of the TP.

Following the receipt of these comments the applicants have produced a Technical Note to cover the issues raised by LCC. A meeting was then held to discuss its content with officers, the applicants and LCC Highways. During this meeting the issues were resolved and LCC were to follow with a revised response which was received on the 11 July and stated the following;

I've visited Anna's Road this week and for the majority of its length it is useable as a footway. The last 200m to North Houses Lane is overgrown with vegetation and very difficult to use. Underfoot the road appears sound but would require the removal of the overgrowth to ascertain whether or not the surface is sound.

Whilst this section of Anna's Road will become an attractive walking and cycling route as the Queensway development is built out and once the Heyhouses Link Road is constructed, these are likely to be some time away and as such improvements would not be necessary at the commencement of this development. It is therefore suggested that a condition be imposed to limit the level of occupation of the industrial units to 75% until a review of the progress of the Queensway development and the Heyhouses Link Road has been undertaken and should sufficient progress have been made then the developer carries out an improvement to Anna's Road (for approximately 200m from North Houses Lane).

The scope of the improvement should be to ensure that the route is safe for pedestrian / cycle access i.e. clear from overgrowth and having a sound surface free from hazards such as pot holes.

With regards to the internal layout there are issues with parking being directly in front of service doors. The proposed Industrial Building Type 1 has roller shutter doors at each end as well as centrally. This building is proposed at various locations throughout the site with some of these locations not having service access or parking in front of them. This would lead to vehicles servicing from road ways impacting on access to other business units and also displaced parking either to the overflow car park or on the access roads. Ultimately if sufficient parking is not readily available it could be displaced onto the adopted highway network.

Whilst all building have pedestrian routes around them there is a concern that there is a lack of links between building, in particular lack of identified road crossing points. Further to this there is a concern that there is no footway on either side of the access road from Peel Road.

The applicants have addressed these issues with a revised plans and the Highways officers comments are awaited along with clarification with regard to a MOVA contribution.

Environmental Protection (Pollution)

I have looked through the documentation and there were initial concerns regarding the units adjacent to the roadside opposite the dwellings at Archers farm and Peel Road, However it is understood that these will be allocated for office use and as such there are no further objections from Environmental Protection.

To protect the amenity of the local residents I would request that the times of operation are limited to

- *08.00 – 18.00 Monday to Friday; 09.00 -13.00 Saturdays **for industrial use***
- *07.00 – 23.00 Monday to Friday; 07.00 – 18.00 Saturdays; 10.00 – 16.00 Sundays **for office use.***

Regeneration Team (Landscape and Urban Design)

Initial response dates 4/12/18

The proposed development represents an extension of the existing business park, which currently accommodates several large industrial and office buildings. In addition, there

are several derelict industrial buildings. The site is located within a rural landscape that contains several small areas of residential dwellings and a relatively busy highway (Peel Road). The proposed development will be visible from the surrounding landscape resulting in a loss of visual amenity. The proposed development will become less visible over time, as the proposed vegetation matures, but due to the size and massing of the proposed buildings, the site will remain visible. I do not have any objections to the proposed development in principle, but I have concerns with the following elements;

- *The developer seems to have squeezed the maximum number of buildings onto the site and this has come at a cost to the proposed landscaping and the setting of the business village in its rural landscape. The number of proposed buildings should be reduced to allow for sufficient landscaping, which would allow the proposed development to integrate into the rural setting.*
- *Office Buildings 1, 2 & 3 are positioned too close to Peel Road and their proximity to the existing residential settlement would result in a loss of visual amenity and tranquillity. Industrial Buildings 1 & 2 are positioned too close to the northern boundary and industrial buildings 9, 10 & 11 are positioned too close to the eastern boundary. Both will result in the loss of visual amenity.*
- *To provide a more appropriate level of landscaping, including more suitable substantial buffer zones, the building density should be reduced. The removal of the proposed industrial buildings 4, 9, 10 and 11 would allow the other proposed buildings to be moved away from the site boundaries and the increased space between buildings would allow for a greater level of sympathetic landscaping.*
- *The proposed design of the buildings are generally of an industrial quality, which may be appropriate for the industrial buildings, but the office blocks, and in particular office buildings 1, 2 & 3, would benefit from being designed with a more rural / agricultural character. The walls of these buildings should reflect the vernacular, brick built / slate roof style of the surrounding farm / residential built structures.*
- *The proposed buffer planting would not provide appreciable screening of the proposed development. The landscape buffer planting, especially to the northwest, north and northeast, is too narrow.*
- *The buffer planting to the northwest, adjacent to office buildings 1, 2 & 3, should have a depth of at least ten metres. The hedgerow should be a mix of hawthorn, blackthorn, field maple, holly and hazel and should include standard trees such as oak, field maple and wild cherry. To provide a more immediate effect the hedge species should be planted at a height of at least 120/150cm. The woodland planting should include a mix of native trees, including oak, field maple, wild cherry spp., willow spp., crab apple, hawthorn and, if available, ash. In addition to the tree planting, there should be an understory of hazel, holly, blackthorn and hawthorn.*
- *The buffer planting to the north should include the existing trees, with the exception of the large willows. The depth of this planting, including the existing trees, should be approximately twenty metres. The new woodland planting, to the south of the existing trees, should be as above.*
- *The buffer planting along the entire eastern boundary should be a minimum depth of ten metres and should include the existing trees, which would be supplemented by native woodland plant as above.*
- *The southern end of the site should be allocated for landscaping proposals. The removal of the proposed office buildings 6 & 7 would allow this area to be dedicated to landscape and environmental development. The density of existing buffer planting should be increase by gapping up and introducing an understory of hazel, holly, blackthorn and hawthorn.*

- *The overflow car park should be as per the general arrangement plan and NOT the landscape plan. There should be an access road with parking to one side and a turning circle to the north. A dense 2.5m wide buffer planting strip should be introduced to either side of the access road/parking bays and to the north of the overflow car park.*
- *The proposed scheme does not include sufficient green infrastructure, especially around the perimeter of the site. Areas set aside for open green space and planting of a shelterbelt / visual screening should be increase, which would allow the proposed development to sit more comfortably in its rural setting.*
- *The current proposal does not reflect the architecture of the of the neighbouring buildings nor does it provide a linkage to the wider landscape and therefore does not demonstrate the principles of good design or reflect the rural character of the local area.*

Following a meeting with the applicants and a number of revised landscaping plans, the Landscape Officer commented on the 5/7/19 with the following;

All of our comments and concerns have been satisfactorily addressed and we do not have any further objections to the proposed development, as shown on 'Detailed Landscape Proposals' plan, c-1706-01 Revision C.

Lancashire CC Flood Risk Management Team

No comments received.

United Utilities - Water

No objections. The FRA is acceptable to United Utilities. They request a condition that the drainage be carried out in accordance with the FRA and suggest a condition to ensure the management and maintenance of sustainable surface water drainage.

Cadent Gas

They highlight that there is apparatus in the vicinity of your proposed works is which is Low or Medium pressure (below 2 bar) gas pipes and associated equipment. As such they suggest a note is added to any permission to ensure that the developer is aware of this and will carry out the development in accordance with the correct protocol and guidance.

Environment Agency

No objections to the application but make comments on foul drainage. These being that the application is for a major development which proposes non-mains foul drainage and, according to records, the site is in an area which is not served by the public foul sewer network. As such the applicant is proposing a new package treatment plant to deal with foul sewage and is likely to require an Environmental Permit before discharging to any surface water or groundwater receptor. The applicant should refer to the advice provided by the EA around the granting of the permit.

They advise that the site is within 250m of Westby historic landfill sites and an authorised landfill site which currently operates under an Environmental Permit. In this case, the EA are not aware of any landfill gas migration and consider that it would be unlikely given the type of waste used for the fill.

Regeneration Team (Tree Officer)

None of the trees are currently protected by a Tree Preservation Order (TPO) nor is the

proposed development site in a Conservation Area.

BAE Systems

No objections to the development.

Neighbour Observations

| | |
|--------------------------------|--|
| Neighbours notified: | 12 October 2018 |
| Amended plans notified: | 25 June 2019 |
| Press Notice Date: | 25 October 2018 |
| Number of Responses | Six letters of objection (four from the same resident) to the initial plans. |
| Summary of Comments | <ul style="list-style-type: none">• Loss of trees from the bund to the north. No objections to the development but don't want to see it, the site was originally a farm and the green country type views maintained.• Oppose the two storey building near my property.• Oppose the overflow car parking, detrimental to the views and privacy of my dwelling.• Oppose the temporary cabins being built.• Can't see plan showing which trees are to be removed.• Development not in keeping or sympathetic to the site being in a rural location.• Areas of the site are being used without permission. These should be removed from the calculations of the amount of existing development.• Application using dilapidated buildings to justify development they are not existing or permanent.• Application is contrary to policy GD4 – development in countryside.• Application contrary to policy GD7 – good design, development out of character, in design, size, height and area.• Overlooking from buildings.• Development extends into countryside.• The brick wall at front of the site whilst having permission is higher than allowed next to highway. Should this be removed or addressed. Eye sore that needs renovating.• Previous applications requirements have been ignored.• Loss of amenity from noise.• Site is not sustainable. There is no footpath or bus route. Unsafe for cyclists.• Residents use Anna's road to get to work. Waste needs removing.• Increase in traffic.• Improvements need to be made in line with LCC's comments.• Far more HGV's than stated use Peel Road.• Needs to be limits on the hours of operation. |

One letter has been received in relation to the revised plans re-iterating comments previously made and summarised above.

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|------|--|
| GD7 | Achieving Good Design in Development |
| EC1 | Overall Provision of Empty Land and Existing Sites |
| EC2 | Employment Opportunities |
| INF2 | Developer Contributions |
| CL2 | Surface Water Run-Off and Sustainable Drainage |
| ENV1 | Landscape |
| ENV2 | Biodiversity |

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues for consideration with this application are as follows;

- The principle of the development
- Landscape and visual impact
- Highways issues
- Residential amenity
- Ecology issues
- Drainage issues
- Other issues

The principle of the development

The application site is allocated as an existing employment site in the Local Plan to 2032, with the Policies Map that accompanies the plan allocating the site in its entirety, so not just the existing buildings but all of the area around it. The existing uses identified under this Policy as being appropriate are B1a (Office), B1b (research and development), B1c (industrial uses which can be carried out in a residential area), and B8 (Storage and Distribution). However planning permission 99/0814 granted planning permission for uses B1, B2 and B8 at the site and these uses still operate from the site today. It is not clear why the lawful B2 use was omitted from the list of uses appropriate at the site in the Local Plan.

The justification for policy EC1 states that a flexible approach will be taken with regard to existing employment sites such that appropriate enabling development will be supported, in order to retain employment uses on these sites. Policy EC2 seeks to retain continued employment use of current employment sites, including any type of employment use not just restricted to the B class uses.

Given that the site has permission for B1, B2 and B8 uses and operates as such it is considered that the development of the site for the same uses is acceptable in principle providing that the increased amount of development has an acceptable impact visually, on the highway network and on

residential amenity. This is assessed below.

Landscape, visual impact, design and layout

Fylde Local Plan to 2032 Policy GD7 – Achieving good design in development is a criteria based policy which requires developments to achieve a high standard of design, taking account the character and appearance of the local area. Given that the whole of the site was allocated for employment uses the visual harm created by the site's development has already been accepted through the plan making process. However officers were very aware that this site, whilst being allocated for employment use, occupies a rural location and as such the development must respect that to accord with GD7. Indeed, this rural location requires a higher standard of design and layout than that which would be required in a more 'urban' employment area to ensure that the visual impact is acceptable given the character and appearance of the surrounding environs. Relevant sections of GD7 including the following;

d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.

h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.

Policy ENV1 – Landscape requires development to have regard to its visual impact within its landscape context. The policy requires a landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development and suitable landscape planting of native species appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping.

The plans as originally submitted were not considered to be acceptable as they proposed development to the peripheries of the site which officers considered would unduly impact on the visual amenities of the area and resident's visual amenity. The northern and north-western boundaries closest to dwellings were of particular concern as construction here combined with the removal of existing trees could be particularly harmful. The initial scheme attracted objections from the Council's landscape officer and these are reported in full above but to summarise he refers to the development being particularly visible from the surrounding landscape resulting in a loss visual amenity and whilst he had no objections in principle he had some very specific concerns about the development. These included the room allowed for landscaping, the proximity of buildings to the highway and boundaries, the need for more landscaping, the design of the buildings and the development of the southern portion of the site.

When considering the impact of the proposed scheme it is important to consider the existing landscape context. The context here is a partially developed rural employment site with landscaped bunds encircling it but located in a wider landscape of large scale, undulating arable farmland. There are however numerous development features in the area including high voltage transmission lines to the north and east, a quarry to the south west, a solar farm to the east and large scale agricultural buildings across the landscape. Therefore this site forms part of a series of built developments sitting within this pastoral undulating landscape.

The scheme under consideration now is a revision to that initial scheme and was presented

following dialogue over the visual impact of the development and was presented alongside a landscape review document. The plans takes on board these comments, but are also mindful of the fact that the scheme relates to an existing allocated employment site and that the scheme needs to remain viable. A key concern of officers was the proximity of the units in the north/west corner of the site to the boundaries and the potential impact of this amenity on the residential amenities enjoyed by the dwellings to the west, as well as more generally a concern that the buffer along the northern boundary would be reduced from the existing situation. In direct response to this office building 1 has been reduced in size and office buildings 2 and 3 have been repositioned further from the western boundary. On both the northern and western boundaries of the site the landscape buffer has been increased significantly; to 25m in the NW corner and to 15m along the northern boundary to retain and enhance the existing buffer so that screening is provided from the outset.

The landscape officer suggested removing industrial buildings 4, 9, 10 and 11 and increasing the landscaping along the eastern boundary. The applicants have outlined that the removal of these buildings is not workable for the scheme to remain viable as it would result in a significant reduction in floor space. They have instead responded by moving the buildings further into the site, and increasing the landscaping along the eastern edge of the site in order to create an enlarged buffer between the site and the open countryside beyond. There are few public views from the east looking towards the site.

With regard to the development of the southern portion of the site the applicants have responded to the landscape officer's comments by reducing the spread of the buildings and re-positioning the car parking to the side of the buildings rather than in front of them as was the case on the original plans. The applicants state that these units would not be seen due to the landscaping proposals, and within the site itself the land to the east of the access road would be open and given over to landscaping/ecological areas.

The applicants have also amended the appearance of the office buildings to complement the site's rural location, using brick and slate as suggested. A large number of other minor tweaks to the proposed plan have also been made which are internal to the site and include issues such as the location of bin stores, the location of strategic internal landscaping, car parking locations and hardstanding.

In terms of the visual impact of the scheme on residential visual amenity the revised scheme ensures that views of the site are screened by existing and proposed landscaping and officers consider their visual amenity will not be unacceptably impacted upon.

In terms of the internal layout and the design of the buildings this is considered acceptable for the rural location whilst still allowing the units to function for employment uses. The proposed buildings are appropriate in design, the revised office design featuring red brick walls a slate roof and grey upvc windows is far more in character with this area than previously proposed. The industrial buildings are proposed to have a red brick plinth and gable ends, with vertical timber cladding and grey window and doors with their shape and size akin to agricultural buildings. The pods are smaller units and incorporate more glazing however the design of the proposed buildings is considered acceptable for the location.

The application has been submitted with a landscaping plan with landscaping proposed within this development being a continuation of the type found around the site, but is restricted with regard to the need to provide sufficient parking areas. Landscaping is located around the site in the form of a grassed areas this landscaping will help soften the appearance of the development.

It is considered that these amendment in moving development in from the site boundaries, repositioning buildings and increasing the landscaping buffers overcome the landscape officers concerns. Indeed the landscape officers comments on the final plan are that *"All of our comments and concerns have been satisfactorily addressed and we do not have any further objections to the proposed development, as shown on 'Detailed Landscape Proposals' plan, c-1706-01 Revision C."* As such it is considered that the landscape issues have been resolved and the impact of the development is such that a reasons for refusal based on landscape or visual impact could not be justified.

Highways issues

The application has been submitted with a Transport Statement (TS) and a draft Travel Plan Framework (TPF). The existing access arrangements are to be retained with access to the site via the gated access in the south west corner of the site off Peel Road. The internal access track would be retained and upgraded and new sections of road and hardstanding provided to serve the units as shown on the masterplan. In total 326 parking spaces are proposed to serve the units, with a further 33 parking spaces provided in the gravel overflow parking area. LCC standards indicate 282 parking spaces should be provided.

The TS considers suitability of the existing access to the site, the accessibility of the site by a range of transport modes and the traffic impact of the proposed development on the local highway network, together with the parking provision on site. With regard to the accessibility of the site, it is identified that there are opportunities for walking and cycling to work by those who choose to. There are bus stops located to the north of the site on Preston New Road offering services to and from Preston city centre and Kirkham. The applicants have provided the TPF to set out a framework for a workplace Travel Plan to be provided for the proposed development. Measures suggested in the TPF include the provision of travel information, including walking maps and cycle routes and the promotion of a car sharing scheme, cycle group and WalkBUDi scheme whereby employees are encouraged to travel to work together via more sustainable modes than individual car use.

With regard to the traffic impact from highways movements, the Transport Statement has considered two key junctions; Peel Road/Peel Hall Business Village entrance and the signalised junction of A582 Preston New Road/Peel Road/Whitehill Road. In both cases, the TS considers that the traffic increases associated with the proposed development would be imperceptible.

LCC Highways have considered the submitted information and their responses are outlined above. Their initial response outlined that whilst the submitted TS concluded that the proposed development would not result in a material impact on the existing and future operation of the surrounding highway network, LCC Highways contends that mitigation measures are required to make the proposals acceptable and compliant with the requirements of the NPPF. They considered that the required measures to be to carry out improvements to Anna's Road to make it a 3.0m wide pedestrian/cycle link, to provide an extension to the existing footway on the east side of Peel Road from where it currently ends up to the site access, estimated to be for a distance of 1.5km, to introduce MOVA to the existing traffic signals at Preston New Road/Peel Road/White Hill Road and to carry out improvements to the two nearest bus stops to the site on Preston New Road to include raised boarding area.

The applicants subsequently submitted a technical note which formed the basis for discussion in a meeting with the applicants, Fylde planning officer and LCC Highways. Essentially the note states that even if Anna's Road was improved it would offer little benefit in promoting access to the development site as the distances involved for walking are too far. It also comments on the current

rates of occupancy of the buildings and set out the existing development peak trips and the trips that would occur if all the existing buildings were occupied and what the increase in trips would be as a result of the development proposals in the am and pm peaks. The difference between the existing site when fully occupied and the proposed development when fully occupied is that in the AM peak there would be 45 more arrivals and 7 more departures and that in the PM peak there would be 10 more arrivals and 20 more departures. In terms of committed developments which LCC refer to in their response outlined in the consultee responses section the note addresses those developments, in particular with regard to the M55 to Heyhouses link road which when in place will result in a 12% reduction of traffic on Ballam Road (Peel Road not referred to in that application TA), which will also mean a reduction on Peel Road. Therefore finding that the Link road will result in reductions in traffic in the vicinity of this application site.

Given LCC's suggestion that MOVA should be introduced to the existing signals at Preston New Road/Peel Road/White Hill Road the applicants have undertaken a capacity assessment of that junction. Their assessment found that the junction will operate at very similar levels of performance following the addition of the proposed development traffic. For example the Peel Road arm would increase from 86% of its capacity with a maximum queue of 13 in the AM peak to 87% of capacity with the same maximum. Their view is that given these minimal increases that there should be no requirement for the applicant to fund MOVA.

This evidence was discussed with LCC Officers and the applicants where it was agreed that a contribution to MOVA would be more appropriate along with a contribution to Annas Road. LCC's latest response outlines that having visited Anna's Road they have found that majority of its length to be useable as a footway, with the last 200m to North Houses Lane is overgrown with vegetation and very difficult to use. Underfoot the road appears sound but would require the removal of the overgrowth to ascertain whether or not the surface is sound. LCC state that whilst this section of Anna's Road will become an attractive walking and cycling route as the Queensway development is built out and once the Heyhouses Link Road is constructed, these are likely to be some time away and as such improvements would not be necessary at the commencement of this development. They therefore suggest that a condition be imposed to limit the level of occupation of the industrial units to 75% of the total proposed until a review of the progress of the Queensway development and the Heyhouses Link Road has been undertaken and should sufficient progress have been made then the developer carries out an improvement to Anna's Road (for approximately 200m from North Houses Lane). The scope of the improvement should be to ensure that the route is safe for pedestrian / cycle access i.e. clear from overgrowth and having a sound surface free from hazards such as pot holes.

LCC also commented on some elements of the internal layout which have been addressed by the applicants by moving spaces in front of roller shutter doors to allow for service access to the industrial buildings, a path being provided along the access road into the site and pedestrian crossing points incorporated at various points within the site. The applicants have also commented that it seems unreasonable for occupation of Peel Hall to be reliant on a separate development over which they have no control. If a condition in this respect is added they would prefer that any contribution is requested at 75% occupation of Peel Hall, but that this should not be related to the progress of Queensway.

Officers agree that the improvement to Anna's Road should be undertaken following 75% occupation of the proposed development, but also that if the Queensway development is not sufficiently advanced then at that point there could be no need for the works to take place. Indeed the applicants are suggesting a contribution and LCC are requiring the works to be carried out by the developer. A contribution from the developer to LCC to carry out the works would be more

appropriate and LCC have been asked to clarify the amount and also that of the MOVA contribution and the quantum of occupied development on the site that would trigger the contribution. It is however considered that with appropriate condition and contributions that the highways impact of the development will be acceptable and that no highways reason for refusal can be justified. LCC's response and appropriate conditions will be provided in the late observations.

Residential amenity

The application proposes a mix of B1, B2 and B8 uses across the site, and so here is a potential for some of the uses to create noise and disturbance to neighbouring properties. As part of the negotiations with the applicants in securing an acceptable plan the need to protect residential amenity was also carefully considered by officers. With this in mind it was insisted that the buildings in the North West corner of the site were pulled away from the site's boundaries and a landscaped buffer provided. It was also seen as critical that the three buildings in the corner nearest the dwellings were for an Office use. This is a use that can be carried out in a residential area without harming amenity due to noise and disturbance. Consequently the buildings are 15m from the northern boundary and 25m from the north-west corner of the site. In this location there is existing landscaping that already provides a relatively effective buffer, and the scheme looks to retain and enhance this buffer so that screening is provided from day one.

As a consequence of the proposal to position offices nearest the dwellings the council's Environmental Protection Officer has raised no objections to the scheme and has requested that hours of use be restricted to 08.00 – 18.00 Monday to Friday; 09.00 -13.00 Saturdays for the industrial use, and 07.00 – 23.00 Monday to Friday; 07.00 – 18.00 Saturdays; 10.00 – 16.00 Sundays for the office use. With such conditions in place it is considered that the amenity of neighbouring dwellings will be not be unacceptably impacted upon.

Ecology and Tree Issues

With regard to trees the application has been submitted with a tree survey and Arboricultural Impact Assessment (AIA). The tree survey found that the majority of existing green infrastructure on site is of low quality and value, with mature, quick growing pioneer species of trees dominating. A total of 17no trees, 9no groups of trees and 5no. hedges were recorded during the survey. Of these, two trees are category A (T1, T24) meaning they have high quality and value, with T1, a willow located to the east of the existing access road in the centre of the site, also considered to possess high amenity value. The Tree Officer has commented briefly that none of the trees are currently protected by a Tree Preservation Order (TPO) and have referred to the comments received from the Landscape Officer which are considered above.

With regard to Ecology an Ecological Assessment has been submitted with the application along with a shadow Habitats Regulation Assessment which if found acceptable the Council could adopt. The Ecology Assessment considers the baseline information of the existing site, including the presence of any protected species and makes recommendations where appropriate. The assessment found that with regard to habitat that all retained trees should be protected during construction and that pollution prevention measures should be implemented. With regard to birds they found that 6 bird boxes should be provided and that removal of habitat should be done outside of nesting season. With regard to bats they found two buildings to have roosts and works to these will require a license from NE. New roosts should be provided in the development. No newts were found on the site but ponds within 250m have a confirmed presence. The onsite pond will be enhanced to create a new wetland habitat to benefit local amphibian populations. Mitigation will be required to protect GCN and a license obtained from NE once planning has been granted. GMEU have been consulted on this

information and their views are awaited and will be reported in the late observations along with any conditions they considered necessary.

The HRA concludes that the development site is not predicted either alone or in-combination with any other project or plan, to have LSEs on the following European sites or their mobile (bird) qualifying interests; Ribble and Alt Estuaries SPA and Ramsar and Morecambe Bay Ramsar. The report concludes that no appropriate assessment is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations, before the Council decides to undertake, or give any consent, permission or other authorisation for this project. Natural England have been consulted on this but have yet to respond, therefore the recommendation to members is that the decision to grant planning permission be delegated to the Head of Planning and Housing so that the views of the Natural England be received and if they have no objections that the shadow HRA be adopted as the Councils own. If Natural England's views are received prior to Committee these will be reported in the late observations.

Drainage Issues

The application as submitted is supported by a FRA by Redford. This FRA establishes that the site is located in FZ1, which is land at the lowest risk of flooding. The FRA outlines a preliminary drainage strategy that demonstrates how surface and foul water be dealt with.

With regard to the surface water it is proposed that run off be attenuated to pre-development rates and a controlled discharge be made into the drainage ditch that lies to the east of the site. United Utilities have been consulted on the application and confirm that they have no objections. They request a condition requiring the development to be carried out in accordance with the FRA. They also suggest a condition requiring the submission of a management and maintenance plans for the sustainable drainage proposed. The LLFA have been consulted but have not responded.

With regard to foul water the site is not served by public sewer and as such the applicants are proposing a new package treatment plant to deal with foul sewage. Foul sewage will be collected by a piped system and discharged into the onsite packaged treatment plant, the effluent from which is to discharge into the drain that lies to the east of the site. The EA have been consulted and have no objection to this but state that they will need to obtain an Environmental Permit before discharging to any surface water or groundwater receptor. This issue is covered by Environmental Permitting Regulations 2016 which the EA administer. As such there are no drainage issues with the application.

Conclusions

The application site is the Peel Hall Business Village, which is a former farm premises located on the eastern side of Peel Road midway between Ballam Road and Peel Corner. The site has a long standing planning permission for employment uses and has been designated for employment purposes under Policy EC1 and EC2 in the Fylde Local Plan to 2032 as a consequence of this permission and its current use.

The application under consideration here relates to the wholesale redevelopment of the site with the clearance of the existing buildings that are not currently converted to employment use, and the erection of a series of new units for Class B1, B2 or B8 employment purposes along with areas of parking, drainage facilities and a landscaped perimeter.

Given the local plan designation for employment purposes and the need to provide such facilities to

enhance the availability of appropriately sited and designed economic opportunities in the borough, the use proposed is acceptable in principle. The scheme raises a series of issues including the implications for highway connectivity and safety, the appearance of the buildings in the surrounding rural landscape, and the amenity of neighbouring properties. These have been considered carefully by officers and the scheme under consideration is a revision to that originally presented to address some initial officer and consultee concerns.

