

REPORT TO 30 MARCH 2022 PLANNING COMMITTEE – ITEM 6

Application No:	22/0032	Case Officer:	Ruth Thow Area Team 2
Applicant:	The Veterinary Health Centre	Agent:	Mr Eastham
Location:	LAND TO THE REAR OF 4 GREENWAYS, LYTHAM ST ANNES, FY8 3LY		
Proposal:	APPLICATION TO VARY CONDITIONS NO.2 (APPROVED PLANS), NO. 9 (CONSTRUCTION METHOD STATEMENT), NO. 6 (CAR PARK LAYOUT) OF PLANNING PERMISSION 19/0917 TO ALLOW: 1) RE-POSITIONING OF DETACHED SINGLE STOREY BUILDING FURTHER TO THE SOUTHWEST OF ITS APPROVED LOCATION; 2) PROVISION OF CONSTRUCTION METHOD STATEMENT PURSUANT TO PLANNING PERMISSION 19/0917; 3) REVISED SITING OF FIFTH CAR PARKING SPACE TO NORTHEAST SIDE OF BUILDING.		
Ward:	Park	Parish:	St Anne's on the Sea
Statutory Expiry:	9 March 2022	Earliest Decision:	16 February 2022
Reason for any delay:	Need to determine at Committee due to scale or nature of application		To view application file on FBC website click here

Summary of Officer Recommendation

The application relates to an area of land located to the rear of Greenways in Lytham St Annes that formerly housed a series of 'lock-up' garages as part of a longer terrace. Planning permission was granted at Committee on 6 January 2021 to erect a building on part of this land to provide additional facilities for the existing veterinary practice which operates at 4 Greenways, with the application also including some staff parking spaces.

Construction work has commenced on this development, but in order to avoid an electricity supply cable linked to the adjacent substation the building was constructed in a different location to that shown on the approved plans. This is around 2.6m to the side of the approved location.

This application is submitted as a 'minor material amendment' to that earlier planning permission and seeks consent for the erection of the building in its revised location, and consequential amendments to the layout of the parking arrangements that form part of that planning permission. The application is to vary the conditions imposed under planning permission 19/0917 relating to the approved plans, the layout of parking spaces, and the construction method statement.

The proposal does not propose any alterations to the scale of the building and retains the same number of parking spaces as secured by the previous permission. Accordingly, it is considered that the proposed variation does not prejudice any aspect of highway safety, the visual amenity of the area or neighbour amenity. The scheme complies with the criteria of Policies GD7 and EC2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework and is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application is presented to vary conditions imposed to Planning Permission 19/0917 which was determined by Members and so it is appropriate to present the current application to the Planning Committee for a decision.

Site Description and Location

This application relates to land to the rear of no. 4 Greenways, Lytham St. Annes. In particular to a vacant site previously occupied by a series of 12 no. single storey lock up garages in a row of 19 garages. The site is to the rear of no. 4 Greenways and the terraced properties adjacent to no. 4 and is separated from them by a service road. The site also backs onto the gardens of properties on Lindsey Avenue.

The character of the area is mainly residential with the exception of no. 4 which has a lawful use as a veterinary practice granted approval in 1999 as a change of use from the former car showroom. The surrounding residential properties are a mix of bungalows and two storey dwellings located off one of the main arterial routes into St. Annes.

The site is within the settlement of Lytham St. Annes as designated on the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

This application is submitted under Section 73 of the Town and Country Planning Act 1990 for permission to vary conditions imposed under planning application 19/0917. In particular condition no. 2 (relating to approved plans), Condition no. 6 (relating to car park layout) and condition no. 9 (relating to the construction method statement) of permission 19/0917.

The revised plan is proposed to allow the re-positioning of the detached single storey building further to the southwest of the plot, internal layout changes, and alterations to the elevation of the building to remove a window together with the re-arrangement of the layout car parking spaces. It is understood that the revised siting of the building is required due to the presence of an electricity cable associated with the substation requiring a 'no build' easement.