The scheme will present a significant growth in the scale and level of activity at the site, but does so in a way that allows it to fulfil its potential as a designated employment site without causing undue levels of harm. As such it is recommended that members support the application as presented, with the recommendation being to delegate the decision to officers on conclusion of a s106 legal agreement related to the provision of a sum of money to assist with transport improvements to enhance the sustainable access to the site for all, and the adoption of a satisfactory Habitats Regulation Assessment.

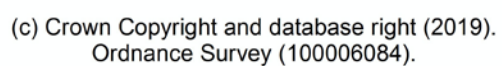
Recommendation

That the decision to GRANT planning permission be delegated to the Head of Planning and Housing and only determined subject to the following:

- a) The completion of a s106 agreement that secures the payment of a proportionate commuted sum (and the phasing of the payment of this contribution) towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- b) The adoption of an acceptable Habitats Regulation Assessment that considers the implications of the development
- c) The finalisation of a suitable list of planning conditions that provide appropriate control over the construction and operation of the development to accord with development plan policy requirements.

The following subjects are those which are to be covered by condition, with scope of additional and revisions to this list and the final wording of the conditions a matter that the Head of Planning and Housing is to confirm.

- 1. Time limit for implementation
- 2. Approved list of plans
- 3. Approve phasing plan (updated plan awaited) to ensure site developed appropriately.
- 4. Implement appropriate landscaping with and around site, and ensure effective maintenance
- 5. All necessary ecological steps including timing of works to avoid bird breeding, protection of pond, biodiversity enhancement
- 6. All necessary drainage arrangements including foul water disposal and surface water attenuation
- 7. Trading hours of the office and employment uses to reflect the comments from the EHO.
- 8. Highways conditions as appropriate when received from LCC Highways.
- 9. A condition restricting retail sales from the site.



Scale
0 20 40 60 80 m

Item Number: 3

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|-----------------------------|
| Application Reference: | 19/0006 | Type of Application: | Outline Planning Permission |
| Applicant: | Commercial Development Projects Limited | Agent : | Savills (UK) Limited |
| Location: | STANWAYS OF LYTHAM, PRESTON ROAD, LYTHAM ST ANNES, FY8 5BG | | |
| Proposal: | OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF CLASS A1 RETAIL FOODSTORE | | |
| Ward: | ST JOHNS | Area Team: | Area Team 1 |
| Weeks on Hand: | 30 | Case Officer: | Kieran Birch |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7451981,-2.9393506,287m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to the erection of a retail store located on land on the north site of Lytham Road which is currently occupied by Stanways of Lytham which is car sales and accident repair centre. The site is unallocated in the Local Plan for any purpose and is located within the settlement of Lytham. The proposed food store would comprise 1,022 sq. m at ground floor and 465 sq. m at mezzanine level. The application has been submitted in outline with all matters reserved however an indicative plan has been provided which shows the store set back into the site, utilising the existing access and providing 92 car spaces with room for delivery vehicles to the site and rear.

The proposal has been carefully assessed and found to comply with policy EC5 of the Local Plan to 2032 and the NPPF as there has not been found to be any sequentially preferable sites and the impact on the vitality and viability of existing centres will not be unacceptable.

The implications for the policy aspiration of EC5 to provide a Local Centre in Warton has been closely considered. Warton does not currently have a centre but EC5 promotes a Local Centre without being prescriptive about its form or location. This was considered necessary given that Warton is a strategic location for development with significant housing growth. No sites have been found in Warton that could accommodate the proposed store. The key issue therefore being whether or not approving this store could prejudice the delivery of the Local Centre in Warton. The advice from the Council's retail planning consultant is that it could. However as policy EC5 does not specify the form or location of the Local Centre it is difficult to quantify what impact the proposal will have on this policy aspiration. Furthermore NPPF paragraph 89 states that when assessing application for development outside of town centres an assessment should be made of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

The key issues is whether the Policy aspiration of EC5 constitutes an 'existing, committed and planned' public or private investment. Whilst officers there can be no doubt that the Local Centre is planned, it is Officers view that there is no evidence of committed investment against which this application could prejudice. Therefore whilst the proposal could impact on the delivery of a store similar to that proposed here that is not to say an alternate form of retail development could not come forward in Warton. Indeed EC5 states that "Within Warton Local Centre a range of appropriate service that support the role and function of the Local Centre will be encourage".

Therefore when balancing the benefits of the scheme, including the contribution to public realm to assist in the facilitation of the Local Centre in Warton it is considered that on balance that the proposal is acceptable in principle. With regard to the other issues there are no highways, drainage, amenity or other reasons why the application is not acceptable and therefore it is recommended for approval subject to the signing of a legal agreement and conditions.

Reason for Reporting to Committee

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

Site Description and Location

The application site extends to 0.6ha and lies at the edge of Lytham approaching from Warton so is in a prominent location that forms a gateway to the town on the north side of Lytham Road. The plot is currently operated by Stanways Garage and comprises a forecourt with two buildings, providing a total of 1,394 sq. m GIA operating in Sui Generis use including a car showroom of circa 279 sq. m GIA and an accident repair centre with MOT station of circa 1,115 sq. m GIA. Also within that building is Stanways Bodyshop which is an accident repair centre and there is a car wash which is ancillary to the showroom.

Located directly east of the site is a vacant piece of land allocated for employment purposes in the Fylde Local Plan to 2032. Adjacent to that is Boundary Road which leads to a variety of different employment buildings and a McDonald's restaurant with drive thru. To the west of the site are dwellings behind which is an equipped area of public open space. On the opposite site of the road is Dudley Industries. The main drain ditch runs to the east of the employment site and down into the river Ribble.

Details of Proposal

The application is for the erection of a foodstore (Use Class A1) comprising 1,022 sq. m at ground floor and 465 sq. m at mezzanine level. The application has been submitted in outline with all matters reserved, but an Indicative Proposed Site Layout has been supplied which sets the parameters of the development and is summarised as follows:

The proposed development will involve the demolition of existing buildings on the Site and the redevelopment for a new foodstore comprising 1,022 sq. m at ground floor for retail use and 465 sq. m at mezzanine level for storage purposes. There will be a decrease in developed ground floor area of circa 367 sq. m GIA.

The existing car park will be reconfigured to provide a total of 92 car parking spaces to the front and

side of the building. The car park shown includes five accessible spaces, four parent and child spaces and ten staff spaces. There is also a dedicated area for four motorcycles and 11 cycle spaces.

Servicing of the new foodstore will take place to the rear of the unit. A new HGV turning circle providing a 25m spin is provided to the rear of the site which will lead into a service point to the rear of the building.

The existing access from Preston Road is proposed to be retained and new landscaping and planting will be placed around the perimeter of the Site.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|------------------------|-------------|
| 16/0718 | INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS. | Withdrawn by Applicant | 13/10/2016 |
| 16/0552 | CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT FOR INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS. | Withdrawn by Applicant | 19/09/2016 |
| 06/0049 | RE-SUBMISSION OF 05/555 - ALTERATIONS AND NEW BUILD EXTENSION TO AN EXISTING CAR SHOWROOM AND SERVICE CENTRE. | Granted | 16/06/2006 |

Earlier planning history relating to development of car showroom omitted for its lack of relevance.

Relevant Planning Appeals History

No relevant appeals to report.

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Planning Policy Team

I am given to understand that the substantive issue concerning the proposed development and these comments is the interpretation and understanding of town centre uses policy both locally and nationally. I have therefore limited my comments to the substantive points concerning this issue. Notwithstanding this, it is for the decision taker to factor in any other (and all) material considerations and to determine the weight to be attached to these (and all) material considerations as part of the planning balance.

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals should be determined in accordance with the statutory

development plan unless material considerations suggest otherwise. The statutory development plan for Fylde is the Fylde Local Plan to 2032 (2018) and the Joint Lancashire Minerals and Waste Core Strategy DPD (2009), Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies DPD and as such should be considered as the starting point for a consideration of this application.

The Fylde Local Plan to 2032 (2018) (FLP32) is the adopted development plan for the borough and the policies with most relevance for the issues under consideration in these comments are Policy EC5 – Vibrant Town, District and Local Centres, Policy DLF1 – Development Locations for Fylde and Policy SL3 – Warton Strategic Locations for Development. However, a number of other policies in the FLP32 could be given weight in your decision taking and should you have any questions concerning these then please do consult with me.

In my view the determinative issue is whether or not there are any sequentially preferable site(s) available in line with the guidance provided by the Framework as Policy EC5 (of the FLP32) makes clear reference to dealing with applications such as 19/0006 in line with the Framework. I am also aware that you have sought the views of a specialist retail consultant who will provide a detailed response on a number of issues and as such I will defer to their judgements on a number of matters throughout this response. The proposed development is for a foodstore with a total floor area of 1,487m². The illustrative drawings accompanying the application indicate a supermarket on two levels: 1,022m² ground floor and 465m² on a mezzanine level. The application has all matters reserved, and therefore the proposed unit could be configured differently to the illustrative scheme. No end-user for the scheme is identified in the application.

Your decision on this application may turn on an understanding of Policy EC5 and I cannot agree with the statements made by the applicant at §7.22 (Planning, Retail, Design and Access Statement). Whilst a new local centre could comprise small scale shops there is nothing in the FLP32 to prescribe the scale and format of retail provision in a new local centre. Rather the policy was deliberately formed around a criteria based approach with flexibility of scale, form and location as a fundamental part.

The FLP32 sets no timescale for the delivery of a new local centre, other than clearly indicating that it is expected to be delivered before the end of the plan period (2032). What is considered a 'reasonable period' in terms of the NPPF §86 will vary depending on the particular circumstances of the case however given the undisputable fact that the FLP32 is a recently adopted plan, the provision of a local centre (in-line with Policy EC5) is a fundamental part of the sustainable development strategy for Fylde I would conclude that for your decision taking you should give substantial weight to these matters and Warton should be considered as a sequentially preferable site.

I am aware that the specialist retail consultant will provide comment on the particular planning case law matters raised by the applicant in challenging the current status of the local centre for Warton. For the avoidance of doubt, the proposed local centre has development plan status in a recently adopted plan and should be considered 'planned' in the context of NPPF §89a. Therefore the impact on the local centre allocation at Warton is a matter which must be fully and properly addressed by the applicant.

Conclusions

The application falls outside of a defined centre and the site is not allocated for the use

proposed by this application. The FLP32 is recently adopted and Policy EC5 echoes the ambitions of the NPPF in directing 'town centre uses' to existing centres. For development proposals located outside of a defined centre, Policy EC5 requires the applicant to demonstrate there are no suitable, sequentially preferable sites or premises available taking account of flexibility in scale and format. In assessing the availability of sites, those which are available now, or are expected to become available within a reasonable period should be taken into account. On the evidence presented with the application, it is my view that the impact on the local centre allocation at Warton is a matter which has not been fully and properly addressed by the applicant.

As a specialist retail consultant will provide views on the likely commercial impact of the proposed development on the allocated local centre at Warton I conclude that you should give significant weight to any likely adverse or potentially adverse impacts on the delivery of the local centre at the strategic location of Warton.

Notwithstanding the above, it is for the decision maker to factor in any other material considerations to determine the weight to be attached to these material considerations as part of the planning balance. I hope that this information is of assistance. If you require any further clarification, please do not hesitate to contact me.

Environmental Protection (Pollution)

They have reviewed the scheme and raise no objections to it subject to controls being imposed to deal with the following aspects:

- All plant and machinery to comply with the noise emissions requirements of the relevant British Standard to minimise disturbance to neighbouring residents
- Deliveries to be undertaken during day0tim hours only to minimise potential disturbance to neighbouring residents
- Details of light emissions to be agreed
- Details of the investigation and potential mitigation for any land contamination on the site be secured.

Lancashire County Council - Highway Authority

Initial Proposal

LCC have been consulted and provided an initial response that was informed by a site visit.

They describe the highway conditions at the site including road widths, speeds and the presence of the cycle route. They have also reviewed a full week transport study which LCC commissioned in October 2013 at the eastern boundary of the site with Blackpool Road. The traffic study indicates:

- The 85th percentile speed is 53mpheast bound and 51mph west bound.
- The average weekday flow of traffic passing the site is 7321east bound and 7314 west bound.
- The morning peak traffic period is 8am till 9am with 811 vehicles east bound and 477 vehicles west bound.
- The evening peak traffic period is 5pm till 6pm with 560 vehicles, east bound and 809 vehicles, west bound.
- The average number of HGV movements is 6% east bound and 5% west bound.

The scheme is estimated to generate:

- 23 additional vehicular movements between 8am and 9pm (week days)
- 146 additional vehicular movements between 16:45am and 17:45pm (week days)
- 148 additional vehicular movements between 12:30pm and 13:30pm (Saturday)

(LCC) Highways are of the opinion that this will not cause a severe impact on highway capacity or congestion in the immediate vicinity of the site.

The accident records do not indicate that there have been any serious accidents in the location in the last 5 years.

The highway authority suggest that the sight lines of 2.4 x 59m is to be provided in a westerly direction, and a minimum of 2.4 x 124m in an easterly direction. From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land and the existing adopted highway. The main issue is the parked cars to the west of the site access. The geometry of the site access is too wide with excessive radius approach. The wide access is detrimental to highway safety for pedestrians crossing the junction and the combination of a wide access with large radius does not control vehicle speeds entering and existing the site, both of which are detrimental to vehicle and pedestrian safety

(LCC) Highways are also of the opinion that pedestrians will have a desire to cross Preston Road to access the retail food store, there are currently no pedestrian crossing points near the site and pedestrians need to cross a very wide carriageway with fast moving traffic with on-road cycle lanes on both sides of the carriageway. To address this the applicant is advised to consider a 2m build out of the kerb line fronting the site and traffic island for pedestrians and a continuation of the northern on-road cycle lane. The carriageway narrowing will aid with the sight lines passed the parked cars to the west of the site. The combination of the road narrowing and build out will also provide a traffic calming feature which would reduce traffic speed passing the site access. Any build out should not affect the parking for 203 Preston Road, as they do not have any off road parking provision and the build out should not affect access to the eastern bus stop. These recommendations may require the access needing to move to the eastern boundary of the site.

Pedestrian crossing and cycle link connections should also be improved to improve the sustainable access to the site, and the bus stops should be improved to quality bus standard to encourage their use. Finally they request that a travel plan is required to encourage sustainable transport patterns once the site is developed, along with an obligation to contribute towards its management.

They also make some comments on the internal layout to the site, but with this not being a matter for consideration at this stage these are not reported here.

Revised Proposal

Following receipt of these initial comments the developer provided a revised layout plan and LCC highway were re-consulted. At that stage LCC were informed that officers were minded to approve the development and received the following response;

As this is outline with all matters reserved LCC need to be satisfied that a safe and

suitable means of access can be provided for all users. In this respect Stewart has considered the "indicative" access arrangements and found them unacceptable. However, a revised access arrangement can be made acceptable if the comments are taken on board and as such could be dealt with at reserved matter stage.

The development will require a Travel Plan for which LCC would request £6,000 secured through a S106 for travel planning support.

At reserved matters stage the developer will need to provide detail of the access arrangements which as a minimum must include provision of right turn lane on the A584, pedestrian refuge on A584, upgrade of existing bus stops (to include raised boarding area, shelters and associated signs and road markings). The developer will need to provide vehicle swept path analysis and Stage 1 Road Safety Audit.

Parking levels should be in line with those in the local plan or agreed with LCC based on agreed trip rates and car parking accumulation analysis

United Utilities - Water

UU confirm that they have no objections to the development. They state that following their review of Flood Risk Assessment, they confirm the proposals are acceptable in principle to United Utilities. They request a condition that secures the drainage to be carried out in accordance with the FRA. This requires no surface water to be drained into the public sewer. They also suggest a condition for the management and maintenance of the sustainable drainage systems.

Lancashire CC Flood Risk Management Team

No comments received.

Environment Agency

State that they have no objections to the application subject to the inclusion of contaminated land condition. State the site is in Flood Zone 3 which is defined as having high probability of flooding and the proposal is for 'less vulnerable' development.

Flooding

We have reviewed the submitted Flood Risk Assessment (FRA), referenced 4300/FRA/Final/v1.1/2018-12-20 (dated 20 December 2018), prepared by Weetwood and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application. However, although the FRA recommends incorporating flood resistance and resilience measures it does not commit to them, instead leaving these to be addressed by the client. As such, the applicant should be aware of the potential flood risk and frequency and, if choosing not commit to flood resistance and resilience measures, they should be satisfied that the impact of any flooding will not adversely affect their proposals.

Contaminated land

The previous use of the proposed development site as a vehicle service/repair garage and former rail depot presents a high risk of contamination that could be mobilised during

construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer B, and within 100m of a watercourse. We have reviewed the Phase 1 Land Quality Assessment Limited (Ref: G2937-GR-01A; dated 19 December 2018) prepared by PSA Design and it demonstrates that it will be possible to manage the risk posed to controlled waters by this development. We agree with the conclusions that an intrusive site investigation is necessary, therefore further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the NPPF. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

They then request a condition requiring that no development be commenced until a remediation strategy is submitted.

Sequential test

As part of their response they advise that the development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. And that it is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 03 January 2019 |
| Site Notice Date: | 22 January 2019 |
| Press Notice Date: | 10 January 2019 |
| Number of Responses | One (representing Lidl) |
| Summary of Comments | <ul style="list-style-type: none">• Surprised doesn't include neighbouring land therefore suspect first step towards larger development on amalgamated site;• Occupier unknown;• Proposal performs a neighbourhood function and yet is too large for a Local Centre.• Sequential test – smaller sites would require unacceptable changes to the business model - but no business model proposed.• Not demonstrated flexibility as only searched for same size site. Only searched for 2% less than gross floor area of proposal. – clearly only searching for identical site is not flexible in terms of scale.• Sites that fall below the minimal threshold are not suitable due |

to the changes required to the proposed business model. There is no business model as unknown and no justification for limiting flexibility.

- Applicant acknowledges town centre first approach and that Warton is within the area of search. EC5 supports a new local centre in Warton.
- Applicants have interpreted this as equating to a small scale shopping function with small scale retail units between 20 and 150sqm. No justification of this is offered and therefore the conclusion that it is not of a sufficient scale to accommodate the foodstore is not robust.
- LIDLs view is that the LPA should require the applicants to undertake an appraisal of opportunities to deliver foodstore within Warton and Lytham with more flexibility than shown.
- Impact assessment ignores Warton's local centre allocation in Development Plan.
- Suggest Aldi, Waitrose M and S or Co-op could in principle occupy the site. Applicants impact assessment does not reflect this or reflect a worst case scenario eg Waitrose 11000 sqm. Tesco 15,000sqm.
- Same trade diversion regardless of sales density – eg 10% from booths in both scenarios. Different for different stores.
- Too modest to impact a town centre but expected to compete with large superstores drawing 20% of its trade from Morrison's and Tesco (bulk main food destinations)
- Too modest to impact town centre but will demonstrate confidence in local area as a commercial destination.
- If approved could attract a town centre retailer from a town centre which could impact on town centres – this hasn't been considered by applicants.
- 39 - 49 full time jobs. Lidl state this is overstated especially when unknown occupant.
- Concludes – fails to satisfy the sequential test due inflexible approach, out of date appraisal and not considering Warton.
- Impact assessment doesn't assess impact on town centres, failed to provide an assessment on Warton local centre.

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|------|---|
| CL1 | Flood Alleviation, Water Quality and Water Efficiency |
| CL2 | Surface Water Run-Off and Sustainable Drainage |
| EC1 | Overall Provision of Empty Land and Existing Sites |
| EC2 | Employment Opportunities |
| EC5 | Vibrant Town, District and Local Centres |
| ENV1 | Landscape |
| GD7 | Achieving Good Design in Development |
| INF2 | Developer Contributions |
| T5 | Parking Standards |

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this application are:

- Principle of the development
- Impact of proposed retail development on other retail centres
- Visual impact and scale
- Access and impact on highways network
- Impact on residential amenity
- Flooding and drainage

In order to assist officers in the decision making process, specialist retail planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres. This report takes into account the content and conclusions of the advice provided.

Principle of the development

The application site is located within a 'grey area' on the proposals map of the Local Plan to 2032 unallocated for any specific land use. The site is located within the settlement of Lytham however it is not located in the Town Centre. The development proposes 1022 sqm of trading floor area at ground floor and a total of 1487 total sqm floor area along with 82 car park spaces plus 10 for staff.

Policy EC5 – Vibrant Town, District and Local Centres of the Local Plan to 2032 sets out the retail hierarchy for Fylde and serves to maintain and enhance the vitality and viability of town, district and local centres. The policy states the following for development outside of Town Centres;

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

Given the size of the development proposed the application has been submitted with both a Sequential test and an Impact Assessment that have been considered by officers and consultees. This submission needs to be assessed against the policies in the Framework and the guidance in the NPPG. Policy EC5 also sets out the retail hierarchy of centres and confirms that a local centre is

proposed in Warton. However there is no existing centre in Warton and the policy does not allocate any specific site in Warton for use as the Local Centre.

Loss of employment use

As stated above the site is located on area in the Local Plan that is unallocated for any purpose. It is however occupied by a mix of uses, including Sui Generis car sales and some B class uses to the rear. Policy EC2 states that *the Council seeks to retain continued employment use of current employment sites. This could include any type of employment use, including agriculture, and may not be restricted to B1, B2 and B8 land uses.* As stated above the application site consists of 3 businesses; the car showroom which is Sui Generis, the MOT test station and the accident repair centre comprising a total of 2394 sqm of floor space. The Mot test centre also falls within Sui Generis Use Class on the basis that the use only involves inspection and testing, not activities covered by the planning definition of an industrial process. It follows that the predominant land use operation of the site at approximately 70% of the use of the site is for Sui Generis use. It is likely that because of the existing uses on the site this is the reason why the site has not been allocated as an existing employment site. This is confirmed by the NPPG paragraph 010 Reference ID: 13-010-20140306 which states:

'Where land is or buildings are being used for different uses which fall into more than one class, then overall use of the land or buildings is regarded as a mixed use, which will normally be sui generis. The exception to this is where there is a primary overall use of the site, to which the other uses are ancillary. For example, in a factory with an office and a staff canteen, the office and staff canteen would normally be regarded as ancillary to the factory.'

Policy EC2 states that *Land and premises will be retained in employment uses unless it is demonstrated to the satisfaction of the Council that there is no reasonable prospect of the site being used for those purposes, having satisfied the tests of Policy GD8.* Policy GD8 is the Demonstrating Viability policy, but this policy states;

The Council will seek to retain existing commercial / industrial (B1, B2 or B8) (Policies EC1 and EC2) and leisure uses, including land / premises, together with agricultural / horticultural workers' homes (Policy H6) and the tourism use of premises in Holiday Areas (Policies EC6 and EC7) identified on the Policies Map including Inset Plans, unless it can be demonstrated to the satisfaction of the Council that one of the following tests has been met:..

Therefore this policy seeks to protect existing B use classes along with leisure and tourism uses. Not Sui Generis uses such as the application site. Therefore as this application does not involve the loss of B use classes it cannot be in conflict with GD8 which is the test required for land and premises to be retained in employment use in EC2. Given that the scheme will result in a different form of employment on the site it is not considered that there is a conflict with policy EC2.

Impact of proposed retail development on other retail centres

Sequential test

As outlined above EC5 requires that out of centre or edge of centre developments to be assessed in accordance with the Framework. Therefore the proposal requires an assessment of whether there are any sequentially preferable locations within or at the edge of Lytham town centre or Warton as both are located within a 5 minute drive time of the site.

The applicants have submitted a sequential test which Fylde Officers have considered and have also

obtained the views of a retail consultant. The below is an assessment of the submitted evidence and the representations received. The NPPF paragraph 87 states that when considering edge of centre or out of centre proposals preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre

The submitted sequential test contains the following key points;

- The proposed retail unit will be operated by a national foodstore occupier.
- The applicants state they have undertaken the assessment of sequential sites in accordance with the Local Plan, The Framework and the NPPG, the latest binding authority from case law and Secretary of State appeal decisions.
- In identifying potential sites, it is a requirement to consider the specific format of the development, the business model of the operator and the role and function it is intended to meet. The proposed development is intended to meet operator and consumer demand for a new retail foodstore in the local area.
- The current application, whilst in outline, will allow the retail sale of convenience goods by a national foodstore retailer. Given the nature of the operation and established expectations of customers, for an alternative premises to be 'commercially realistic', it must also benefit from dedicated internal storage area, which in this case includes storage both at ground floor level and in the form of a mezzanine and externally must benefit from direct car parking for customers to transfer goods from the store to cars and service provision for HGVs. The requirement for these characteristics form the basis for applying the sequential test.
- In light of the above factors the applicants have based their search for other sites on the following criteria, which they consider demonstrates a significant level of flexibility in accordance with the requirements of the sequential test:
 - A site area measuring 0.6 ha that could accommodate a minimum of 1,000 sq. m of floorspace at ground floor level.
 - At least 50 car parking space including a mix of disabled bays and accessible bays as well as parent and child spaces.
 - Dedicated servicing provision to accommodate heavy goods vehicles.
 - Visible and prominent locations
- They state that any sites below the minimal threshold are not suitable due to business model.
- They state that the proposed store is small and can only serve a local catchment functioning as a neighbouring foodstore.
- They identify the proposed Warton Local Centre as being within catchment area.
- They state that they cannot find any sites within Lytham and other sites with permission for housing are not available.
- With regard to Policy EC5 – Warton Local Centre – they state;

The Local Plan recognises that Warton has a requirement for a new Local Centre (Policy EC5) with the indicative location of this shown on the Fylde Policies Adopted Map 2018. The Policies Map indicates the proposed Local Centre will be located circa 3.1km to the east of the application site. It will provide a small scale shopping function, with small scale retail units typically ranging in size between 20-150 sq. m. It is identified as serving the needs of the immediate local community and accordingly is not of a sufficient scale to accommodate the proposed development. The proposed local centre is anticipated to come forward on previously developed land owned by BAE Systems on Lytham Road, as part of the Warton Strategic Location for Development (Policies SL1 and SL3 of the Local Plan). It is therefore not available for development, and is considered a medium to long term development opportunity.