The application also includes the submission of a construction method statement pursuant to condition 9 of application no. 19/0917. This condition required the submission of this information prior to the commencement of the development, but this was not presented at that time, but is available for consideration as part of the assessment of this application.

Note: The description of development has been amended during the course of the application to include condition no. 6 of application no. 19/0917 which referred to the layout of the parking spaces.

Relevant Planning/Appeal History

App. No	Description	Decision	Date	Appeal
19/0917	DEMOLITION OF 12 EXISTING GARAGES TO THE REAR OF NO. 4 GREENWAYS AND ERECTION OF DETACHED SINGLE STOREY BUILDING FOR EXPANSION OF VETERINARY CENTRE INCLUDING	Granted	08 January 2021	

	FORMATION OF FIVE ADDITIONAL CAR PARKING SPACES			
14/0909	PROPOSED FIRST FLOOR EXTENSION OVER EXISTING FLAT ROOF AREA TO REAR	Granted	03 March 2015	

Parish/Town Council Observations

Parish/Town Council	Observations
Saint Annes On The Sea Town Council	<p><u>Comments dated 25 January 2022</u></p> <p><i>This is a Minor Material Amendment Application. Condition 9 information was not submitted prior to commencement and this application wishes to address this by the provision of a Construction Method Statement and include the updated site plan to show that the building has been moved slightly on site from its approved position.</i></p> <p><i>The building was moved to avoid an existing underground high voltage electric cable. All five new car parking spaces have been retained.</i></p> <p><i>This in accordance with pre-application advice issued 21/12/2021.</i></p> <p><i>The Town Council approves of the proposed separation of waste materials, salvage, re-use etc contained in the Construction Method Statement. The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed application to vary conditions 2 and provision of construction method statement pursuant to condition 9 of planning permission 19/0917 and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i>

Neighbour Observations

Neighbours notified:	14 January 2022
Amended plans notified:	N/A
Site Notice Date:	26 January 2022
Press Notice Date:	N/A
Number of Responses	Total number of comments 4

Summary of Comments	Total Number Objecting	4
	Total Number supporting	0
	The comments received raise objection to the application, with the grounds for objection summarised as:	

- Traffic congestion on Greenways
- Emergency vehicles struggle to get through
- Vets have 23 employees and little parking space by 9 am
- Everyone on estate fed-up
- New proposal would seem to have parking spaces
- Have disabled relative and parking stressful
- Suggest vets mini-bus for staff
- Grassed area in front of vets used as dog toilet
- Positioning of space 5 near blind corner and could result in an accident
- Has the applicant considered moving the electric cable?
- Inconsistencies in the plans
- Can boundary wall be built up and a tree removed

Relevant Planning Policy & Government Guidance

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

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

- GD1 - Settlement Boundaries
- GD7 - Achieving Good Design in Development
- EC2 - Employment Opportunities:
- NPPF
- NPPG
- STANP – St Annes on the Sea Neighbourhood Plan

Environmental Impact Assessment

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

Comment and Analysis

Background to Decision and Principle of development

This application has been submitted to under Section 73 of the Town and Country Planning Act 1990 for a variation of three conditions relating to an existing planning permission, which in this case is reference 19/0917. The effect of an application under this section is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

This is confirmed in the Planning Practice Guidance which provides guidance on this at paragraph 031 (ID 21a-031-20180615) in the “use of planning conditions” chapter to the NPPG. That paragraph sets out guidance on removing or varying conditions on an extant planning permission, with the first bullet point indicating that: *“Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application”*.

This point is made as a number of the representations that have been received and are reported above refer to the principle of the development, and that is simply not a matter that is under consideration.

The proposal relates to the expansion of the facilities available at a local veterinary practice through the erection of a detached building to the rear of the practice to provide additional facilities for the business including housing a CAT scanning machine. The decision on the original application grants planning permission for that development and so this establishes the position that the principle of the development is acceptable, with that decision concluding that the scheme was in compliance with Policies GD1 and EC2 of the Fylde Local Plan to 2032. Whilst that Plan has changed with the adoption of the Partial Review version, the revision to the relevant policies has no bearing on this decision and so there can be no doubt that the principle of this development is acceptable. The matters for consideration in this decision relate to the changes that are introduced in this application, and so this report will focus on an assessment of those elements and the implications which arise from them.

These changes are assessed in the following sections of this report and are:

- The impact of changes to streetscene
- The impact of changes to neighbours
- The implications for access and parking arrangements
- The details of the construction management Statement that has been supplied

Design and Appearance in Streetscene

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

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

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

The revised plan does not propose any alteration to the overall scale of the building which remains 15.2 metres in length by 7.3 metres in depth with its height at 3.6 metres. The change that is introduced in this submission is that the building is located 2.6 metres to the south west of the approved location to enable it to be adequately separated from the substation facility. In this revised location it remains in front of the existing boundary wall and a line of Leylandii trees situated within the gardens of properties on Lindsey Avenue and behind the properties on Greenways. Consequently, the revised siting of the building has very limited impact on the visual amenity of the area from that previously approved.

An external change to the building is also proposed through the removal of a window to facilitate the revised internal layout of the building. As the building is situated on a back street where the character is mainly provided by a row of garages and the sub-station the reduction in the number of windows does not result in a building which is out of keeping with the neighbouring buildings.

Overall, the changes proposed continue to deliver the improvement to the visual amenity of the area from the removal of the previously existing garages which were in a poor state of repair, and by their replacement with a modern building that will be appropriate in design and materials to the streetscape.

Consequently, it is considered that the development complies with the requirements of Policy GD7 of the FLPPR and with Policy DH1 of the St Annes Neighbourhood Plan in this regard.

Impact on Residential amenity

The original submission for this development (application no. 19/0917) generated a significant number of objections from local residents which covered several issues, including security and highway matters. Whilst this application has received limited objections these also refer to the same subjects as the previous comments.

As reported above the scale of the proposed building has not altered from that approved and the revised siting does not prejudice the amenity of occupiers of neighbouring properties in respect of the potential for loss of light or privacy due to the scale of the building and its position in respect of dwellings and their key amenity space.

Security to neighbouring gardens also remains as the previous approval in that the developers are proposing to erect a 1.8 metre high wall along the boundary with neighbours on Lindsey Avenue to enclose their gardens following the demolition of the existing block of garages which will ensure that the security of their gardens is protected. The section of the wall which will be exposed as a

consequence of the re-siting of the building should also be increased in height from the existing 1.5m to 1.8m to ensure consistency with the remainder of the development to provide privacy and security for the neighbours on Lindsey Avenue. A condition will be imposed to secure that is undertaken.

Accordingly, the development complies with the criteria of Policy GD7 of FLPPR32 in respect of neighbour amenity.

Access and Parking

The issue arising from this development as with the approved application, relates to matters of access and parking, with the latter said to lead to congestion in the area.

The site is accessed from Greenways which is a side road from Church Road that is adopted highway and serves these premises and a wider residential area. It is a suitable road to serve the development in capacity terms and leads to the back street which is also adopted. There are therefore no access concerns associated with the development, with this unchanged from the situation with the approved development.

The main issue raised by residents at the time of the assessment of the original application was the availability of parking around the site. This is due to the design of the development in the area where a number of properties do not benefit from any off-road parking arrangements, and the inevitable activity from staff and visitors to a veterinary practice. The resultant situation is one of an intensively used area, which is similar to that found around other high-turnover services that are found in residential areas such as GP practices, hot food takeaways, schools, barbers, etc.

The vets do not currently have access to any off-road parking areas, other than a lay-by that runs across the front of the whole terrace. The approved application recognised the pressures on parking in the area and provided 5 parking spaces within the application site. Whilst this proposal is to re-site the building and alter the layout of the parking spaces the number of spaces available for use by the business is not reduced from that previously approved, and remains at 5 spaces.

As with the previous application the revised scheme has been assessed by LCC Highway Engineers who raise no objection to the proposal. As the application will provide parking that is not currently available to the business this is a positive factor in the overall assessment of the application, and as this reflects the number of spaces that were provided by the extant planning permission it must be appropriate for this development. Consequently, it is considered that the revised scheme will also not result in a detriment to highway safety and is in accordance with the requirements of Policy GD7 and Policy DH1 of the Neighbourhood Plan.