Consultants view on the Sequential test

As outlined above given the complex nature of retail planning your officers have sought specialised retail planning advice from a planning consultant that has advised the authority on other developments around the Borough. With regard to the applicants submitted sequential test and also the comments made in representation by Lidl and the Councils Policy Officer he has made the following points;

- The sequential assessment should consider the specific question of whether “the application” can be accommodated on alternative sequentially preferable locations.
- The suitability of alternative sites should be assessed having regard to the nature of the application.
- In considering suitability, the facts and circumstances of each particular case will determine the bounds that may be set in respect of flexibility of format and scale.
- Whilst the preference of a single operator should not justify rejecting alternative sites, nevertheless the developer’s intentions are relevant to the consideration of alternatives and the assessment should have regard to “real world” considerations.
- There is no requirement to disaggregate a proposal into components in order to consider whether elements of a scheme can be accommodated on a number of smaller sites unless a specific, up-to-date, NPPF compliant development plan policy indicates otherwise.
- The consultant’s assessment of Savills ST is that the current application is speculative with no end user. Nearest fit would food warehouse and M and S. The site is considered too small for Aldi.
- There is no user so no business model to constrain scope of flexibility. Needs to be broadly similar but applicants have not engaged with the requirement to consider the flexibility in the scale and format of application.
- He agrees that Lytham and Warton should be considered as part of Sequential test.
- He accepts that there are no sites in Lytham despite the applicants not taking a fully flexible approach.
- Savills state that the Warton local centre EC3 is identified as serving the needs of the immediate local community and it is argued that the Warton local centre would not be of sufficient scale to accommodate the application. However, the Local Plan does not specify or provide guidance about the scale or composition of a new local centre at Warton. It is not unusual for a new local centre to be anchored by a supermarket of a scale similar to the application.
- Whilst the LP does not identify a specific site for the local centre, but it anticipates that a proposal would be brought forward by BAE Systems on land fronting Lytham Road. There are previously developed sites fronting onto Lytham Road in the vicinity of the indicative location of the local centre shown on the Local Plan Proposals Map.
- In respect of availability, there is presently no proposal for a local centre on BAE Systems land. Whilst I understand there may have been discussions between BAE Systems and the Council firm proposals have yet to emerge. The Local Plan sets no timescale for the delivery of a new local centre other than indicating it should not be delivered before the end of the planned period (2032). What comprises a “reasonable period” in terms of NPPF paragraph 86 will vary depending on the particular circumstances of the case. Given the Development Plan allocation and the importance of delivering a local centre to secure a sustainable pattern of development at Warton, the fact that there is no certainty about the siting of a local centre, or the timing of delivery, at this point in time does not disqualify Warton as a sequentially preferable opportunity
- Being mindful of a proportionate approach but having regard to the onus falling on the applicant

to demonstrate the acceptability of their proposal, I take the view that applicant has failed to show that the application is compliant with the sequential approach to site selection.

Therefore with regard to the Sequential test the Council's retail consultant takes the view that whilst he agrees that there are no sites available in Lytham there is an allocation for a new local centre in Warton that could be available and he does not consider that the applicants have fully considered sites in Warton. This therefore is considered below, following an examination of the submitted Impact Assessment. This is because if this site is developed for this scheme instead of this scheme in a site (to be determined) in Warton then the impact on that allocation needs to be considered.

Retail Impact Assessment - Applicants Submission

The applicant's submission indicates that given the modest nature of the foodstore proposed, it is not of a scale that could have any significant adverse impacts on existing town centre locations. They make the following points;

- The estimated turnover of the proposal has been calculated on the basis of the time period up to five years as required by The Framework. The trading patterns for the new foodstore will be fully established by that year. The Assessment Table 1 shows that the turnover of the convenience goods floorspace will be between £6.59m and £8.23m at 2019, and will increase to £6.67m and £8.33m at 2024. We have utilised a sales density of between £8,000 and £10,000 per sq. m in line with anticipated operators that could occupy the proposed floorspace. The sales density range is commensurate with the scale and size of store proposed which will principally serve the surrounding area.
- In terms of factoring commitments into the assessment, it is important to note that Paragraph 89 of the Framework is only concerned with the impact of the proposal on town centre vitality and viability and not the impact of the proposal taking account of committed floorspace. In any event, there are no commitments in Zone 9 and only two new commitments in Zone 5 (Former Booths in Blackpool and Whyndyke Farm in Blackpool), both of which are much smaller in scale and serve a different market and resident population and accordingly do not compete with the proposal or draw trade from facilities within Zone 9. The Whyndyke Farm proposal will serve the substantial urban extension planned in that area.
- The proposed foodstore is not of a scale of operation that could have a significant adverse impact on existing relevant centres in Fylde or Blackpool. The forecast turnover range of the proposed store represents between 2.1% and 2.6% of the total available convenience goods shopping expenditure in Zone 9, which is not at a level that could give rise to a significant alteration in existing shopping patterns that could result in significant adverse impacts.
- Under any reasonable assessment, it is clear that the proposed development will not result in any significant adverse impacts on the vitality and viability of defined retail centres or on any planned investments.
- In accordance with the above, we conclude that the proposed development satisfies the requirements of the impact test. It follows that the proposal accords with Policy EC5 and Paragraph 89 of The Framework.
- For the precise reason that the LPA concluded the adjacent Lidl store on Preston Road would not have a significant adverse impact on centres, the proposed neighbourhood store will also not have a significant adverse impact on centres. Moreover, the store is anticipated to be smaller than the Lidl, and its modest nature is not of a conceivable scale to be able to give rise to significant impacts, particularly given the adjacent out-of-centre store that it will compete with directly.

Retail Impact Assessment - Consultant's advice

The Council's consultant has considered the above and has made the following points with regard to the submitted Impact Assessment;

- In terms of investment there are no existing committed or planned in Lytham St Annes or Kirkham. However at Warton a Local Centre is identified.
- Savills state that the modest nature means that it could not have a significant adverse impact on planned investment. Further, it is argued that the planned local centre at Warton is not an "investment" to which the impact test should apply. – Savills argue that for it to be a planned investment it has to be at a very advanced stage.
- Savills assert that in order to qualify as a planned investment in terms of NPPF paragraph 89, the project has to be at a very advanced stage and as a local centre in Warton has yet to come forward it cannot be considered a planned investment for the purposes of the impact test. The consultant does not agree with this assertion.
- The consultant sites the context of Scotch Corner as relevant. Hambleton District Council, an objector to the application, maintained that the proposal would harm the delivery of scheme on land in multiple ownership at the edge of Northallerton Town Centre. However, the scheme was not a Development Plan allocation and a masterplan that had been produced served to illustrate that the project was at a very early stage of formulation. Here therefore the investments did not have development plan status which is different to here at Fylde.
- The Cribbs Causeway inspector noted that an allocation, supported by an evidence base, was a significant stage when considering the planning of the investment.
- The circumstances at Warton are materially different to those arising at Scotch Corner or Cribbs Causeway. The Development Plan, which is recently adopted and up to date, requires the creation of a new local centre at Warton as part of the strategy of the plan. In the consultants view the relationship between the application and the local centre allocation is central to the determination of these proposals. The local centre is to meet local needs and provide facilities for residential growth in a strategic location. Set in that context a new local centre is important to secure a sustainable pattern of development. Whilst acknowledging the approach taken in the Scotch Corner decision, the Cribbs Causeway decision serves to emphasise that the particular circumstances arising in each case will provide a direction as to how this issue should be addressed. In his view the Local Plan allocation constitutes an investment which is self-evidently 'planned' and thereby qualifies under NPPG paragraph 89(a). In their opinion, the impact of the proposal on the local centre allocation is a matter that must be properly addressed.
- The development of a new supermarket in this location, albeit of modest size, is likely to impact adversely on the ability to deliver a new local centre for Warton. The application would attract retail expenditure from Warton (and its' catchment), resulting in less expenditure to support new shopping at a local centre. In commercial terms, the presence of the application proposal close to Warton is in my view likely to have significant repercussions for the ability to attract retail businesses to a new development in Warton. The fact that the application could be seen to consolidate existing retail activity at Preston Road is also relevant in this context.
- He states that the location of the proposal would attract shoppers from Warton and in his opinion affect the prospects of delivering a new local centre.
- Notwithstanding the fact that the location and scale of a new local centre is yet to be determined, the centre is "planned" in the context of NPPF paragraph 89(a). I have taken account of the arguments made by Savills and the discussion above on the consideration of this issue generally by Inspectors and the Secretary of State. Given the particular circumstances of this case I consider that refusal is justified because of the adverse impact on planned investment at Warton, which in my view would be significant.
- In terms of the impact on vitality and viability of existing centres the consultant states that

Savills estimates of trade diversion are speculative and they do not show the impact of the development on existing centres. The consultant has considered different scenarios;

- A- a discount food retailer with 8.72m turnover.
- B – M and S with 10.8m turnover.
- The onus lies with the applicant to demonstrate that new developments would not have a significant adverse impact.
- Savills estimate of the turnover of the application is too low because it is calculated on part only of the floorspace for which approval is sought. Whilst it is recognised that the catchment would extend westwards and include Warton, the analysis excludes zone 10 of the Blackpool Study.
- Two different scenarios are assessed by Savills to reflect the prospect of different retailer occupying the proposal. However, a ‘fine-grain’ analysis cannot be undertaken given the limitations of the household survey data. Savills apply the same trade draw rates to each scenario and do not recognise they are likely to be different depending on the type of occupier.
- The trade draw rates for the application (and hence trade diversions) assumed by Savills are opaque in terms of their justification and appear to bear no relationship to existing patterns of shopping. Savills do not set out the impact of the application on existing centres.
- I have considered two scenarios: one on the basis that the development is occupied by a discount supermarket such as Food Warehouse and the other, that it is occupied by Marks & Spencer. The impacts on Lytham and Kirkham are not likely to be material because in monetary and percentage terms trade diversions are small. At St Annes, the town centre is healthy and although my estimates of trade diversions are higher, the quantitative impact on vitality and viability is unlikely to be significantly adverse. This assumes that Marks & Spencer would continue to trade from the town centre. If Marks & Spencer were to cease trading because they relocated to the application site the loss of expenditure within St Annes town centre would be in the order of -£6.5m representing an impact of about -11%. Expenditure in the town centre would be materially lower than at present. Combined with a qualitative loss arising from the closure of Marks & Spencer, I consider that the circumstances would be such that the application would lead to a significant adverse impact on the town centre. However, this is not the determining factor in considering the impact of the application.
- The Development Plan promotes a new local centre at Warton which is a strategic location for new housing. In my view, having considered the various decisions and the points made by Savills, in the particular circumstances arising in this case, the Local Plan allocation of a local centre at Warton is a ‘planned investment’ in terms of NPPF paragraph 89(a). The application would in my opinion be harmful to the prospects for a new local centre because of the proximity of the application to Warton, the fact that the application is expected to draw trade from Warton and in commercial terms, the application is likely to have repercussions for the ability to attract retail businesses to a new centre in Warton. In addition, the expenditure capacity to support new retail development at Warton is modest and this fact will be reflected in the attractiveness of Warton to retailer occupiers particularly if they see a consolidation of retail activity at Preston Road a short distance to the west. The location of the application and the nature of the proposal would, in my opinion, harm the prospects of delivering a new local centre. In the context of the strategy of the Development Plan to deliver a sustainable settlement at Warton, I consider that the harm would be a significant and substantial objection to the application.

Therefore the Council’s retail consultant accepts there will not be an unacceptable impact on Lytham, raises concerns that if Marks and Spencer’s were to vacate St Annes that this would have a significant adverse impact on the town centre and considers that the proposal would have repercussions in the ability to attract retail businesses to Warton. Therefore as with the Sequential test the key issue is whether or not the proposal could be accommodated in Warton and what would be the implications for not doing so.

Should the Warton Local Centre Allocation form part of the assessment?

The wording of Policy EC5 states that *Proposals for retail, leisure and office development in 'edge of centre' or 'out-of-centre' locations will be considered in line with the Framework, bearing in mind the impacts on existing centres.* It follows that Local Plan requires an assessment in accordance with the requirements of the National Planning Policy Framework and that the impact assessment is concerned only with an assessment of impacts on existing centres. The Framework states in paragraph 86;

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'*

Policy EC5 also sets out the retail hierarchy of centres and confirms that a local centre is proposed in Warton. However there is no existing centre in Warton and the policy does not allocate any specific site in Warton for use as the Local Centre. However its inclusion shows that it is an undoubted aspiration of the Council to create a new Local Centre to support the new housing development that will be delivered in Warton.

As such at officers request given that policy EC5 allocates a Local Centre in Warton it was considered necessary for the applicants to consider sites in Warton. Whilst this cannot form part of the sequential test as there is no centre in Warton and therefore no sequentially preferable sites within the settlement as there must be an existing centre that the site is located within this was considered necessary given the aspirations in the Local Plan.

No sites were found in Warton, with regard to the BAE site the land is allocated for employment use as part of the Enterprise Zone and as such the provision of a retail use on this site would contradict that policy allocation and hence be unacceptable in policy terms. Furthermore it is not available as County Council who manage the Enterprise Zone have responded to officers stating they consider it to be premature at this stage to support the site in the EZ as a potential site for a local centre. The proposal for a Local Centre would not reflect the main focus of the EZ to attract Advanced Manufacturing and Engineering Uses. The site was also found to not be large enough for the proposal even with a significant degree of flexibility applied as it is half the size of the application site and cannot accommodate the proposed development. Another site considered was the Clifton Arms Pub Car Park, this was not available and not big enough. Therefore no sites are available and there are currently no sequentially preferable sites that could deliver this scheme and become the Local Centre for Warton.

With regard to the impact assessment on existing centre's Warton is not an existing centre, and the form and size of the Local Centre is not defined within EC5. The Local Centre could in theory take many forms, from a parade of smaller shops to a larger individual store such as that proposed by the application. Therefore whilst Warton has an allocation for a Local Centre it currently does not exist

and therefore it is difficult to assess the impact on the proposed centre. Therefore it needs to be considered whether or not the allocation of a Local Centre somewhere in Warton constitutes an *'existing, committed and planned public investment'* and whether or not the proposal would impact unacceptable on this investment.

The applicants are firmly of the opinion that as Warton does not have an existing Local Centre that the sequential test and impact assessment policies can not apply. And as stated above there are no sequentially preferable available sites in Warton that are suitable for the foodstore proposed by the application and no existing operations or planned investment within Warton that the proposal could have a significant adverse impact on. Their view is that even if Warton were a Local Centre, which it is not, there is not development or investment in progress and therefore no planned investment against which the proposal would be assessed against. With regard to vitality and viability they consider that this policy requirement does not apply on Warton as it exists as it is not an existing centre against which an assessment can be carried out,

Officer's view is that because policy EC5 does not prescribe the location or form of the proposed Local Centre, and the fact that it does not exist it is extremely hard to quantify what impact if any this proposed store would have. The fact that there is not a site available in Warton means that this particular scheme cannot be developed in Warton at this moment in time, but does that mean building it in the proposed location that the Local Centre would or could not come forward. If the Local Plan was clear in the form of the Local Centre it would be easier to assess however effectively policy EC5 leaves the provision of a Local Centre relying on market forces. Officers need to assess the scheme that is proposed in front of them and on balance whilst the development could have an impact on the provision of the Local Centre it is not considered that the evidence that it would do is robust or clear enough to warrant refusal of the application for that reason. With regard to the issue of whether the allocation constitutes an existing, committed and planned public investment clearly a Local Centre is planned as it is in the Local Plan to 2032 as the Councils policy officer point out, but the wording of the Framework is such that what needs to be considered is committed and planned investment, and on the vitality on the viability of a centre. If the Plan does not allocate a site and instead relies on market forces it is difficult to say that it is committed investment. Accordingly for an application to be refused under the terms of Policy EC5 and Paragraph 90 of the National Planning Policy Framework, there must be suitable sites that are available within a centre, and the proposal must not have a significant adverse impact on a centre. Put another way, there must be a centre for which an assessment can be carried out against which is not the case here. Furthermore the NPPG is instructive on when the impact test should be used in terms of impact on existing, committed and planned public and private investment in a centre or centres. Paragraph: 016 Reference ID: 2b-016-20140306;

'Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- *the policy status of the investment (ie whether it is outlined in the Development Plan)*
- *the progress made towards securing the investment (for example if contracts are established)*
- *the extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence'*

It follows that for an assessment on existing, committed and planned public and private investment in a centre or centres (i.e. criterion (a) at Paragraph 89 of the National Planning Policy Framework) is only carried out where that development or investment is 'in progress'.

Therefore the National Planning Practice Guidance states that, an assessment on existing, committed and planned public and private investment in a centre or centres is only carried out where that development or investment is 'in progress'. Therefore even if Warton were a Local Centre, which it is not, there is not development or investment in progress and therefore no planned investment against which the proposal could be assessed against. Clearly this contradicts the advice of the Council's retail consultant who considered that the scheme could hinder the FLP32's aspiration for a Local Centre in Warton which is a strategic location for development for housing, and that this policy aspiration constituted a planned investment. As stated above there is no doubt that it is planned, but it is for debate as to whether that constitutes a commitment. Clearly a proposal for a Local Centre in Warton would be viewed favourably by the LPA as per EC5 and as such there is a commitment to view such schemes favourably, but if a development is not proposed by a developer then currently there is no commitment or application for a Local Centre. The Council's consultant also raises concerns that the proposed scheme would be harmful to the prospects of a new local centre in Warton (a planned investment), because the application would draw trade from Warton because of its proximity and its presence would likely have repercussions for the ability to attract retail businesses to a new centre in Warton. He also states that the expenditure capacity to support new retail development at Warton is modest and this fact will be reflected in the attractiveness of Warton to retailer occupiers particularly if they see a consolidation of retail activity at Preston Road a short distance to the west. Officers do not dispute that the proposed store is in close proximity from Warton and some residents of Warton are likely to use the store. However as stated above the Local Centre could take many forms, including a store such as one proposed here, or a series of a smaller stores, policy EC5 does not prescribe the form or location of Warton's Local Centre. Therefore whilst the proposal could harm the prospects of a store such as this one from being delivered in a new local centre that is not to say that a different form of retail development could not come forward.

Officers when debating this issue with the applicants have requested that in order to mitigate the potential impact that a contribution be made to assist in bringing forward operations or investment to secure Warton's Local Centre in one form or another. This would take the form of enhancing public realm so that this scheme does not prejudice the delivery of the Local Centre. Whilst hard to quantify the development will undoubtedly have some impact on the delivery of that centre, especially given that this centre has no prescribed form or size and as a retail store the size of this application could indeed be acceptable. A contribution of £30,000 has been proposed by the applicants and this would be secured via a unilateral undertaking prior to the commencement of development.

How to prevent future unacceptable impact on existing centres?

An issue raised by the Council's consultant and subsequently by officers with the applicants is that whilst there is an agreed position that the store would not have an unacceptable impact on the existing centres of Lytham and St Annes that this would change if an established retailer in one of those centres, in particular Marks and Spencers in St Annes moved to the application site and their premises were not filled. In response to this the applicants have suggested a condition, commonly known as a non-poaching provision and utilised on a number of retail permissions and endorsed by the Secretary of State in call-in decisions and the Courts, to be included on any decision. The suggested condition reading as follows;

'None of the approved Use Class A1 retail floorspace should be opened for trade by any retailer who at the date of first opening of the approved foodstore, occupies retail floorspace within the Primary or Secondary Shopping Frontages of St Annes or Lytham town centre as defined in the Local Plan unless a scheme which commits the retailer to retaining their presence as a retailer within the

Primary or Secondary Shopping Frontages of St Annes or Lytham town centre, for a minimum period of 5 years following the date of opening for trade within the development, or until such time as they cease to occupy retail floorspace within the development, whichever is the sooner, has been submitted to and approved in writing by the local planning authority.'

Such a condition would ensure that none of the established retailers occupying premises in St Annes and Lytham town centres at the time of opening could occupy the proposed store unless they committed to retaining their existing store for a minimum of 5 years. Thus ensuring that this development will not have an unacceptable impact on those town centres. Officers are satisfied with this as a general approach, but concerned over the potential for it to be nullified if the occupiers of an existing store were to cease trading from their site immediately prior to the opening of the application store. The protection of the trading strength of the existing town centres in the borough is a key economic priority and so this decision cannot undermine that. To ensure that the greatest protection is given to this officer's believe that this 'anti-poaching control' be contained within a legal agreement rather than a planning condition and so that will form an element of the decision.

Benefits of the proposed development

The applicants have outlined that the proposed development will bring the following benefits which need to be weighed in the overall planning balance;

- The proposal will increase the number of employment opportunities at the site by approximately 35 full-time equivalent employment positions.
- The increase in employment will result in an increase in wage generation at the site by between £170,000 - £315,000 every year and as a consequence secures sustainable economic growth.
- The proposal will enable the relocation of an existing business, and the applicant expects that none of the existing employees will be made redundant.
- The applicant consider that the proposal therefore secures sustainable economic growth.
- The proposal would deliver an increase in turnover above the existing use by approximately £4.7 to £6.3m per annum.
- The store will generate an estimated £115,000 in business rates per annum, more than triple that of existing.
- Construction of the site will provide opportunities for local young people to gain NVQ Level 2 and Level 3 training and practical experience.

Officer conclusion on retail matters

The retail planning issues raised by this scheme with regard to the aspiration for a Local Centre in Warton are complex.

Clearly there are no existing sites available in Warton or Lytham and as such the application passes the Sequential test. With regard to the Impact assessment the development has been found to have an acceptable impact on Lytham and St Annes and with the poaching condition proposed by the applicants none of the existing retailers will be able to move to the new store for a period of 5 years, hence protecting their vitality and viability.

With regard to Warton there is an aspiration in the Local Plan to 2032 through policy EC5 for there to be a Local Centre. Currently there is no existing centre for the development to have an impact upon and EC5 does not specify the form or location of the Local Centre. Indeed EC5 states that "within the proposed Warton Local Centre, as identified indicatively on the Policies Map, a range of

appropriate services that support the role and function of the Local Centres will be encouraged”, therefore it could be considered that the Plan anticipates a Local Centre to provide a number of different services asides to a single food retailer as proposed here. Therefore it is difficult to quantify what impact the proposal will have on this policy aspiration.

With regard to whether or not the allocation in the plan constitutes *an existing, committed and planned public investment* it is officer’s view that clearly a Local Centre is planned as it is in the Local Plan to 2032 but the wording of the Framework is such that what needs to be considered is ‘committed and planned investment’. It is for the reasons outlined above considered that a Local Centre in the form proposed by this application is not a ‘committed investment’. Therefore as it stands Warton is not a Local Centre and there is no committed public investment against which the proposal can be considered against. It is acknowledged that the development of this store in this location will inevitably lead to trade being drawn from Warton, and its presence could have repercussions for the ability to attract retail businesses to a new centre in Warton. However it is officer’s view that as the form of the Local Centre is not prescribed that an alternative form of retail development could form the character of Warton Local Centre. Therefore whilst the proposal could harm the prospects of a store such as the one proposed here from being delivered in a new local centre, that is not to say that a different form of retail development could not come forward. Furthermore the benefits of the proposed scheme detailed above are acknowledged, as is the applicant’s commitment to a financial contribution to enhancing Warton’s public realm in order to assist the facilitation of the Local Centre. It is therefore considered that with these benefits and with regard to the issues discussed above that on balance the retail impact of the proposed development and therefore the principle of the development is acceptable.

As the application has been considered and found to have an acceptable impact on other retail centres on the basis of having a total gross internal retail floorspace of 1022 sq.m (gross internal area) it is appropriate to condition that this be the maximum area of sales floor space that can be implemented at the site. To allow a larger area of sales floorspace would mean that the impact would need to be re-assessed. A condition can also be placed on any permission granted so that the retail store operates primarily as a store for the sale of convenience goods with only ancillary sales of comparison goods. Therefore the principle and the impact of the development on existing centres is considered acceptable.

Visual impact and scale

Policy GD7 – Achieving good design in development is a criteria based policy which requires developments to achieve a high standard of design, taking account the character and appearance of the local area. Relevant sections of GD7 including the following;

d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.

h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.

The site consists of an existing car sales and MOT business surrounded by two storey residential development and other employment buildings and uses of a variety of designs and sizes. This application is fully outline and therefore the consideration of the impact is based on the indicative layout and other details provided. Proposed is a store with 1,022 sq. m at ground floor and 465 sq. m at mezzanine level, clearly the store will need to be of a scale to accommodate a mezzanine floor

and will therefore be of a similar height to the existing buildings on the site. In terms of height therefore it will be in keeping with the surrounding area which includes two storey residential to the west and up to two storey commercial buildings in all other directions. It is considered that an appropriately designed building in the location indicated on the submitted plan would be considered acceptable given the surrounding context.

The application supporting statement outlines that simple landscape proposals will contribute effectively to the retail scale and character that provide an attractive development while promoting visibility and good design practice. The site currently has limited areas of soft landscaping. The existing site therefore offers scope to improve the site's appearance by increasing the level of soft landscaping, including use of grassed areas within and around the site's perimeter.

The application outlines that the design is anticipated to use glazing along the main elevations facing onto the proposed car parking area and that it will be a high quality design that will contribute positively to the existing street scene. It will have been designed to give due regard to the surrounding commercial context. It is considered that whilst the application is submitted in outline that the visual impact of the proposed development will be acceptable given the parameters within which it will be constructed.

Access and impact on highways network

The application site is located within the settlement of Lytham and is in close proximity to bus stops and is walking distance from a number of dwellings. The application has been presented as retaining the existing access which will use the existing pedestrian links from Preston Road connecting to the existing public footpaths around the site. The site is proposed to have 73 car parking spaces, five accessible spaces, four parent and child spaces and a dedicated area for 4 motorcycles and 11 cycle spaces. Servicing of the site will take place to the rear of the store, utilising the same access with a 25m turning circle to allow HGV's to enter, reverse and exit successfully.

The application has been accompanied by a Transport Assessment. This outlines that the site is sustainably located. It also considers trips generated by the existing uses and the proposed use. This results in the following two-way vehicular trips;

Existing Use: 31 in the am peak, 30 in the pm peak and 28 in the Saturday peak

Proposed use – 58 in the am peak, 174 in the evening peak and 174 in the Saturday peak.

The TA states that these figures are a relatively modest increase and assesses the capacity of the existing network. It finds that the existing junction is operating well within capacity and that the impact of the development traffic will be negligible resulting a maximum ratio of flow to capacity (RFC) of 0.32 occurring on the minor arm of the nearby roundabout in the weekday peak, with no significant level of queuing predicted.

LCC Highways have commented on the application and their views are reported above. In short they state that they are of the opinion that the proposed store would not have a severe impact on highway capacity or congestion in the immediate vicinity of the site and that the area around the site has a good accident record.

With regard to sight lines they state that a 2.4 x 59m needs to be provided in a westerly direction and a 2.4 x 124m in an easterly direction and that the sight line requirement is fully achievable over the applicants land and the existing adopted highway.

With regard to the access they consider the geometry to be too large with an excessive radius approach. The wide access is detrimental to highway safety for pedestrians crossing the junction and the combination of a wide access with large radius does not control vehicle speeds entering and existing the site, both of which are detrimental to vehicle and pedestrian safety.

They state that they are of the opinion that pedestrians will have a desire to cross Preston Road to access the retail food store, there are currently no pedestrian crossing points near the site and pedestrians need to cross a very wide carriageway with fast moving traffic with on-road cycle lanes on both sides of the carriageway.

They state that the applicant is advised to consider a 2m build out of the kerb line fronting the site and traffic island for pedestrians and a continuation of the northern on-road cycle lane. The carriageway narrowing will aid with the sight lines passed the parked cars to the west of the site. The combination of the road narrowing and build out will also provide a traffic calming feature which would reduce traffic speed passing the site access.

(LCC) Highways are of the opinion that the proposed retail food store will encourage cycle movements to and from the site and due to the significant increase in traffic movements from the site the existing cycle facilities fronting the site should be continued across the site access. The current proposal do not provided any features to continue the cycle lane passed the site access.

They also state that they are of the opinion that the proposed retail food store increase the need for staff and customers to use the fifteen minute bus service passing the site. The current proposal do not provided any improvements to the current public transport facilities adjacent to the site. They recommend that upgrading of the two bus stops adjacent to the site to quality bus stops with raised kerbs and a shelter on the southern side of Preston Road. The bus stop improvements to be carried out as part of the off-site works and will need to be constructed under a section 278 agreement of the 1980 Highways Act.

They also request a contribution of £6000 towards Travel Plan monitoring. They are not seeking any section any other section 106 contributions as part of this development providing the recommended section 278 works are provided for the site access and off- site works for the road narrowing, pedestrian traffic island and bus stop improvements, as detailed above. Based on the above LCC Highways have stated that they cannot support the proposed development as presented and would ask that planning permission is refused as:

- The proposed development will have an adverse impact on highway safety on Preston Road at the site access and as such fails to meet the requirements of the National Planning Policy Framework.
- The development also fails to adequately promote safe and sustainable travel by modes other than car and as such fails to meet the requirements of the National Planning Policy Framework.

However given that the application is being made completely in outline and it is clear that a future Reserved Matters application will include detailed access matters this would overcome this issue as the application will need to include detailed access design which will need to meet LCC approval and can be designed in accordance with the above requirements. As such there is not considered to be any highways issues that could warrant refusal of the application, the provision of the off site works can be secured by condition and the 106 contribution via an obligation. Officers provided this view to LCC officers prior to completion of this report and they have confirmed as reported above that their objections to the access can be dealt with at Reserved Matters stage. They have confirmed that they require the £6000 Travel Plan contribution, and that at reserved matters stage the developer

will need to provide detail of the access arrangements which as a minimum must include provision of right turn lane on the A584 pedestrian refuge on A584, upgrade of existing bus stops (to include raised boarding area, shelters and associated signs and road markings). The developer will need to provide vehicle swept path analysis and Stage 1 Road Safety Audit. They suggest two conditions one being that no development commence until the access and off site highway works be constructed in accordance with an approved scheme to be submitted and that prior to any clearance of the site that a Traffic Management Plan be submitted and approved. Therefore with such conditions there are no highway issues with the application.

Impact on residential amenity

As outlined above the existing site operates as a Sui Generis use but includes some noisy employment activities including the MOT testing station. The proposed retail use is not one in itself that will generate significant levels of noise however the number of people entering and leaving the site, both in car and pedestrians will increase which could impact upon amenity. The nearest dwellings are those to the west on Mornington Road and Preston road whose side elevations face the application site. The nearest dwelling to the proposed store on the indicative plan is 21m, and 9m from the access road to the parking areas. This boundary consists of a variety of different treatments, including walls, hedgerows, concrete, mesh and metal fencing. The Council's Environmental Protection Officer has commented on the application and raises no objections. He requests a number of condition that will serve to protect the amenity of surrounding dwellings, these include noise level restrictions, deliveries being restricted to 07:00- 21:00 Mondays to Saturdays and 09.00 – 17.00 Sundays and details of the illumination of the site to ensure that there is no light nuisance to neighbours. It is considered that with these conditions and also with ones restricting the hours of use of the premises that the amenity of neighbours can be protected. It is also expected that when an application for the reserved matter of landscaping is submitted that

Flooding and drainage

The application has been supported by FRA which outlines that with regard to surface water that all runoff from the redeveloped site will be directed to the Main Drain via the existing connection. The redeveloped site will have less hardstanding than the existing site and thus there will be more natural infiltration. The surface water run-off will be restricted to 50.6 l/s which is a reduction of 30% from the existing rates of discharge. Attenuation storage will be provided to store surface water run off generated from roofs and hardstanding. The details of this will be dependent on the details submitted in the reserved matters. Foul water will go into the existing sewer system. Both the EA and UU have no objections to the development. UU confirming no objections and requested a condition that the development is carried out in accordance with the FRA and also suggesting a condition in relation to management and maintenance of the SuDS. The EA similarly have no objections but request a contaminated land condition and also states that they are satisfied that the FRA demonstrated that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. With regard to the EA's comments about the sequential test, they state that in accordance with the NPPF para 158 development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that it is for the local planning authority to determine if the Sequential Test has to be applied. With regards to the flood sequential assessment, it is important to note that the proposed development is considered a 'less vulnerable' use and therefore is exactly the same category as the existing uses on the site. It would therefore be operating in line with the existing baseline position, and in accordance with the 'Flood Risk Vulnerability Classification' in Planning

Practice Guidance, the proposed development is 'appropriate'. As such it is not considered necessary for the flooding sequential test to be undertaken. Therefore with these conditions in place there are no flooding or drainage issues with the application.

Conclusions

The proposal is considered to comply with policy EC5 of the Local Plan to 2032 as there has not been found to be any sequentially preferable sites and the impact on the vitality and viability of existing centre will not be unacceptable. The implications for the policy aspiration of EC5 to provide a Local Centre in Warton has been closely considered. It has been found that there are no sites currently available in Warton to house the proposed store. Whilst it is acknowledged that the proposed scheme could impact on the form of Local Centre delivered in Warton as policy EC5 does not specify the form or location of the Local Centre it is difficult to quantify what impact the proposal will have on this policy aspiration. Officers have considered the development in the context of NPPF paragraph 89 which addresses the Impact Assessment. This states that when assessing application for development outside of town centres an assessment should be made of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre. The key issues is whether the Policy aspiration of EC5 constitutes an 'existing, committed and planned' public or private investment. As outlined above whilst officers agree that the Local Centre is planned, it is our view that there is no committed investment against which this application could prejudice. Therefore whilst the proposal could impact on the delivery of a store similar to that proposed here that is not to say an alternate form of retail development could not be delivered. Therefore when balancing the benefits of the scheme, including the contribution to public realm to assist in the facilitation of the Local Centre in Warton it is considered that on balance that the proposal is acceptable in principle. With regard to the other issues discussed above there are no highways, drainage, amenity or other reasons why the application is not acceptable and therefore it is recommended for approval.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

- a) The phrasing of an 'anti-poaching control' to ensure that in the event that this store is to be occupied by an operator with a presence in Lytham or St Annes town centres then they are to retain that presence for an agreed period of not less than 5 years.
- b) a financial contribution of £30,000 (and the phasing of the payment of this contribution) towards securing public realm works to enhance the attractiveness of Warton village centre in accordance with the requirements of Policies EC6 and INF2 of the Fylde Local Plan to 2032
- c) a financial contribution of £6000 (and the phasing of the payment of this contribution) towards Travel Plan monitoring in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032

The suggested Planning Conditions and Reasons are as follows:

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

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

2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:

Nos. (1, 2, 3,4 and 5)

(Reserved matters are:-

1. Layout
2. Scale
3. Appearance
4. Access
5. Landscaping

This permission is an outline planning permission and details of these matters still remain to be submitted.

3. That the details submitted under any application for the reserved matter of 'access' shall include details of the following works:

- a) improvement of the junction of the site with Preston Road with kerb build-outs and consequential lining changes
- b) the provision of a pedestrian island
- c) Appropriate visibility splays in both directions
- d) Appropriate connections to the existing cycle paths on Preston Road
- e) The improvement of the nearest bus stop in both directions to Quality Bus Standards
- f) the phasing of these works

The approved development shall be implemented in accordance with the agreed phasing of these works, and shall not open for trading until all necessary access and off-site highway works have been constructed

Reason: To ensure the development provides a safe and accessible access arrangement to all road users as required by Policy GD7 of the Fylde Local Plan to 2032.

4. Prior to commencement of any site clearance works a Construction Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority. The TMA shall be implemented throughout the entire demolition and construction phase and shall include and specify the provisions to be made for the following:

- a) The timing of all demolition and construction activities
- b) A specific location for the parking of vehicles of site operatives and visitors;
- c) A location for the loading and unloading of plant and materials used in the construction of the development;
- d) A location for the storage of such plant and materials;
- e) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- f) Timing of deliveries to the site, which should be timed to avoid early morning / late evening

- visits and to avoid peak hours
- g) Routes to be used by vehicles carrying plant and materials to and from the site;
- h) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 4300, Dated 28 February 2019) which was prepared by Weetwood. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a) A site investigation scheme, based on the Phase 1 Land Quality Assessment Limited (Ref: G2937-GR-01A; dated 19 December 2018) prepared by PSA Design) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

8. The retail unit hereby approved shall not exceed 1022 sqm gross internal ground floor area, and 465 sqm at mezzanine level. The mezzanine floorspace shall be used for storage purposes only.

Reason In order to protect the vitality and viability of nearby town, district, and local centres in accordance with the provisions of Policy EC5 of the Local Plan to 2032 and the NPPF, and because the retail impacts associated with the development have been assessed on the basis of these floorspace figures.

9. The retail store hereby approved shall primarily trade as a store for the sale of convenience goods and no more than 15% of the gross floor area shall be used for the sale of comparison goods.

Reason: In order to prevent the establishment of an open A1 retail use that would detract from the vitality and viability of established local centres.

10. The rating levels for cumulative noise from all plant and machinery from the retail unit hereby approved shall not exceed (10 dB(A) below the existing LA90), at the nearest noise sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014).

Reason: In order to protect the residential amenity of neighbouring dwellings.

11. The retail unit hereby approved shall not be open for trading and there shall be no deliveries to or waste collection from the store outside of the hours of 07.00 to 22.00 Monday to Saturday inclusive and 10.00 to 16.00 on Sundays.

Reason: In order to protect the residential amenity of neighbouring dwellings.

12. Prior to the first operation of the retail store hereby approved a light /illumination survey or details of the site illumination shall be submitted for approval in writing by the Local Planning Authority in order to demonstrate that there is no potential for light nuisance towards the residential properties. No dwelling shall be subject to light level of above 3 lux as a result of the operation of the site.

Reason: In order to protect the residential amenity of neighbouring dwellings.

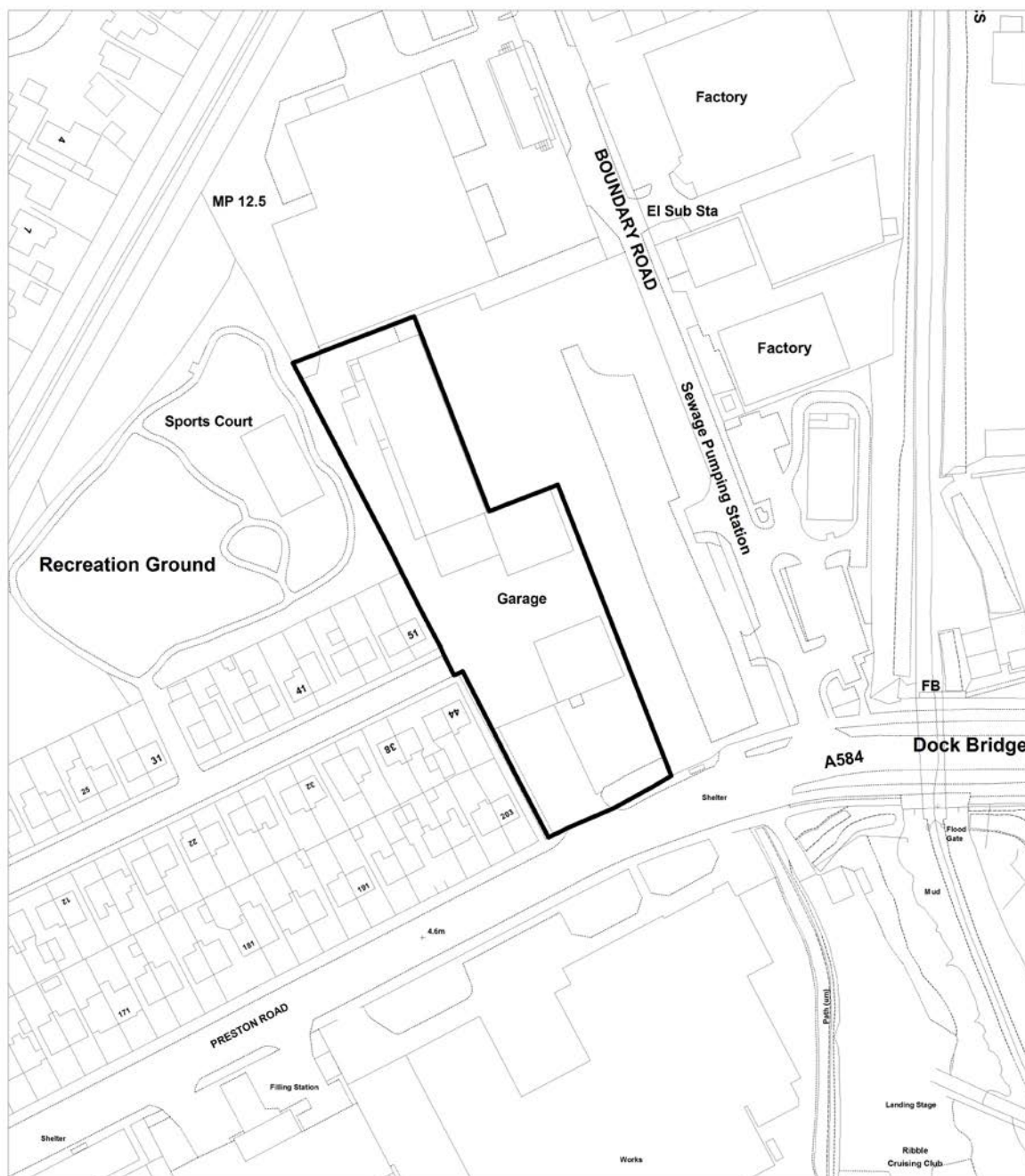
13. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
 - b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk


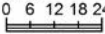
to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.



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|---|---|--|--|
|  | | (c) Crown Copyright and database right (2019). Ordnance Survey (100006084). | |
| Application No. 5/19/0006 | Address Stanways of Lytham, Preston Road, Lytham St Annes | Grid Ref. E.3381 : N.4280 | Scale 0 6 12 18 24 m  |

Item Number: 4

Committee Date: 31 July 2019

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 19/0029 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Carter | Agent : | |
| Location: | LAND TO THE REAR OF,1 STRIKE LANE, FRECKLETON, PRESTON, PR4 1HR | | |
| Proposal: | DETACHED DORMER BUNGALOW DWELLING WITH VEHICULAR ACCESS OFF KIRKHAM ROAD | | |
| Ward: | FRECKLETON EAST | Area Team: | Area Team 1 |
| Weeks on Hand: | 29 | Case Officer: | Alan Pinder |
| Reason for Delay: | Design Improvements | | |

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

<https://www.google.co.uk/maps/@53.7604719,-2.8713815,287m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks planning permission for the erection of one new detached dormer bungalow on a rectangular parcel of undeveloped land located alongside Kirkham Road in Freckleton.

The development is within a settlement boundary and is compatible with adjacent land uses as there are residential properties to the south, west and east making the principle of development acceptable. The design, scale and appearance of the proposed dwelling are considered to be in keeping with the existing built character of the locale, and its spatial relationship with neighbouring dwellings is such that neighbour amenity would not be unduly compromised.

County Highways have raised objection to the vehicle and pedestrian access arrangements, but your officers are satisfied with the arrangements for both elements as explained in this report. There are no objections from other statutory consultees on any other aspects of the proposal. Accordingly the development is considered to accord with all the relevant policies of the Fylde Local Plan to 2032 and the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is a rectangular parcel of rough grassland measuring approximately 850 square metres in area and located to the rear of No.1 Strike Lane, close to the junction of Strike Lane and

Kirkham Road. The site abuts, but is within, the settlement boundary of Freckleton. It adjoins onto the northern end of ribbon development (dwellings) that extends north from the A584 and along both sides of Kirkham Road. Land to the north, east and west of this ribbon is designated as green belt.

Properties opposite the site, along Kirkham Road, are a mix of two storey dwellings and bungalows, and to the east No's 1 and 2 Strike Lane are bungalows with two storey dwellings beyond, along the remainder of Strike Lane.

Details of Proposal

Full planning permission is sought for the construction of a single detached four bedroomed dormer bungalow, together with a new vehicular access onto Kirkham Road. The bungalow would have a fully gabled roof with additional gable elements to the front and rear elevations, with the frontage facing onto Kirkham Road. It would have a ground footprint measuring 12.8 metres by 8.7 metres, a main ridge height of 6.5 metres and an eaves height of 2.5 metres. The external materials are to be clay red/orange facing brickwork, grey interlocking roof tiles, and dark grey upvc or powder coated aluminium windows and doors. The proposal includes soft and hard landscaping to the front of the dwelling. The existing hedge and fence boundary finishes to the north and east respectively are to be retained, and the hedgerow along Kirkham Road is to be set back further from the kerb line to enable appropriate sightlines for the new vehicle access. The garden area would comprise of a mix of hard surfacing to the front to provide off street parking for three vehicles and an enclosed grassed area to the south side for recreation.

The proposal originally proposed a two storey dwelling and included the formation of a new footpath on the eastern side of Kirkham Road, leading from the dwelling down to the junction with Strike Lane. Following discussions the application has been amended to reduce the scale of the dwelling to a dormer bungalow and exclude the footpath from the proposal to reduce its visual impact and address concerns over the likelihood that the footpath would encourage parking around the junction associated with school traffic.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 82/0443 | ONE DWELLINGHOUSE. | Granted | 18/08/1982 |
| 82/0572 | ALTERATIONS TO FORM PORCH AND CLOSET AND KITCHEN. BATHROOM AND BEDROOM EXTENSION. | Granted | 15/09/1982 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 15 January 2019 and re-consulted on 08 May 2019.

Their comments to the initial consultation were:

The Parish council are against this application due to the following reasons.

- *There would be an entrance to the property close to Strike lane entrance. This area is currently under review from LCC and the highways agency after several complaints of excessive traffic.*
- *A footpath would have to be created on the eastern side of Kirkham road causing road safety issues for pedestrians and bus users.*
- *Over intensive use of the land as the proposed property would be large and not in keeping with surrounding properties.*

Their comments to the re-consultation were:

It was resolved that the Parish Council was against this application for the reasons listed below.

- *The footpath, on the eastern side of Kirkham road, would cause a road safety issue for pedestrians and bus users.*
- *Over intensive use of land as the proposed property would be large and not in keeping with the surrounding properties*
- *This area is currently being reviewed by the LCC highways department because of the excessive number of complaints of traffic problems at the junction with Strike Lane.*

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections

Ministry of Defence - Safeguarding

No safeguarding objections

United Utilities

They raise no objections to the application subject to a standard condition regarding the drainage of the site complying with the drainage hierarchy and being on separate foul and surface water systems.

Greater Manchester Ecology Unit

The site falls within a number of SSSI impact risk zones. However, the proposed development at this site does not fall within the SSSI impact risk categories. The proposed development will therefore not have any impact on the SSSIs.

Bats

The proposed development site comprises unmanaged amenity grassland and tall ruderal species. The hedgerows on the boundaries of the site and the site itself has some, albeit low, bat foraging and commuting potential. There are no buildings or trees within the proposed development site boundaries. The site is therefore considered to have no bat roosting potential.

Birds

The hedgerows on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that all works to hedgerows should not be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person. We recommend that a condition to this effect be placed on any

permission.

Lancashire County Council - Highway Authority

They have raised an objection to the application on the basis that they do not believe the scheme currently provides a safe pedestrian and vehicle access.

With regards to the vehicle access they advise that the 2.4m x 43m sight lines that are shown are suitable, but express concerns that these are partly over land that is not part of the application site and so cannot be secured. They also refer to their observations of traffic speeds in the area being around 30mph and so a reduction on the standard sight lines is not appropriate.

This issue has since been addressed by the application site boundary being extended to include the land needed to provide the 2.4m x 43m sight lines with an ownership certificate served on the owner of that land who is the applicant's mother. The views of LCC highways have been sought on this revision and will be presented to Committee on receipt.

With regards to pedestrian access to the site they refer to the lack of a footway on the easterly side of Kirkham Road to connect the property to other facilities, including the nearby primary school on Strike Lane and the bus stops. They suggest that a footway should be provided to connect the site to Strike Lane where the existing footway terminates, saying:

I am aware that there has been some opposition to the possibility of providing a footway here, however, from a highways point of view a footway would provide a safe means of pedestrian access to the development and should it be deemed necessary to prevent parking then it is within LCC as local highway authority's powers to introduce waiting restrictions or guardrails to address any safety issues.

Finally with regards to parking they confirm: *The submitted plans show that there is an adequate level of car parking available and that there is sufficient space for the manoeuvring of vehicles to ensure that vehicles can enter and leave the site in forward gear.*

Neighbour Observations

| | |
|--------------------------------|--|
| Neighbours notified: | 15 January 2019 |
| Amended plans notified: | 08 May 2019 |
| Number of Responses | 7 objections raised against the development as originally proposed and 4 objections raised against the revised proposal. |
| Summary of Comments | <p>Only comments received after consultation on the revised scheme are included below:</p> <ul style="list-style-type: none">• The house would be too big and out of keeping• The development would exacerbate existing flooding issues• The provision of an additional house close to Strike Lane would adversely affect road safety, particularly during school start and finish times• The proposed footpath would encourage the parking of vehicles |

on both side of Kirkham Road in close proximity to the junction with Strike Lane, and thus adversely affect road safety

N.B. Whilst the final comment refers to a new footpath, this aspect formed part of the original proposal and was removed in full prior to the second consultation with neighbours

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|------|---|
| GD1 | Settlement Boundaries |
| GD7 | Achieving Good Design in Development |
| DLF1 | Development Locations for Fylde |
| S1 | Proposed Settlement Hierarchy |
| H1 | Housing Delivery and the Allocation of Housing Land |
| CL1 | Flood Alleviation, Water Quality and Water Efficiency |
| CL2 | Surface Water Run-Off and Sustainable Drainage |
| ENV2 | Biodiversity |

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The application site lies within the settlement boundary of Freckleton. The Fylde Local Plan seeks to direct new residential development to within settlements and thus policies S1, DLF1 and GD1 of the local plan support the principle of this new residential property subject to compliance with all other relevant policies of the local plan.

Design and appearance

Policy GD7 of the plan sets out a series of guiding principles for good design intended to ensure that developments achieve a high standard of design and take account of the character and appearance of the area. Similarly, paragraph 127 of the NPPF identifies six principles that developments should follow in order to achieve good design and paragraph 130 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed dwelling would form part of a small enclave of dwellings to the north of Strike Lane and sited between the Kirkham Road junction and Strike Lane Primary School. This enclave comprises two bungalows (No's 1 and 2 Strike Lane), located at the junction with Kirkham Road, and seven two storey dwellings recently built on the site of a former dairy farm to the north east of these bungalows. The proposed dwelling would be sited immediately to the north of No.1 Strike Lane, with its frontage facing onto Kirkham Road, and set on the nominal building line formed by No.1 and

other properties to the south of the road junction. The scale and gabled form of the proposed dwelling, together with its pallet of external materials, would be sympathetic to those of No's 1 and 2 Strike Lane and accordingly the dwelling is considered in keeping with the built development of its immediate locale.

The dwelling would be sited inside the northern edge of the settlement boundary and as such would form part of the gateway into Freckleton for traffic travelling south along Kirkham Road. As such the north facing gable and front elevation of the property would provide its main public identity, and both are considered appropriate to ensure the visual amenity of this gateway is not unduly harmed. A landscaping scheme submitted with the application indicates that the existing hedgerow along the northern site boundary would be retained and supplemented with additional planting to provide a measure of screening of views from the north. The landscaping also indicates the existing Kirkham Road boundary hedgerow is to be replaced with a grass verge in order to provide the necessary sight lines for the new access, and a new hedge line formed along Kirkham Road, set approximately 1.5 metres back from the kerb line, comprising a mix of hawthorn and privet/holly hedging.

Taking all the above together as a whole it is considered that the proposal accords with the criteria of Policy GD7 that relate to appearance and visual impact, and reflects the guidance in the NPPF.

Residential amenity

The application site is neighboured to the east, south and west by other residential properties, with No.1 Strike Lane being the closest and hence potentially the most likely to experience amenity impacts from the proposed dwelling. The south facing side elevation of the proposed dwelling would have two first floor windows positioned centrally within the gable, serving two separate bedrooms, and facing towards the rear of No.1 Strike Lane. The distance between this south gable and the shared boundary with No.1 would be approximately 12 metres, and the distance to the rear of No.1 would be approximately 25 metres. Both distances represent a typical spatial arrangement found between many neighbouring dwellings, and in this instance is considered sufficient to ensure that No.1 Strike Lane suffers no undue amenity impacts by way of overlooking, overshadowing, or overbearing appearance. Other residential properties neighbour to the east and west, however the separation distances and orientation relative to the proposed dwelling are such that the spatial relationship readily accords with accepted guidance and thus raises no amenity concerns.

Overall the proposed development is considered to have an acceptable relationship with neighbouring dwellings and to accord with the criteria of policy GD7 that relate to neighbour amenity.

Access and parking

County Highways have been consulted on the application and have raised objections to the application on two grounds, these being:

- Access sightlines - Highways have raised concerns that the required sight line of 2.4m x 43m can only be achieved across land not within the applicant's control; namely the adjoining field to the north of the site. This field is in the ownership of the applicant's mother and thus notice was served on the landowner on 09 July 2019. Following receipt of Highways' comments an amended location plan that extends the red edge of the application site to include the necessary part of the adjoining field, together with a completed Certificate B, have been submitted in support of the application. The 21 day post-notification period expires on 31 July 2019 and the revised red edge will allow the required sight line to be achieved. County Highways have been re-consulted on the revised red edge but as of the time of writing no further comments have been received. These will be added under late observations if necessary.

- Lack of footpath - The original proposal included the provision of a footpath on the north eastern side of Kirkham Road to provide a pedestrian link between the dwelling and Strike Lane. However the footpath was subsequently removed from the scheme on the grounds that it was likely to encourage the parking of vehicles on both sides of Kirkham Road at a junction that can already be congested at school start and finish times, and that as the path would benefit only one property (i.e. the application house) then the visual harm caused by the loss of the soft landscaped green verge would outweigh the limited benefit provided by the footpath. AS an alternative the application now features a tactile paving crossing point for both sides of Kirkham Road to allow access to the footpath network. Whilst this is not the preferred option of County Highways it is considered, in the planning balance, to be the appropriate solution by your officers.

County highways accept that the proposal provides an adequate level of car parking and sufficient space within the curtilage to allow cars to manoeuvre and exit the site in a forward gear.

Notwithstanding the objection of LCC to the lack of a footway it is considered by your officers that the access and parking arrangements are appropriate and will accord with criteria j) and q) of Policy GD7 subject to conditions to ensure the works are implemented.

Drainage

Two objectors have raised concerns that the development would exacerbate an existing flood problem in the area. This notwithstanding, data provided by the Environment Agency indicates the site does not lie within a flood zone, nor is it in an area of high or medium susceptibility to surface water flooding. United utilities have commented on the scheme but only to the extent that foul water must drain to the public sewer and surface water drainage should be in accordance with the general surface water drainage hierarchy.

Ecology

A bat survey was submitted in support of the application and Greater Manchester Ecology Unit (GMEU) were consulted for the views. The GMEU are of the view that the site has no bat roosting potential and thus no mitigation in regard to bats is required. They do advise that all works to the hedgerows should not be undertaken during the main bird breeding season unless a survey by a suitably qualified person finds that nesting birds are absent.