Construction Management Statement

Condition 9 of the existing planning permission required that a Construction Management Statement (CMS) was submitted prior to the commencement of works, with this designed to set out the controls to be put in place to ensure that the construction phase was undertaken without lading to undue harm to neighbouring amenity, highway safety or other environmental implications around the site. The development commenced without this scheme being submitted.

However, the submission of this s73 application allows the consideration all aspects of the development that relate to planning conditions, and so it is accompanied by a 'Construction Method Statement'. The CMS outlines the safety measures for the site, the methods for ensuring environmental protection, hours of working and means liaising with parties outside of the

development project. The information submitted within the CMS is considered acceptable and compliance with this statement will form a condition of the recommendation on this application in order to protect the amenity of neighbours and the other protections that such Statements afford to the development of all major construction projects.

Conclusions

This application seeks a variation of conditions imposed on planning permission 19/0917 for a new building with associated parking spaces to provide additional facilities to serve the existing veterinary practice operated from 4 Greenways in Lytham St Annes.

The variations are modest in scale as they relate to the revised location of the building and the omission of a window from its front elevation, and the provision of a Construction Management Statement to ensure effective control over the potential for disturbance from construction activity.

The proposal is sufficiently similar in its scope to that previously approved to ensure that the principle of development remains acceptable, and the variations to the building do not create any harmful impacts to the streetscene or neighbours that were not assessed alongside the economic and other benefits of the development in the planning balance on that previous planning permission. Accordingly, this scheme is also acceptable and accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the St Anne Neighbourhood Plan.

It is therefore recommended for approval subject to a series of conditions which are minor revisions to those previously approved to reflect the fact that the permission has been implemented, to revise the drawings to those now proposed, to include a requirement to extend the boundary wall to provide security to the neighbours, and to ensure that the development is undertaken in compliance with the submitted Construction Management Statement.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Site plan and Streetscene elevation - Drawing 1383-19-03 REV. H

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 approved plans listed in condition 1 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 (incorporating Partial Review) and the aims of the

National Planning Policy Framework.

3. The scanner and theatres hereby approved shall only be utilised between 8.30 and 1800 on weekdays (Monday to Friday inclusive) and not at anytime on Saturdays or Sundays.

Reason: To provide control over the level if use of the building in the interests of preserving the amenity of neighbouring properties from potential noise and other disturbances as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and paragraph 170 of the NPPF.

4. The development hereby approved shall not provide overnight accommodation for any dogs or other animals that have the potential to create a level of noise that could be audible outside of the building.

Reason: To ensure the development is implemented without compromising residential amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

5. The five car parking spaces indicated on the approved site plan drawing listed in condition 1 of this planning permission, and the bike storage facility shown on that drawing also, shall be marked out in accordance with the details shown on the approved plan and made available for use prior to first use of the building hereby approved. Of these spaces four shall remain available for use by staff at the practice at all times thereafter.

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

6. The areas of boundary wall to the rear of the site that are to the boundary with properties on Lindsay Avenue shall be provided to a height of 1.8 metres as indicated on the approved site plan in condition 1 of this permission prior to first use of the building hereby approved with bricks to reflect those used in the construction of the building, and shall be retained as such thereafter.

Reason: To safeguard the amenity of occupiers of neighbouring dwellings and the appearance of the area in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

7. The construction activity associated with the development hereby approved shall be carried out in complete accordance with the 'Construction Method Statement' undertaken by 'Skeer Chartered Building Consultancy' on behalf of Greenways Vets and Construction Management Plan - drawing no. SKEER0001 unless otherwise agreed in writing with the Local Planning Authority.

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

8. The building hereby approved shall only be used in conjunction with the existing veterinary practice operated at no. 4 Greenways and shall not be converted or used for any other purpose or sold or rented as a separate business use.

Reason: To safeguard the amenity of occupiers of neighbouring dwellings in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

Informative(s)

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

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

Location Plan for 22/0032