Conclusions

This application seeks planning permission for the erection of one new detached dwelling on a parcel of undeveloped land located within the northernmost settlement boundary of Freckleton. The development is within a settlement boundary and compatible with adjacent land uses, hence the principle of development is acceptable. The design, scale and appearance of the proposed dwelling are considered to be in keeping with the existing built character of the locale, and its spatial relationship with neighbouring dwellings is such that neighbour amenity would not be unduly compromised.

County Highways have raised objection to the vehicle and pedestrian access arrangements, but your officers are satisfied with the arrangements for both elements as explained in this report. There are no objections from other statutory consultees on any other aspects of the proposal. Accordingly the development is considered to accord with all the relevant policies of the Fylde Local Plan to 2032 and the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 1905-P-02 Rev F
- Proposed Site Plan - Drawing no. 1905-P-02 Rev F
- Proposed Plans - Drawing no. 1905-P-03 Rev C
- Proposed Elevations - Drawing no. 1905-P-04 Rev C
- Proposed Access - Drawing no. PC0002/010719
- Proposed Landscaping - Drawing no. PC0001/010719

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

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

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

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

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. PC0001/010719 shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into the surrounding landscape, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

5. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (1 March to 31 August, inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season unless and until a methodology for protecting nest sites during the

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with 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. The vehicular access arrangements hereby approved on the site plan listed in condition 2 of this permission shall be fully implemented prior to the first occupation of the dwelling, with these works including:
- a) The formation of a new driveway crossing and access point to serve the dwelling
 - b) The provision of 2.4m x 43m visibility spays in both directions from that access point, with these kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) at all times thereafter
 - c) The provision of a tactile paving crossing point on both sides of Kirkham Road to enable safe pedestrian crossing of that road.
 - d) The on-site parking and turning areas

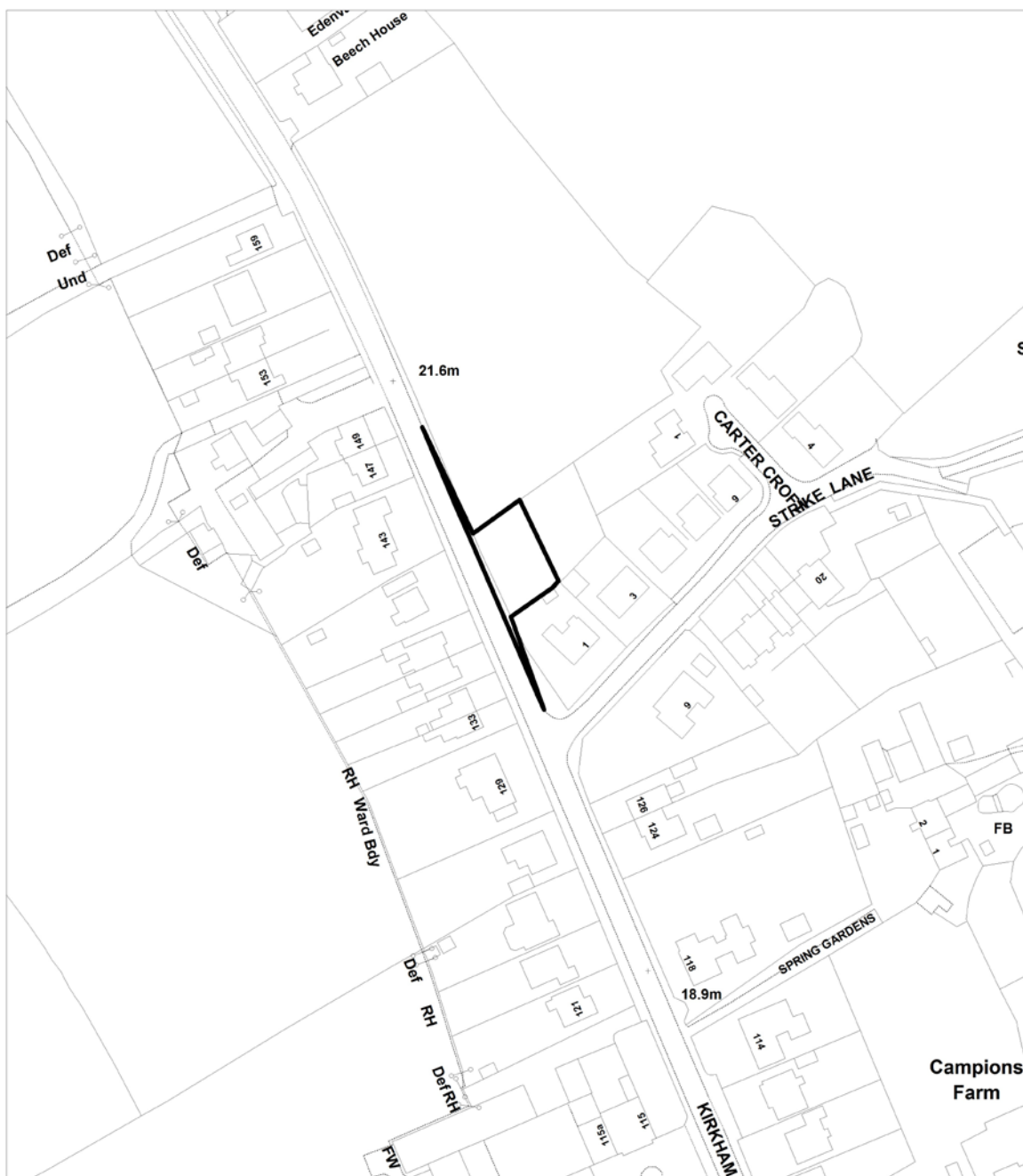
Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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

- a) separate systems for the disposal of foul and surface water;
- b) a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+30% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- c) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- d) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- e) flood water exceedance routes, both on and off site;
- f) means of access for maintenance and easements (where applicable);
- g) a timetable for implementation, including any phasing of works.

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

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Local Plan to 2032 Policies INF1.



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Ordnance Survey (100006084).

Application No.
5/19/0029

Address
Land to the rear of 1 Strike Lane, Freckleton

Grid Ref.
E.3428 : N.4296

Scale
0 6 12 18 24 m

Item Number: 5

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 19/0170 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Lancaster | Agent : | Harrison Pitt Architects |
| Location: | DONKEY CREEK FARM CARAVAN PARK, NAZE LANE EAST, FRECKLETON, PRESTON, PR4 1UN | | |
| Proposal: | CHANGE OF USE OF LAND TO FORM EXTENSION OF EXISTING CARAVAN SITE TO CREATE AN ADDITIONAL 39 NO. TOURING PITCHES AND 4 NO GLAMPING PODS, RELOCATION OF WARDENS ACCOMMODATION, PROVISION OF CHILDREN'S PLAYGROUND WITH ASSOCIATED SERVICES AND AMENITIES. | | |
| Ward: | FRECKLETON EAST | Area Team: | Area Team 1 |
| Weeks on Hand: | 22 | Case Officer: | Ruth Thow |
| Reason for Delay: | Design Improvements | | |

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

<https://www.google.co.uk/maps/@53.7471509,-2.8617952,575m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the expansion of a recently constructed touring holiday caravan site in Freckleton, with the intention of increasing it from the 36 pitches that have previously been approved to 76 pitches through the extension of the site into two adjacent areas of agricultural land.

The merits of the application have been considered and some revisions secured to reduce the number of pitches from that originally proposed with increased landscaping to the key boundary with the public right of way. As such the visual impact of the scheme is now considered to be acceptable. The highway safety and connectivity implications are also considered to be appropriate, and the revisions to the management arrangements and internal operations can be accommodated satisfactorily. However, there are a number of outstanding matters including drainage and ecology implications that require further consideration and to which the officer view is unknown at this stage. That view will need to consider the key policies of the Fylde Local Plan including GD4, EC2, ENV1, ENV2 and EC7 and reach a balanced recommendation on the factors that each raise.

Notwithstanding that uncertainty, as the application involves major development this report is presented to Committee at this stage to allow Committee to consider the scheme as it stands in order that, should the committee agree with the principle of the proposed development, authority to determine the application may be delegated to officers provided the outstanding matters can be resolved.

Reason for Reporting to Committee

The application is for 'major development' and as the proposal presents significant issues it is

considered appropriate to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is known as 'Donkey Creek Farm', Naze Lane East, Freckleton and is a recently developed touring caravan site that is situated to the south side of Naze Lane East and BAE Systems runway. The site area in this application amounts to 1.324 Hectares of land which is located to the south and east of the existing touring caravan site and to south side of Ribble Boat Yard with open fields immediately to the south and west with Freckleton Creek and Poolside Boat Yard to the east. The land is currently used for agriculture, is surrounded by mature hedging on all boundaries and has a public right of way running adjacent to the eastern boundary.

The land is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032 and is within the buffer zone of the Ribble Estuary Site of Special Scientific Interest (SSSI) and part of the Ribble & Alt Estuaries Special Protection Area (SPA) and RAMSAR site.

Details of Proposal

This application seeks permission for a change of use of agricultural land to use as a caravan site to create an additional 39 no. touring pitches and 4 no. 'glamping pods' together with the relocation of wardens accommodation, provision of a children's playground and associated services and amenities. The proposal is that these pitches are 'seasonal' and so could remain occupied by caravans throughout the year, unlike the existing site that is subject to a condition that requires that they be used as 'touring' pitches and so no stay of over 14 days is permissible.

The layout proposes 15 pitches around the perimeter with two groups of 7 pitches and a further group of 9 pitches within the centre of the new road layout that is proposed on this part of the site. The final pitch is located within the existing part of the site and is already in place as a consequence of that layout not according with the approved scheme and including an additional pitch.

A timber lodge to offer warden's accommodation was approved as part of the original permission for the existing touring caravan, under application no. 16/0306. In this application it is proposed to be re-located at the entrance to the new site alongside the eastern boundary in the form of a static caravan.

Four 'glamping pods' are proposed, positioned to the south side of the existing pond and are to be timber clad providing kitchen, bathroom and bedroom and measuring 3.7 metres by 5.5 metres and have a flat roof to a height of 3.3 metres.

A WC 'pod' is proposed to the western boundary providing four shower rooms/WC's and measuring 3.7 metres by 5.5 metres to a height of 3.3 metres.

The proposal includes a landscape buffer to the southern and eastern boundary with additional planting to the perimeter and is a revision to the original scheme as the number of pitches proposed has been reduced from 46 to 39 with the extent of landscaping to the eastern boundary increased.

Relevant Planning History

| Application No. | Development | Decision | Date |
|-----------------|--|---------------|------------|
| 19/0091 | APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING | Advice Issued | 14/03/2019 |

| | | | |
|---------|--|---------------|------------|
| | PERMISSION 18/0549 CONDITION 2 (LANDSCAPING) | | |
| 18/0602 | RETROSPECTIVE APPLICATION FOR ADVERTISEMENT CONSENT FOR ONE NON ILLUMINATED, STATIC SIGN TO THE BOUNDARY FENCE AT THE SITE ENTRANCE. | Granted | 20/09/2018 |
| 18/0549 | RETROSPECTIVE APPLICATION FOR 1.8M HIGH ENTRANCE GATES AND RAILINGS | Granted | 24/08/2018 |
| 17/0041 | APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS TO PLANNING PERMISSION 16/0306 - CONDITION 3 (MATERIALS), CONDITION 14 (DRAINAGE), CONDITION 16 (TREE PROTECTION), CONDITION 18 (BIODIVERSITY MEASURES) | Advice Issued | 06/03/2017 |
| 16/0954 | NON MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0306 TO REVISE APPEARANCE OF RECEPTION/WC BLOCK BUILDING WITH ADDITION OF CANOPY AND ALTERATIONS TO WINDOWS AND DOORS | Granted | 16/12/2016 |
| 16/0741 | APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0306 - CONDITION 11 (FENCING DETAIL), 12 (LANDSCAPING), 16 (HEDGEROWS), CONDITION 18 (FENCING) | Advice Issued | 15/11/2016 |
| 16/0306 | RE-SUBMISSION OF 15/0842 - CHANGE OF USE OF AGRICULTURAL LAND TO FORM 36 PITCH HOLIDAY TOURING CARAVAN SITE WITH ASSOCIATED EXTENSION TO INTERNAL ACCESS ROAD, ERECTION OF FACILITIES / RECEPTION BUILDING, SITING OF STATIC CARAVAN FOR WARDEN'S ACCOMMODATION AND USE OF PREVIOUSLY APPROVED BARN FOR GENERAL AGRICULTURAL USE | Granted | 15/09/2016 |
| 15/0842 | CHANGE OF USE OF AGRICULTURAL LAND TO FORM 36 PITCH HOLIDAY TOURING CARAVAN SITE WITH ASSOCIATED EXTENSION TO INTERNAL ACCESS ROAD, ERECTION OF WARDENS LODGE AND ERECTION OF FACILITIES BUILDING AND OTHER ANCILLARY DEVELOPMENT | Refused | 10/03/2016 |
| 14/0151 | CHANGE OF USE OF AGRICULTURAL LAND TO FORM A 25 PITCH TOURING CARAVAN AND 15 PITCH CAMPING SITE WITH ASSOCIATED EXTENSION TO INTERNAL ROAD AND ERECTION OF A FACILITIES BUILDING - (RE-SUBMISSION OF WITHDRAWN APPLICATION 13/0717). | Granted | 14/04/2015 |
| 11/0828 | PROPOSED ERECTION OF AGRICULTURAL STORAGE BARN AND TIMBER DONKEY STABLES | Granted | 05/03/2012 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council have been notified of the original and revised layouts.

Their comments on 11 March 2019 to the original proposal confirm that: *The Parish Council support this application.*

Their comments on 26 May 2019 to the revised proposal confirm that: *It was resolved that the Parish Council was against this application because of the problem with drainage. See letter from LCC dated 8th May 2019*

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No comments have been received.

Ministry of Defence - Safeguarding

Replied to confirm that they raise no safeguarding objections to this proposal.

Natural England

They have considered the submission and advise that an Appropriate Assessment is required due to the proximity of the site to the Estuary and its various protection designations. The site will lead to some impacts on this area and whilst mitigation measures have been identified (i.e. visitor packs) and in line with the recent case law relating to the People over Wind ruling, mitigation measures should be assessed at Appropriate Assessment. They also explain that should an Appropriate Assessment being undertaken, Natural England would be content that (with the mitigation outlined) there would be no adverse effect on site integrity as a result of increasing recreational disturbance.

They also note that reference to Ribble and Alt Estuaries Ramsar has been taken out of the Appendices and so recommend that this site is clearly referenced within the Habitat Regulations Assessment as this needs to consider Ramsar sites. They recommend that the council ensures the HRA is updated prior to determination.

It is expected that further consultations will be undertaken with Natural England prior to any decision being made.

United Utilities

Raise no objections to the development, but highlight the need to ensure that the drainage is undertaken in accordance with the sustainable drainage hierarchy and so request that conditions are imposed to secure that.

Environment Agency

Confirmed that they do not wish to comment as they are not a statutory consultee on applications of this nature.

Lancashire County Council - Highway Authority

They have provided comments on the initial and revised proposals. The key points raised are that they have no objections to the extension of the site on vehicle capacity or highway safety terms. They express a view that the provision of a footpath link to the adjacent Public Right of Way would be desirable given that it serves as a recreational route and presents a more attractive alternative to the footway on Naze Lane East.

Greater Manchester Ecology Unit

They have reviewed the submitted ecological information and conclude as follows:

- (i) Amphibians – There is a pond on site which has a poor suitability for use and the site as a whole has a low probability of supporting newts. As such they recommend a condition is appropriate to minimise the impact on amphibians.
- (ii) Birds – They highlight that the hedgerows around the site have the potential to support nesting birds, with a condition appropriate to ensure that the works do not impact on the breeding season.
- (iii) Biodiversity – They support the inclusion of enhanced biodiversity through the landscaping of the site in the development, with a condition needed to ensure that the species used in this area appropriate.

Regeneration Team (Landscape and Urban Design)

They have expressed objection to the development of the site as originally proposed as they believe that the open character of the application site has a positive benefit to the users of the public right of way that would have been unduly harmed from the development at the scale initially proposed. To mitigate that they suggested that the entire field be excluded from the application site.

The revised proposal retains some development in that field but with a 20m wide buffer to the site boundary. The landscape officer remains concerned about this extent of the development, with the landscaping itself harming the current open character of the area.

Commercial & Licensing (Caravans)

They highlight that the development will require a revision to the existing site licence, and that this will need to comply with the Model Conditions that are imposed through that legislation.

Lancashire CC Flood Risk Management Team

They raised an initial objection to the development on the basis that a satisfactory Flood Risk Assessment was required and had not been provided. Subsequent to the receipt of additional information a further consultation was undertaken and they have withdrawn that objections subject to conditions. Their conditions request that final details of a sustainable surface water drainage scheme be submitted and agreed, and that details of the sustainable surfacing of the site layout be provided.

The Ramblers Association

They have been consulted due to the proximity of the site to the public Right of Way but have not provided any comments.

Neighbour Observations

| | |
|--------------------------------|--|
| Neighbours notified: | 06 March 2019 |
| Amended plans notified: | 23 April 2019 |
| Site Notice Date: | 01 March 2019 |
| Number of Responses | 7 letters received (2 neighbours) |
| Summary of Comments | <ul style="list-style-type: none">• impact on access road which is already congested with lorries and buses from industrial estate |

- general condition of road
- increase in noise levels due to comings and goings
- Freckleton already has excellent playground to suit all ages
- only hearsay on evidence of demand for pitches
- caravans may be unoccupied much of the time
- 46 pitches would cause more damaging permanent occupation
- concerns over adequacy of infrastructure
- direct neighbours have not been approached by developer
- inadequate ecology assessment
- suffer from light nuisance 365 days a year from bollard lighting and toilet block and from caravans
- plan contains no screening
- number of aspects on existing site remain unfinished
- over intensification of site in countryside
- footway on Naze Lane East frequently overgrown in summer months
- can be partly obstructed by wagons at Green Lane turning
- no street lighting anywhere along this section
- public footpath poorly maintained and un-signposted
- directing pedestrians would be perhaps even riskier than paved footway
- HRA errors
- information in HRA out of date, historic, inaccurate and wrong
- proximity to protected areas and watercourse and water runoff will present a challenge
- recreational disturbance of 200 additional occupants could be massive
- intensified use of area would cause contaminated run off which must be contained or treated and disposed of lawfully
- appears to be little activity on established site
- adequate screening will be an issue on this development
- conflicts with use of PROW and adequacy of footway on Naze Lane East

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|------|---|
| GD4 | Development in the Countryside |
| GD7 | Achieving Good Design in Development |
| EC6 | Leisure, Culture and Tourism Development |
| EC7 | Tourism Accommodation |
| CL1 | Flood Alleviation, Water Quality and Water Efficiency |
| CL2 | Surface Water Run-Off and Sustainable Drainage |
| ENV1 | Landscape |
| ENV2 | Biodiversity |

Other Relevant Policy:

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

Environmental Impact Assessment

The scale and nature of the development is such that it requires a 'screening' to be undertaken to establish if it requires the submission of an Environmental Assessment under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

This is an outstanding task in the assessment of the application.

Comment and Analysis

This application seeks permission for the change of use of agricultural land to use as a caravan site to create an additional 39 no. touring pitches and 4 no. 'glamping pods' together with the relocation of wardens accommodation, provisions of children's playground and associated services and amenities. The key issues raised are assessed in the report as follows.

Principle of development

The site is located in the Countryside under Policy GD4 of the Fylde Local Plan to 2032. This is restrictive of development other than that which is appropriate for a rural area, and meets one of 6 exceptions. Of these exception a) allows for development that is *"needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development."*

As such this allows for tourism holiday uses to be established, but these need to be assessed against the other relevant policies of the Plan. Policy EC7 is key to that and has two elements relating to holiday caravan and camping pitches. The first resists the loss of existing pitches to non-holiday uses, with the second stating: *"A limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements."*

This scheme does involve a limited increase in the number of pitches, but is not within the existing site boundaries so is in conflict with that Plan requirement.

Notwithstanding that, there are other planning considerations for the overall balance, with the key ones being the landscape implications of the development, the drainage arrangements, the access arrangements, and the implications for the economic prosperity of the rural areas and borough as a whole. These are covered by other plan policies which are referred to in the following sections of this report.

As a conclusion has not been reached on a number of these, principally relating to site drainage and the ecological implications of the development, it is not possible to conclude on the principle of development at this stage.

Highway Matters

The site is served by an existing vehicular access to Naze Lane East which leads through Freckleton to the wider highway network. The access point has a wide entrance to this road that offers good visibility in both directions and there are no objections to the increase use of this junction and highway network that would be a consequence of the extension of the site now proposed.

The highway authority have suggested that it would be desirable for a footpath link to be provided from the extended site to the Public Right Of Way that runs along the eastern site boundary and allows off-road access to the village and a coastal route to the south. Whilst this would be a benefit it does not form part of the scheme under consideration as the provision of this route would compromise the opportunities for landscaping around this critical boundary of the site, and would potentially compound concerns over the recreational disturbance implications of the development on the estuary and its protected habitat. It is also the case that a paved and lit pedestrian route exists to serve the site and that there are other nearby connections to this public right of way from the vehicle access point. As such there is a planning balance against the provision of this route.

Taking these aspects together it is considered that the highway and accessibility implications raised by the extension proposed are acceptable and so accord with Policy GD7 in that regard.

Ecology Implications

The site is not itself designated for any ecological importance, but lies in close proximity to the Ribble Estuary Site of Special Scientific Interest (SSSI), Ribble & Alt Estuaries Special Protection Area (SPA) and Ramsar site. The estuary also contains a locally designated Biological Heritage Site and the site itself contains habitat in the grassland, pond and hedges that could support protected and other species. These are given national and international protection and have local protection through Policy ENV2. As such it is critical that the ecological implications of the development are considered carefully in the council's assessment and subsequent determination of the application.

The application has the potential to impact on these through increasing the population visiting the area which can cause pressures through recreational disturbance of the habitats and wildlife, particularly with dogs. It also has the potential to impact on it through the drainage implications of the site.

The application is supported by an ecological appraisal and a newt assessment. A shadow Habitat Regulation Assessment has also been provided and revised during the course of the application.

Whilst some assessment has been made of this aspect there remains a number of outstanding issues to clarify and so at this stage officers cannot conclude that there are no ecological implications arising from the development, or whether the proposed mitigation is sufficient to address any implications. This is therefore a matter that requires further consideration before a conclusion can be reached, with an Appropriate Assessment and a Habitat Regulation Assessment required to comply with legislation as part of that consideration.

Until this work is completed, it will not be possible to conclude whether adequate mitigation can be provided to offset any adverse impacts on these internationally important sites and species. However, Natural England have indicated in their consultation response that, with appropriate mitigation, the impacts on these areas are likely to be of level that is acceptable. As the final decision on the application is unknown at this stage as a consequence of this ecological uncertainty, the officer recommendation is to delegate the determination of the application to the Head of Planning and Housing so that these matters can be explored further.

Landscape Implications

The application involves the extension of the site onto two parcels of land. One of these is an open agricultural field that is surrounded by hedges and lies adjacent to the Public Right of Way. The other is set back from that and is alongside the existing caravan park and appears to have been used for storage of spoil and equipment as part of the development of that site so has a less attractive appearance.

The starting points for the assessment of the landscape impact are the landscape quality of the sites in question, and the proximity and nature of the aspects from which they will be viewed. In this case the implications for the development of the eastern parcel adjacent to the footpath are clearly key as this is the best quality landscape and is most clearly seen by receptors.

The council's landscape officer was very concerned about the impacts of the original proposal on this footpath given that it placed caravans almost alongside it. The revised scheme now under consideration separates the caravans by a 20m buffer which is to be planted up to enhance the existing hedge on that boundary which is patchy. This separation and planting is considered to reduce the impact of the proposed caravan site development to an acceptable level. This also serves to provide improved screening to the adjacent boatyard site which is used for storage of boats and caravans behind a palisade fence that is immediately adjacent to the footpath and so is highly harmful in that landscape. The highway authority previously sought the provision of a connection route from the extended site to the public right of way which would have compromised the opportunities for landscaping in this area and so this is one of the reasons for that connection being dropped from the scheme. The final details of the landscaping (species, density, maintenance, etc.) are yet to be finalised, and could be secured by condition, but it is considered that the layout now under consideration will enable the finalised scheme to accord with the requirements of Policy ENV1 and GD7 regarding landscape impacts.

This is also a key consideration of the assessment of Policy EC7 which is quoted earlier and allows for the increase in pitch numbers where environmental improvements can be brought forward. That policy allows only for increased pitches within the existing site boundary and as this scheme extends the boundary it is in conflict with that Policy. However, it is a material consideration that it will enhance the experience for users of the right of way through the landscaping of the site and the screening of the boatyard, and this represents an 'environmental improvement' as referred to in Policy EC7.

The other parcel of land involved in the application is set well in from the site boundaries and has limited views from offsite. It is also influenced to a large degree by the adjacent boat yard storage use and the development proposals will allow its productive use without any harmful landscape impacts. The application also includes the regularisation of the layout to the existing site to include an additional pitch in that area, and there are no landscape impacts from that element of the proposal.

The application advises that they are intending to operate the extended site as seasonal pitches whereby the caravans remain on site year round and so available for holiday use at any time. This is a concern to the council due to the landscape impacts of the caravans in this location as the site would presumably be fully occupied by caravans throughout the year. The existing site operates on a true 'touring site' basis whereby the caravans can only stay on site for a 14 day period which ensures that there is a turnover of occupiers and that there are inevitably periods when some of the pitches are vacant, thereby reducing the visual impact of the site on the landscape. With the extended area being equally sensitive in landscape terms given the proximity to the public right of way it is appropriate that this area also should operate as a 'touring site' with a condition appropriate to ensure that is the case.

Drainage Implications

The lead local flood authority (Lancashire County Council) initially raised an objection to the application on the basis that no Flood Risk Assessment had been provided. That has now been addressed and their objection removed subject to the imposition of a condition requiring details of

the foul and surface water drainage arrangements. There are also no objections from the Environment Agency or Unitised Utilities.

It would normally be the case that officers would be satisfied with the drainage arrangements given this lack of objection from the various consultees. However, in this case that lack of objection is qualified by the requirement to agree the final details of the drainage, and with the site being in close proximity (and functionally linked) to the protected habitats on the estuary it is considered necessary to have knowledge of the exact drainage arrangements so that these can be considered alongside the ecological implications of the development.

This information is outstanding at present and so no conclusion on the adequacy of the drainage arrangements and so compliance with policy CL1 can be reached.

Management Arrangements

The current site has planning permission for 36 pitches under 16/0306 but there are currently 37 on the site as a consequence of a variance of the layout when it was implemented. This application seeks to regularise that by including that additional pitch within this application. The pitch is located centrally in a row of other pitches and has no material impact on the overall appearance of that existing part of the site or its operation. As such this aspect of the application is acceptable.

The existing site operates as a holiday touring pitch site whereby visitors bring their own caravans to the site at each visit, rather than as a seasonal site where the caravans remain on the site throughout the year. This assists in reducing the visual impact of the site as the pitches are not always occupied, and is secured through a planning condition that limits stays to 14 days. Whilst the applicant has sought to use the extended areas as 'seasonal' pitches the visual sensitivity of this part of the site is such that the touring use condition that is currently in place on the existing site be repeated on this extension to is as the same landscape protection is needed.

The site is managed by a warden who occupies a lodge in the corner of the existing site. This proposal is to relocate that facility to the site extension and replace it with a traditional static caravan, with that relocation required to provide the vehicle access route through to the extended site. The need for an on-site presence for a site of this nature is established, and the existing permission contains controls that this is to be occupied in relation to the caravan site rather than as a residential presence. It is appropriate that this warden facility be relocated to the extension with similar controls to be imposed over its occupation. This will provide appropriate management for the site without compromising planning policies or the character of the area, with the new location well positioned as it is close to the vehicle entrance to the site.

On this basis the operational and management arrangements of the site are considered to be acceptable subject to appropriate conditions being imposed.

Economic Benefits

The application submission highlights the importance of the rural tourism economy to the borough's economic performance as a whole. It is clearly the case that tourism represents one of the main economic sectors in the borough, and the further expansion of that will obviously be welcomed in terms of the jobs it provides directly and those which are supported indirectly through the sending of visitors in local shops and attractions. The proposal is a sizeable extension to the site which has recently been established and so indicates that it has proved economically successful and so this suggests that supporting its further growth would be a positive factor in the planning balance.

Conclusions

The application relates to the expansion of a recently constructed touring holiday caravan site in Freckleton, with the intention of increasing it from the currently lawful 36 pitches to 76 pitches through the extension of the site into two adjacent areas of agricultural land.

The merits of the application have been considered and some revisions secured to reduce the number of pitches from that originality proposed with increased landscaping to the key boundary with the public right of way. As such the visual impact of the scheme is now considered to be acceptable. The highway safety and connectivity implications are also considered to be appropriate, and the revisions to the management arrangements and internal operations can be accommodated satisfactorily. However, there are a number of outstanding matters including drainage and ecology implications that require further consideration and to which the officer view is unknown at this stage. That view will need to consider the key policies of the Fylde Local Plan including GD4, EC2, ENV1, ENV2 and EC7 and reach a balanced recommendation on the factors that each raise.

Notwithstanding that uncertainty as the application involves major development this report is presented to Committee at this stage to allow Committee to consider the scheme as it is and to secure officer delegation to determine the application once certainty on those matters has been established, with the options to either refuse or approve the application.

Recommendation

That the decision on the application be delegated to the Head of Planning and Housing to allow further consideration of the following outstanding matters:

- a) Whether the scale and nature of the development requires the submission of an Environmental Assessment, and then its consideration
- b) The ecological implications of the development, including the undertaking of an Appropriate Assessment of the proposal and a Habitats Regulation Assessment
- c) The drainage implications of the development
- d) The overall planning balance to be reached on the application giving consideration to the matters raised in this report and the assessment of ecological and drainage implications which are yet to be finalised

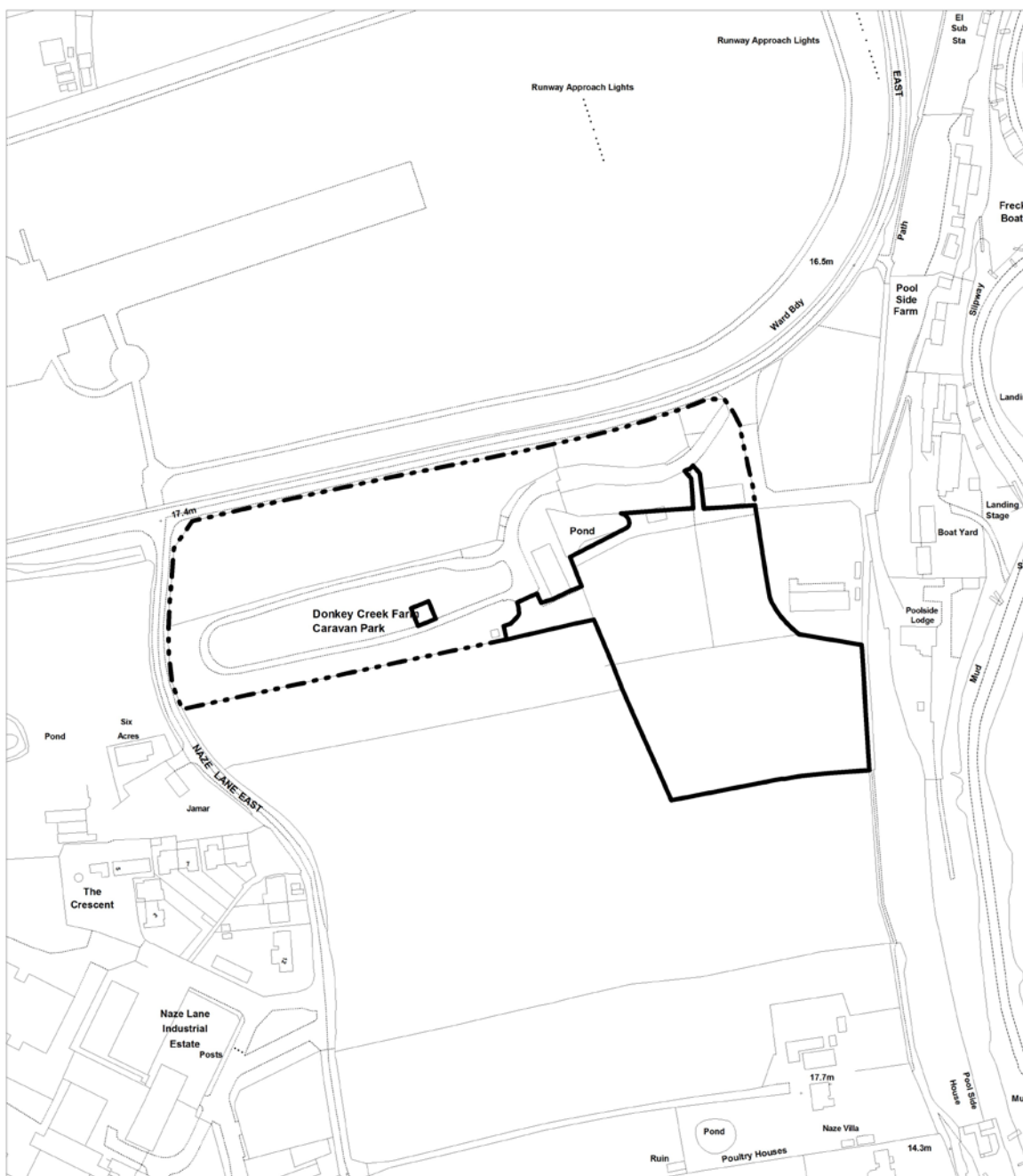
In the event that his view is that planning permission should be REFUSED then he is delegated the authority to construct a reason for refusal (s) that is appropriate to the unresolved issues.


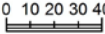
In the event that his view is that planning permission should be GRANTED then he is delegated the authority to issue the decision subject to appropriate conditions and reasons, with at least the following subjects to be covered:

- 1. Time limit for implementation
- 2. Approved list of plans
- 3. Require layout to reflect revised site plan
- 4. Implement appropriate landscaping with and around site, and ensure effective maintenance
- 5. Ensure site is used for holiday purposes only, with restrictions on duration of stay as existing site
- 6. Ensure wardens accommodation is used as such only
- 7. Ensure playground is provided by appropriate trigger in development of site and is retained
- 8. All necessary ecological steps including timing of works to avoid bird breeding, protection of

pond, biodiversity enhancement

9. All necessary drainage arrangements including foul water collection and surface water attenuation



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| Application No. 5/19/0170 | Address Donkey Creek Farm Caravan Park, Naze Lane East, Freckleton | Grid Ref. E.3432 : N.4281 | Scale 0 10 20 30 40 m  |

Item Number: 6

Committee Date: 31 July 2019

| | | | |
|-------------------------------|--|-----------------------------|----------------------------------|
| Application Reference: | 19/0330 | Type of Application: | Householder Planning Application |
| Applicant: | Mr Dickinson | Agent : | Mr P Lewis |
| Location: | 97 GREEN LANE, FRECKLETON, PRESTON, PR4 1RP | | |
| Proposal: | PART RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF SIDE DORMERS, JULIET BALCONY AND DOORS TO FIRST FLOOR FRONT ELEVATION, INSERTION OF FIRST FLOOR WINDOW TO REAR ELEVATION AND FRENCH DOORS TO GROUND FLOOR REAR. | | |
| Ward: | FRECKLETON EAST | Area Team: | Area Team 1 |
| Weeks on Hand: | 14 | Case Officer: | Andrew Stell |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7511866,-2.8623946,144m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the erection of extensions within the roof space of a dwelling in the settlement of Freckleton which are a reduction in scale to the dormers that the applicant commenced construction of in the past year without the benefit of planning permission. This application follows on from a series of Certificate of Lawful Development applications which have sought to demonstrate that the works are permitted development. However, the dormers are of a scale where they cannot be permitted development and so planning permission is required.

The reduction in scale proposed in this application helps the dormer sit within the roof slope in a way that is much less imposing and prominent than the structure that has been built. This reduction in scale and the use of sympathetic materials to clad the dormer are such that the harm caused to the dwelling and the general streetscene are reduced to a degree that does not conflict with the requirements of Policy GD7 relating to the design of development. As such the application is recommended for approval with conditions to require that the works are appropriately implemented.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the objection raised by the Parish Council and so it is necessary for the application to be determined under by the council's Planning Committee.

Site Description and Location

The application site is 97, Green Lane, Freckleton. In particular the application refers to a detached

bungalow, albeit the flat roof garage of the property is attached to the garage on the neighbouring property no. 95. It is situated in an area characterised by bungalows with the application property situated in a group of four bungalows, which were all originally of a similar design and being gable fronted. The remainder of Green Lane has bungalows which have roofs which are pitched front to the rear, many of which have been extended with flat roof dormers in the front roof slope.

The site is opposite BAE Systems' runway but is within the settlement as designated on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for a dormer in each of the roof slopes to the side of the property, and is part retrospective as dormers have been installed in the roof slope albeit the glazing has not been fitted and only parts of the external cladding added.

The dormer to the right hand side viewed from the front measures 6.1 metres in length, projecting from the roof slope by 2.6 metres and to a height of 2.5 metres. This is proposed to be retained at the size it has been constructed.

The dormer to the left hand side viewed from the front measures 12.0 metres in length and is to be reduced from its current scale so that it projects from the roof plane by 2.6 metres to a height of 2.2 metres. The plans are annotated that all windows are to be obscure glazed, with the dormers clad in a dark grey upvc boarding.

A French window with a 'Juliet' style balcony has also been inserted in the gable at first floor level to the front elevation and two further windows in the gable to the rear of the property.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|---------------------------|-------------|
| 18/0717 | APPLICATION FOR CERTIFICATE OF LAWFULNESS FOR EXISTING DEVELOPMENT CLAIMING ADDITION OF DORMERS TO BOTH SIDE ELEVATIONS AND JULIET BALCONY TO FRONT ELEVATION CONSTITUTE PERMITTED DEVELOPMENT | Withdrawn by Applicant | 17/04/2019 |
| 18/0524 | CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT ADDITION OF DORMERS TO BOTH SIDE ELEVATIONS AND JULIET BALCONY TO FRONT ELEVATION | Withdrawn by Applicant | 14/09/2018 |
| 18/0345 | CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT OF SINGLE STOREY REAR EXTENSION. DORMERS TO BOTH SIDE ELEVATIONS WITH VELUX WINDOWS. JULIET BALCONY TO FRONT. | Withdrawn by Applicant | 18/06/2018 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 25 April 2019 and comment:

It was resolved that the Parish Council was against this application because the construction is not in keeping with normal regulations for a dormer.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections.

Ministry of Defence - Safeguarding

None received.

Neighbour Observations

Neighbours notified: 25 April 2019
Number of Responses: None received

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|-----|--------------------------------------|
| GD1 | Settlement Boundaries |
| GD7 | Achieving Good Design in Development |

Other Relevant Guidance:

| | |
|-------|-------------------------------------|
| NPPF: | National Planning Policy Framework |
| NPPG: | National Planning Practice Guidance |
| JHE | Joint House Extensions SPD |

Site Constraints

None

Environmental Impact Assessment

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

Comment and Analysis

Principle

The application site is located within the settlement area under Policy GD1 of the Fylde Local Plan to 2032. In these areas the application is to be assessed against the requirements of Policy GD7 of the Plan which relates to the general design principles of development, and so is documented in the following sections of this report.

Planning History

There have been recent application relating to this site which began with an application for a Lawful Development Certificate (LDC) which sought confirmation that the installation of dormers could be

undertaken as permitted development. This was subsequently withdrawn as it included elements that were not 'permitted development'.

A revised Lawful Development Certificate application was submitted which related to the dormers only. However, it transpired that the dormers that were being constructed were larger than 50 cubic metres permissible and as a consequence the application as it was not possible to issue the request certificate. A third LDC was submitted and withdrawn for the same reason.

Having established that the works are not permitted development this application seeks to secure planning permission for the installation of dormers, albeit in a reduced form in an attempt to address planning issues that have been identified.

Design and Appearance in Streetscene

The property is a detached bungalow forming part of a group of four properties which are of a similar design that have gables facing the highway. The dormers are to the sides and so are visible in the streetscene and so the implications for the appearance of the property as part of that streetscene need to be considered.

Works have been undertaken to construct the dormers to the property, with these progressed to a point close to completion externally, although they are not fitted out internally. When viewed from the front the dormer to the left hand roof slope runs for almost the whole depth of the property (12m), with that to the right hand side running for the front half at 6m in depth. As constructed these are set slightly down from the ridge of the dwelling and slightly up from the eaves.

The council's guidance document on 'Extending Your Home' states that:

"i) In general dormers should:

- a) Be contained well within the body of the roof, by being well set back from the party/end walls, below the ridge of the roof and above the eave gutter line.*
- b) Not normally occupy an area which is greater than 35% of the area of the plane of the roof into which it will be sited.*
- c) Line up vertically with the existing fenestration below.*
- d) Have a pitched roof in matching materials wherever possible.*
- e) Be constructed with cheeks and pitched roofs clad in tiles or slates of a matching colour and texture of the existing roof, and not be clad in board or plastic.*

ii) Exceptions to the above requirements depend on:

- a) The character of the house and the area.*
- b) Whether there are a large number of dormer extensions of a particular style in the immediate area.*
- c) Whether the dormer is a typical feature found in a property of that age."*

In this case the surrounding area is characterised by 'box-style' dormers as part of the original construction and subsequent extension of many of the properties, and so the exceptions element (section ii) does apply albeit there remains a need to ensure that any dormers are not overly harmful to the host property and the streetscene.

The 'as built' situation is one that officers believe is overly harmful to the property and streetscene and so it was initially the intention to undertake enforcement action against their unauthorised construction. However, this application has been submitted in an attempt to avoid that and proposes that the height of the larger dormer to the left hand side of the roof be reduced by pulling

it up from the eaves of the dwelling, with the internal works for this already undertaken and resulting in a 700mm reduction in the overall projection which allows around 5 tiles to be sited between the bottom of the dormer and the guttering to the property. This is intended to allow it to sit as part of a roof rather than as a replacement to the roof as it currently appears, and to reduce the bulk of the dormer on the property.

This change is to the roofslope that is most visible when viewing the property and with the use of sympathetically coloured material to clad the dormer and the presence of other dormers across the area it is considered that on balance it would reduce the harm to a point where formal enforcement action could not be justified.. In such circumstances planning permission should be granted given.

The insertion of patio doors to the front gable with a Juliet style balcony also alters the appearance of the dwelling in the streetscene, but does not do so in a harmful manner, and would be permitted development if undertaken as a stand-alone element of work.

Accordingly it is not considered that the proposal causes conflict with the key criteria of Policy GD7 relating to the design of domestic extensions.

Relationship to Neighbours

The dormers are associated with an extension to the accommodation provided within the property and create a bedroom to the front, a bedroom to the rear and a study and bathroom to the centre of the first floor of the property. One of the issues that prevented the earlier submissions from constituting permitted development was that these were to be provided with clear windows to the side elevation. These windows create planning issues also as they would allow views into neighbouring properties and gardens leading to a loss of privacy to their occupiers.

The current application indicates that the windows in the dormers are to be fitted with obscure glazing, and this is a matter that would need to be the subject of a planning condition to enforce it and to ensure that the windows were non-opening below 1.7m in height so that privacy to neighbouring dwellings was retained. The main habitable rooms that are under construction in the first floor of the property need to be provided with means of space and natural light and views to ensure that the occupiers have an acceptable level of amenity. This is achieved through the French window to the front of the property and a new window to be inserted to the rear gable elevation which has views over the applicant's rear garden.

Given the location of the development and the layout of the application property and those of its neighbours the proposal will not result in any loss of light for occupiers of neighbouring properties.

As such the proposal has an acceptable relationship to its neighbours in this regard and complies with criteria c), d) and h) of Policy GD7, with conditions necessary to ensure the windows are provided as explained here.

Parking and Access Arrangements

The proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Conclusion

The application relates to the erection of extensions within the roof space of a dwelling in the settlement of Freckleton which are a reduction in scale to the dormers that have commenced

construction in the past year without the benefit of planning permission. This application follows on from a series of Certificate of Lawful Development applications which have sought to demonstrate that the works are permitted development, but the dormers are of a scale where they cannot be permitted development and so planning permission is required.

The reduction in scale proposed in this application helps sit the dormer on the roof slope in a way that is much less imposing and prominent than the structure that has been built. This reduction in scale and the use of sympathetic materials to clad the dormer are such that the harm caused to the dwelling and the general streetscene are reduced to a degree that does not conflict with the requirements of Policy GD7 relating to the design of development. As such the application is recommended for approval with conditions to require that the works are appropriately implemented.

Recommendation

That Planning Permission be GRANTED subject to the following conditions and reasons:

1. This permission relates to the following plans:
 1. Location Plan - BuyAPlan Drawing received 24 April 2019
 2. Proposed Elevations - PJL Drawing Project 2012 Drawing 3 Revision 0
 3. Proposed Plans - PJL Drawing Project 2012 Drawing 4 Revision 0
 4. Proposed section drawing - PJL Drawing Project 2012 Drawing 5 Revision 0

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

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


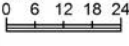
2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

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

3. All windows to the side facing elevations of both dormers hereby approved shall be obscurely glazed to standard equivalent to at least level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening below a height of 1.7m when measured from the floor of the room that they serve before the extended accommodation hereby approved is first occupied, and shall be retained as such thereafter.

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



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| Application No. 5/19/0330 | Address 97 Green Lane, Freckleton | Grid Ref. E.3432 : N.4286 | Scale 0 6 12 18 24 m  |

Item Number: 7

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 19/0420 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Sloane | Agent : | De Pol Associates Ltd |
| Location: | MARTINDALE, MOSS SIDE LANE, RIBBY WITH WREA, PRESTON, PR4 2PE | | |
| Proposal: | ERECTION OF TWO STOREY HOUSE WITH SUB GROUND LEVEL GARAGE,WORKSHOP & STORE AS REPLACEMENT FOR EXISTING BUNGALOW | | |
| Ward: | RIBBY WITH WREA | Area Team: | Area Team 1 |
| Weeks on Hand: | 10 | Case Officer: | Alan Pinder |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7739599,-2.9194202,144m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is that which was occupied by a detached bungalow on the edge of the village of Wrea Green, albeit the bungalow was demolished recently following the grant of an earlier planning permission for its replacement.

Planning permission is now sought for the construction of a two storey dwelling to replace the bungalow dwelling that has recently been demolished with a slightly varied design to that previously approved. That previous approval has Fylde reference 15/0757 and was approved under delegated powers early in 2016, and has been lawfully implemented and so remains extant in perpetuity and thus presents a realistic fall-back position.

This revised proposal differs from 15/0757 in that it now proposes a new separate vehicular access and a sub-ground level garage and workshop; in all other respects the dwelling would remain the same as the approved. The nature of the revisions to the approved dwelling are such that whilst material in nature the overall development continues to accord with the relevant policies of the Fylde Local Plan to 2032 as the design and access arrangements are acceptable. Accordingly, and having regard for the realistic fall-back position provided by planning permission 15/0757, the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

This application relates to the former site of a detached bungalow dwelling located on the northern side of Moss Side Lane in the settlement of Wrea Green, and immediately adjacent to the western settlement boundary. The bungalow was demolished and removed from site in order to implement planning permission ref. 15/0757, which granted permission for the bungalow to be replaced by a two storey dwelling. There is a large detached property to the rear of the site which has been developed on part of the garden to this dwelling over the past few years and is now occupied.

Details of Proposal

Full planning permission is sought for the construction of a two storey detached dwelling with a sub-ground level garage and workshop. This is a re-submission of planning permission ref. 15/0757, which granted approval for the construction of a two storey dwelling to replace an existing detached bungalow. The pre-commencement conditions associated with this permission have been discharged, the bungalow has been removed from site, and the sub-ground excavations commenced. Accordingly this permission remains extant and provides a realistic fall-back position.

The dwelling approved under 15/0757 is two storey with four bedrooms and a basement (sub-ground) covered parking area for two cars. Its design and appearance reflect that of the recently completed dwelling known as 'Terrigal', which lies to the rear of the site and was approved under 12/0353, having a flat roofed sectioned appearance and elevations featuring large glazed facades with natural stone/white render finishes to the solids. Terraced areas are to the front and rear of the property, and the property shares the vehicular access that serves Terrigal.

This application seeks to make amendments to the previously approved dwelling. The ground and first floor plans and elevations are to remain unchanged from those approved, with the amendments being made to the design of the sub-ground level, which has been altered to accommodate a garage and workshop area to replace the previously approved sub-ground covered parking area.

The application appears to be part retrospective as excavations for the new dwelling have already commenced.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 18/0987 | APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 15/0757 CONDITION 3 (MATERIALS) | Advice Issued | 24/01/2019 |
| 16/0349 | REMOVAL OF CONDITION 4 ON PLANNING PERMISSION 15/757 REGARDING REMOVAL OF PD RIGHTS | Refused | 03/08/2016 |
| 15/0757 | ERECTION OF TWO STOREY HOUSE AS REPLACEMENT FOR EXISTING BUNGALOW | Granted | 29/01/2016 |
| 12/0353 | PROPOSED TWO STOREY DWELLING WITH BASEMENT AND DRIVEWAY AND ALTERATIONS TO EXISTING DWELLING INCLUDING AMENDED DRIVEWAY. | Granted | 04/03/2013 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 24 May 2019 and comment:

The Parish Council object to the application for the following reasons:

Plans are misleading as they do NOT detail the neighbouring properties – in particular, the row of period cottages immediately adjacent to the proposed development – these will be dwarfed by the proposed development.

In the opinion of the parish council, the proposed property is too large for the location, directly on the roadside and is considered over-development due to the existing large property on the site.

There is a real issue with access and egress with regards to the main highway as the plans do not highlight the aspect of the blind bend.

There are concerns regarding further water run-off as the immediate area is prone to flooding and this can only add to the issue

The property is described as double storey with subterranean – this is not a replacement for existing as the existing was a bungalow – this is, in real terms, a triple storey property as the subterranean is at ground level at the front of the site.

There are no details pertaining to the workshop which should be outlined in the opinion of the parish council – the wording of workshop is too ambiguous.”

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

Advises that he does not envisage any tree issues from this development but suggests a condition to require that any spoil is removed off site and disposed of by an approved contractor and nothing including building materials, plant machinery, including spoil is excluded from the TPO woodland. He also requests that the woodland be fenced off during construction to prevent possible damage.

Lancashire County Council - Highway Authority

Verbally advised of no objection

Neighbour Observations

Neighbours notified: 24 May 2019
Number of Responses None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1 Settlement Boundaries

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

The principal issues to consider in the determination of this application are the visual impact of the dwelling, its potential impacts on neighbour amenity and impacts on highway safety.

Design and impact on character of area

The area is characterised by detached and semidetached properties which have been designed and built at differing times which gives considerable variance in the design of the dwellings. However, all are two-storey in scale and have pitched roofs with render and facing brick providing the predominant finished appearances. The proposed dwelling would be more strikingly modern and reflects the Bauhaus architecture of the neighbouring property to the rear, 'Terrigal', with flat roofs and glazed facades. Given the variance in house designs along Moss Side Lane, McCall Close and surrounding streets, together with the design of Terrigal to the rear, it is not considered that the design and appearance of the proposed dwelling would cause undue harm to the visual amenity and character of the area. The proposed materials to be used for the construction of the dwelling, namely natural stone and render, are acceptable and in keeping with the area. Overall the proposal is considered to accord with the criteria of policy GD7 that relate to design, appearance and visual impact.

Relationship to Neighbours

Neighbouring properties potentially affected by the application are 'Terrigal' and No.8 McCall Close, both of which are to the rear (north) of the site, and Tudor Cottage which neighbours to the east.

5. **Terrigal** - This is a recently constructed dwelling located to the rear and side of the proposed dwelling and in which the applicant resides. Accordingly the design and spatial relationship of these two properties relative to each other is such that neither would experience undue impacts on amenity by way of overlooking, overshadowing or overbearingness.
 6. **No.8 McCall Close** - This property is directly to the rear of the proposed dwelling. The separation distance between the first floor windows of the proposed dwelling and the rear of No.8 would be just over 21 metres, which accords with the design guidance provided in the Council's adopted SPD on house extensions. Furthermore there is a high tree line on the shared boundary between these two properties which would provide a measure of mitigation against any residual possibility of overlooking.
- **Tudor Cottage** - The east facing side elevation of the proposed dwelling would be

approximately 8.5 metres distance from the side elevation of Tudor Cottage. Neither property has any fenestrations in these respective side elevations and thus Tudor Cottage would experience any undue impacts in the form of overlooking, overshadowing or overbearingness.

Access and Parking

The previous approval proposed to utilise, and share, the vehicular access associated with Terrigal. The local highway authority were consulted on that proposal and raised no objections in respect of any highway impacts. This revised proposal provides for a separate access to serve the new dwelling. This would be positioned approximately 8 metres along from the existing access and be ungated to allow unimpeded access from Moss Side Lane. The access would be located on the outside of a slight bend in Moss Side Lane, which would facilitate adequate sight lines. The provision of a separate access would also exclude the potential for conflict between vehicles using the same entrance to access two different properties. With regard to parking the proposal makes provision for at least two vehicles within the sub-ground garage, and potentially up to four vehicles if the shared use as a workshop is not fully undertaken. This level of parking is considered sufficient to meet the reasonable needs of a four bedroom property.

The local highway authority have been consulted on the application and have verbally advised that they have no objection to it. As a consequence it is considered that the implications for highway safety are acceptable and allow the scheme to accord with those elements of Policy GD7.

Other matters

The parish council have raised a concern regarding flooding in the area which the new dwelling would only further exacerbate. The Environment Agency's flood zone data indicates the site is not located within an area of expected flood risk, being Flood Zone 1. This notwithstanding the proposed dwelling is a replacement for the bungalow that has only recently been removed from site, and as such it is unlikely to create an appreciably greater amount of surface water run off than previously existed.

The council's tree officer raises some concerns over the potential for the construction works to generate activity and spoil which could create a risk of pressure on the protected woodland to the west of the site. Given the protected status of these it is appropriate that conditions be imposed to ensure they are respected during construction works.

Conclusions

Planning permission is sought for the construction of a two storey dwelling to replace a bungalow dwelling that has recently been demolished. The proposal is a re-submission of 15/0757 which granted permission in 2016 for an almost identical dwelling and which has subsequently been commenced and thus remains extant in perpetuity and a realistic fall-back position. This revised proposal differs from 15/0757 in that it now proposes a new separate vehicular access and a sub-ground level garage and workshop; in all other respects the dwelling would remain the same as the approved. The nature of the revisions to the approved dwelling are such that whilst material in nature the overall development continues to accord with the relevant policies of the Fylde Local Plan to 2032. Accordingly, and having regard for the realistic fall-back position provided by planning permission 15/0757, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 1837/1.1B
- Proposed Site Plan - Drawing no. 1837/3.0B
- Proposed Front and Side (West) Elevations - Drawing no. 1837/3.5B
- Proposed Rear and Side (East) Elevations - Drawing no. 1837/3.6B
- Proposed Sub-Ground Floor Plan - Drawing no. 1837/3.1B
- Proposed Ground Floor Plan - Drawing no. 1837/3.2B
- Proposed First Floor Plan - Drawing no. 1837/3.3B
- Proposed Roof Plan - Drawing no. 1837/3.4B

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

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

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

- Natural stone cladding
- White 'K Rend' render to match that used on the neighbouring property, 'Terrigal'
- Cedar ship lap timber cladding to match that used on the neighbouring property, 'Terrigal'
- Powder coated aluminium window frames colour matched to those used in the neighbouring property, 'Terrigal'

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 policy GD7 and the National Planning Policy Framework.

4. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the dwelling hereby approved is first occupied a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances 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 dwelling is first occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to

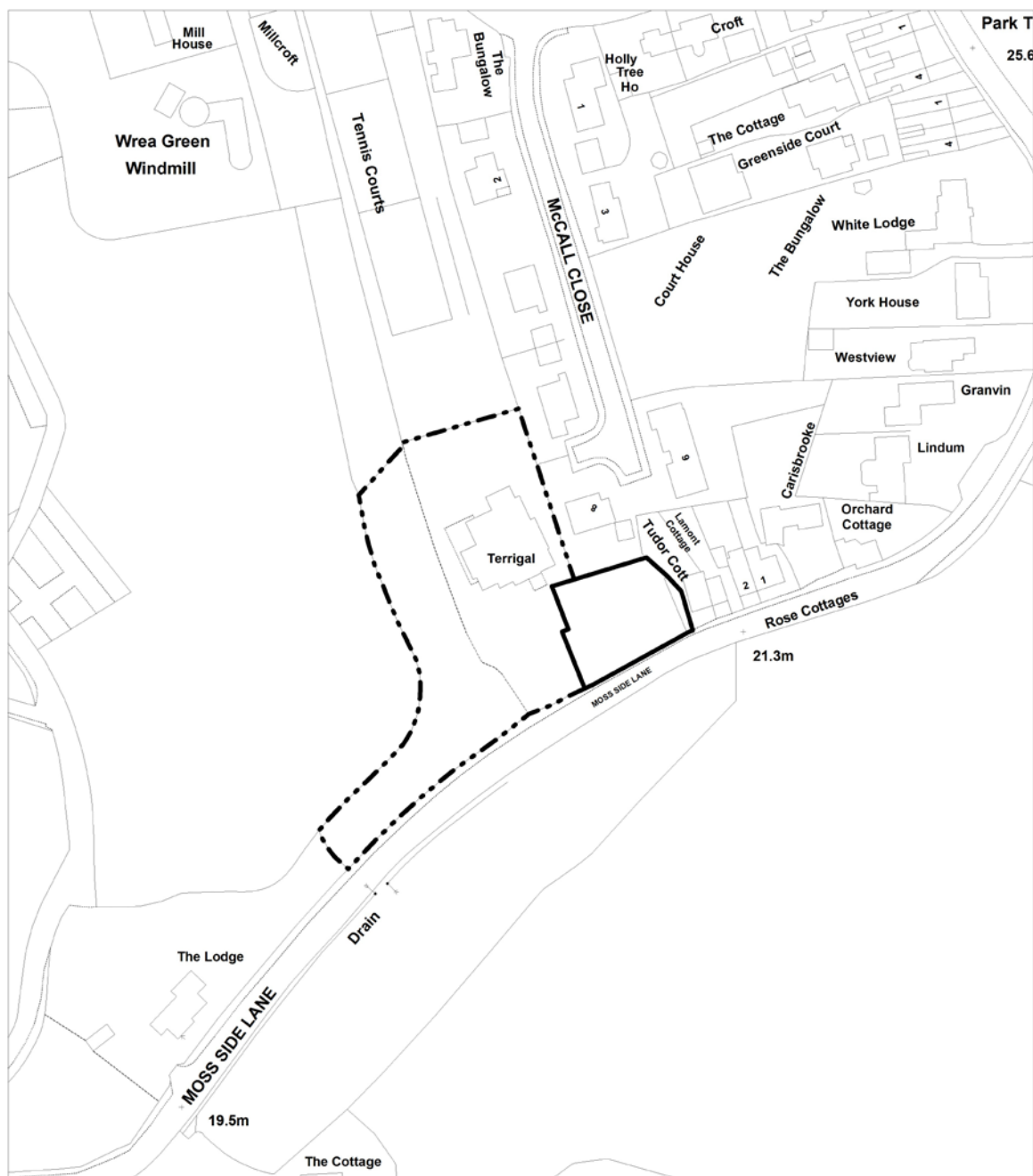
enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.


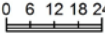
5. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

6. Prior to the commencement of construction on the replacement dwelling hereby approved a tree protection fence shall be erected to the eastern edge of the Root Protection Area of the trees that are within the area of protected woodland under Tree preservation Order 1969 No. 1 which lies to the west of the application site. This fence shall be retained throughout the entire construction period to ensure that this area shall not be utilised for the storage of any materials, vehicles or equipment associated with the construction work, and this area shall not be used for the disposal of any spoil arising from any aspect of the development.

Reason: To ensure that no activities associated with the carrying out of the approved development cause harm to the aforementioned protected woodland, in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.



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| Application No. 5/19/0420 | Address Martindale, Moss Side Lane, Wrea Green | Grid Ref. E.3394 : N.4312 | Scale 0 6 12 18 24 m  |

Item Number: 8

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 19/0433 | Type of Application: | Full Planning Permission |
| Applicant: | Mr & Mrs Bartlett | Agent : | Firebuild Solutions Ltd |
| Location: | PEEL HILL FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5JP | | |
| Proposal: | CHANGE OF USE OF LAND FROM 63 HOLIDAY TOURING CARAVAN PLOTS TO 33 HOLIDAY STATIC CARAVAN PLOTS. | | |
| Ward: | WARTON AND WESTBY | Area Team: | Area Team 1 |
| Weeks on Hand: | 10 | Case Officer: | Alan Pinder |
| Reason for Delay: | Not applicable | | |

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

<https://www.google.co.uk/maps/@53.7890189,-2.9819344,574m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is an existing caravan site that mainly operates as a holiday site with a mixture of touring and static units. It is located in Countryside as designated by Policy GD4 of the Fylde Local Plan to 2032 and is in an area where there are other caravan sites and the Whitehills Business Park in the immediate area.

The proposal is to change the use of part of the site from containing 63 holiday touring pitches to 33 holiday static pitches, without any works to the internal road network or site boundaries.

The key test for this application is Policy EC7 which relates to tourism accommodation and requires that holiday caravan pitches are retained in that use but that changes within existing site boundaries will be permitted. This application meets those requirements and will not have any other impacts due to the established nature of the access and the associated vehicle movements, and the well-established hedgerow or the site perimeter which largely obscures it from views when passing the site.

As such the officer recommendation is that the application be supported. There have not been any neighbour or Parish Council objections to the application, but due to its scale it is necessary for Committee to determine the application. A decision cannot be issued at present as the legislative publicity period has yet to expire, and so the recommendation is to delegate the decision to officers on the conclusion of that and the consideration of any comments that are received.

Reason for Reporting to Committee

The application site is of a scale that means it constitutes 'major development' and so the Scheme of Delegation requires that the application be presented to Committee for a decision.

Site Description and Location

The application site is Peel Hill Farm Caravan Site located off the A583 Preston New Road in Westby. The site is close to junction 4 of the M55 motorway and within an area designated as Countryside in the adopted Fylde Local Plan to 2032. The site is split into areas for 49 static holiday caravans and 63 touring holiday caravans, with all the plots available for use all year round. Open countryside lies to the east and south of the site, to the north is Peel Hill Farm itself with dwellings beyond, and to the west is Whitehills Business Park.

Details of Proposal

Planning permission is sought for the change of use of land within the caravan park from use as 63 holiday touring caravan plots to use for the siting of 33 holiday static caravans. No alterations to the internal roadways or other site infrastructure are proposed.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------------------|-------------|
| 18/0923 | ERECTION OF AGRICULTURAL STEEL FRAME BUILDING FOR STORAGE OF GRAIN | Refused | 11/01/2019 |
| 17/0999 | APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT FOR PROPOSED STEEL PORTAL FRAMED AGRICULTURAL BUILDING TO CREATE COVERED STORAGE AREA FOR STORAGE OF FARM VEHICLES, MACHINERY AND STRAW/HAYLAGE. | Approve Prior Determination | 15/12/2017 |
| 14/0016 | CHANGE OF USE OF LAND FROM HOLIDAY CARAVAN SITE WITH SEASONAL CLOSURE PERIOD TO HOLIDAY CARAVAN SITE AVAILABLE FOR YEAR ROUND HOLIDAY USE. | Granted | 07/05/2014 |
| 12/0027 | PROPOSED STEEL PORTAL FRAMED BUILDING FOR MACHINE STORAGE | Granted | 19/03/2012 |
| 11/0403 | PROPOSED CHANGE OF USE TO PART OF SITE USED FOR TOURING CARAVANS FROM 33 TOURER'S TO 21 STATIC CARAVANS FOR HOLIDAY USE FROM 1ST MARCH - 31ST OCTOBER IN EACH YEAR. | Granted | 03/10/2011 |
| 08/0860 | CHANGE OF USE OF EXISTING REDUNDANT FARM BUILDING AND ASSOCIATED LAND TO LIVERY USE AND STUD FARM, AND FORMATION OF SAND Paddock (RETROSPECTIVE APPLICATION) | Granted | 25/11/2008 |
| 06/0861 | CHANGE OF USE TO RELOCATE 10 CIRCUS CARAVANS TO WITHIN EXISTING TOURING AREA AND RE-USE VACANT LAND FOR 10 STATIC CARAVANS FOR HOLIDAY USE. | Refused | 20/11/2006 |
| 05/0815 | CHANGE OF USE TO RELOCATE 10 CIRCUS CARAVANS TO WITHIN EXISTING TOURING CARAVAN AREA AND RE-USE THE VACANT SITE FOR 10 STATIC CARAVANS FOR HOLIDAY USE. | Refused | 10/10/2005 |
| 04/0401 | SITING OF THREE ADDITIONAL STATIC CARAVANS FOR HOLIDAY USE. | Granted | 03/06/2004 |
| 04/0014 | REPLACEMENT DWELLING | Granted | 01/03/2004 |

| | | | |
|---------|--|---------|------------|
| 03/0623 | CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF SITE AS CARAVAN/CAMPING SITE | Granted | 18/09/2003 |
| 03/0216 | RE-SUBMISSION OF APP. 5/02/509 FOR CHANGE OF USE OF AGRICULTURAL LAND TO STATIC CARAVAN/CHALET PARK | Granted | 23/04/2003 |
| 02/0967 | CHANGE OF USE OF AGRICULTURAL LAND TO PROVIDE AREA FOR MOTOR HOMES FOR EMPLOYEES OF BLACKPOOL CIRCUS ON A SEASONAL BASIS | Granted | 02/04/2003 |
| 02/0509 | CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE AS STATIC CARAVAN/CHALET PARK | Refused | 17/02/2003 |

Relevant Planning Appeals History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 06/0861 | CHANGE OF USE TO RELOCATE 10 CIRCUS CARAVANS TO WITHIN EXISTING TOURING AREA AND RE-USE VACANT LAND FOR 10 STATIC CARAVANS FOR HOLIDAY USE. | Allowed | 25/09/2007 |

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 29 May 2019 and comment:

No objections but raised concern that use needs to be monitored in order to prevent residential use

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They confirm that they do not have any objections to the application 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, and that the scheme provides adequate parking arrangements for each unit.

Commercial & Licensing (Caravans)

They advise that they do not wish to raise any representations to the application other than to highlight that a variation of the caravan site licence would be required if this change of use is approved and to be implemented.

United Utilities - Water

Raise no objections to the development and suggest that a standard drainage condition be imposed.

Tourism Officer

He refers to the rural location of the site and that there are other static units in the area. His view is that the application does not significantly affect the accommodation mix and supply within Fylde. HE also refers to the various national accreditation systems for such sites and suggests that these are beneficial to the promotion of sites.

Lancashire Fire & Rescue Service

It Highlights the need for compliance with Regulations Approved Document B, Part B5

'Access and facilities for the Fire Service' to ensure a fire tender can access the site if required.

Neighbour Observations

| | |
|------------------------------------|-------------------------------|
| Neighbours notified: | 29 May 2019 |
| Site Notice Date: | 22 July 2019 |
| Press Notice Date: | To be published 1 August 2019 |
| Number of Responses to date | None |
| Summary of Comments | N/A |

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|-----|--------------------------------------|
| GD4 | Development in the Countryside |
| GD7 | Achieving Good Design in Development |
| EC7 | Tourism Accommodation |

Other Relevant Policy:

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

Site Constraints

Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The local plan policies which are most relevant to this application are GD4 and EC7. GD4 relates to development within the countryside and seeks to restrict the form of development to one that falls within one or more of the six criteria detailed in the policy. Of these criteria 'a' is the most relevant and provides support for uses that help diversify the rural economy, including holiday caravan sites. In this instance the site is already an established holiday caravan park, and would remain as a holiday park following the replacement of touring caravan plots with static caravans. Accordingly the proposal is considered to accord with Policy GD4.

With regard to policy EC7, this relates to tourist accommodation and requires that holiday caravan pitches be retained for holiday, with residential use resisted. The proposal does not propose a change of use to residential static caravans however a pre-cautionary condition restricting future use would ensure the holiday use is retained. Policy EC7 also allows for a limited increase in the number of caravan pitches provided they remain within the existing site boundaries. In this instance the proposal would see a reduction (rather than an increase) in the number of pitches from 63 to 33 with no proposed alterations to the site boundaries. Hence it is considered that the application accords with policy EC7 also.

Visual impact

The static holiday caravans would all be sited within an existing area designated for the siting of 63 touring caravans. Static caravans are generally larger than touring caravans and a more permanent feature whereas touring caravan plots are unlikely to all be occupied at the same time throughout the year. However the proposal would see a reduction in plots from 63 to 33 with this reduction and their wider spacing it is considered that the overall visual impact of 33 static caravans would not be appreciably greater than that which occurs from the provision of 63 touring caravan plots. The site also has screen landscaping along all sides that provides a good measure of mitigation against visual intrusion by the caravans. The proposal therefore accords with the criteria of policy GD7 of the Local Plan that pertain to visual impact.

Residential neighbour amenity

The closest dwelling to the application site is No.1 Peel Road, which lies on the opposite side of Preston New Road and approximately 112 metres distant. The next closest dwelling is The Oaks, which lies approximately 170 metres distant on the northern side of Preston New Road. Both properties are sufficiently distant for them to be unaffected by the application. The proposal therefore accords with the criteria of policy GD7 that pertain to residential neighbour amenity.

Access & parking

The development would utilise the existing access and internal roadway arrangements. County highways have been consulted on the application and raised no objections, opining that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, and also that the parking arrangements are appropriate. Officers see no reason to question this view and so conclude that the proposal accords with those elements of Policy GD7 relating to parking.

Other matters

The council's tourism officer has been consulted on the possible impacts of the proposal on tourist accommodation in the Fylde Borough. He has raised no objection to the application, opining that the application would not significantly affect the accommodation mix and supply within Fylde.

Conclusions

This application proposes the siting of 33 static holiday caravans to replace 63 holiday touring caravan pitches within an established holiday caravan park. The principle of the development is considered to acceptable, and neighbour amenity, visual character, and the highway network/safety would not be unduly affected. Accordingly the proposal is considered to accord with the relevant policies of the Fylde Local Plan to 2032 and the application is recommended for approval.

Recommendation

That the authority to determine the application be delegated to the Head of Planning and Regeneration for his consideration following the expiry of the statutory press and site notice consultation period, the consideration of any comments received as a consequence of that publicity, and any revisions to the recommendation that he considers appropriate. If planning permission is to be granted then the following conditions and reasons are suggested:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. PL01, dated May 2019
- Proposed Site Plan - Drawing no. PL03, dated May 2019

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

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

3. The static caravan pitches hereby approved shall be laid out in accordance with the approved proposed site plan (dwg no. PL03, dated May 2019)) and shall be used for the siting of no more than 33 static caravans.

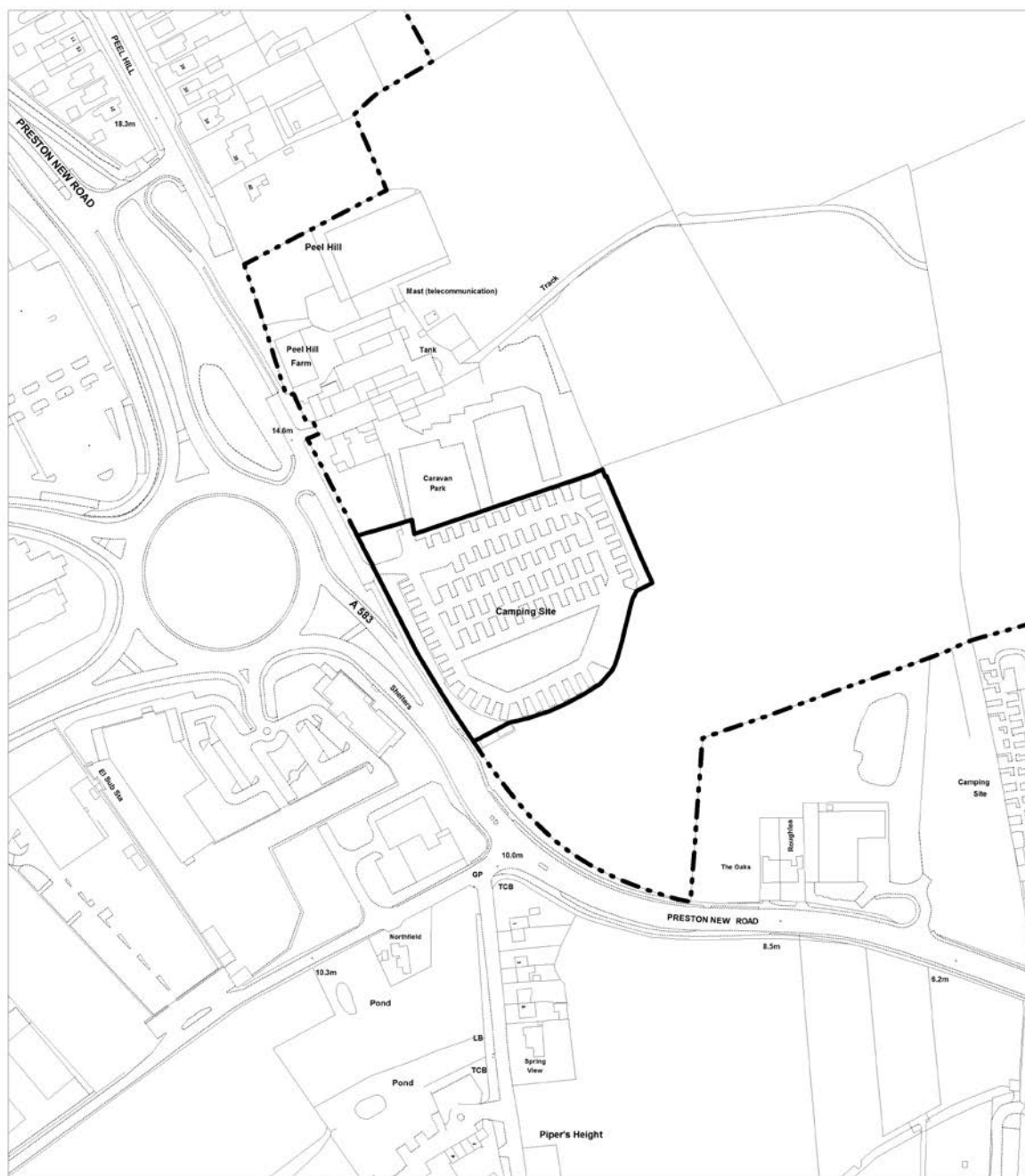
Reason: To define the permission and layout the site in the interests of clarity and the character and visual amenity of the area as required by Policies EC7 and GD7 of the Fylde Local Plan to 2032.


4. That any static caravans, motorhomes and any other form of accommodation within the area edged red on the approved plan shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence.

Reason: To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and the aims of policy GD4 of the Fylde Local Plan to 2032

5. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and the aims of policy GD4 of the Fylde Local Plan to 2032



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| Application No. 5/19/0433 | Address Peel Hill Farm, Preston New Road, Westby | Grid Ref. E.3355 : N.4330 | Scale 0 15 30 45 60 m |

Item Number: 9

Committee Date: 31 July 2019

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 19/0475 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Boyle | Agent : | |
| Location: | MYTHOP NURSERIES, MYTHOP ROAD, LYTHAM ST ANNES, FY8 4JP | | |
| Proposal: | ERECTION OF SINGLE STOREY PRE-FABRICATED WOODEN CABIN TO PROVIDE MEETING ROOM AND RELOCATION OF EXISTING SEA FREIGHT CONTAINER ADJACENT TO CABIN. | | |
| Ward: | ST JOHNS | Area Team: | Area Team 1 |
| Weeks on Hand: | 7 | Case Officer: | Beth Winstanley |
| Reason for Delay: | Not applicable | | |

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

<https://www.google.co.uk/maps/@53.7425433,-2.9487498,288m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site forms two separate parcels within the Mythop Road Allotment site which is located to the south of Mythop Road in Lytham. This site is a council owned site extending to around 3 Hectares and has residential properties around and the YMCA playing fields to the opposite side of Mythop Road.

The application under consideration proposes the erection of a prefabricated wooden cabin within the centre of the Mythop Road allotments to be used as a meeting room for the allotment holders. An existing container that is on site and used for storage is also to be relocated under this application.

Neither element of the application will conflict with the Local Plan policy that applies to the site, Policy ENV3, nor will they cause harmful impacts on any surrounding neighbour to the allotment due to the siting and size of the proposed structure. On this basis officers recommend this application for approval.

Reason for Reporting to Committee

The proposed application is sited on council owned land within the Mythop Road Allotment Site, and as such will need to be determined by committee.

Site Description and Location

The location of the development is within Mythop road allotments, which is approximately 3 hectares in size, and holds around 180 plots of differing sizes. The site of the wooden cabin is central

within the allotment, and will take over a double plot. The plot itself is on the main driveway through the allotment on the East side of the brook which separates the two sides of the allotments

Details of Proposal

The application proposes the erection of a prefabricated wooden cabin within the Mythop Road Allotments which is to be used by the allotment owners as a community hub. The application also proposes to relocate an existing sea freight container from its current location adjacent the Ribchester Road access to the site to sit next to the proposed cabin. In this container tools and machinery for general site maintenance are kept.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 15/0115 | PROPOSED SITING OF STORAGE CONTAINER FOR GENERAL ALLOTMENT STORAGE PURPOSES, AND INSTALLATION OF 2 NO. ECO-TOILETS. | Granted | 29/05/2015 |
| 94/0489 | CHANGE OF USE OF ALLOTMENT TO CAR PARK | Granted | 17/08/1994 |
| 92/0255 | PROVISION OF 4 CAR PARKING SPACES FOR ALLOTMENT HOLDERS. | Granted | 20/05/1992 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable

Statutory Consultees and Observations of Other Interested Parties

Lancashire CC Flood Risk Management Team

No comments received at time of writing report

Neighbour Observations

| | |
|-----------------------------|--------------|
| Neighbours notified: | 17 June 2019 |
| Number of Responses | None |

Relevant Planning Policy

Fylde Local Plan to 2032:

| | |
|------|--------------------------------------|
| GD1 | Settlement Boundaries |
| GD7 | Achieving Good Design in Development |
| ENV3 | Protecting Existing Open Space |

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues to consider with this application are the compliance with the land use designation the Fylde Local Plan to 2032, the visual impact of the works, and any impacts on neighbouring amenity.

With regards to the Local Plan designation the site is designated as Existing Open Space under Policy ENV3, which highlights the importance of these areas and protects them from inappropriate development. The works involved are to enhance the operational and rest facilities available to those using the allotments and so are clearly in accordance with this Policy. The cabin will be a centre piece of the community hub, and surrounding the cabin will be 'taster' allotment plots which will be used for people who either have previously never owned an allotment, or older members who are unable to look after their own plot. There will also be picnic benches to encourage members to use the facilities more which will benefit both mental and physical health of the allotment members.

The works are to be located centrally within the allotment land, and so will not be easily seen from any neighbouring properties. The cabin will be single storey, and have a ridge height of 2.8 metres meaning that no impacts such as loss of light or massing will occur from the cabin to neighbouring dwellings and it will sit comfortably alongside other structures within the site. The cabin will be made with pre-fabricated wood, in a Nordic pine finish, with a composite slate roof in dark grey/black colour. These materials and colours will not stand out within the setting, and will be an appropriate style and design. The container which is to be moved within the site is currently located in the north east corner, it is made of metal, and finished in dark green which also allows it to fit in with the surrounding environment and would not be an eyesore within the landscape, it is also of single storey height and will not dominate the area nor have any impact on neighbouring residential amenity.

The allotments are located in Flood Zone 3 and so are at a risk of flooding, but given the nature of the use there will be no greater threat to flood risk, and from their scale there will be no material impact on flood storage capacity. As such there are no flooding concerns raised by the development.

Conclusions

The application complies with all relevant requirements of Policies ENV3 and GD7 of the Fylde Borough Local Plan 2032 and as such is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

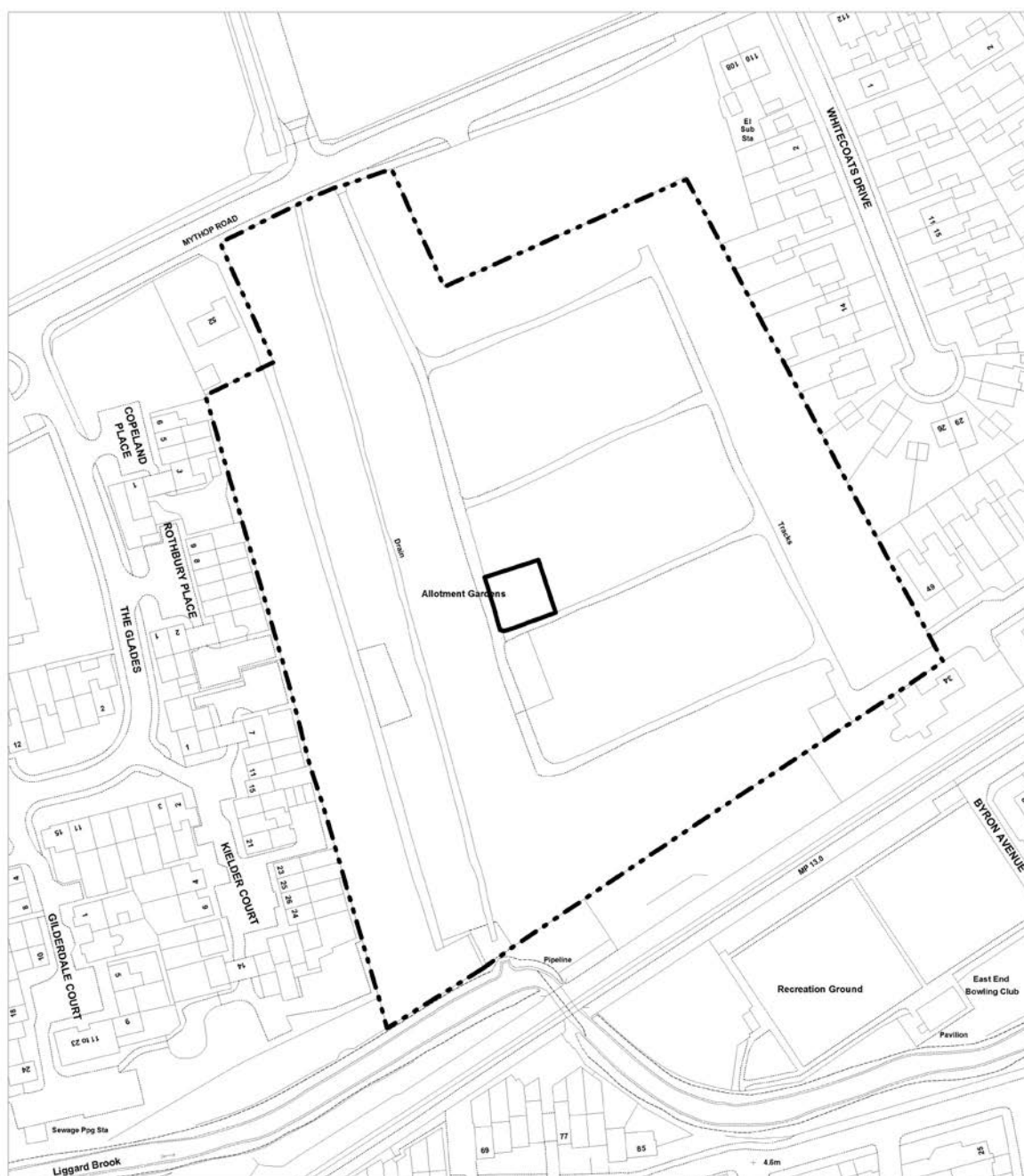
- Location Plan - Drawing no. 19/0475/PL01
- Proposed Site Plan - Drawing no. 19/0475/PL02
- Proposed Elevations - Drawing no. Quick-Garden.co.uk - Log cabin NICA product # AV88 Specifications and detailed sketches.


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

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

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

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



| | | | |
|---|--|--|--|
|  | | (c) Crown Copyright and database right (2019). Ordnance Survey (100006084). | |
| Application No. 5/19/0475 | Address Mythop Nurseries, Mythop Road, Lytham St Annes | Grid Ref. E.3374 : N.4276 | Scale 0 6 12 18 24 m  |

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|--|--------------------|--------------|---------|
| DEVELOPMENT SERVICES DIRECTORATE | PLANNING COMMITTEE | 31 JULY 2019 | 5 |
| FYLDE COUNCIL TREE PRESERVATION ORDER 19:0001 65 RIBBY ROAD KIRKHAM PR4 2BB | | | |

PUBLIC ITEM

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

SUMMARY

Planning Committee are asked to confirm this Tree Preservation Order following consideration of the comments received during the consultation on the Order. The council's constitution requires that when an objection is received the decision whether to confirm the Order is to be made by the Planning Committee. If the Order is not confirmed within six months it 'lapses', and the trees in protected may be felled.

RECOMMENDATION

That the committee confirms the Tree Preservation Order, without amendment so that it becomes permanently effective.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

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

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

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

Section 197 defines a duty in respect of trees:

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

It shall be the duty of the local planning authority—

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

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

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

1.2 Tree Preservation Orders.

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

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

1.3 Changes to TPO procedures from 6th April 2012.

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

2. Background to making the Tree Preservation Order.

2.1 The Tree Officer was notified by line manager that this tree could be under potential threat from inappropriate pruning from a resident of St Anthony’s Place. The amenity value of the tree was assessed and as a result of that assessment, a TPO was issued.

Classification of individual TPOs are used when one tree has amenity value and the effect is to prevent any work to the tree until more is known about the reality of a threat. It is also there to protect the tree for its entire life of the tree and potential tree replacement if needed for the longevity for the reasons of TPO’s.

2.2 Objection Period.

A statutory twenty-eight day objection period applies to new TPOs.

All persons notified of the TPO were required to make any representations or objections before 2nd May 2019.

3.0 Objection.

An objection, in the format of a statement from the occupier of 3 St Antony’s Place, to the Tree Officer on 10th April 2019. A redacted copy is attached as Appendix one.

Photographs of the tree prior to the formal objection showing the visual amenity and how it breaks up the hard landscape, these are attached as Appendix two.

3.1 Summary of Objection.

Objection centers on six points:

1. Lack of consultation before issuing the Order;
2. Removal of individuals’ responsibility to manage their own trees;
3. Close proximity to conservatory
4. The threat of potential danger of root damage from the tree.
5. Acorns and leaves are hazardous
6. The tree has no importance and benefits

4. Response to the objection.

Consultation: The council is not required to consult with tree owners before serving a Tree Preservation Order. The legal provisions in section 199 of the Town and Country Planning Act 1990 that once allowed for this process – which was seldom used because it effectively ‘tipped off’ the tree owner before the TPO was made - were removed by the introduction of Statutory Instrument 605 (“the 2012 TPO Regs”) so that all Orders are issued with immediate effect.

Removal of individuals’ responsibility to manage their trees: Tree preservation orders make no effect on tree owner’s responsibilities towards tree management. The Order allows the council to control the nature and extent of tree work to prevent excessive pruning or felling. From either the owner at 65 Ribby Road or by the properties that directly join the rear boundary. This point was explained in person on 8th April 2019 to the objection coordinator, along with the reason for placing the order in the first place.

Close proximity to conservatory: The Tree Officer accepts that circumstances arise where branches are in close proximity to buildings can justify pruning. As explained on 8th April 2019 to the owner of 3 St Antony’s Place, the TPO need not outlaw all tree work, but provides the council with a means to control the nature and extent of such work. The tree has already sustained previous pruning wounds, showing that there is already tree management in place. Any further pruning to remove or reduce any limbs that are in close proximity to the conservatory, would out balance the tree and have a negative impact on its longevity and wellbeing. This could then increase the risk of failure and possible loss of the tree. The tree preservation order can do no harm, but will steer tree management towards best practice, so preserving visual amenity. It can be seen as a benefit because one outcome of a TPO is the necessary input of a council tree expert.

The threat of potential danger of root damage from the tree: Tree roots are known to have the potential to lift lightly-loaded structures such as garden walls but current research indicates the compressive forces of a heavily-loaded structure such as a house are extremely resistant to tree roots. The Tree Officer takes his guidance on this from the Research for Amenity Trees No 8 publication “*Tree Roots in the Built Environment*” (DCLG 2006). It is considered highly unlikely that an amenity tree will damage house foundations. Because the tree had already established itself before the houses were developed giving the age 100years or more. The tree would have already established its root system and the likely hood of the tree roots effecting the property would be minimal if any.

Comments about tree roots should be seen as speculative. No evidence of a problem has been submitted, and the occurrence is uncommon.

Acorns and leaves are hazardous: The Tree Officer has taken on board the implications of the Oak tree shedding twigs, acorns and leaves. However as this only happens during the autumn months during senescence and in the spring when the tree sheds small twigs prior to leaves coming into bud. The tree provides a lot more amenity value, and if all trees were removed to prevent any arising’s from trees impacting on our lives, we wouldn’t have any trees and would not expect this to be a justifiable objection.

The tree has no importance and benefits: The objection is that this tree has no importance and benefits to the local residents as it is a private residential garden.

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

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

Due to the size and location of this tree. Being visible from Kirkham Conservative Club, which has a high footfall from people visiting, spectating and playing bowls from the months of March- November. The tree is also visibility

from Ribby Road, Ward Street, houses on Green acres Ave and from St Anthony's place and St Stephens Road. Making it visible to more than just the direct neighbors.

5. Conclusion.

The deployment of a tree preservation order was intended as a response to a potential threat to the amenity tree. The tree forms part of the original landscaping prior to the development of St Anthony's Place and were planted for their visual amenity. They exist to help soften the built form.

It is considered that it was correct to protect the tree and that the Order should be confirmed so that it can become permanent. Without confirmation, it will lapse on 20th December 2018 and the tree will be unprotected. Precedent for poor tree work exists if the order is not confirmed, by pruning branches back to the boundary wall. Which will out balance the tree and potentially increase the risk of failure and then removal.

The Tree Officer agrees that in certain respects some tree work should be permitted but does not support wholesale pruning or removal. It is appropriate to control tree work at 65 Ribby Rd through a tree preservation order and subsequent application to carry out works.

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

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

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

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

Attached Documents

Appendix 1 – Objection

Appendix 2 – Photos of tree from Kirkham Conservative Club

Appendix 1.

Objection. (Names redacted)


8th April 2019

Ref 2019/01/AR

Mr A Rayner
Fylde Borough Council
Town Hall
Lytham St Annes

Dear Sir,

Fylde Council Tree Preservation Order 2019/0001 65 Ribby Road Kirkham

We wish to object to the above Preservation Order on the Oak Tree in No 65 Ribby Road.

Our property is directly behind this tree and it overhangs our garden and conservatory. The reasons for our objections are as follows:-

We did ask the proprietor of 65 Ribby Road in November 2018 if he would prune our side of the tree and although a couple of branches were lopped, it was not enough as there were still a lot of branches still overhanging. We did agree at that time that they would come round to our property when the tree had leaves and acorns to discuss the situation again, but obviously this is not going to happen.

The tree sheds leaves and acorns in the Autumn which is dangerous to us, as we are both in our late seventies and could do without having to pick these up two and three times a week. Surely this is a hazard to us at our age.

The roots are under our garden, this surely can be a danger to our property.

We have never complained to Fylde Borough before, (this is something we regret not having done) and feel it is growing out of control and cannot see


what amenity value it has for anyone at all. The tree has no importance and benefits to the local residents as it is a private residential garden.

In my phone call today my husband and I requested Fylde Borough visit our property to see how the tree overhangs on our side.

At no point in the process of this Preservation Order were my husband and I consulted for our views and opinions or our next door neighbours at No 1, as the tree does grow over on their side too. This lack of consultation we find concerning and unfair and very upsetting.

Our telephone number if required is 

Yours faithfully





Appendix 2:



Photograph taken from the conservative car park, Tree is in centre of picture.



Photograph taken from the bowling green of Conservative club Tree is in centre of picture.

INFORMATION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|------------------------------------|--------------------|--------------|---------|
| DEVELOPMENT SERVICES | PLANNING COMMITTEE | 31 JULY 2019 | 6 |
| PLANNING ENFORCEMENT UPDATE | | | |

PUBLIC ITEM

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

SUMMARY OF INFORMATION

This report has been provided at the request of the Chairman of the Planning Committee to provide the committee with an indication of the number and nature of cases that the Planning Enforcement Team handle in a typical year, and how those cases are resolved. It also provides an update on those cases where it has been necessary to resort to formal action and where an appeal has been lodged.

It is intended that this will be the first of a series of more regular reports, proposed to be on 6 monthly basis, which provide a similar update on the performance of the team and the key cases.

SOURCE OF INFORMATION

The information used to generate this report has been taken from the National Planning Policy Framework and Planning Practice Guide, along with the council's own statistics collated on the Acolaid system used to maintain the enforcement register. A [House of Commons briefing paper](#) has recently been published and has provided some of the source for this report, but provides additional reading for members on the subject.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Members of the Planning Committee have requested that an update on Planning Enforcement matters be provided to the committee on a regular basis.

FURTHER INFORMATION

Contact : Andrew Stell, Development Manager, andrew.stell@fylde.gov.uk 01253 658473

1. The Role of the Planning Enforcement Team

- 1.1. The council has a statutory duty to undertake investigations into allegations of breaches of planning control, and also undertakes monitoring of developments that are in progress. This duty is undertaken by officers within the Development Management Team in the Development Services Directorate, although they liaise with colleagues across the council and other agencies as part of the function.
- 1.2. The legislative basis for planning enforcement is contained within the Town and Country Planning Act of 1990, with the most recent guidance on this in the National Planning Policy Framework (NPPF) of 2019 where para 58 says:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

- 1.3. The key elements of this are that the council as local planning authority should undertake a planning enforcement function to ensure that public confidence is retained in the planning system, but should undertake any actions that arise from this enforcement service in a proportionate matter. Fylde has a Planning Enforcement protocol which is effectively the local enforcement plan that is referred to and is due for review in the coming 12 months.
- 1.4. To build on the guidance in the NPPF the government includes a section in the Planning Practice Guidance entitled ‘Ensuring Effective Enforcement which is available at the link here and explains the powers available to the council and where they should be used. This para explains that effective enforcement is important to:
 - tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
 - maintain the integrity of the decision-making process;
 - help ensure that public acceptance of the decision-making process is maintained.
- 1.5. This section reiterates that: *“There is a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.”*
- 1.6. The options available to the council in responding to allegations of breaches of planning control are set out in section 4 of this report.

2. Staffing Levels

- 2.1. The Planning Enforcement Team forms part of the Development Management function of the Development Directorate’s Planning Service. Since 2009 there have been 2 full time officers in the team who have each dealt with the monitoring and enforcement work over an area extending to half of the borough. In recognition of a greater political and community priority being placed on the monitoring and enforcing of planning control this team was expanded to add a third officer in late 2018, with that additional post serving as a Senior Officer to coordinate the work of the two enforcement officers and to lead on any formal action and associated appeals, as well as providing an increased capacity to respond to enforcement queries.

- 2.2. The team operate in both a reactive and a proactive way and so are out of the office almost every day. At the time of writing this report one of the enforcement officer posts is vacant but recruitment is in progress and so will hopefully be filled within the coming month or so.
- 2.3. The team are managed by the Development Manager and can be contacted via 01253 658435 planningenforcement@fylde.gov.uk.

3. Nature of Enquiries

- 3.1. In 2018 the team resolved 578 cases across the whole spectrum of work, with these including allegations of works taking place without planning permission, that planning permissions are not being implemented correctly, unauthorised advertisements, works to trees without consent and works to listed buildings.
- 3.2. The team were also heavily involved in the A-board project during that time and have identified 70 unauthorised advertisements of that nature across the borough and so focused efforts on securing their removal through persuasion, and then through formal notices, with a series of Community Protection Warnings and 5 Community Protection Notices served to date. A separate report will be presented to review the success of this project in due course.

4. Likely solutions

- 4.1. Undertaking development without planning permission is not an offence unless it relates to a listed building or involves the display of advertisements without the necessary consent. Should the enforcement case require resolution by formal action, and that action is not complied with, then an offence does occur. This is prosecutable via the Magistrates Court and the council's approach is that this should be a last resort in dealing with enforcement queries.
- 4.2. The legislation requires that the council undertakes enforcement action where it is expedient to do so, with the council using a variety of legislative tools and other methods to ensure that the harm to public amenity that is caused by breaches of planning control is addressed by the most appropriate means possible. However, it must also be highlighted that there are many occasions where development occurs that the council remains unable to address either as a result of it being permitted development, or as a consequence of the harmful elements being outside of the local planning authority's control.
- 4.3. The most frequent outcomes to a query over planning enforcement are:
 - 4.3.1. No development taken place - The council receives complaints over various issues that are not related to planning matters, or where development has not taken place. These are responded to as appropriately or passed on to the relevant council team (such as environmental protection) or other body (such as the local highway authority).
 - 4.3.2. Permitted development – A number of complaints relate to works taking place that when they are investigated prove to be permitted development. These complaints tend to arise as this legislation does not involve any neighbour notification process and so residents are often unaware that their neighbours intend to undertake building works before they commence. These complaints are all investigated by a site visit to ensure that the works actually comply with the permitted development regulations prior to the customer being provided with a response. .
 - 4.3.3. Authorised works – These complaints relate to cases where a development has planning permission and residents raise concerns over the way it is being implemented, or were unaware it was being constructed. This can be from extensions that residents query the dimensions of, to major housing schemes where dust/noise/hours type complaints are received. These sites are investigated through a visit before a response is provided
 - 4.3.4. Development where an application is required – In some cases the officer visit establish that works that a developer believed to be permitted development actually isn't, or that works are taking place that need planning permission. In these cases there are a range of outcomes, and making an application for

retrospective planning permission (sometimes with modifications to the works, and sometimes without) is a frequent outcome.

- 4.3.5. Development where further action is not required – In some cases the investigations will reveal works that require planning permission, but the enforcement team's conclusion is that it would not be expedient to proceed further as the works comply with local planning policy and the level of harm is so minor that it would not be in the public interest to progress action. These cases tend to relate to minor breaches of legislation and are not progressed to enable the council's resources to be directed to the cases that matter. .
- 4.3.6. Development where further action is not possible – The legislation relating to planning enforcement imposes time limits on the council within which that action must be taken, which is 4 years for the majority of built development or a change of use to a single family dwelling house, and 10 years where the breach relates to any other change of use or breach of a planning condition. In some cases the development will be 'out of time' for the council to take action.
- 4.3.7. Development that is not acceptable – In some cases the officer visit and investigation establishes that planning permission is required for the development, and that there is no realistic possibility of it being granted if an application is made. In these cases the officers will enter into discussions with the developer in an attempt to amicably address the harm that is being caused by the development. .
- 4.3.8. Formal Action – In a minority of cases these negotiations are not successful, or the harm is so great that there is no possibility of the developer remedying the harm that is being caused and so formal action is taken. This is a last resort and can take a variety of methods which are explained in the next section of this report.
- 4.3.9. In deciding the most appropriate form of enforcement action to take, the intention is to remedy any harm that a breach may be causing, rather than to punish the developer for carrying out works in breach.

5. Nature of Formal Actions

- 5.1. The options for formal enforcement action are set out in the Town and Country Planning Act of 1990 and cover a range of options. The most frequently used ones are set out below.
 - 5.1.1. Planning Contravention Notice – This is typically the starting point for more serious actions as it requires the recipient to provide responses to a series of formally posed questions about their activities, and often serves as a 'shot across the bows' as well as enabling the more serious actions to be taken with a legally sound knowledge over the facts of the site
 - 5.1.2. Enforcement Notice – This is the most common form of formal notice and will set out the breach of planning control and the steps that are to be taken to remedy that breach. This can include the demolition of buildings, the ceasing of particular uses, or the implementation of works that are prescribed in the notice. An Enforcement notice should only be issued where the local planning authority is satisfied that it appears to them that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.
 - 5.1.3. Breach of Condition Notice – this is an alternative to an enforcement notice, and is used where the issue relates to the implementation of a planning permission. It enables the council to specify a timescale whereby a condition which is being breached must be complied with, and any failure to do so is prosecutable via the magistrate's court.
 - 5.1.4. Stop Notice – This is the most serious form of enforcement action and is served alongside an Enforcement Notice. Its purpose is to require that works cease in advance of the deadline that can be imposed through an Enforcement Notice, although it cannot impose a timescale of less than 3 days. The PPG advises that these should only be served in the most serious as compensation is potentially liable in the event that the stop notice is subsequently quashed on appeal.
 - 5.1.5. Temporary Stop Notice - These can be imposed immediately and become effective on serving, but have a temporary lifespan of 28 days. These are used where harmful works are taking place and have the

effect of making it immediately an offence for work to continue. The 28 day timescale then allows negotiations to be undertaken with the developer or for an enforcement notice to be served.

5.1.6. Section 215 Notice – This legislation allows the council to serve notices in regard to land and/or buildings that are in an unreasonably untidy condition and so are having an adverse impact on the amenity of the area. These complement powers available to the council's Environmental Protection team as such land is often causing odour and vermin nuisances.

5.1.7. Community Protection Notice – This legislation is not part of the Planning Act, but is under the Anti-Social Behaviour, Crime and Policing Act 2014. They are used by local authorities as a relatively simple alternative to planning and other enforcement tools, with the planning team at Fylde using them in an effort to combat unauthorised 'A' boards. The Environmental Protection team also use them for more minor nuisances where the evidence test for a Statutory Nuisance is less appropriate. They allow a fine to be levied 'on the spot' as an alternative to the magistrates court route to prosecution.

5.2. As with decisions on planning applications, those in receipt of an enforcement notice have a right of appeal. This appeal must be made within 28 days of the Notice being served, and is then determined by the Planning Inspectorate in the same way as a planning appeal.

5.3. Unfortunately the enforcement appeal process is considerably slower than the planning appeal one, and as the lodging of an appeal 'stops the clock' on the need to comply with a Notice the council is effectively unable to take action to progress the enforcement notice for many months after the appeal is lodged awaiting the decision on it.

5.4. Even when the council is successful at defending appeals and so the enforcement notice is upheld it is usual for that decision to allow a further timescale for compliance with the Notice, causing a further delay before the breach has to be remedied or a prosecution for breach of the notice can commence.

6. Formal Action

6.1. The approach taken at Fylde, in line with government guidance, is to seek to resolve issues by negotiation wherever possible. This is reflected nationally with around 1 in 10 local authorities not serving any enforcement notices in 2018. In Fylde eight formal notices were served in 2018 for a range of breaches of planning control where it proved impossible to negotiate a solution. To give a flavour of the scope of the enforcement work the cases in question were:

6.1.1. The siting of a static caravan on land in Freckleton and its unauthorised residential use. This was subject to an appeal which was dismissed and is currently in its compliance period.

6.1.2. The use of land as a camp site in Greenhalgh. This Notice was the subject of an appeal which was allowed and so planning permission granted subject to a series of planning conditions and a management plan.

6.1.3. The erection of canopies and glazed extensions to four restaurant / bars in Lytham. All have been subject of appeals with two of these dismissed and the other two still in the appeal process. Where the appeals have been dismissed, Officers have been taking steps to ensure compliance with the Notices prior to the expiry of the compliance period. In the event that this is not successful, the next step would be to seek prosecution of the failure to comply with the notice through the magistrate's court.

6.1.4. The erection of a close boarded fence to enclose the side garden of a property in Newton. This was not appealed and has been complied with.

6.1.5. The siting of a caravan on land at Kirkham and its unlawful residential use. This has not been the subject of an appeal and is currently in its compliance period.

6.1.6. A Breach of Condition Notice was served on a developer of residential properties in Warton as they have failed to adequately implement the landscaping scheme that was part of that development. There is no appeal process against this form of Notice, and it is currently in its compliance period.

6.2. At present there are a number of cases where it seems highly likely that the negotiations undertaken to date are going to prove unsuccessful in adequately addressing the breach of control and so further formal notices

will be required. It is not appropriate to prejudice the continuation of those discussions by listing those sites in this report, but it is the intention to use future reports of this nature to highlight the cases where formal enforcement action has been necessary.

7. Monitoring Work

- 7.1. This is an on-going role and takes place at numerous sites throughout the borough both through the travels of the enforcement officers around the borough, and with specifically targeted visits. These visits are principally directed at the major residential sites with the current sites including those at Dowbridge in Kirkham / Newton, Church Road in Warton, Tarnbrick Farm in Kirkham, Woodlands Close in Newton and Sunnysdale Nurseries in Little Eccleston.
- 7.2. These visits are undertaken to ensure compliance with the requirements of the planning permission including that the development is correctly implemented, that the works are not undertaken outside of the permitted hours, that roads are swept, that protected trees are appropriately fenced, etc. This proactive work involves the enforcement officers managing relationships with the site managers to ensure that they are aware of the controls that apply to their sites, and so they know that the council is monitoring them. The liaison with Parish Councils and ward councillors who receive complaints about this activity is an important aspect of this element of the enforcement team's work.

8. Future Reporting

- 8.1. This report has been prepared at the request of the Chairman of the Committee following a request by the committee itself. It is intended that a regular reporting schedule will be established so that members are kept informed of the volume of cases that are being received and the outcomes of those cases.

INFORMATION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|-------------------------------------|--------------------|--------------|---------|
| DEVELOPMENT SERVICES DIRECTORATE | PLANNING COMMITTEE | 31 July 2019 | 7 |
| LIST OF APPEALS DECIDED | | | |

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decision between 22 June 2019 and 19 July 2019.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 22 June 2019 and 19 July 2019. The decision notice for this appeal is attached for information.

Rec No: 1

19 February 2019 18/0688

2 SOUTH VIEW, LYTHAM ROAD, WESTBY WITH
PLUMPTONS, LYTHAM ST ANNES, FY8 4ND
CONSERVATORY TO REAR

Householder
Appeal
Case Officer: RC

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 18 July 2019

Appeal Decision

Site visit made on 15 July 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/M2325/D/18/3218843

2 South View, Lytham Road, Lytham St Annes, Lancashire FY8 4ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Monique Rowlands against the decision of Fylde Borough Council.
 - The application Ref 18/0688, dated 28 August 2018, was refused by notice dated 3 December 2018.
 - The development proposed is a single storey rear conservatory.
-

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal upon rural housing mix in the countryside.

Reasons

3. The site is a 2 storey semi detached dwelling. It is located in a small hamlet of dwellings in a rural area, designated as countryside in the Fylde Local Plan to 2032 (October 2018) (LP). The dwelling has been previously extended and contains a 2 storey side extension and "L" shaped single storey rear extension.
4. The proposal is for a modest sized conservatory, that would square off the "L" shaped rear extension. Although the proposal would have very little effect upon the character and appearance of the dwelling or area and cause no harm to neighbouring living conditions; Policy H7 of the LP has a two-pronged approach which considers both the size and appearance of the proposal.
5. In terms of the size, Policy H7 states that proposals to extend an existing home in the countryside will be permitted where the extended home is increased in size by no more than 33% calculated in relation to the ground floor area of the original home.
6. The justification for this sets out that from 2003-2016, 51% of completions of rural homes (excluding barn conversions, caravans and apartments) had 4 or more bedrooms. Therefore, the Council considers it vital that the stock of smaller properties in the countryside is maintained, providing more affordable properties and enabling people to downsize, whilst remaining in their local area.
7. The undisputed measurements provided by the Council detail that the proposed conservatory, together with the existing extensions, would have a cumulative

ground floor area greatly exceeding 33%, at around 124%. This would conflict with Policy H7. Additionally, the extra living space provided by the conservatory would further extend the size of the dwelling, creating a larger property. This may also have a consequential effect of making the property less affordable.

8. Therefore, taking account of the previous extensions to the original dwelling, the proposal would have an unacceptable effect upon the rural housing mix in the countryside. This is contrary to Policy H7 of the LP, which seeks to retain the stock of smaller and more affordable properties in rural areas to ensure that there remains a range of property sizes within the countryside.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR