



# Agenda

## Planning Committee

Date:	Wednesday, 20 March 2019 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</p>

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> 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	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">27 February 2019</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 55
	INFORMATION ITEMS:	
5	List of Appeals Decided	56 - 82

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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<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 2018
- 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](http://www.fylde.gov.uk/resident/planning) or for inspection by request at the Town Hall, St Annes Road West, St Annes.

# Planning Committee Schedule

## 20 March 2019

Item Number: 1

Committee Date: 20 March 2019

<b>Application Reference:</b>	18/0831	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Ms DAVENPORT	<b>Agent :</b>	ML Planning Consultancy Ltd
<b>Location:</b>	LAND ADJ TO CHESTNUT LODGE, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, PRESTON, PR4 3PJ		
<b>Proposal:</b>	FORMATION OF NEW FIELD ACCESS TO THE HIGHWAY INCLUDING CREATION OF ASSOCIATED HARDSTANDING AND REMOVAL OF EXISTING ROADSIDE HEDGEROW.		
<b>Ward:</b>	Warton and Westby	<b>Area Team:</b>	Area 1
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7836464,-2.9400534,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

Planning permission is sought for the formation of a field access on Westby Road to allow access to a small woodland that has been legally separated from the surrounding agricultural land and is now under separate ownership. The proposed access is considered to accord with the relevant criteria and requirements of policies GD4 and GD7 of the adopted Fylde Local Plan to 2032. Accordingly the application is recommended for approval.

### Reason for Reporting to Committee

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

### Site Description and Location

The application site is located on Westby Road which connects the dwellings at Westby on Ballam Road with Preston New Road. The site is approximately 230 metres south of the junction with Preston New Road. The site is located within countryside as designated on the policies map for the adopted Fylde Local Plan to 2032.

### Details of Proposal

Planning permission is sought for the formation of a new field access from Westby Road into a field located on the east side of the road. The access would comprise of a typical galvanised 4m-wide

steel field gate and be formed by the removal of a 7 metre length of hedgerow to establish a splay. The gate would be set 5 metres back from the highway and an area of hardstanding formed between the gate and the highway to allow vehicles to pull safely off the road.

A small woodland located approximately 160 metres to the east of the proposed access, together with a seven metre wide strip of land that joins the woodland to Westby Road, has been left to the applicant and her children by her late ex-husband. The access is sought in order to allow the applicant and her children to lawfully access the woodland. The application also indicates the erection of a 1 metre high stock proof wire fence to separate the seven metre strip of land that links the access and the woodland. However given that this fence can be erected as permitted development it has not been considered in the determination of this application.

### **Relevant Planning History**

Application No.	Development	Decision	Date
94/0532	GOLF DRIVING RANGE AND ASSOCIATED CAR PARKING	Refused	21/09/1994

### **Relevant Planning Appeals History**

None to report.

### **Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 30 January 2019 and comment:

*"It was resolved to RECOMMEND REFUSAL. The scheme was deemed excessive for the prescribed usage and out of keeping for the rural setting. Additionally, the plans show a 5m wide access road which is not described within the planning application."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

*LCC Highways does not have any objections regarding the proposed formation of new field access 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. The grass verge at both sides of the road is part of the adopted highway, it is requested that the applicant enters into a s184 agreement for the formation of a vehicle crossing in the verge. "*

### **Neighbour Observations**

Neighbours notified:	30 January 2019
Site Notice Date:	15 February 2019
Number of Responses	None

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD4

Development in the Countryside

**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 application proposes the formation of a new field access comprising of a galvanised steel gate set 5 metres back from the highway and the formation of an area of hardstanding between the gate and Westby Road. A seven metre section of hedgerow is to be removed as part of the proposal. The site is located within countryside as designated in the adopted Fylde Local Plan to 2032 and policies GD4 and GD7 of that plan are considered most relevant in the determination of the application.

Policy GD4 relates to development within countryside and seeks to restrict new development to that which falls within one of six criteria (identified as 'a' through to 'f') listed in GD4. Of these six only criterion 'a' might be considered relevant to this proposal. Criterion 'a' provides support for development needed for the purposes of agriculture, horticulture or forestry, or other appropriate uses that help diversify the rural economy. In this instance the submitted supporting planning statement states the access is required primarily to enable a car to be parked and for the applicant to walk to the small woodland located approximately 160 metres east of the access point. It goes on to state that on rare occasions the access would be used for tractor and trailer access when required for maintenance of the woodland. From this statement it appears that actual forestry related activity (i.e. woodland maintenance) would be carried out on an infrequent basis and the principal use appears to be one of a more recreational basis by the applicant and her children. This notwithstanding GD4 sets no requirement for the level or frequency of forestry work carried out. Thus whilst the woodland is only small and maintenance would be infrequent it would nonetheless require some maintaining in the future. Given that there is no current lawful access for the applicant to this woodland then it is considered that the proposal does accord with criterion 'a' of policy GD4.

Policy GD7 relates to general design issues associated with new development. In this instance the development would comprise of a typical steel field access gate with a width of 4m that is set back 5 metres from the public highway and with that intervening 5 metres hardcored over to provide sufficient room for a vehicle to pull safely off Westby Road whilst the gate is opened. The design and appearance of this combination does not raise any concerns as it would reflect the form of field access typically expected within the Fylde rural areas.

It is noted that the Parish Council express concerns over highway safety, and it is accepted that the sight lines are slightly restricted along Westby Road. However County Highways have been consulted on the application and have expressed no concerns regarding the application and so consider that it can be safely used for the stated purpose. They opine the access is typical of the many others commonly found throughout rural areas and that as it would only be for occasional use onto a relatively quiet rural road then the reduced sight lines are not considered sufficient

justification to raise an objection to the development.

The parish council have objected to the application with one of their grounds for concern being that the application 'shows' the formation of a 5 metre wide access track. Whilst the red edge initially supplied with the application did enclose a strip of land leading from the proposed access to the small woodland this was done in error and the applicant's agent has confirmed in an email dated 19 February 2019 that the proposal does not include the formation of an access track. Revised plans have been received which remove this 'track' from the application site with a reference included that it would be formed through the enclosure of the area with a 1m high fence. A fence of this height and location would not require planning permission as it is permitted development.

An ecological appraisal submitted with the application has not identified any notable or protected species that might be affected by the development but highlights that the existing hedgerow is likely to be utilised by nesting birds between March and September and an appropriate condition to address this should be attached to the permission if granted.

### **Conclusions**

The application relates to the formation of a new field access on the east side of Westby Road, located within designated countryside. The access would have the design and appearance typically expected for field accesses throughout Fylde's rural areas, and County Highways have opined that its use would have no detrimental impact on highway safety. Accordingly the proposed development is considered to accord with policies GD4 and GD7 of the adopted 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 / consent relates to the following details:

#### **Approved plans:**

- Location Plan - Stanfords Vector Map
- Proposed Site Plan & Elevations - Dwg no. ML/AD/5708, received by the LPA on 26 February 2019
- Proposed Plan View - Dwg no. ML/AD/5709, received by the LPA on 26 February 2019

#### **Supporting Reports:**

- Design and Access Statement
- Ecological Appraisal - produced by Envirotech, dated 29 January 2019

Reason: To provide clarity to the permission.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning

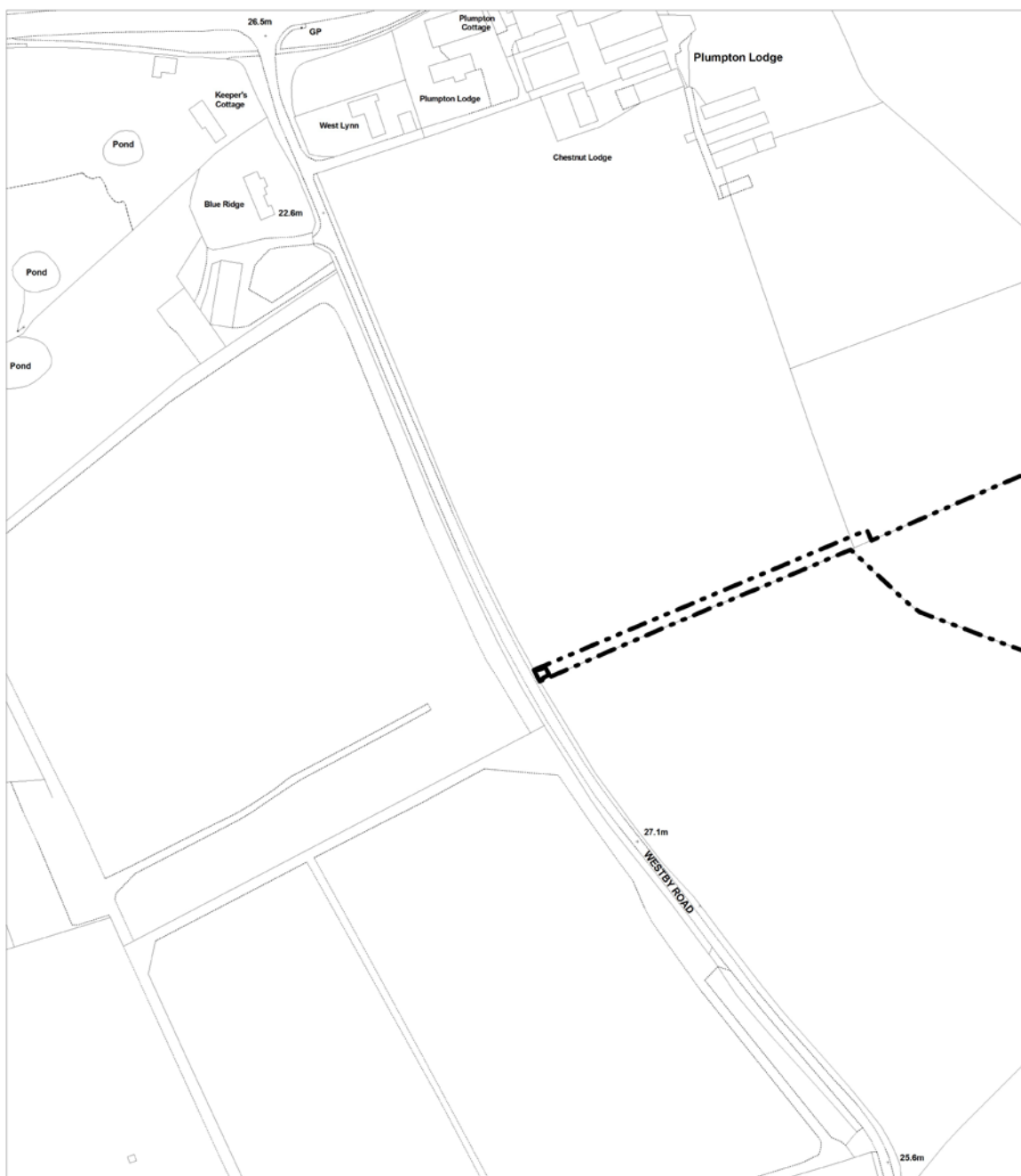



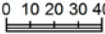
Authority, the development shall be constructed in accordance with the materials detailed on the submitted application and approved plans.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the rural area in the interests of visual amenity in accordance with the requirements of policies GD4 and GD7 of the adopted Fylde Local Plan to 2032.

4. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to September 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 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 policy ENV2 of the adopted Fylde Local Plan to 2032, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0831	Address Land adjacent to Chestnut Lodge, Preston New Road, Westby	Grid Ref. E.3380 : N.4323	Scale 0 10 20 30 40 m 

<b>Application Reference:</b>	18/0913	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	St Annes Lawn Tennis & Squash Club	<b>Agent :</b>	Mr R K Eastham
<b>Location:</b>	ST ANNES TENNIS CLUB, AVONDALE ROAD, LYTHAM ST ANNES, FY8 2QJ		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF BUILDING TO ENCLOSE ONE EXISTING TENNIS COURT (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR) - RESUBMISSION OF APPLICATION 17/0897		
<b>Ward:</b>	ASHTON	<b>Area Team:</b>	Area 2
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Eddie Graves
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7591958,-3.0397408,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to the erection of a building to the rear of the existing clubhouse at St Annes Tennis Club and is to provide a covered court to enhance the facilities available at that site.

The overall health objective of Policy HW1 of the Fylde Local Plan is for development to promote healthy lifestyles, and the development will contribute towards this, and will enhance the facilities available at the Club for the benefit of its members and visitors. Similarly, Policy E6 of the Neighbourhood Plan seeks to encourage, support and promote leisure uses. The proposal will also be of community benefit through enhancement of the existing facility. The principle of the development is therefore considered to be acceptable in this location.

The scheme does raise concerns over the adequacy of the parking arrangements, the scale and design of the building, and the relationship to the neighbouring properties. Having assessed these officers are satisfied that with the lack of any increase in the number of courts there will not be a material increase in the level of the use of the Club, which is in an accessible location in any event. As such it is considered that suitable access and parking arrangements exists and there will be no greater impact to the safe, efficient and convenient movement than the existing use on the site.

The proposed development would introduce a structure of different style and appearance from the existing buildings in the area, but that is appropriate for its purpose, and appropriate in scale within its context, and is therefore considered acceptable and compliant with the design requirements of Local Plan Policy GD7. The proposal would have some impacts on neighbouring amenity, and this was the reason that an earlier larger scheme was refused. However, in the reduced form the impacts are considered to be at an acceptable level given the circa 20m separation of the building from the neighbouring bungalows to each

side, and accordingly the scheme is considered compliant with Policy GD7 in this respect.

Therefore the conclusion is that the development is compliant with development plan policy and permission should be granted.

### **Reason for Reporting to Committee**

The application complies with the Scheme of Delegation, but the Head of Planning and Housing recognises the range of public comments received and the community interest in a facility of this nature and so has resolved to pass the determination of the application to the Planning Committee.

### **Site Description and Location**

The application site is part of within St Annes Tennis Club, which is located within the settlement boundary of St Annes within a predominantly residential area being surrounded by houses on all sides. The site contains an existing club house which is located to the west of the site, and is a 2 storey flat roof structure constructed of buff brick. The remainder of the site is a series of 9 outdoor courts. High hedges and shiplap fencing define the north-western and south-eastern boundaries of the Tennis Club adjacent to the application site.

The development is proposed to the immediate rear of the clubhouse where the surrounding properties are true bungalows on Wyredale Road and Avondale Road. Caryl Road forms the boundary to the north of the site where the properties are two storey in height.

### **Details of Proposal**

Outline planning consent is sought to enclose a single external tennis court located adjacent to the main Club House. The application is a reduced resubmission of a previous proposal which proposed enclosure of 3 courts and was refused due to concerns over the appearance of the building and its relationship to neighbours.

This application reduces the scale of the building and relates to the siting, layout, external appearance and access elements of an outline application, with landscaping reserved for later consideration. The submitted drawings indicate the structure to have a similar eaves to the existing Club House of 5m above ground level, with pitched roof to an overall height of 10m to central apex. The extension is proposed to be constructed of plastic coated metal to an approved colour with elements of timber boarding. Hedges to the north-western and south-eastern boundaries are shown to be retained albeit this could be part of the consideration of landscaping at reserved matters stage.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0897	OUTLINE APPLICATION TO ERECT BUILDING TO ENCLOSE 3 NO EXISTING TENNIS COURTS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR)	Refused	21/12/2017
09/0459	SINGLE STOREY EXTENSION WITH BALCONY ABOVE	Granted	18/09/2009
07/0801	LOW PROFILE LIGHTING TO EXISTING TENNIS COURTS NO.S 7, 8 & 9.	Granted	05/10/2007

07/0324	JUNIOR COURTS AND ERECTION OF FENCE	Granted	25/05/2007
97/0430	ERECTION OF NINE ,6 METRE HIGH FLOODLIGHTING PYLONS [PLUS LIGHTING HEADS] ON COURTS 8 AND 9.	Refused	15/07/1998

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified on 28 November 2018 and comment:

*"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.*

*Town Council supported this previously as Neighbourhood Plan encourages improvements to sports facilities making a local facility club more viable as can be used all year.*

*Would not want to lose this local club to housing / flat development. In keeping with Neighbourhood Plan CH1 (Community facilities) and E6 (Leisure, Culture and Tourism) and the Town Council encourages, supports and promotes these aims."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

*LCC Highways does not have any objections regarding the proposed outline application for erection of building to enclose one existing tennis court 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.*

#### **Sport England**

*The proposal is to erect an enclosure to cover one tennis court to provide an all-weather tennis facility.*

*In principle this proposal is acceptable as it will increase the capacity of the tennis club to play sport during poor weather. It is however unclear as to the impact on the adjacent courts. Whilst the application states that one tennis court only will be enclosed does this still mean two tennis courts can still fit on the remaining area? If the answer to this is yes then there is no reduction in the number of courts on the club site and one of those can increase its capacity with the enclosure. If however the remaining area can now only accommodate one tennis court instead of two then there is a reduction in overall capacity in terms of court numbers which would need to be understood/justified in the light of the proposal.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	28 November 2018
<b>Number of Responses</b>	8
<b>Summary of Comments</b>	The following points were raised by representors:

- Will block out light; the 10 ft hedge that is presently in existence limits sunlight in the winter months, a 10 metre rising to 18 metre building will totally block all winter sun
- Appearance: the development would look like a factory; ugly; monstrous; would change a pleasant open air facility into a warehouse-like structure in the middle of a residential area; would look from lounge window directly onto a factory/industrial-style building which is not acceptable in a residential area;
- Overbearing; the height of the building is such that it will dominate the small bungalows on surrounding streets, with the narrow roads exacerbating the situation with the building being a very short distance from properties;
- Noise levels are already troublesome at times so will only increase; noise of tennis balls from 08.30 to 22.30 would cause unacceptable disturbance; there has been an increase in the noise coming from the club including an hour-long screaming match; noise nuisance complaints have been raised with the Council concerning late evening noise
- Lack of support from club members, existing facility elsewhere is underused;
- Inadequate parking would result in cars obstructing emergency service vehicles on narrow roads; already existing parking problems; attracting more would make the situation worse;
- Allegations of antisocial behaviour associated with the club;
- Would devalue properties;
- Application has caused stress and worry to residents;
- This application is a "Trojan Horse" to provide for future approval of the original scheme;
- No attempt to engage with residents by the applicant;
- Advertisements for the venue as a social/party venue;
- Proposal would transform tennis club into a large indoor sports and fitness centre

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD7	Achieving Good Design in Development
HW1	Health and Wellbeing
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities

#### **St Annes on the Sea Neighbourhood Plan**

DH1	Creating a Distinctive St Anne's
E6	Leisure Culture and Tourism
CH1	Community Facilities

#### **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 relevant to the assessment of this proposal are principle of development, design, amenity and highways.

### **Policy Background**

The application site is located in the settlement area of St Annes where Policy GD1 of the Fylde Local Plan to 2032 applies and is supportive of new development providing it complies with other relevant policies of that Plan. Whilst it is in a community sport use it is not subject to any locational designation for that purpose, although Policy HW1 of the Local Plan is relevant as it seeks to help reduce health inequalities by promoting healthy lifestyles, as is Policy HW3 which supports new indoor sport facilities in accessible locations which are of an appropriate size to the settlement.

The access and design considerations of the proposal will need to be tested against Policy GD7 as with all new development.

The site is within the area covered by the St Annes Neighbourhood Plan which also forms part of the development plan. Policy GP1 defines the settlement area and includes this site, Policy DH1 provides an assessment of proposals for general design purposes, and Policy E6 is generally supportive of the town's leisure, culture and tourism offer.

### **Principle of Development**

The site is an existing leisure facility that is located in an accessible location within the settlement area of the town. It has been in this location for many years and is an established facility that provides benefit to the social and well-being needs of the town. The scheme does not affect the number of courts on offer at the site, but by enclosing one of the existing courts it will allow it to be used year round and in all weathers, which will be a considerable benefit to the Club and its members. Whilst the Club is a private facility, it is understood from examination of their website that visitors are able to use the facilities and that membership is open to all with a range of prices for different types of membership.

Subject to criteria identified in Policy HW3, the provision of indoor facilities on the existing Tennis Club site should be supported and is viewed to promote healthier lifestyles through enhanced recreational facilities on the site.

The application is submitted in outline only, but as all matters other than the landscaping of the site are proposed the decision can make a full consideration of the scale, design and relationship of the facility to the surrounding properties and highway network. These are assessed in the remainder of this report, with an application for the reserved matter of landscaping required before construction can commence should this application be approved.

### **Design and appearance in streetscene**

Local Plan Policy GD7 requires the development to relate well to the surrounding context, respect the character of the site and locality, conserve and enhance the built environment, and to take the opportunity to positively contribute toward character and distinctiveness.

The character of the area is defined by the combination of the residential dwellings and the tennis club itself within it. The residential element consists of predominantly detached true bungalows on the north-west side and western corner, larger dormer bungalows on the south-east side and southern corner, with larger two-storey houses to the north-east. On all sides the dwellings are set behind front gardens, typically with low walls at the perimeter. The tennis club consists of the two-storey and flat-roofed club house building at the front (south-west) of the site, and the outdoor courts stretching around in an L-shape, covering a considerable area, featuring high chain link fencing and lighting columns.

The proposal would effectively extend the existing Club House back by 18m from the rear of the Club House between the properties on Wyredale Road and Avondale Road. The form of the development would differ from any found in the locality, including the existing clubhouse, being in the form of a portal-framed building with shallow-pitched roof with elevations that are a mixture of metal cladding, glazing and timber boarding in an effort to add interest them and reduce their bulk. The proposed structure would alter the appearance of the club house building viewed from all aspects in a fundamental manner.

From Caryl Road, which is the rear of the site, the proposed structure would screen the existing building, including the existing windows and balcony, and replace this view with the glazed and clad elevation of the building. This is at a distance of 75 metres at the road and 95 metres from the dwellings, and at this separation there is not considered to be any harmful impacts from the development.

From Avondale Road and Wyredale Road the change will be more pronounced as the building is in close proximity to the site boundary which is formed by a circa 2m high hedge. The resultant building has a combined depth of around 31m of which 18 metres would be the extension at a height of around 5m to the eaves above ground level. The elevations are proposed to be treated in cladding with elements of timber boarding.

The previous application on the site was to enclose 3 courts and so was a building of a similar height to this proposal but for a depth of 47m, and at that depth it was considered that the impact on the Avondale and Wyredale streetscenes was unduly harmed and so was the subject of a reason for refusal. The scale of the proposed development is considerably reduced in relation to the original proposal at 18m. Although the shallow-pitched roof would be higher than the existing building, the proposed extension would be smaller in footprint than the existing clubhouse structure. Retention of hedgerow will act to soften the built form, particularly when viewed at close quarters in the street. The scale of the building is considered to be proportionate in the context of the existing structure, and the resulting development juxtaposed with the remaining open tennis courts would not result in a fundamental change in character of the area. It is therefore accepted that the reduced scale of the building adequately addresses the concerns that led to the previous application being refused.

The extension will also be visible in the approach to the site from Clifton Drive North as it is taller than the existing clubhouse building, and has a pitched roof in contrast to its flat roof form at present. With the scale of the extension and its separation from the front of the site in this aspect it is not considered that the impacts caused will be unduly harmful in this streetscene approach.

With this application being in outline the applicant will still need to supply details of the landscaping to enable full planning permission to be granted. It is expected that this application will propose the retention of the existing privet hedges that form the site boundary to each side with Avondale and Wyredale Roads and so offer some softening to the building from these aspects.



Whilst there is a predominance of red brick and render in the locality, use of the materials proposed are typical for this type of structure and is therefore acceptable. Whilst different to other materials found in the vicinity at present, it is important that it is recognised that the site is an existing sports club, already with some indoor provision. Therefore an extension using materials appropriate for the use would be appropriate and accord with the character of the area. On this basis it is considered that the scheme complies with the requirements of Policy GD7 of the FLP32 and DH1 of the Neighbourhood Plan in that regard.

#### Impact on amenity of surrounding properties

Policy GD7 and Policy DH1 both contain elements that require new development to not adversely affect neighbouring land uses. The majority of the correspondence received on the application is from the occupiers of these properties and relate to the impact that the proposal will have on their residential amenity. To assess that the site has been visited from both streets and from within the garden areas to the properties that face the site.

The dwellings on Avondale Road and Wyredale Road have a front facing aspect to the side elevation of the proposal which extends along both road frontages for approximately 18m. The submitted cross section drawing indicates overall height of the building to be 10.2m (5.4m to eaves). The properties at 5-11 Wyredale Road have a separation of approximately 19m to wall plate of the extension, with 10-16 Avondale Road retaining approximately 21m. Separation distances between dwellings within streets would normally require 21 metres spacing but where blank elevations face habitable room windows a significantly lower spacing distance is normally acceptable. The proposed structure has an eaves height of 5.4 metres, and this is at a lower land level than the dwellings on Wyredale Road. This is a typical eaves height for two storey dwellings, and therefore the impact of the proposal would not be dissimilar in terms of bulk and shadowing to the addition of a terrace of three or four two-storey dwellings onto the rear of the clubhouse, without any windows that could allow overlooking. When this residential comparison is drawn it is considered that the relationship achieved to these neighbours is an acceptable one in terms of the massing and overbearing impacts, and with the form of the development not including any windows there are no privacy implications.

The previous application was refused due to the massing and overbearing impact that the 47m deep extension proposed in that scheme would cause to the amenity of these neighbours. Whilst this proposal is similar in its height, it is a much shorter building and so impacts on less properties and does so in a reduced way by retaining more of an open aspect to those properties. Whilst there will clearly be some effect, any impact from loss of direct sunlight would be for a relatively short period of the day within winter, and would principally effect the front gardens rather than the dwellings (as does the existing clubhouse building). The effect of the form of the building would be mitigated to a large degree by the retained hedge, and open aspects would remain across the remaining open courts, so that the structure would not result in an overly dominant development. It is therefore considered that, on balance, the reduced depth of the proposal is sufficient to ensure that it does not have an unduly harmful massing or light loss impact on the neighbours to each side.

Neighbours have raised concerns relating to noise from use of the proposal, in particular balls colliding with the internal fabric of the building and shouting from players. Noise from players is currently witnessed externally when courts are in use: the introduction of a structure will contain this within a building and so reduce this source of disturbance, albeit the use will potentially take place year round whereas it is currently weather dependent. The club has explained that internal netting would normally be used to prevent collision noise with the ends of the courts, and a condition can be applied to install and retain such netting, in order to safeguard amenity.

Neighbours have referred to exacerbation of existing disturbance problems from vehicles accessing the site and parking on streets, as well as late night disturbance such as slamming of car doors. However, such matters relate to the established use of the site, and it is the case that the juxtaposition of social and sports facilities in residential areas is normal and, at an appropriate scale, is a sustainable form of land use. The proposal would allow tennis to be played inside during inclement weather, though this would be at times when the external courts are unlikely to be in use, and associated trip generation would not be materially different. Overall, the proposed structure would not lead to an increase in vehicular movements at times when existing movements are greatest, and therefore would not result in undue disturbance as a result. It is not considered that any controls over the extent of the use of the indoor court can be justified.

Taken together, it is considered that the proposed development would comply with the requirements of Policy GD7 and DH1 relating to the amenity implications of the proposal and so the impact on neighbouring occupiers does not justify refusal of the application.

#### Access and parking

The Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a similar test to that in Policy GD7.

The site is accessed direct from the highway with parking limited to the front of the site where 15-20 cars could be accommodated. There are also on-street parking options nearby, although Wyredale Road is of limited width so could only accommodate parking on one side. The application does not propose any alterations to the parking arrangements.

Residents have raised concern to the existing access and parking problems. In particular parking is displaced from the site to surrounding streets at peak time of use, impinging on resident capability to park on street or access driveways, as well as impeding emergency vehicle access.

Enclosure of one existing court would enable use of the site at all times of the year. It would allow tennis to be played inside during inclement weather: this would be at times when the external courts are unlikely to be in use, and associated trip generation would therefore be much lower. Overall, the proposed structure would not lead to an increase in vehicular movements at times when existing movements are greatest, and therefore would not result in detriment to highway safety. The LCC Highways Engineer agrees with this conclusion and raises no objection to the application. Reference is also made in the submission to use of the building during the off season and when tennis demand is off peak, for bowling. This is likely to be outside of times when the tennis club is in peak use, and parking will therefore be available. The reported concerns of residents are associated with the existing use of the Tennis Club, and the proposal is not considered to exacerbate such matters.

On this basis the proposal is considered to provide for satisfactory access and parking arrangements and would not compromise the safe, efficient or convenient use of the network to any greater extent than that of the existing use.

#### Other matters

The reference made by a representor to the usage levels of another facility outside the borough should not be a matter in determining a planning application.

Whilst it is noted that some residents have become distressed in response to the planning application, planning law allows applicants to make applications as they see fit.

In relation to comments that the application will be the precursor to another, and that the eventual result would be a much enlarged facility, the Local Planning Authority must deal with the application on the basis of details submitted. Any further application would likewise be judged on its merits.

Property value is not a material consideration in the determination of a planning application.

### **Conclusions**

The application relates to the erection of a building to the rear of the existing clubhouse at St Annes Tennis Club and is to provide a covered court to enhance the facilities available at that site.

The overall health objective of Policy HW1 of the Fylde Local Plan is for development to promote healthy lifestyles, and the development will contribute towards this, and will enhance the facilities available at the Club for the benefit of its members and visitors. Similarly, Policy E6 of the Neighbourhood Plan seeks to encourage, support and promote leisure uses. The proposal will also be of community benefit through enhancement of the existing facility. The principle of the development is therefore considered to be acceptable in this location.

The scheme does raise concerns over the adequacy of the parking arrangements, the scale and design of the building, and the relationship to the neighbouring properties. Having assessed these officers are satisfied that with the lack of any increase in the number of courts there will not be a material increase in the level of the use of the Club, which is in an accessible location anyway. As such it is considered that suitable access and parking arrangements exists and there will be no greater impact to the safe, efficient and convenient movement than the existing use on the site.

The proposed development would introduce a structure of different style and appearance from the existing buildings in the area, but that is appropriate for its purpose, and appropriate in scale within its context, and is therefore considered acceptable and compliant with the design requirements of Local Plan Policy GD7. The proposal would have some impacts on neighbouring amenity, and this was the reason that an earlier larger scheme was refused. However, in the reduced form the impacts are considered to be at an acceptable level given the circa 20m separation of the building from the neighbouring bungalows to each side, and accordingly the scheme is compliant with Policy GD7 in this respect.

Therefore the conclusion is that the development is compliant with development plan policy and permission should be granted.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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 must be submitted to and approved by the Local Planning Authority in respect of the reserved matter of the landscaping of the development.

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

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

- Location and Block Plan - Drawing KE1
- Floor Plan as Proposed - Drawing KE:3A
- Proposed Side Elevations - Drawing KE:4A
- Section, Rear and Front Elevation - Drawing KE:5A

Reason: To provide clarity to the permission.

4. Notwithstanding the details shown on the drawings approved under condition 3 of this planning permission, prior to the commencement of any development details of the external materials to be used in the external walls and roof of the building hereby approved (including the extent, nature and colour of timber and other cladding, and the extent and nature of any glazing) shall be submitted to and approved in writing by the Local Planning Authority. Only these approved materials shall be used in the construction of the building.

Reason: In order to secure a satisfactory finished appearance to the development that reflects the character of the surrounding area in accordance with Policy GD7 of the Fylde Local Plan.


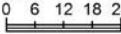
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building hereby approved shall be used to provide an indoor tennis court to be used for playing or coaching tennis only, and for no other purpose (including any other use which falls within use class D2 of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area, attract additional vehicles to the area, or otherwise harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 Policy GD7.

6. That prior to the first use of the enclosed tennis court hereby approved, a netted 'inner wall' shall be installed within the structure to minimise the velocity at which balls can strike the wall itself so as to reduce impact noise against the walls of the building. Such netting shall be thereafter retained at all times that the court is in operational use for tennis.

Reason: To prevent the creation of noise nuisance in association with the development as required by para 170 of NPPF19.



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Application No. 5/18/0913	Address St Annes Tennis Club, Avondale Road, Lytham St Annes	Grid Ref. E.3314 : N.4297	Scale 0 6 12 18 24 m 

**Item Number:** 3

**Committee Date:** 20 March 2019

<b>Application Reference:</b>	18/0968	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Doughty	<b>Agent :</b>	Clover Architectural Design Limited
<b>Location:</b>	133 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
<b>Proposal:</b>	TWO STOREY SIDE AND TWO STOREY AND SINGLE STOREY REAR EXTENSIONS. FORMATION OF 3.2M WIDE VEHICULAR ACCESS WITH PARKING TO FRONT OF DWELLING.		
<b>Ward:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area 1
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Eddie Graves
<b>Reason for Delay:</b>	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/@53.7593264,-2.8688972,175m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is a semi-detached two storey dwelling in a traditional style that is located within the settlement area of Freckleton. The application proposes the erection of a two storey extension to the rear and side of the dwelling to form additional bedroom and living accommodation to the property, and proposes the widening of the driveway to the dwelling.

The extension is sizeable, but due to its position to the rear of the property it does not have any harmful impact on the streetscene. It is also designed and located so that it does not cause any undue harm to neighbouring residential properties due to the separations that are maintained and the juxtaposition of the properties. The concerns of a neighbour are addressed by the imposition of a condition to require that the side facing windows are obscurely glazed, and whilst the Parish Council express concerns over the scale of the extension it is not considered that this is excessive for a property in the settlement with the location and scale of the extension that is proposed.

The revised access will create some visual harm, but given the parking pressures in that part of the village it is considered that the benefits of getting cars off the road outweigh that harm.

As such officers believe that the application accords with the requirements of Policy GD1 and GD7 of the Fylde Local Plan to 2032 and so 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 semi-detached house, situated on the west side of Kirkham Road, Freckleton, within the Freckleton settlement boundary. The property is of a traditional, probably early 20th Century style, but is situated within an area of mixed styles of property, with the neighbouring dwelling to the south being a large detached bungalow. To the rear of the site, beyond the boundary, is open land designated Green Belt. The house is of red brick with a gabled slate roof; at the rear the house has a single storey outrigger used as a kitchen (the adjoining property has a similar outrigger except that it is slightly longer). The application dwelling also has a small conservatory and an attached outbuilding, the latter extending beyond the outrigger, whilst the adjoining neighbour has a shed adjacent to this. There is a drive of single vehicle width at the front.

### **Details of Proposal**

The proposed development involves the removal of all of the single storey buildings at the rear of the property, including the outrigger, and erecting a part two storey, part single storey extension to the rear and side of the property. The overall extension would extend rearwards by 4.5 metres from the main rear elevation of the dwelling, which is slightly beyond the length of the existing outrigger, and would be 6.7 metres wide overall. The first floor element would set in approx. 1.5 metres from the north side boundary with the adjoining dwelling, and would project 3.5 metres from the main rear elevation. This is a reduction compared to the 4.6m initially sought.

The proposal also involves widening the vehicular access onto Kirkham Road, and paving the front garden area to provide for parking, in association with the widened access.

### **Relevant Planning History**

Application No.	Development	Decision	Date
18/0746	SINGLE STOREY REAR/SIDE EXTENSION AND REAR DORMER EXTENSION	Withdrawn by Applicant	06/11/2018
18/0742	PROPOSED REAR DORMER TO CREATE ADDITIONAL BEDROOM	Withdrawn by Applicant	24/09/2018
18/0741	PRIOR NOTIFICATION	Withdrawn - Invalid	24/09/2018

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Freckleton Parish Council** notified on 18 December 2018 and comment:

*"The Parish Council are against this application due to the excessive size and the impact on the property next door."*

### **Statutory Consultees and Observations of Other Interested Parties**

**BAE Systems**

Comments: no objection

**Ministry of Defence - Safeguarding**

Comments: no safeguarding objections

**Lancashire County Council - Highway Authority**

Comments: do not have any objections 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; formation of the additional off street parking will require the existing vehicle access extending: it is requested that the applicant enters into a s184 agreement; it is also requested that the driveway is appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. This is to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users. Recommends a formal note regarding the need for a Section 184 agreement to be included within the decision notice.

**Neighbour Observations**

<b>Neighbours notified:</b>	18 December 2018
<b>Number of Responses:</b>	One
<b>Summary of Comments:</b>	Two storey extension is very close to boundary fence (750mm or less in practice); upstairs bathroom window directly overlooks neighbouring patio; the window will be opened to clear condensation, so will lead to overlooking; same window can only be cleaned from neighbouring property; suggests that the window be relocated to the front elevation of the proposed extension.

**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
	Residential Design Guides in Extending Your Home SPD

**Site Constraints**

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Principle**

The application site is located within the settlement boundary of Freckleton where Policy GD1 of the Fylde Local Plan to 2032 applies. In such areas the application is to be assessed against other



policies of the Local Plan, specifically the requirements of Policy GD7 of the Local Plan which relates to the general design principles of development, and so is documented in the following sections of this report.

### Design and Appearance in Streetscene

The property is a two storey traditional style semi-detached property within an area of mixed properties. The proposed extension, although large, would not be discordant with the overall street scene, as the extension is set well back from the front of the property and has a gabled design that reflects that of the main dwelling. It would be more visible from the rear, which would be effectively the applicants' and neighbours' gardens, and views of the rear across countryside from public vantage points would only be very distant. The view from the street would be of a 2-storey projection to the side, under 2.2 metres wide, set approx. 4 metres back from the front elevation, and therefore very much secondary to the main dwelling within the overall streetscene. Materials are proposed to match the red brick and slate roof of the main dwelling. With a condition imposed to ensure this, the proposed development is considered acceptable in this respect and compliant with the requirements of criteria b), d), h) and i) of Policy GD7.

The proposed development also involves the alteration of the vehicular access at the front to make it wider so as to accommodate two vehicles on the frontage. Although the impact of this on the streetscene is undesirable, the impact of potential parking outside the site on the verge would be more harmful, including visually. Therefore the proposed widened access is considered acceptable in this particular context.

### Relationship to Neighbours

The proposed extension will need to be considered as to its impact in relation to two neighbouring properties: the detached bungalow to the south of the site at 129 Kirkham Road, and the adjoining semi-detached house to the north at 135 Kirkham Road.

In relation to no. 129, the proposed development would bring the application dwelling closer to its neighbour by approx. 2.2 metres due to the side extension and would increase the depth of this two storey projection. The side elevation of the neighbouring bungalow no. 129 has a number of side windows, including at least one that is to a habitable room. However, the largest window on the side elevation appears to have a window to the same room also on the front elevation.

The application dwelling lies to the north of the neighbour so the proposed development would not result in overshadowing. The proposed extension would be closer and would extend the built development at two storey level so that the expanse of two storey development visible to the neighbour would be wider when viewed from their side elevation. However, at the extent of the projection and with the separation and juxtaposition of the properties that is involved it is not considered that the impact in terms of massing/overbearing would be sufficient to warrant refusal. There is also an existing substantial conifer hedge that provides some screening of these views.

The proposed extension would include south-facing windows at ground floor and first floor level, facing towards the side elevation and indirectly facing the private garden of the neighbouring bungalow no. 129. It is these windows which has generated the objection from this neighbour.

In the case of the upper floor windows, these are to a main bathroom and an ensuite bathroom, and therefore are considered acceptable providing that obscure glazing is fitted. The windows have toplights, but these are of sufficient height (approx. 1.7 metres above floor level) to restrict any

effective view from these. With a condition to require the glazing to be obscure, the proposed development is considered acceptable in this respect.

In relation to no.135, the proposed single storey element of the extension will directly abut the single storey outrigger/original outbuilding of the neighbouring dwelling, and that element will therefore not have any overshadowing/ overbearing effects. The proposed two storey element would be set in by 1.5 metres from the boundary, allowing the original rear window in the application dwelling to remain.

The 'Extending Your Home' Supplementary Planning Guidance states that a 1.5 metre two storey extension will be allowable on the site boundary of an adjoining dwelling, with any further extension being required to be set in from the boundary by an additional 1 metre for every 0.5 metres of additional projection. The proposed development does not accord with this rule. However, the rule is designed to apply in scenarios where the adjoining property has rear-facing windows at ground floor level, close to the boundary. In this case there are no such windows. There would be some impact on the first floor window on no.135 closest to the boundary; however, this is a bathroom window and is obscure-glazed; furthermore, the proposed extension is set in from the boundary so would have only limited impact. It is therefore concluded that the relationship involved is acceptable.

The proposed two storey element would have some impact on the small traditional ground floor conservatory of the adjoining dwelling no. 135, and the rear yard/patio area to the immediate rear of the neighbouring dwelling no.135. The effect on this area would include some overshadowing as no.135 lies to the north of the application property. however, the setting in of the first floor extension 1.5 metres away from the boundary, and the reduction of the extent of the extension from the 4.65 metres originally proposed in this application to the 3.5 metres shown on the revised plans, results in a development proposal of more limited impact that is not considered to justify refusal, and is considered compliant with policy.

No notable impacts on privacy would result from the development in relation to no.135. The proposed extensions would include rear facing windows, the most significant being the first-floor rear facing window closest to the side boundary, but at its closest this window is set in by 2.4 metres, and therefore any view would be oblique and of no significance.

The proposed development would have some impacts on neighbouring properties but the relationship to its neighbours is considered to be acceptable and compliant with criteria c), d) and h) of Policy GD7.

#### Parking and Access Arrangements

The proposal includes provisions to extend the on-site parking area and to widen the access. The extended parking area would provide for ensuring that the on-site parking provided is satisfactory for the extended home, which is preferable in the location. The LCC Highways Engineer is satisfied with the proposed arrangement, that it 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 at a dwelling in the settlement of Freckleton. Having viewed the proposal and assessed the issues raised, it is considered that, on balance, the proposal accords with Policy GD7 of the Fylde Borough Local Plan and other relevant development

plan policies. Accordingly 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 details:

#### Approved plans:

- Location Plan - 18-043 1001
- Proposed Plans and Elevations - 18-033 1107
- Existing and proposed Site Plan - 18-043 1002 Rev A

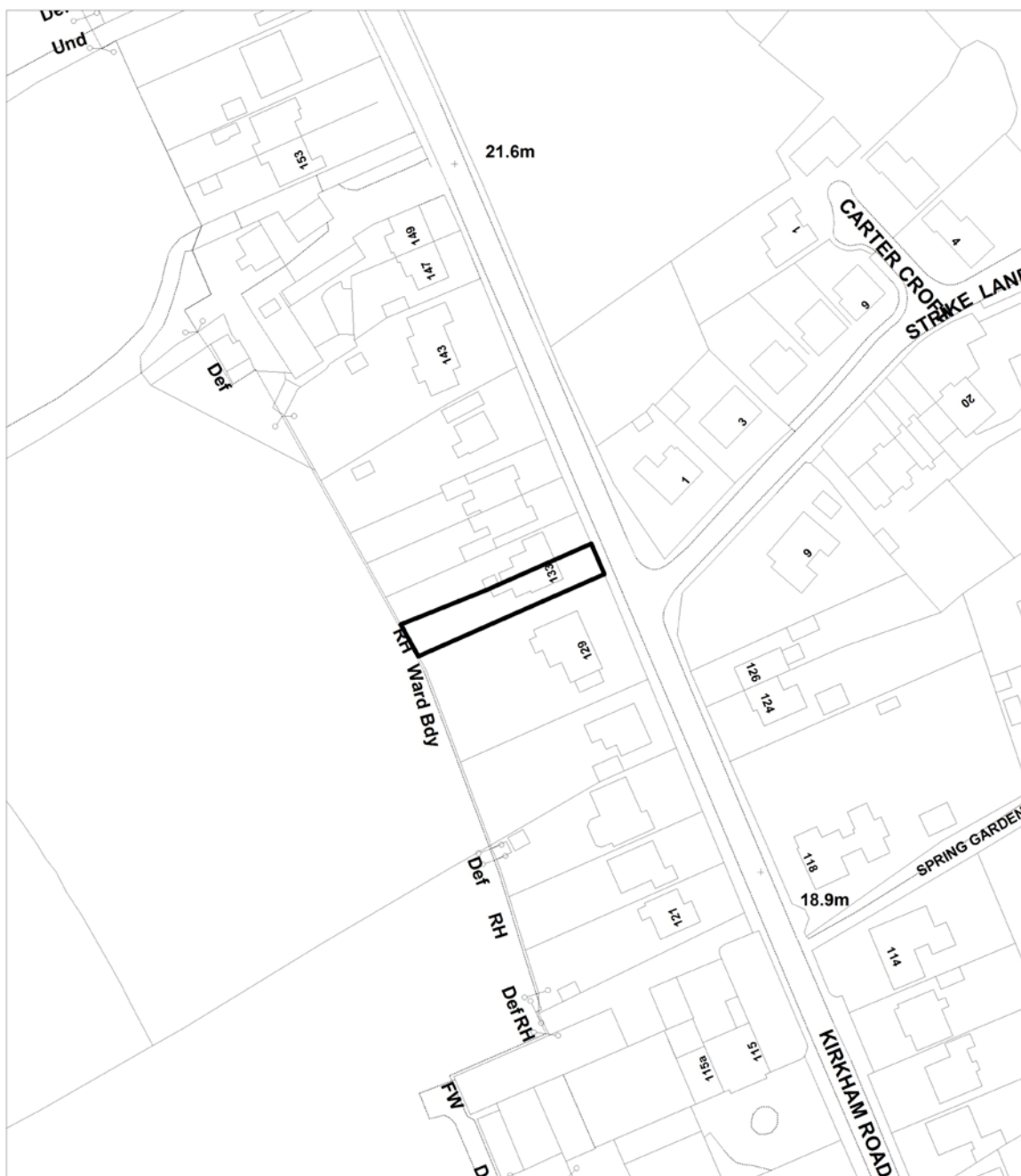
Reason: To provide clarity to the permission.


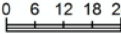
3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans with the bricks to the extension to match the existing property in terms of their colour, size and texture and the roof to be matching natural slate.

Reason: To ensure that the extension reflects the appearance of the existing property and the wider streetscene as required by Policy GD7 of the Fylde Local Plan to 2032.

4. The proposed windows indicated for the first floor of the side facing elevation (and any other windows that may be inserted into that elevation) shall be glazed with obscure glass of a level of obscurity that accords with at least level 4 on the Pilkington scale, and shall be non-opening to a height of at least 1.7m when measured from the floor area of the room which they serve. Any subsequent replacements for these windows shall also meet these requirements.

Reason: To safeguard the potential for overlooking of the neighbouring residential properties in accordance with Policy GD7 of the Fylde Local Plan to 2032.



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Application No. 5/18/0968	Address 133 Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3427 : N.4296	Scale 0 6 12 18 24 m 

**Item Number:** 4

**Committee Date:** 20 March 2019

<b>Application Reference:</b>	19/0020	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr K Whittle	<b>Agent :</b>	
<b>Location:</b>	ASHTON GARDENS BOWLING GREEN CLUB GREEN 2, ST GEORGES ROAD, LYTHAM ST ANNES		
<b>Proposal:</b>	REPLACING EXISTING WOOD SHED WITH WOODEN PAVILLION.		
<b>Ward:</b>	ASHTON	<b>Area Team:</b>	Area 2
<b>Weeks on Hand:</b>	6	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7531376,-3.0315219,88m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

Planning permission is sought for the erection of a timber 'pavilion' building on the perimeter of a bowling green that is located within Ashton Gardens in St Annes. The application has been submitted by the Bowling Club that operate from the site and is intended to improve the facilities available so that players and spectators can shelter during inclement weather and as such is a common feature at such facilities.

The site is part of the listed park and garden and within the conservation area, and so it is necessary to consider carefully the design and scale of any structures, and in this case the building is of an appropriate design, scale, construction and colour finish that would be visually acceptable within the overall character of Ashton Gardens. Accordingly the proposed development is considered to accord with policies GD7 and ENV5 of the Fylde Local Plan to 2032.

#### **Reason for Reporting to Committee**

Fylde Borough Council is the landowner for the application site and so the application is to be considered by the Planning Committee.

#### **Site Description and Location**

This application relates to the northern most bowling green located within Ashton Gardens. Ashton Gardens is the principal town park for St Annes. The area has been subject of a major refurbishment funded by a Heritage Lottery Fund grant and is a grade II listed garden on English Heritage's Register of Parks and Gardens of Special Historic Interest. It is also located within the conservation area and is situated in St Anne's Town Centre adjacent to St Anne's Square. The park covers 10 acres and comprises a number of historic buildings and display gardens alongside

recreation facilities for the public to enjoy.

### **Details of Proposal**

Planning permission is sought for the erection of a timber pavilion shed building on the south east boundary of the bowling green and the repositioning of an existing timber shed from a point further along the bowling green boundary to a point immediately alongside the proposed pavilion. One other existing timber shed is to be removed from the site as part of the proposal. The pavilion would have a footprint measuring 5.5 metres by 2.5 metres, and a shallow dual pitched roof with a 2.5 metre ridge and 2.2 metre eaves.

The pavilion is sought by the bowling club as the existing sheds (one of which is to be removed from site) cannot adequately accommodate members and visiting bowling teams.

### **Relevant Planning History**

Application No.	Development	Decision	Date
13/0094	PROPOSED NEW BOWLING AND SOCIAL CLUB PAVILION	Granted	26/06/2013
10/0225	THE PROVISION OF EARTH MOUNDING ADJACENT TO PLAY AREAS	Granted	01/07/2010
09/0102	AMENDMENTS TO EXISTING PLANNING CONSENT 07/0622 - ERECTION OF PREVIOUSLY DISMANTLED ASHTON INSTITUTE, PROVIDING A COMMUNITY CAFE AND FACILITIES FOR THE GARDENS	Granted	13/05/2009

There is an earlier history relating to various aspects of works in the Gardens, but none of this is of direct relevance to this proposal so is omitted here for clarity.

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified on 07 February 2019 and comment that they have “*no specific observations.*”

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Heritage)**

No comments received at the time of writing

#### **Lancashire Garden Trust (for Garden History Society)**

No comments received at the time of writing

#### **Leisure & Parks**

Specifically support the application

### **Neighbour Observations**

<b>Neighbours notified:</b>	07 February 2019
<b>Site Notice Date:</b>	25 February 2019
<b>Press Notice Date:</b>	21 February 2019
<b>Number of Responses</b>	None

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV5	Historic Environment
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	St Annes Neighbourhood Plan

#### **Site Constraints**

Conservation area site

### **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 issue to consider in the determination of this application is the visual impact of the development on the appearance and character of this historic park. Policy ENV5 of the adopted Fylde Local Plan to 2032 relates to development within historic parks and requires that any such development should not cause harm to the enjoyment, layout, design, quality, character, appearance or setting of the park's landscape, or cause harm to key views or prejudice their future restoration.

In this instance the proposed pavilion would be of timber construction and a generally traditional design with a shallow dual pitched roof profile that would not unduly conflict with the appearance and character of the wider park area. This notwithstanding the pavilion would be sited against a grass embankment that would generally screen it from views from the south, east and north; and when viewed from the west the backdrop provided by the embankment would largely mitigate the visual impact of the pavilion. Additionally the pavilion would be stained with 'Ronseal Medium Oak' stain, which is sufficiently subdued and dark to further reduce any visual intrusion by the structure. The proposal is therefore considered to accord with the requirements of Policy ENV5.

The scheme will also enhance the facilities available to bowlers without the loss of any space that is available for that use at present and so complies with the requirements of Policy HW3.

The proposed position for the pavilion is sufficiently distant from all residential properties that it

would have no impacts on residential amenity. It has a design and colouring that is appropriate for its setting and so complies with Policy GD7.

As with all applications in St Annes it is also necessary to test the application against the policies of the St Annes Neighbourhood Plan. The policy obligations in this Plan generally mirror those of the Fylde Local Plan to 2032, and so it is considered that the development of the pavilion is acceptable against those policies also, with the particularly relevant ones being Policy DH1 which requires appropriate standards of design Policy EN2 which requires that any development on areas of existing open space has to be ancillary to that use and beneficial to the open space overall, and E6 which requires that Ashton Gardens is supported as a key leisure facility in the town.

### **Conclusions**

By virtue of its siting and muted dark colour finish the proposed timber pavilion building is not considered likely to appear visually intrusive or harmful to the appearance and character of Ashton Gardens. Accordingly the development would accord with the relevant policies of the Fylde Local Plan to 2032 and the Neighbourhood Plan. 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 / consent relates to the following details:

#### **Approved plans:**

- Location Plan - Dwg no. 2019/FY/WH/PL\_LOC
- Proposed Layout - Dwg no. 2019/FY/WH/PL/003
- Proposed Elevations - Dwg no. 2019/FY/WH/PL/005

#### **Supporting Reports:**

- Design and Access Statement


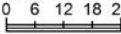
Reason: To provide clarity to the permission.

3. Within one month of the erection of the timber pavilion hereby approved both the pavilion and the timber shed relocated alongside it shall be stained in accordance with the submitted details (Ronseal Medium Oak stain or equivalent) and thereafter the pavilion and timber shed shall both retain this approved stained colour finish.

Reason: To ensure an appropriate finish which is sympathetic to the character of Ashton Gardens and surrounding park land in accordance with the requirements of policies GD7 and ENV5 of the Fylde Local Plan to 2032.





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Application No. 5/19/0020	Address Ashton Gardens Bowling Green Club Green 2, St Georges Road, Lytham St Annes	Grid Ref. E.3320 : N.4290	Scale 0 6 12 18 24 m 

**Item Number:** 5

**Committee Date:** 20 March 2019

<b>Application Reference:</b>	19/0050	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mrs Murdoch	<b>Agent :</b>	ML PLANNING CONSULTANCY LTD
<b>Location:</b>	LAND NORTH OF ROSE COTTAGE, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XE		
<b>Proposal:</b>	FORMATION OF NEW VEHICLE ACCESS TO ROSEACRE ROAD INCLUDING CREATION OF ASSOCIATED HARDSTANDING, REMOVAL OF PART OF EXISTING ROADSIDE HEDGEROW AND INSTALLATION OF ACCESS GATE - RESUBMISSION OF APPLICATION 18/0915		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area 2
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	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/@53.8179926,-2.8448243,350m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

Planning permission is sought for the installation of a gate and the formation of a field access from Roseacre Road north of Wharles that is to serve a small parcel of land on the west side of that road. The land is a rough area of land with a mature hedge to the roadside frontage in which an opening has been formed by the removal of a section of that hedge. Planning permission is required for the formation of an access to a classified road, which Roseacre Road is, and this application seeks consent for that access. The application proposes that the existing arrangement is formalised by the installation of a field gate and provision of visibility splays to each side by the repositioning of sections of hedge.

The formation of the access and other associated works are considered to accord with the relevant criteria and requirements of policies GD4 and GD7 of the Fylde Local Plan to 2032. Accordingly the application is recommended for approval by Members.

#### **Reason for Reporting to Committee**

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

#### **Site Description and Location**

The application is a parcel of land to the north of Rose Cottage, Roseacre Road, Wharles. In particular the land is an area measuring approximately 3,000 square metres which is partially wooded scrub land with mature hedges bordering the site and which has a small domestic outbuilding situated to the rear boundary of the site.

To the south side and bordering the land is a dwelling called 'Rose Cottage' and its outbuildings and garden area, to the north and east sides of the site are open fields, and to the west and set back from the land is the property 'Old Orchard Farm'.

The site is designated as countryside on the Fylde Local Plan to 2032.

### **Details of Proposal**

This application seeks permission for an authorised access to the field together with the installation of a field gate. It is proposed to widen the existing opening from 4 metres to 4.5 metres in width, install a timber gate and lay a 3 metres x 4 metres of crushed stone at the entrance. No other development is proposed and so the site would continue in its agricultural use.

### **Relevant Planning History**

Application No.	Development	Decision	Date
18/0915	FORMATION OF ENLARGED VEHICLE ACCESS TO ROSEACRE ROAD INCLUDING CREATION OF ASSOCIATED HARDSTANDING, REMOVAL OF PART OF EXISTING ROADSIDE HEDGEROW AND INSTALLATION OF FENCING, ACCESS GATE AND PLANTING OF REPLACEMENT HEDGEROW.	Withdrawn by Applicant	07/01/2019

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Treales, Roseacre & Wharles Parish Council** notified on 22 January 2019 and comment:

*At the meeting of the Parish Council on the 5 February 2019 the members with their local knowledge resolved not to support the application for the following road safety reasons:*

- 1. The proposed gateway provides access to and from Roseacre Road which is a narrow road and has, at this location, a speed limit of 60mph that is achievable from the north but not achievable from the south due to the sharp bend in the highway. These bends close to the proposed gateway, severely and adversely restrict drivers sight lines to north and to the south.*
- 2. Agricultural vehicles, waiting to access/egress the paddock would have to stop on the carriageway creating a temporary and hazardous obstruction on the highway while the driver opens/closes the proposed paddock gate.*
- 3. Vehicles entering Roseacre Road from the road to the north of the paddock do so with the aid of a mirror because of the inherent difficulty of starting this manoeuvre safely. Creating a further entry/exit from Roseacre Road at the proposed location would introduce a further potential hazard.*

4. *A near miss between an agricultural vehicle and a motor vehicle that recently occurred outside New Cottage was reported to the police and subsequently resulted in the police taking preventative action.*

*However, the Parish Council would welcome receiving a further application for a proposal that showed the creation of an access to and from the paddock either from the unadopted track to the north or the adjacent field to the west.*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **National Grid (now cadent gas)**

*Cadent and National Grid have no objection to these proposed activities.*

#### **HM Inspector of Health & Safety**

*The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.*

#### **Lancashire County Council - Highway Authority**

LCC Highways does not have any objections regarding the proposed formation of vehicle access 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.

They also refer to the grass verge being a part of the adopted highway and so highlight that the applicant should enter into a s184 agreement for the formation of the vehicle crossing. A pre-commencement condition is requested to ensure the details of the highways works are acceptable before work commences on site and to enable all construction and end user traffic to enter and leave the highway in a safe manner without causing a hazard to other road users or damage to the existing highway. They also recommend a condition relating to the surfacing of the access point and that the gates do not open to the highway.

### **Neighbour Observations**

<b>Neighbours notified:</b>	01 February 2019
<b>Site Notice Date:</b>	24 January 2019
<b>Number of Responses</b>	2 letters received
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• the application no longer farms in Wharles</li><li>• land is rented out and not used for livestock</li><li>• gap in hedge created by applicant's Father</li><li>• orchard demolished on site</li><li>• wants to build a house</li><li>• paddock accessed from Rose Cottage</li><li>• originally belonged to Rose Cottage</li><li>• septic tank and drains on land used by Rose Cottage &amp; New Cottage and annexe</li><li>• object to loss of hedge and use of concrete/tarmac</li><li>• no need for change</li><li>• entrance close to very sharp bend</li><li>• HGV's frequently reverse into area to deposit wood etc</li></ul>

- dangerous for road users
- land used for burning rubbish, smoke reduces visibility

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

#### **Other Relevant Policy:**

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

#### **Site Constraints**

Pipelines

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

This application seeks permission for the widening of an existing and unauthorised access into a field situated off Roseacre Road together with the laying of hardcore at the entrance and the installation of a field gate.

The site is located within countryside as designated in the Fylde Local Plan to 2032 and Policies GD4 and GD7 of that plan are considered most relevant in the determination of this application.

Policy GD4 relates to development within countryside and seeks to restrict new development to that which falls within one of six criteria.

The application is submitted with a supporting statement which advises that *the land is used as a small paddock in association with a larger agricultural holding*.

Whilst that agricultural holding is not identified in the application it is understood that the land was formerly associated with Rose Cottage and the access to the field was obtained through the access that serves this property. However, it is understood that this arrangement has now ceased. As a consequence a break in the hedgerow has been formed to provide access to the field and the applicants are now seeking permission for the access and associated works.

Given that there is no current lawful access to the field for the applicant's provision of the opening and the gate would allow the land to continue being used for agricultural purposes. Accordingly, it is considered that the proposal accords with criterion 'a' of policy GD4 in respect of an agricultural need.

Policy GD7 relates to general design issues associated with new development. In this instance the development would comprise of a typical agricultural style timber gate, set to the rear of the hedge

line with an area of stone laid at the entrance. The design and appearance of this combination does not raise any concerns as it would reflect the form of field access located opposite the site which serves access to fields belonging to New Hall and Roseacre Hall Farms.

Criterion q) of Policy GD7 requires that development should not prejudice highway safety. The Parish Council have raised concerns in respect of this issue which are set out above.

These concerns have been considered by Lancashire Highway Engineers who have advised that:

*'The proposed access is no worse than the existing accesses. I have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no incidents incident within the vicinity of the site.*

*The proposed access will not be a junction with greater use than the existing adjacent accesses.*

*Roseacre Road is a narrow rural road with sporadic dwellings and farms. The road is not kerbed and has grass verges adjacent the carriageway. The road has a long straight section with small bends and a sharp bend at the southerly section at Wharles where there are dwellings and a farm.*

*The proposed location when travelling in a southerly direction is on the approach to the bend just after the private access track for Old Orchard Farm. There are centre line white line markings to warn drivers of the bend and the proposed access is within these markings.*

*The hedges are trimmed low and for a sight line requirement, hedges and vegetation should be maintained to be below 1m in height to allow for the sight lines to be achieved. The proposed access is for agricultural vehicles and they have the driver's seat higher than a car.*

*It is common for agricultural vehicles to stop in the carriageway to open and close gates. This is not a dangerous or unexpected manoeuvre in the highway.*

*The mirror which appears to be placed outside of the adopted highway for the private track to Old Orchard Farm is in private land and has not been authorised by LCC Highways.*

*LCC Highways do not consider the proposed access would have a greater risk of collision than the existing adjacent accesses. There are no grounds to substantiate an objection.'*

On the basis of the above comments it is considered that the proposal satisfies Policy GD7 criterion q) in regards to highway safety.

#### Other matters

Comments have been received from neighbours in regards the location of drains and a septic tank on the land in this application.

Access to the drainage systems from the neighbouring properties is a private matter between parties and cannot be taken into account in determining this application.

#### Conclusions

The application relates to the formalisation of an unauthorised access together with the widening of that access, installation of hardcore and a field gate. The access is to serve land to west side of

Roseacre Road located within designated countryside on the Fylde Local Plan to 2032. The access would have the design and appearance typically expected for field accesses throughout Fylde's rural areas, and County Highways have opined that its use would have no detrimental impact on highway safety. Accordingly the proposed development is considered to accord with Policies GD4 and GD7 of the above local plan, 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 / consent relates to the following details:

#### Approved plans:

- Location Plan - 'Standfords'
- Proposed site plan and elevation plan - drawing no. LG/LM/1733

#### Supporting Reports:

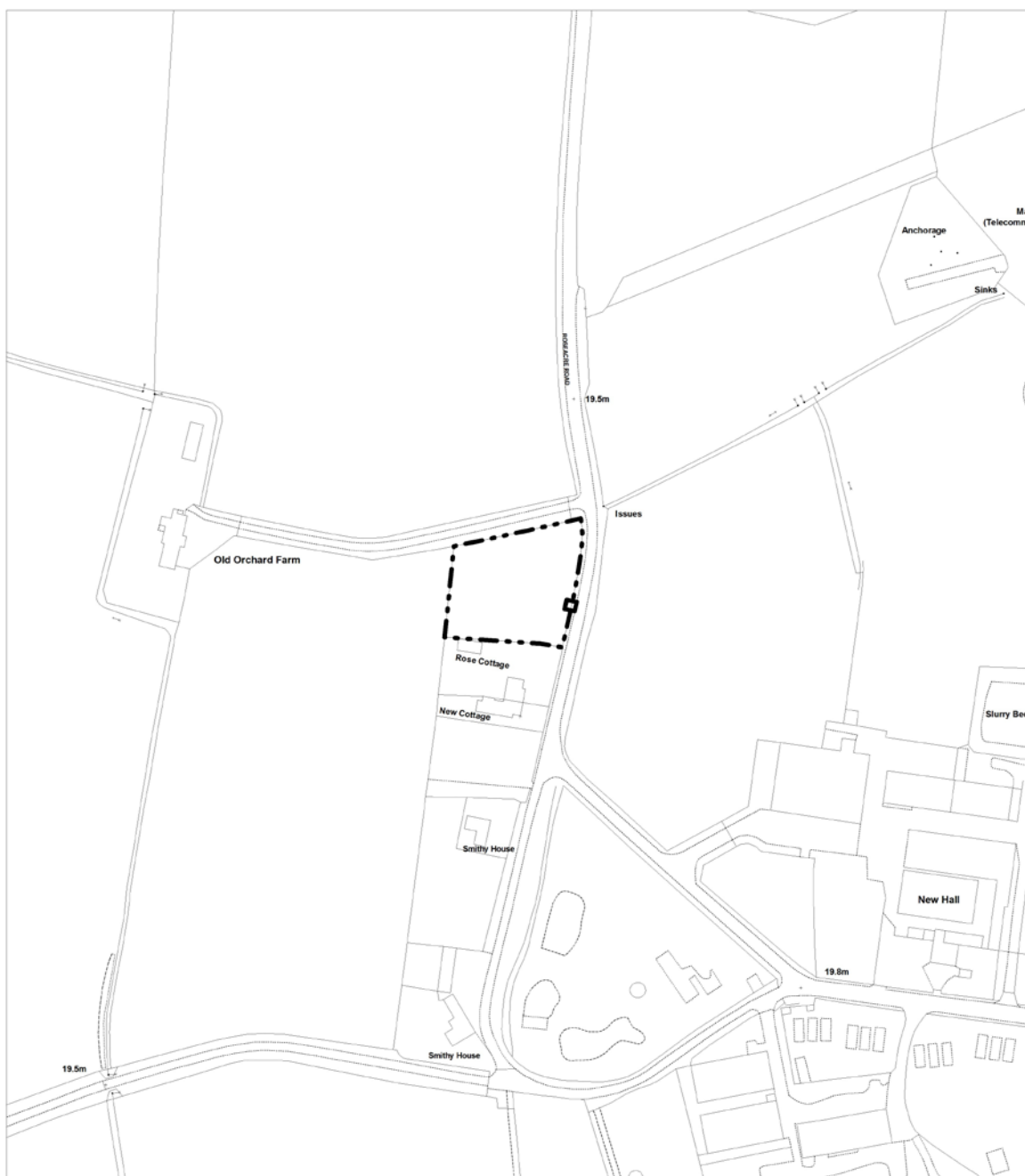
- Design and Access Statement - ML Planning Consultancy Ltd


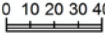
Reason: To provide clarity to the permission.

3. The access hereby approved shall only be constructed in accordance with the details shown on ML Planning drawing no. LG/LM/1733, with the following details all provided as shown on that plan prior to the first use of the access, and then retained thereafter:

- A crushed stone surface provided to the extent indicated,
- the gates positioned and designed as shown with physical restraints to prevent the gates from opening onto the adopted highway.

Reason: To ensure the proper construction of the access and any gates so as to ensure the continued safe operation of the adopted highway in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of National Planning Policy Framework.



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Application No. 5/19/0050	Address Land north of Rose Cottage, Roseacre Road, Wharles	Grid Ref. E.3443 : N.4360	Scale 0 10 20 30 40 m 



**Item Number:** 6

**Committee Date:** 20 March 2019

<b>Application Reference:</b>	19/0057	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Staining Parish Council	<b>Agent :</b>	Fylde Borough Council
<b>Location:</b>	PLAYING FIELDS ADJACENT TO STAINING VILLAGE HALL, CHAIN LANE, STAINING		
<b>Proposal:</b>	INSTALLATION OF LAND DRAINAGE TO PLAYING FIELDS, CREATION OF TWO SWALES AND DETENTION BASIN TO CAPTURE SURFACE WATER RUN OFF. RE LEVELLING OF FOOTBALL PITCHES		
<b>Ward:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area 1
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.8156491,-2.9834887,350m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is an area of allocated recreational open space and football pitches located to the south of Staining on the west side of Chain Lane and is adjacent to the Village Hall. The proposed development is for the insertion of drainage infrastructure to control drainage within, and from, the site. Two swales are proposed to be formed adjacent to the eastern boundary, with an attenuation basin in the south west corner, and sand slits below the football pitches.

The proposed scheme will improve the drainage of these fields ensuring that the pitches are available more often and that the road is less likely to be flooded as a consequence of run-off from the fields. The holding of the water in the swales and in an attenuation basis means less water will leave the site and the water that does will be controlled thus having less of an impact on the drainage network downstream. As the scheme involves a discharge into an existing drain it will also require land drainage consent from LCC which is separate legislation and which will protect the wider drainage infrastructure.

The development will implement a sustainable drainage scheme for the site to improve its operation and complies with policies GD7, HW3, ENV3 and CL2 of the Fylde Local Plan to 2032.

**Reason for Reporting to Committee**

The scale of the application site is such that 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 an area of allocated existing open space and football pitches located to the south of Staining and to the west side of Chain Lane where access is taken from. At the northern end of the site is Staining Village Community Centre, to the east opposite is Staining Lodge Golf Course and to the south is a caravan park. Beyond the western boundary are open fields bordered by hedgerows and trees. Within the open space is a basketball net and teen shelter to the north adjacent to the main entrance road, to the south are two football pitches and a wildlife area with pond to the west. The site is not currently formally drained which means the pitches are regularly waterlogged, with run-off from the site also causing flooding on Chain Lane to the east.

### **Details of Proposal**

The application has been proposed in order to bring forward a series of benefit. These are to improve ground conditions so that the playing fields can be more regularly used, to reduce the frequency of flooding to Chain Lane, and to reduce the amount of water flowing into the combined sewer. In order to achieve this the following drainage controls have been proposed;

- The playing fields are to be under drained with perforated pipes discharging to the topographically lower areas of the site
- Two swales are to be formed on the eastern boundary of the site adjacent Chain Lane
- An attenuation basis is to be formed to the south west corner of the site.
- Sand slits are also proposed below the football pitches to aid their drainage.
- Any run off from the swales and attenuation basin will be subject to a flow control which then will be connected to the existing land drain.

The swales and attenuation basis will incorporate grassy slopes and wetland planting. The surplus material used from creating these features will be used to create landscaped mounds and soft landscaped areas around the site and also to make the football pitches more level.

### **Relevant Planning History**

Application No.	Development	Decision	Date
02/0316	LEVELING OF LAND TO CREATE FOOTBALL FIELD	Granted	29/07/2002
92/0435	ERECT VILLAGE HALL/COMMUNITY CENTRE	Granted	30/03/1994
90/0290	CHANGE OF USE OF LAND FOR SPORTS AND RECREATION APPROX 9.85 ACRES	Granted	25/06/1990
83/0667	CHANGE OF USE: AGRICULTURAL LAND TO SPORTS AND RECREATION USE.	Granted	30/01/1984

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Staining Parish Council** notified on 05 February 2019 and comment:

*Offers no observations as integral to the development.*

## **Statutory Consultees and Observations of Other Interested Parties**

### **Lancashire CC Flood Risk Management Team**

No objections to the proposed development and the surface water drainage plan as per the submitted drawing (TS 18022/001).

They state that the proposal indicate that the intention is to discharge surface water from the Catchment C area of the site into an existing land drain. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), they will need consent from the Lead Local Flood Authority if they want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. They require for Land Drainage Consent to be forthcoming as a minimum the following;

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

They then explicitly state that their response does not grant permission to connect to the watercourse and it does not mean that land drainage consent will be given.

### **United Utilities - Water**

UU have provided what appears to be a generic response as they state that in accordance with the NPPF and the NPPG the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

They request a condition in relation to the submission of a surface water drainage scheme, advice that a public sewer crosses the site and they will not permit building over it and also recommend a condition regarding the management of the surface water drainage.

## **Neighbour Observations**

<b>Neighbours notified:</b>	05 February 2019
<b>Site Notice Date:</b>	
<b>Press Notice Date:</b>	21 February 2019
<b>Number of Responses</b>	1
<b>Summary of Comments</b>	<p>Agree that the drainage scheme is needed to abate flooding of road and fields and will be welcome by users of both areas. However there does not seem to have been any examination of downstream drainage which runs through my land and then into the main dyke. If this system is not functioning as it should then the problems from the playing fields will be moved further south.</p> <p>The LCC letter requires measures under the Land Drainage Act and UU raises matters regarding sustainability. As the drain is 60 years</p>

old I am concerned about its ongoing integrity as it appears to be at capacity at the moment as evidence by residual water retention in the system. I am therefore seeking reassurance of the current integrity of the drainage system and its ongoing sustainability post completion of the proposed development.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD7	Achieving Good Design in Development
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities
ENV3	Protecting Existing Open Space
CL2	Surface Water Run-Off and Sustainable Drainage

#### **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**

Policy HW3 – Protection and provision of indoor and outdoor sports facilities requires outdoor facilities to be protected and supports new facilities. The proposal is for the improvement of an existing outdoor facility, football pitches, and therefore not only protects the facility but improves it, therefore complying with HW3.

Policy ENV3 – protecting existing open space for which the site is also allocated states that existing open space will be protected. Whilst a small area of land will be lost from active use by the creation of swales, the site will remain open and its use is not prejudiced with improved drainage, thus complying with ENV3. It is considered that the proposed swales are of an appropriate design and are in the correct location thus complying with GD7.

Policy CL2 – Surface water run-off and sustainable drainage refers in the main to new developments. It does however state that development must utilise Sustainable Drainage Systems (SuDs) whenever practical; and reduce discharge to greenfield run-off rates wherever feasible. The proposed development will provide drainage for the fields which are currently greenfield with no control of water draining in and from the site, this has resulted in flooding of the fields which are used for recreation and also the adjacent highway. The proposed drainage solution will attenuate water splitting the fields into thirds based on the topography of the fields. The northern section of the site will drain into a wet swale with a volume storage of 472 sqm and the south east corner into another swale with a storage volume of 309sqm via underlying 80mm lateral drains flowing into the swales via a headwall. The south west corner of the site will flow to an attenuation detention basis with a storage volume of 292sqm and then via a flow control to the existing land drain. This would therefore be an improvement to the existing surface water drainage system where water either slowly drains into the ground or over and into the surrounding area including the highway. The proposal will therefore be an improvement from existing greenfield rates and can therefore be considered to comply with policy CL2.

The Lead Local Flood Authority have commented that they have no objections to the development and the surface water plan submitted. They do however comment that the applicants will need to get separate land drainage consent from them, and for that to be forthcoming the applicants will need to carry out studies of the existing watercourse condition and capacity, undertake an examination of the downstream condition and implications of the development proposal and also restrict discharge rates to the watercourse. The requirement to do this alleviates the concerns of the neighbour outlined above with regard to the impact the development could have on drainage infrastructure beyond the site.

United Utilities also raise no objections but have provided what appears to be a generic response as they state that in accordance with the NPPF and the NPPG the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Clearly no foul sewage is provided as the development is to better manage existing surface water on greenfield site through the provision of SuDs. Therefore their request of a condition required a surface water drainage scheme is redundant as that is what the application is for. They also state that a public sewer crosses the site and they may not permit building over it, again there is no building proposed by the development. Officers have highlighted this to UU and if an updated response is provided this will be available to members via the late observations. Their suggestion for there to be a condition requiring management of the drainage infrastructure however is entirely sensible as the swales in particular will need to be managed to ensure their effectiveness. However with such condition in place there are no drainage issues with the proposed development.

### **Conclusions**

The issues arising from the proposed development are minimal. The proposal is for the installation of land drainage to existing recreational playing fields where there currently is none which results in the flooding of football pitches and adjacent highway. The proposed scheme will improve the drainage of these fields ensuring that the pitches are available more often and that the road is less likely to be flooded. The holding of the water in the swales and in an attenuation basis means less water will leave the site and the water that does will be controlled thus having less of an impact on the system downstream. The development because it is proposed to discharge into an existing drain will require land drainage consent from LCC which is separate legislation which will protect the wider drainage infrastructure. The development is therefore considered to comply with policies GD7, HW3, ENV3 and CL2 of the Fylde Local Plan to 2032.

### **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 / consent relates to the following details:

#### **Approved plans:**

- Location Plan - TS 18022 PL-01

- Proposed alternative drainage layout - J00TBC 001

Supporting Reports:

- Design and Access Statement (29/1/19)

Reason: To provide clarity to the permission.


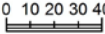
3. Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by another appropriate body; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0057	Address Playing Fields adjacent Staining Village Hall, Chain Lane, Staining	Grid Ref. E.3352 : N.4358	Scale 0 10 20 30 40 m 

**Item Number:** 7

**Committee Date:** 20 March 2019

<b>Application Reference:</b>	19/0060	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Woody's Group Ltd	<b>Agent :</b>	
<b>Location:</b>	STILE FIELD FARMSTORE (WOODYS WAREHOUSE), KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HY		
<b>Proposal:</b>	APPLICATION FOR REMOVAL OF CONDITION 6 ON PLANNING PERMISSION 16/0604 TO REMOVE REQUIREMENT FOR TIMBER CLADDING TO SIDE OF RACKING		
<b>Ward:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7706877,-2.8713967,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to racking that was constructed to the front of this site which trades as Woodys Warehouse and is located in the green belt between Kirkham and Freckleton. The racking was granted planning permission in 2016 with that decision subject to a series of conditions, including one that required its eastern facing elevation to be clad in timber boarding to provide it with an appearance that reflected that of an agricultural building.

This cladding has never been attached and this application proposes the removal of the condition that requires it to be installed. This is on the basis of the structural ability of the racking to safely support the cladding, the implications that the cladding would have on the safety of movements around the yard, and the cost of the cladding / heavier racking to support it. These arguments are collectively considered to be valid when balanced against the limited visual benefits that would arise from the attachment of the cladding given that the racking has become as established part of the operation of this lawful builders merchants' premises.

It is therefore accepted that the removal of the requirement to clad the racking will not create any overriding harm to the character of the area or to the openness of the green belt and so there are no conflicts with Policy GD2 or GD7 of the Fylde Local Plan 2032 arising from the removal of the condition.

**Reason for Reporting to Committee**

The application relates to the removal of a condition that was specifically imposed by the Planning Committee and so it is necessary to present this application to the Planning Committee for a decision.



## **Site Description and Location**

The application site is an existing well-established builders merchants located in the green belt between Freckleton and Kirkham and accessed off Kirkham Road which connects those two settlements.

The site contains two detached buildings located to the rear of the site with one used as the small goods retail area and counter/office and the other for the storage of larger goods. There is a yard area to the front that is used for a mixture of parking and the display/storage of goods and contains the racking that is the subject of this application.

The surrounding land uses are mixed with agricultural fields to the east, grazing lands associated with Kirkham Prison to the north and residential properties to the western side and across Kirkham Rd to the south. There are other residential properties in the wider area including across the field to the eastern side.

## **Details of Proposal**

The application relates to the removal of condition 6 of planning permission 16/0604. This permission granted retrospective consent for the retention of two runs of racking that are sited in the yard area to the front of the building and are used for the storage and display of various building products that are sold from the site.

The decision sought to introduce a series of measures to mitigate the visual appearance of these structures, with one of these being the cladding of the rear of the eastern racking with timber boarding in an effort to give it an appearance that was akin to that of an agricultural building that would be a more typically located in a green belt location such as this. The condition states:

*That within 3 months of the date of this permission the Yorkshire board cladding indicated for the eastern (rear facing) elevation of the racking that stands alongside the access track to the site shall have been fitted in accordance with the details shown on the elevation drawing listed in condition 1 of this permission, and shall be stained a in a uniform neutral colour that has been previously agreed in writing with the local planning authority. Unless an alternative colour scheme has first been approved by the local planning authority, the cladding shall be maintained in accordance with the approved scheme,*

*Reason: So as to ensure that the visual impact of the racking is appropriately minimised to reflect the character of the surrounding area as required by Policy SP2 of the Fylde Borough Local Plan.*

The condition has not been complied with despite a number of exchanges between the local planning authority and the operator of the business. His response to the most recent approach on this is to submit this application which seeks the removal of the condition. The basis of this is as follows:

- The health and safety risk from the use of the site when the cladding is installed as it impacts on inter-visibility between drivers and pedestrians in the yard area
- The physical ability of the existing racking frame to safely accommodate the cladding
- The impact that the condition requirement would have on the warranty
- The financial impacts of fitting the cladding

More details of these are provided alongside the assessment of them in the 'Comment' section of this report.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0604	ERECTION OF EXTERNAL RACKING FOR THE STORAGE AND DISPLAY OF BUILDING MATERIALS AND ASSOCIATED PRODUCTS	Granted	04/11/2016
09/0195	CHANGE OF USE FROM AGRICULTURAL LAND TO RETAIL FORECOURT (USE CLASS A1)	Granted	10/06/2009
07/0463	CERTIFICATE OF LAWFULNESS FOR RETAIL AND WHOLESALE OF AGRICULTURAL SUPPLIES, BUILDING MATERIALS AND PRODUCTS, A1 AND B8 USE	Granted	02/10/2007

### **Relevant Planning Appeals History**

None to report.

### **Parish/Town Council Observations**

**Freckleton Parish Council** notified on 24 January 2019 and comment:

*“The Parish Council support this application on the basis of 2 votes for the application and the remaining councillors abstained.”*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **BAE Systems**

No comments have been received.

#### **Ministry of Defence - Safeguarding**

I can confirm that the MOD has no safeguarding objections to this proposal

### **Neighbour Observations**

<b>Neighbours notified:</b>	24 January 2019
<b>Number of Responses</b>	2
<b>Summary of Comments</b>	<p>One letter is said to be on behalf of three properties and expresses objection and comment on the scheme as follows:</p> <ul style="list-style-type: none"><li>• The racking was erected without planning permission and was only approved following a visit to the site by Committee.</li><li>• The concerns over health and safety that are raised now were never previously raised</li><li>• The racking should be removed altogether as this would be consistent with other decisions to refuse permission for</li></ul>

domestic dwellings and would resolve the health and safety concerns

The other letter is in support of the application and so the removal of the requirement to attach the cladding. They refer to correspondence with the council at the time that the racking application was considered when they raised safety concerns. They are keen to see gaps retained in the racking to allow visibility through it, both by the lack of cladding and by preventing it being fully utilised to display goods.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD2	Green Belt
EC2	Employment Opportunities
GD7	Achieving Good Design in Development

#### **Other Relevant Policy:**

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

#### **Site Constraints**

Within Green Belt

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Background to Condition and Assessment**

The condition was imposed at the specific request of Committee, with the application considered following a Committee site visit which included views from the approaches to the site from Kirkham Road as well as from within the site itself. The reason for the condition confirms that it is intended to improve the visual appearance of the racking and enable it to appear less industrial in the rural landscape. This is a sound planning reason and so the condition was appropriately imposed.

Since that decision was made the Fylde Local Plan to 2032 has been adopted and so is now the policy basis for the consideration of this application rather than the Fylde Borough Local Plan under which the original application was determined. Despite this change, the Fylde Local Plan to 2032 continues the green belt allocation of the site, retains the link to the national green belt planning policy, and continues to require that development is appropriately designed for its context. As such it provides a similar policy justification for the imposition of a condition to ensure development is designed to reflect its surroundings. There have been no physical changes to the area since the original decision.

The assessment of this application is therefore to be based on whether the cladding serves a

beneficial purpose, and whether there are any other factors that should justify the removal of the condition.

#### Consideration of Cladding Benefits

The condition explains that this is to improve the visual appearance of the site. This is a sound planning reason and the application of timber cladding to the rear of the racking would assist in giving it an appearance that was more reflective of an agricultural building that would be expected in a rural part of the borough. It will also give a consistent appearance to the racking, as the current situation means that the items stored on the racks are visible and as building products they are for a range of sizes and colours that are often wrapped in plastic that can give an unsightly appearance.

#### Consideration of reasons given not to install cladding

The applicant gives a series of reasons for not installing the cladding which are assessed here:

The application is supported with correspondence from a 'Health and Safety Advisor' which reports a risk assessment on the implications for pedestrian safety within the yard of attaching the cladding to the racking. This concludes that there is a high risk from this due to the loss of vision between pedestrians and drivers of vehicles on site. The letter also considers the potential for the use of a mirror to assist vision, but concludes that this would be difficult to locate where it would be beneficial and would be easily obscured by other vehicles. The letter concludes that the fitting of cladding would create a serious hazard, and to do so would be remiss if only for appearance reasons.

The management of safety on a site where pedestrians and vehicles mix is obviously a key consideration, and the potential for the cladding to limit views within the site is an area that the council's Health and Safety Officer has concerns over. However, it would be possible to reduce these risks through a partial cladding of the racking to allow views at the corner, for example, and it is also the case that when the racking is utilised for storing stock this will also obscure views through it.

The application is supported by correspondence with the supplier of the racking regarding the practicality of attaching cladding to the existing racking. This is not an issue that was covered in the considerations when the condition was imposed as it was not part of the scheme that was before Committee at that time. The application provides details from the supplier who explains that *"The racking has not been designed to accommodate any type of cladding being attached to the structure with the exception of the lightweight safety mesh which does not have any impact upon wind loads"*. They go on to state that a heavier structure would be needed to support this cladding and would cost £20,000 to £25,000. He also confirms that the attachment of cladding to the existing racking would invalidate the warranty.

The council's Building Control Team confirm in general terms that the attachment of cladding to a structure will increase its wind loadings, and that a more substantial structure would be needed to accommodate them.

The applicant also refers to the cost of the cladding with this being in the form of the material costs for the timber, and the potential costs in either replacing or increasing the structural strength of the existing racking, although no overall figure is provided.

#### Planning Balance

The decision to impose the condition was soundly based as it would give the structure an appearance that is more akin to a rural building that would be found in a green belt location. This was also based on an appropriate development plan policy with the thrust of that carried forward to

the current Fylde Local Plan to 2032.

Whilst none of the arguments presented for not providing the cladding are individually persuasive, although the Health and Safety adviser's confirmation that it presents a high safety risk is clearly important, they do highlight a collective weight of evidence against the retention of the condition requiring that the cladding be attached. It is also necessary to consider the actual benefits that the cladding would bring, and given that the structure sits within a site that has a lawful use as a builders merchant the retention of the structure in its 'un-clad' state would not be overly incongruous when viewed in its setting. As such it is considered that there is justification for the condition to be removed, and as such the application is recommended for approval.

With this application being submitted under s73 it will form a separate permission alongside the original and so it is appropriate to re-impose the conditions from that original permission which remain relevant. These relate to the physical size of the racking, the extent that it can be used to store products, to connect its use to the main use of the site, and to ensure that the landscaping is implemented. A slight change to the wording of these is required in most cases to ensure that they require the works that have been implemented to be retained.

### **Conclusions**

The application relates to racking that was constructed to the front of this site which trades as Woodys Warehouse and is located in the green belt between Kirkham and Freckleton. The racking was granted planning permission in 2016 with that decision subject to a series of conditions, including one that required its eastern facing elevation to be clad in timber boarding to provide it with an appearance that reflected that of an agricultural building.

This cladding has never been attached and this application proposes the removal of the condition that requires it to be. This is on the basis of the structural ability of the racking to safely support the cladding, the implications that the cladding would have on the safety of movements around the yards, and the cost of the cladding / heavier racking to support it. These arguments are collectively considered to be valid when balanced against the limited visual benefits that would arise from the attachment of the cladding given that the racking has become an established part of the operation of this lawful builders merchants' premises.

It is therefore accepted that the removal of the requirement to clad the racking will not create any overriding harm to the character of the area or to the openness of the green belt and so there are no conflicts with Policy GD2 or GD7 of the Fylde Local Plan 2032 arising from the removal of the condition.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following details:

#### **Approved plans:**

- Location Plan - Land Registry plan title LAN64611
- Site Plan and Elevations - Eastham Design Associates drawing 1185-16-01 Rev D
- Landscaping Details - Eastham Design Associates drawing 1185-16-02

#### **Supporting Reports:**

- Planning Statement

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

2. The racking shall be retained at the scale, design, appearance and location on the site as shown on the plans approved in condition 1 of this planning permission..

Reason: To ensure that the racking has an appropriate scale and appearance to reflect the rural character of the area and to avoid impacts on the openness of the green belt as required by Policy GD2 and Policy GD7 of the Fylde Local Plan to 2032.

3. That no products shall be stored on the racking at a height that exceeds 3.4m on the eastern racking and 4m on the western racking (ie on the roof level).

Reason: To ensure that when operational the racking has an appropriate scale and appearance to reflect the rural character of the area and to avoid impacts on the openness of the green belt as required by Policy GD2 and Policy GD7 of the Fylde Local Plan to 2032.


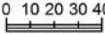
4. That the racking hereby approved shall only be used for the storage, display and sale of goods associated with the Woodys Warehouse business (or its successors) as undertaken at the application site.

Reason: To ensure that the racking is used for purposes that relate to the existing use of the site in accordance with the proper planning of the area.

5. That the native species hedge in the planted bed formed alongside the eastern edge of the driveway access to the site as shown on the landscaping plan approved as condition 1 to this planning permission shall be established and then maintained thereafter at a height of between 1.5m and 2.5m.

Reason: In order to provide a natural visual screen to the racking approved so as to minimise its impact on the streetscene of Kirkham Road in accordance with Policy GD2 of the Fylde Local Plan to 2032



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0060	Address Stile Field Farmstore (Woodys Warehouse), Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3425 : N.4308	Scale 0 10 20 30 40 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	20 MARCH 2019	5
<b>LIST OF APPEALS DECIDED</b>			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 1/2/19 and 8/3/19.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

Appeal decisions received between 1/2/19 and 8/3/19.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on any appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473



## APPEAL DECISIONS

The council received the decisions on the following appeals between 1 February 2019 and 8 March 2019.

The decision notices are enclosed as appendices to this report although with the decisions on appeal 1-4 having significant areas of overlap only the decision on appeal 3 is included as that was the 'lead appeal'. All appeal decisions and associated documents are available on the council's website by searching for the relevant application number.

Rec No: 1			
22 August 2017	17/0005	LAND (ADJACENT 53), BRYNING LANE, RIBBY WITH WREA ERECTION OF 20 DWELLINGS WITH ASSOCIATED ACCESS FROM BRYNING LANE AND LANDSCAPING	Public Inquiry  Case Officer: AS

Fylde Dec. Level	COMM
Appeal Decision:	Dismiss: 04 February 2019

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Rec No: 2			
22 August 2017	16/1028	LAND ADJACENT 38 BRYNING LANE AND WEST OF BRYNING LANE / NORTH OF BRYNING AVENUE, RIBBY WITH WREA ERECTION OF 41 DWELLINGS WITH ACCESS FROM BRYNING LANE	Public Inquiry  Case Officer: AS

Fylde Dec. Level	COMM
Appeal Decision:	Dismiss: 04 February 2019

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Rec No: 3			
22 August 2017	16/0619	LAND SOUTH OF (OPPOSITE MARTINDALE), MOSS SIDE LANE, RIBBY WITH WREA OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED	Public Inquiry  Case Officer: AS

Fylde Dec. Level	COMM
Appeal Decision:	Dismiss: 04 February 2019

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Rec No: 4			
22 August 2017	17/0146	LAND TO THE WEST OF, THE BROOKLANDS, RIBBY WITH WREA OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 48 DWELLINGS WITH ASSOCIATED LANDSCAPING AND OPEN SPACE WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED	Public Inquiry  Case Officer: AS

Fylde Dec. Level	COMM
Appeal Decision:	Dismiss: 04 February 2019

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Rec No: 5			
16 October 2018	18/0517	WREA VIEW, WEETON ROAD, WESTBY WITH PLUMPTONS, PRESTON, PR4 3PL CHANGE OF USE OF EXISTING ANNEX (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION 14/0728) TO USE AS SEPARATE DWELLING HOUSE.	Written Representations Case Officer: AP

Fylde Dec. Level	DEL
Appeal Decision:	Allowed: 11 February 2019

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## Appeal Decision

Inquiry opened on 17 April 2018

Site visits made on 3, 14 & 15 May 2018

**by Richard Clegg BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 4<sup>th</sup> February 2019**

**Appeal Ref: APP/M2325/W/17/3179277**

**Land to the south-east of Moss Side Lane, Wrea Green, PR4 2PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mactaggart & Mickel against the decision of Fylde Borough Council.
- The application Ref 16/0619, dated 14 August 2016, was refused by notice dated 11 January 2017.
- The development proposed is approximately 50 dwellings accessed from Moss Side Lane, with associated open space and landscaping.
- The inquiry sat for 12 days: 17-20 & 24-27 April and 1-4 May 2018.

### Decision

1. The appeal is dismissed.

### Procedural matters

2. This appeal is one of four concerned with proposed residential development at Wrea Green, each of which was considered at the same inquiry. The four appeals are:

A	3179277	Land to the south-east of Moss Side Lane	Approximately 50 dwellings
B	3179809	Land west of Bryning Lane	41 dwellings
C	3176410	Land adjacent 53 Bryning Lane	20 dwellings
D	3181216	Land west of The Brooklands	48 dwellings

3. A pre-inquiry meeting was held to discuss procedural and administrative arrangements relating to the inquiry. At that meeting, it was agreed that the Appellants would present a joint case in respect of sustainability in relation to Wrea Green and planning policy, common highway matters (the effect on the junction of Lytham Road and Church Road, Warton), and housing land supply. Evidence from the Borough Council and other parties on these topics also

addressed all four appeals. Accordingly each of my decisions includes common sections covering those topics. Other topics were addressed separately at the inquiry in respect of the individual appeals. A common set of core documents (CDs) was prepared for the inquiry. Similarly the lists of inquiry appearances and documents are common to each of the four decisions.

4. Appeal A was submitted in outline form, with approval sought for access at this stage. An amended access plan was included with the statement of common ground for appeal A<sup>1</sup>, which showed 2.4m by 50m visibility splays and certain detailed changes including an increase in width of the access road, and a crossing point there replacing those on each side of the junction on Moss Side Lane. Following discussion at the inquiry about the provision of a footway link along Moss Side Lane, the Appellant submitted a further revised access plan, which includes a narrower footway than originally envisaged extending to the north-east of the site frontage<sup>2</sup>. Other parties had the opportunity to comment on the access arrangements and footway link to site A at the inquiry, and I am satisfied that no prejudice would be caused by taking into account the latest revised access plan.
5. A unilateral undertaking was submitted at the inquiry in relation to appeal A (Document APPA1). It makes provision for affordable housing, and for financial contributions towards highway works in Wrea Green and Warton, and towards public realm improvements.
6. In July 2018, after the inquiry had closed, the Government published the revised National Planning Policy Framework (NPPF). Subsequently the Government published new and updated chapters to Planning Practice Guidance (PPG) and the Office for National Statistics published the 2016-based household projections in September, and in October the Borough Council adopted the Fylde Local Plan to 2032 (the Local Plan). Accordingly the Appellants for each of the four appeals, the Borough Council, the Community Association for the Protection of Wrea Green (CAPOW), Ribby-with-Wrea Parish Council and Bryning-with-Warton Parish Council were given the opportunity to comment on the implications of these documents for their respective cases.

## Main Issues

7. Reason for refusal No 4 expressed concern about the nature of the access arrangements to the site, and in its statement of case the Borough Council referred to an adverse impact on the junction of Lytham Road (the A584) and Church Road in Warton and on the capacity of Bryning Lane, which runs south from Wrea Green and becomes Church Road in Warton. Subsequently, in the statements of common ground in respect of appeal A and Lytham Road/Church Road, Warton (CDs11.4 & 11.3), it was agreed that there were no highway objections to the proposal. However objections on highway grounds have been made by local representatives, CAPOW, and local residents.
8. Reason for refusal No 5 is concerned with affordable housing and certain financial contributions. The Local Education Authority has reviewed the requirements for school places, and does not seek a contribution for either the primary or secondary sectors (CD18.6). Contributions towards public realm

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<sup>1</sup> CD11.4, Appendix C.

<sup>2</sup> Document APPA5.

enhancements and transport measures are provided for by planning obligations (above, para 5).

9. Accordingly, I consider that the main issues in this appeal are:

- (i) Whether Wrea Green is a sustainable location for the scale of development proposed.
- (ii) The effect of the proposed development on the character and appearance of the area.
- (iii) The effect of the proposed development on traffic movement and highway safety.
- (iv) The extent of housing land supply in Fylde.

### **Planning policies**

10. The Development Plan includes the *Fylde Local Plan to 2032*<sup>3</sup>, which was adopted in October last year. The following policies of the Local Plan are of most relevance in this appeal.
11. Policy S1 sets out a settlement hierarchy in which Wrea Green is included in the third level: Tier 1 – Larger Rural Settlements. Within the rural areas, development is to be restricted to the larger and smaller rural settlements, except where allowed by policies concerning the Green Belt, areas of separation, and the countryside.
12. Under Policy DLF1, most new residential and employment development, including 90% of new homes, is intended to take place at four strategic locations. The non-strategic locations comprise the local service centre of Freckleton, and the Tier 1 and Tier 2 rural settlements: here 10% of new homes are expected to be located. Policy SL5 identifies development sites outside the strategic locations: six sites at Wrea Green with a combined capacity of 246 dwellings are listed. None of the four appeal site is included in this list. Policy GD1 provides for settlement boundaries: the main part of the appeal site is outside the settlement boundary for Wrea Green, and in a countryside area as shown on the policies map<sup>4</sup>. Development opportunities in the countryside are set out in Policy GD4, and none of the categories listed covers the appeal proposal. Policy GD7 seeks to achieve good design in development: amongst other requirements proposals should conserve and enhance the historic environment, be sympathetic to surrounding uses and occupiers, avoid demonstrable harm to visual amenity, make a positive contribution to the character and local distinctiveness of the area, protect existing landscape features, and not prejudice highway safety and the efficient and convenient movement of highway users.
13. Policy H1 is concerned with housing delivery, and sets an annual minimum requirement of 415 additional dwellings for the plan period of 2011-2032. Part c of the policy specifies that calculations concerning the five years supply of housing land are to be undertaken using the Liverpool method. Policy H2 seeks a minimum net density of 30 dwellings per hectare (dph), and that proposals should provide a broad mix of homes, including accommodation for the elderly. All market housing schemes of 10 or more dwellings are required to provide

<sup>3</sup> Document LPA13, Appendix B.

<sup>4</sup> The appeal site includes a short length of Moss Side Lane, part of which is within the settlement boundary.

affordable housing/ starter homes at a level of 30% unless viability testing demonstrates that this provision would prevent delivery of the development (Policy H4). In most cases affordable housing should be provided on-site.

14. Policy ENV1 requires that development has regard to its visual impact within its landscape context, and landscape features should be conserved and wherever possible enhanced. The northern edge of the main part of the appeal site abuts Wrea Green Conservation Area<sup>5</sup>. Proposals affecting the setting of any conservation area should conserve or enhance those elements which make a positive contribution to its special character and appearance and setting (Policy ENV5). Policy INF2 specifies that, subject to viability, development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services and the environment. A series of measures to enhance sustainable transport choice are set out in Policy T4.
15. In 2012, the Parish of Ribby-with-Wrea, which includes Wrea Green, was designated as a neighbourhood plan area. However the statement of common ground on planning policy and sustainability explains that no substantial work has been undertaken on the preparation of a plan.

## Reasons

### ***Sustainability of Wrea Green for the scale of development proposed***

16. Wrea Green lies in the countryside, about 2km south-west of Kirkham, 3.6km to the north of Warton, and 6.9km north-east of Lytham, all of which are larger settlements. It is predominantly residential in nature, but also includes a small industrial estate adjacent to the railway. A number of facilities and services are located in Wrea Green, including a primary school, a convenience store, and a public house. About 1.5km to the east is the Ribby Hall holiday and leisure complex where certain leisure facilities, food and drink outlets, and a convenience store are open to the wider public.
17. The development strategy of the recently adopted Local Plan explains that most development is expected to take place at four strategic locations, but, under Policy SL5, it also provides for development to take place elsewhere, including at Wrea Green. Wrea Green is identified as a larger rural settlement, in the third level of the hierarchy, and the settlement boundary is more extensive than the limits of development of the former Local Plan<sup>6</sup>, including several sites which have come forward for housing in recent years. However the land on the appeal site where residential development is proposed has not been included. It is part of a countryside area, and the proposal for housing would conflict with Policy GD4 which provides for a limited range of development opportunities in such locations. The strategy which underpins the Local Plan provides some opportunities for proposals in local service centres and rural settlements, but the focus for new development is on the key service centres and the strategic locations for development. That approach is consistent with the NPPF, which at paragraph 103 makes clear that significant development should be focussed on locations which are, or can be made, sustainable. The Local Plan envisages around 100-150 dwellings coming forward in larger rural settlements over the 21 years of the plan period<sup>7</sup>. In

<sup>5</sup> A plan of the conservation area is at CD19.5.

<sup>6</sup> The proposals map for the Fylde Borough Local Plan (as altered) is at Document G4.

<sup>7</sup> Justification to Policy SL5, para 6.21.

Wrea Green 253 dwellings have already come forward since 2011<sup>8</sup>, well in excess of the number anticipated in the Local Plan. Whilst there is no ceiling on the number of dwellings which could be built at the settlement, it is clear that it is expected to reflect the position of Wrea Green in the development strategy.

18. The number of additional dwellings for tier 1 rural settlements referred to in the Local Plan is not an indication of their capacity for development. In response to my question, the Borough Council's policy witness explained that the number is derived from the distribution of the 10% of new homes intended to come forward outside the strategic locations (above, para 12). The four strategic locations where development is intended to be focussed include key service centres and local service centres. In the Local Plan, the justification to Policy S1 explains that key service centres include a range of housing and employment opportunities, together with facilities and services which serve a wide area, and good public transport links or the potential to develop such links. Local service centres are recognised as providing services for nearby rural settlements, and also as being well placed to provide for future local housing and employment needs. Focusing most new development in the strategic locations is consistent with the economic, social and environmental dimensions of sustainable development, as referred to in paragraph 8 of the NPPF. Accordingly only a limited level of development is distributed between the non-strategic locations identified in the Local Plan.
19. Policy DLF1 refers to the broad distribution of development, seeking to direct around 7,845 homes (90%) to strategic locations and around 870 homes (10%) to non-strategic locations. This form of words allows a degree of flexibility, as advocated by the Local Plan Inspector<sup>9</sup>. I note also that in the Local Plan's performance monitoring framework, indicator 4 has a trigger for action when the number of dwellings in non-strategic locations exceeds 15%. The Appellants have calculated that the total of about 159 dwellings from the four appeals would represent 1.8% of the overall minimum housing requirement, and result in 11.6% of housing occurring in non-strategic locations<sup>10</sup>. More significantly, they would also represent 18.3% of the level of development intended for non-strategic locations, with the number of dwellings in appeal A itself representing 5.7%. The sites outside the strategic locations, identified in Policy SL5 (and including land in Wrea Green), have a combined capacity of 933 dwellings, which slightly exceeds the 10% level and thereby already applies a degree of flexibility to the 90%/ 10% split in respect of the location of residential development.
20. The number of dwellings already committed in Wrea Green since 2011 markedly exceeds the indicative range for tier 1 settlements in the Local Plan (above, para 17). The appeal proposal would add about 50 dwellings, and if all of the appeals before me were allowed, about 159 additional dwellings would be provided. Those figures would result in the total number of new dwellings exceeding the upper end of the range by about 100% and 175% respectively. These amounts of development are more suited to a higher level than a tier 1 rural settlement.

<sup>8</sup> The table on page 11 of CD20.2 lists residential commitments at Wrea Green since 2011. The slightly lower figure of 246 dwellings in the table on page 3 of CD11.1 excludes sites accommodating fewer than five dwellings.

<sup>9</sup> Document LPA13, Appendix D para 40.

<sup>10</sup> Document APPJ14 para 3.25.



21. I have considered the availability of facilities and services for Wrea Green and the likely implications in terms of travelling. Facilities and services are identified in the statement of common ground on planning policy and sustainability (CD11.1) and the Settlement Hierarchy Background Paper (CD3.12) assesses the relative availability of facilities and services as part of the preparation of a settlement hierarchy for the Local Plan. There are several key services in Wrea Green, including a convenience shop, a post office (within the shop), a primary school, and a community facility.
22. There was particular discussion at the inquiry concerning the school and the shop. It is common ground between the main parties that the primary school is within walking distance of each of the appeal sites. The school is full, with the number on roll (152) slightly exceeding the capacity for 150 pupils<sup>11</sup>. However Lancashire County Council, as the Local Education Authority, does not seek a financial contribution towards additional places, since one of the existing schools taken into account in the surrounding area is projected to have a surplus of 95 places within the next five years<sup>12</sup>. This school is at Warton, and is over 3km from the appeal site. Having regard to the admission arrangements for the school in Wrea Green and place of residence of pupils, the Appellants argue that the appeal proposals need not lead to children of primary school age travelling to another settlement. A statement entitled *School Information* on the School's website explains that about half of the 156 pupils are from beyond the local community, including Warton, Kirkham, Blackpool, Preston and Lytham (Document APPJ2). The School's Admission Arrangements give priority to children whose parents live within the ecclesiastical parish of Ribby-cum-Wrea (which includes Wrea Green and the surrounding countryside) over those whose parents live outside the parish<sup>13</sup>. It is suggested that children from the appeal sites, and existing housing commitments in Wrea Green, would displace children from further afield.
23. The information referred to by the Appellants is not sufficiently robust to enable any great reliance to be placed on this suggestion. I note that the number of children of primary school age recorded in Ribby-with-Wrea Ward in the 2011 Census<sup>14</sup> appears broadly consistent with the reference on the school website to the proportion of pupils from the local community. However the census ward is less extensive than the ecclesiastical parish and may, therefore, not fully reflect the number of local pupils. More fundamentally, the website statement is undated and simply gives the position at a point in time. It is not clear how recent the statement is, nor whether the proportion of pupils from beyond the local community reflects a continuing situation. Fourteen primary school age children are expected to be generated by appeal A, and a further 29 by the other three proposals<sup>15</sup>. Wrea Green school is fully subscribed, and I do not consider that the information before me indicates that there would be scope for all the additional children from the appeal proposals to be accommodated there in place of children from beyond the ecclesiastical parish. I anticipate that the appeal proposal would result in trips being made to primary schools outside Wrea Green.

<sup>11</sup> CD20.2, table on pages 52 & 53.

<sup>12</sup> The LEA's assessment is in the email at CD18.6.

<sup>13</sup> The Admission Arrangements for 2019 and a map of the ecclesiastical parish are Documents APPJ2 and G9 respectively.

<sup>14</sup> CD16.9 – Ribby-with-Wrea 2011 Census Ward – Local Area Report, page 4 – table on age structure.

<sup>15</sup> CD20.2, table in para 13.57.

24. The shop in Wrea Green sells a range of food and other convenience items and also accommodates the post office. As the Borough Council points out, the site is constrained, and there is no clear opportunity to expand the premises. As a small convenience store, I expect that the shop provides a top-up service and that it does not account for main shopping trips. Indeed, I note that the Settlement Hierarchy Background Paper assesses local stores in rural settlements and accessibility to supermarkets separately. There is no substantive evidence that the role of the existing shop as a convenience outlet would be adversely affected by additional housing, but more shopping trips for other purposes would inevitably be made outside the settlement.
25. Certain additional facilities and services are available at Ribby Hall holiday and leisure complex. As a convenience store, food and drink outlets, and pre-school are present in Wrea Green, these facilities do not extend the variety of provision. A swimming pool, health club and gym are the principal facilities at Ribby Hall which would augment those in the settlement itself. Ribby Hall is physically separate from Wrea Green. Whilst the facilities there are within cycling distance of the appeal site, they are beyond the preferred maximum walking distance of 1.2km for purposes other than town centres, commuting, school and sight-seeing, set out in the Guidelines for Providing for Journeys on Foot<sup>16</sup>. Moreover, outside the settlement, a large part of the route along Ribby Road is not overlooked. Particularly outside the hours of daylight, the nature of this route is unlikely to encourage trips on foot.
26. There is a small industrial estate at Wrea Green, and there are other employment opportunities available at Ribby Hall. I agree with the main parties that most journeys to work for existing and future residents will involve travelling outside the settlement. Journeys by future residents out of Wrea Green would also be required for secondary education, shopping (other than local convenience requirements), and to access a wider range of services.
27. The nearby settlements of Kirkham, Wesham and Warton are within cycling distance of Wrea Green. Kirkham is a key service centre, and both Wesham and Warton are local service centres. There are employment opportunities at these settlements, including the major BAE Systems works at Warton, and access to the rail network is available from Kirkham & Wesham station.
28. There are two main bus routes which serve Wrea Green. The No 61 runs every 30 minutes between Blackpool and Preston on weekdays and Saturdays, with the frequency reducing to hourly in the evenings and on Sundays. This service also calls at Kirkham centre and Kirkham & Wesham rail station. The No 76 operates on a two hourly frequency between Poulton and Lytham, calling at Warton, with some journeys extending to Blackpool<sup>17</sup>.
29. Given the limited range of facilities, services and employment opportunities in Wrea Green, I anticipate that many trips made by future residents of the appeal site would be to destinations beyond the settlement. It is clear that opportunities exist to travel by bus to larger settlements from Wrea Green, but the Appellant's transport statement indicates that a significant proportion of journeys would be made by car. It envisages that the 50 dwellings proposed

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<sup>16</sup> CD10.3, table 3.2.

<sup>17</sup> Timetables for the 61 and 76 bus services are in Document APPJ1.



would generate 31 vehicle trips in the morning peak period and 29 vehicle trips in the afternoon peak<sup>18</sup>.

30. The Settlement Hierarchy Background Paper only takes account of one of the two bus services which now serve Wrea Green. If the No 61 is included in the assessment, the additional two points would place Wrea Green level with Freckleton, which is a local service centre. The outcome of the background paper is a relative ranking of settlements, and it would be inappropriate to review bus services in respect of just one of the 19 settlements assessed. In any event, the presence of a cluster of shops, a surgery, and a library all indicate that Freckleton is a higher order settlement than Wrea Green. I have also considered the position of Wrea Green relative to Warton. Warton has a lower aggregate score than Wrea Green, but it is identified as a local service centre in the Local Plan. That is because Warton, which is a strategic location, is intended to have improved services as a consequence of the development strategy. The first recommendation of the background paper refers to the need for further investment in Warton during the plan period to ensure that the settlement becomes a local service centre through the provision of a local retail centre and community facilities. The circumstances at both Freckleton and Warton differ from Wrea Green, and do not suggest that the latter settlement should receive a higher level of development than would be appropriate at the third level of the settlement hierarchy.
31. I find that, with a limited range of facilities and services, Wrea Green functions as a tier 1 rural settlement. Whilst the number of dwellings referred to in the ELP does not indicate a capacity limit for new development, and has already been exceeded in Wrea Green, the continued addition of significant housing proposals would be contrary to the Local Plan development strategy which seeks to focus development in higher order settlements and strategic locations. Such an approach, as part of the Development Plan, carries considerable weight. There are certain facilities and services, which may generally continue to operate effectively, although the position concerning the school is less clear-cut (above, para 23). They are however limited in extent, as are employment opportunities. In consequence, the proposed housing is likely to generate trips to destinations beyond Wrea Green, and bearing in mind the projections in the transport statement, it is likely that a significant proportion of these would be made by non-sustainable modes of transport. I conclude that the appeal site would not be a sustainable location for the housing development proposed, which would conflict with Policies DLF1, S1, GD1 & GD4 of the Local Plan.

### ***Character and appearance***

32. Wrea Green has grown around The Green in the centre of the settlement. The Green is the focal point not only of the settlement, but also of Wrea Green Conservation Area, which comprises this area of open space and the surrounding built development. The appeal site is situated a short distance to the south-west of The Green and is adjacent to the conservation area. It is agricultural land which rises to the south-east from Moss Side Lane.
33. In the *Landscape Character Assessment (LCA) of A Landscape Strategy for Lancashire* (CD16.4), Wrea Green and the surrounding countryside are included within The Fylde character area of the coastal plain. The LCA explains that the coastal plain is characterised by gently undulating or flat lowland farmland

<sup>18</sup> CD6.11, table 5.1.

divided by low clipped hedges. Woodland cover is generally low, but views are punctuated by small woods, and settlement is relatively dense. The site comprises part of a larger arable field together with the northern part of a narrow paddock adjacent to the road. Boundaries are the most part marked by hedgerows, and there are lines of trees along Moss Side Lane, and to the south of the site. The trees on the site frontage are covered by a tree preservation order (TPO – CD19.4).

34. Although the statement of common ground for appeal A (CD11.4) includes as an agreed matter that the site is not a valued landscape as detailed by paragraph 109 of the previous version of the NPPF, the Borough Council's landscape witness took a different view, referring to its scenic quality, its contribution to the visual approach to the village, and its inclusion in the view from the conservation area at The Green<sup>19</sup>. The revised NPPF (at para 170a) continues to seek the protection of valued landscapes, but it adds that this should be commensurate with their statutory status or identified quality in the development plan. Site A has no statutory designation, and it is not identified in the Development Plan for its landscape quality. Consequently, in the terms now expressed in the NPPF, it is not a valued landscape.
35. The proposal is in outline form, but an illustrative masterplan has been submitted. In response to the comments of the Inspector who dismissed a previous appeal in 2014 (CD12.4), the housing has been set back from Moss Side Lane, and the western part of the site is intended to form an area of open space. In addition, the junction of the access road with Moss Side Lane is shown further to the west and further from The Green. Notwithstanding the reduced extent of the built form, the development of housing and formation of open space would fundamentally alter the character of the site in a harmful way through urban encroachment. I am particularly concerned about the effect of the proposal on the character of the immediate surroundings. The site brings the rural landscape which surrounds Wrea Green close to the centre of the settlement, and this attribute would be significantly diminished by the appeal proposal. Over time planting would establish a softer edge to the new buildings, but as the housing would be built on the more elevated part of the site, the development would remain as a prominent projection from the existing built form.
36. The second report of *A Landscape Strategy for Lancashire*, the *Landscape Strategy* itself (CD16.5), considers the implications of local forces for change. Amongst other factors, it refers to continued suburbanisation and large scale residential development which would create harsh edges to villages and introduce urbanising elements into the rural landscape of the Fylde. Although the proposal would involve a relatively large development for a rural settlement, the site is close to the centre of Wrea Green and the proposed housing would extend no further south than the nearby built form on either side of Bryning Lane. There would be only limited harm to the wider landscape character area.
37. I turn now to consider the visual effects of the development. On the approach to the site along Moss Side Lane from the south-west, the housing development would come into view past the junction with the track which carries public footpath 5 (Appellant's viewpoint 5 (VP5), Council's VP6.3). Due

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<sup>19</sup> CD20.4, para 4.22.

to the rising land, the presence of the buildings would be apparent above the intervening hedgerows, and I do not consider that the additional tree planting proposed would satisfactorily mitigate the extent of built development proposed across this tract of open land. The impact would be greatest along the eastern part of the frontage where the development would be closer to the road, and the position of the site access would facilitate views (Appellant's VP 8, Council VPs 12.2-12.4). From here the upper parts of dwellings on Bryning Lane and Bryning Avenue are visible on the skyline. The buildings on the appeal site would have a much stronger presence, and there would be a major adverse effect from this part of Moss Side Lane.

38. The appeal site abuts Wrea Green Conservation Area (above, para 14) and clearly forms part of its setting. A report on the conservation area was produced by the Council in 1977 (CD16.6): it explains that the character stems in the main from the grouping of buildings and trees around the central village green, and not from the quality of buildings but from the open space enclosed. The report continues by referring to trees and greenery distributed amongst the buildings, which add to the unity of the setting and help to create attractive vistas and views. I note that the report also states that development behind the frontage buildings (to The Green) does not detract from the conservation area as it is not visible from within its boundary, but that would not be the case in respect of the appeal proposal. Through the gap formed by Moss Side Lane, the greenery of the appeal site is evident from The Green (Appellant's VP7 & 7A, Council's VPs 10.1-10.3), providing not only an attractive foil to the enclosing built form, but also a visible link to the rural landscape. Even with the layout shown on the masterplan, buildings on the appeal site would be seen encroaching into this view, particularly from the south-west corner of The Green. As additional tree cover matured there would be greater screening of the housing, but this cover would also have the effect of severely restricting the view out of the conservation area along Moss Side Lane. This effect is illustrated in the Appellant's photomontage from VP7A. I consider that views including the appeal site make an important contribution to the significance of Wrea Green Conservation Area, and that the development would detract from the setting of this heritage asset. In consequence it would conflict with Policies ENV5 & GD7(e) of the Local Plan.
39. I conclude that the proposed development would adversely affect the character and appearance of the area, contrary to Policies GD7(g & h) & ENV1 of the Local Plan. It would not represent an appropriate change in this location, and would be in conflict with paragraph 127(c) of the NPPF which encourages developments to be sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In particular the harmful effect on the landscape of the site and its surroundings merits significant weight, as does the erosion of visual amenity in views from the northern part of Moss Side Lane and from The Green. For the latter reason, the proposal would detract from the setting of the conservation area: having regard to paragraph 196 of the NPPF, this would represent less than substantial harm to the significance of the conservation area as a whole.

## ***Traffic movement and highway safety***

### ***Bryning Lane/ Church Road and the junction with the A584***

40. Wrea Green lies at the intersection of four routes. The road to the south (Bryning Lane/ Church Road) provides a route between the M55 and locations in Blackpool and Wyre to the north and Warton to the south where there is a large BAE Systems factory. Notwithstanding the position of agreement reached in the statements of common ground concerning highway matters, there is continuing concern within the local community about the effect of the four appeal proposals on Bryning Lane/ Church Road and on the crossroads junction which it forms there with Lytham Road (the A584) and Highgate Lane (above, para 7).
41. An improvement scheme has been prepared for the crossroads junction, which is linked to three major housing developments permitted in Warton<sup>20</sup>. The measures include carriageway widening, the upgrading of traffic signal equipment and improvements in provision for pedestrians and cyclists<sup>21</sup>. The modelled forecast in the statement of common ground is that the four proposed housing developments in Wrea Green would together generate an additional 24 vehicle movements on Church Road and through the crossroads junction in the morning peak period and an additional 26 vehicle movements in the afternoon peak period<sup>22</sup>: there is no other modelled forecast of traffic movement through the junction before me. The additional traffic would increase the pressure on this busy junction, and it is agreed by the main parties that mitigation measures to address the additional impact would be required if any of the appeal proposals were permitted.
42. The unilateral undertakings in respect of each of the appeals includes provision for payment of a Warton Crossroads Contribution of £314 per dwelling to fund measures referred to in the statement of common ground. Measures envisaged include the installation of microprocessor optimal vehicle activation control, CCTV monitoring, the relocation of loops in the highway, a new signal control box, and new signal poles and heads. The Borough Council's highway witness explained at the inquiry that the extent of the measures required would be contingent on the number of schemes to come forward, and the funding arrangement provides the requisite flexibility for this approach.
43. Bryning Lane between Warton and Wrea Green is relatively narrow, with no footways or lighting, and the route encompasses a number of dips and bends. Traffic moves freely along this road, and although CAPOW referred to an increasing number of accidents, there is no specific evidence of a poor accident record on Bryning Lane. Subject to the implementation of mitigation measures commensurate with the number of dwellings to come forward in Wrea Green I do not consider that the appeal proposal alone, or in combination with any of the other three schemes would reduce highway safety or adversely impact on traffic movement on Bryning Lane/ Church Road and at Warton crossroads.

<sup>20</sup> The location of the housing schemes at Blackfield End Farm, Clifton House Farm and Warton East are shown on the plan at Appendix 1 of CD11.3; a plan of the improvement scheme is at Appendix 10.

<sup>21</sup> The components of the improvement scheme are summarised in Document G3.

<sup>22</sup> The additional traffic movements are given in the table in paragraph 2.15 of CD11.3.

*Moss Side Lane*

44. Concern has been raised by neighbours that the position of the site access would reduce highway safety. It is common ground between the Appellant and the Borough Council that the new junction would have adequate visibility splays in each direction along Moss Side Lane. The new junction would be on the outside of a sweeping bend. Vehicles turning right may have to wait to enter the access road; however the curvature in the alignment of the road is not so great as to seriously restrict forward visibility for following traffic. Moreover a package of traffic calming measures is supported by each of the proposals<sup>23</sup>. In the case of appeal A these include speed cushion/s and junction table/s on this stretch of Moss Side Lane, which should ensure that the speed of traffic reduces as it approaches the junction with the access road. Dropped kerbs close to The Green would mark a crossing point. Whilst intervisibility between pedestrians and drivers would not be as great on the west side of the road due to the sweeping bend, the traffic calming measures should ensure that sufficient reaction time would be available. It follows that I find that the contribution of £62,893 towards the cost of these works is a necessary component of the unilateral undertaking.
45. The footway on this side of Moss Side Lane ends part way along the frontage of the adjacent property to the north, Five Oaks. As part of the proposed development a 1.8m wide footway would be provided from the access road along the site frontage towards The Green, and it is intended that a narrower 0.8m wide section would continue beyond the Appellant's land to provide a connection to the existing footway<sup>24</sup>. The occupier of Five Oaks disputed that this section of footway can be achieved, arguing that there would be insufficient land between his hedge and the carriageway, and that the situation is complicated by the higher level of the hedge<sup>25</sup>. At the inquiry, the Borough Council's highway witness (who was from the Highway Authority) acknowledged that the hedge itself is not part of the highway. However, having regard to adoption records, he confirmed that, with the hedge cut back, a footway could be formed along the verge in this location.
46. I conclude that the proposed development would not adversely affect traffic movement and highway safety on Moss Side Lane or on the wider highway network. In this respect there would be no conflict with Policy GD7(q) of the Local Plan or paragraph 109 of the NPPF.

***Housing land supply***

47. There is disagreement between the four Appellants and the Borough Council as to whether there is a five years supply of housing land in Fylde. It is the Borough Council's position that following the adoption of the Local Plan there is a deliverable supply as required by paragraph 73 of the NPPF. For their part, the Appellants point out that the Local Plan was prepared under the former version of the NPPF, and that a new housing land assessment should be undertaken in the context of the revised NPPF.
48. Paragraph 74 of the NPPF makes it clear that a five years supply of deliverable housing sites can be demonstrated where it has been established in a recently

<sup>23</sup> Plans of the traffic calming measures are at Appendix I of CD11.4 and Appendix 4 of CD11.12.

<sup>24</sup> The extended footway is shown on the revised access plan, Document APPA5.

<sup>25</sup> Documents TP22 & TP24.



adopted plan. There can be no doubt that the Fylde Local Plan to 2032, adopted in October 2018, is a recently adopted plan. The Appellants also draw attention to paragraph 3-049 of PPG, which provides guidance on demonstrating a five years land supply. Referring to the NPPF, this part of PPG explains that if strategic policy-makers choose to confirm their five years supply under paragraph 74, they will need to indicate that they are seeking to do so at Regulation 19 stage. The Appellants point out that this step for the purposes of paragraph 74 was not undertaken as paragraph 74 post-dates the examination and previous stages of the then emerging Local Plan (ELP). That chronology is self-evident. However, the version of Policy H1 in the publication edition of the ELP states at part (c): *Ensuring that there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply from the start of each annual monitoring period...* It was clearly the intention at that stage of the ELP that a five years supply of housing land would be established through the Local Plan. That intention remains in the adopted Plan.

49. It is true that the Local Plan was prepared in the context of the previous version of the NPPF. That version explained that sites with planning permission should be considered deliverable unless there was clear evidence that schemes would not be implemented within five years, and the former version of chapter 3 of PPG referred to allocated sites in the same vein. The revised NPPF takes a different approach: the definition of deliverable states that *Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*. I note that the Borough Council issued an updated housing land supply statement in August 2018<sup>26</sup>, which removed 736 dwellings from the supply in response to this change in the NPPF. The Appellants' housing land witness has adjusted this figure to reflect the base date of 30 September 2017 agreed for these appeals. He has also reviewed sites which were contested in the evidence to the inquiry, and has suggested that further discounts should be applied in recognition of the position taken by the Borough Council in another appeal in September 2018<sup>27</sup>.
50. The revised housing land assessment undertaken on behalf of the Appellants applies scenarios where the shortfall would be met over the remainder of the Plan period (the Liverpool approach) and alternatively where it would be met within the five years period (the Sedgfield approach). The Local Plan Inspector concluded that the Liverpool approach is appropriate in Fylde, and this is specifically referred to in part (c) of Policy H1. On this basis, and applying a 20% buffer, a five years requirement of 2,858 dwellings is calculated, as set out in the penultimate column of table 2 of the housing supply statement of common ground (CD11.2). Application of the Appellants' discounts to the supply given in the September 2017 housing land supply statement (CD15.1) would give a reduced level of 2,477 dwellings, sufficient for 4.33 years<sup>28</sup>.
51. As the Appellants' evidence demonstrates, a variety of housing land scenarios can be calculated. However in this case there is a very recently adopted Local Plan, in relation to which the Inspector has found that there is a housing land

<sup>26</sup> Document LPA11, Appendix A. Although published in August 2018, this document has a base date of 31 March 2018.

<sup>27</sup> Document APPJ13, paras 11.32-11.40.

<sup>28</sup> Document APPJ13, table in para 11.41.

supply of 6.4 years<sup>29</sup>, and the NPPF reaffirms that the development plan is the starting point for decision making. It is the intention that the Local Plan (Policy H1(c)) will provide enough deliverable land to maintain a five years supply, and I agree with the Appellants that it is too early for an annual position statement to be prepared. For these reasons I conclude that the Borough Council is entitled to rely on paragraph 74 of the NPPF to demonstrate a five years supply of housing land through its recently adopted Local Plan. Both Policies DLF1 and H1 refer to a minimum level of provision for housing. There is no ceiling on the number of new dwellings which may come forward, and, bearing in mind paragraph 59 of the NPPF which refers to the Government's objective to significantly boost the supply of homes, the additional dwellings proposed in appeal A would represent a benefit, although one to which I attribute moderate weight only given its modest size in the context of the overall housing requirement.

### ***Other considerations***

#### *Affordable housing*

52. Addendum1 to the Fylde Coast Strategic Housing Market Assessment identifies a net annual affordable housing need of 249 dwellings in the Borough, representing a significant proportion of the overall annual need for 415 dwellings. In response, Policy H4 of the Local Plan seeks the provision of 30% affordable housing on schemes of 10 or more dwellings. An obligation in the unilateral undertaking would secure this level of provision. Whilst this is an important benefit of the proposal, it would result in 15 affordable dwellings. In view of the limited contribution to the need for affordable homes, this is a benefit to which I give moderate weight.

#### *Biodiversity*

53. It is intended that the scheme would include measures to enhance biodiversity in accordance with Policy GD7 of the Local Plan, and these could be secured by conditions. Much of the green infrastructure on the site would be included in areas of informal open space, where activity generated by the new housing would be likely to cause a certain amount of disturbance to the natural environment. Accordingly I give moderate weight to biodiversity enhancements.

#### *Drainage and flood risk*

54. Concern has been expressed by CAPOW about incidents of flooding in Wrea Green, and Moss Side Lane is cited as the road with the worst flooding problems in the village. Photographs of flooding in 2016 have been submitted, one of which shows water across the road close to the existing access to the appeal site<sup>30</sup>. The flood risk assessment (CD6.5) acknowledges the problem on Moss Side Lane, but records Lancashire CC, as lead local flood authority, explaining that there is no requirement for a developer to find a solution to existing issues beyond what is possible within the layout and form of the development itself. The proposal would result in an increase in impermeable surfaces, raised above Moss Side Lane. Accordingly the sustainable drainage statement proposes attenuation and storage of surface water to avoid the greenfield run-off rate being exceeded. With the safeguard of a condition

<sup>29</sup> Document LPA13 Appendix D, para 87.

<sup>30</sup> Photographs of flooding on Moss Side Lane are on pages 20-22, 27 & 28 of Document TP3b.

requiring approval of a surface water scheme incorporating any necessary flow attenuation measures, I do not consider that the proposed development would increase flood risk in the locality.

#### *Living conditions*

55. Orchard Cottage is situated on the opposite side of Moss Side Lane, close to the position of the proposed access. The occupiers are concerned that headlights from vehicles leaving the site would cause a nuisance. The access plan (Document APPA5) shows the junction with the new road just off-set from Orchard Cottage. Vehicles turning left would face towards its front elevation, but the effect of their lights could be minimised by the level of the access road, and that is a matter which could be the subject of a condition.
56. Concern has also been expressed about noise from commercial vehicles passing over speed cushions and junction tables on Moss Side Lane. The presence of several of these traffic calming features on this short stretch of road should ensure that vehicles travel more slowly and that the speed limit of 20mph is generally observed. At this speed I do not consider that noise from vehicles travelling along Moss Side Lane would be likely to unacceptably worsen the living conditions of nearby residents. Accordingly I find no conflict with criterion (h) of Policy GD7 which requires development proposals to be sympathetic to surrounding land uses and occupiers.

#### *Economic considerations*

57. The Appellant refers in general terms to economic benefits from jobs and spending, both during the construction period and when properties would be occupied. There is no detailed evidence on this matter, and in any event these are generic considerations which would apply equally to any development of 50 dwellings in the area. Economic considerations merit little weight in support of the appeal proposal.

#### *Tree preservation order*

58. A group of eight trees on the frontage of the appeal site (five sycamores, two beech and one ash) are covered by a tree preservation order (CD19.4). None of the trees would need to be removed to accommodate the proposed development.

#### *Agricultural land*

59. It is the Appellant's undisputed evidence that the majority of the appeal site is grade 3b land<sup>31</sup>, which is not the best and most versatile land. Moreover the site does not involve a significant loss of agricultural land in this part of the Borough.

#### *Public realm enhancements*

60. In line with Policy INF2 of the Local Plan, the Council's Regeneration Framework (CDs19.10 & 19.11) identifies projects across the Borough for environmental improvements. The Wrea Green Project (CD19.7) includes enhanced street lighting, enhancing the area outside St Nicholas's Church, footway improvements and tree planting around The Green. The Council explains that the works for which funding has already been secured would not

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<sup>31</sup> CD6.3, para 4.32.



secure the improvements to the public realm necessary to mitigate the effect of the proposals. It has been agreed that a contribution of £1,000 per dwelling would be made to the project, including extending the improved paving scheme in the conservation area and developing the grassed area in front of the public house for community activity. The unilateral undertaking includes an obligation to this effect. As these enhancements also represent mitigation, I give them only limited weight.

### ***The planning obligations***

61. I have already considered the provisions of the planning obligations concerning contributions towards the Warton crossroads and Wrea Green highway schemes (above, paras 42 & 44), affordable housing (para 52) and public realm enhancements (para 60). These measures are consistent with local policies and their implementation would be necessary to contribute to a satisfactory standard of development. I find that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met, and the provisions of the unilateral undertaking are material considerations in this appeal.

### **Conclusions**

62. The proposal would cause less than substantial harm to the significance of Wrea Green Conservation Area, and in accordance with paragraph 196 of the NPPF, this harm, which carries great weight, must be weighed against the public benefits of the development. The provision of additional market housing carries moderate weight. I also attach moderate weight to the affordable housing which would be brought forward by the scheme and to biodiversity enhancements. In addition the contribution of the scheme towards public realm enhancements in Wrea Green and economic benefits provide limited and little weight in support of the proposal. I conclude that the combination of public benefits does not outweigh the less than substantial harm to the significance of the conservation area.

63. Wrea Green would not be a sustainable location for the residential development proposed, which would conflict with Policies DLF1, S1, GD1 & GD4 in the Local Plan, and this is a matter to which I give significant weight. Because of its adverse effect on the setting of the conservation area and other harm to the character and appearance of the area, there would also be conflict with Policies ENV1, ENV5 & GD7. The harmful effect on the landscape of the site and its surroundings merits significant weight, as does the erosion of visual amenity in views from the northern part of Moss Side Lane and from The Green. Although there would be compliance with other aspects of Policy GD7 concerning highway safety, the relationship with nearby uses and biodiversity, and the level of affordable housing sought by Policy H4 would be provided, I conclude that the proposal would be contrary to the Development Plan considered as a whole. I have identified the benefits of the proposal above (para 62). These would be clearly outweighed by the harm caused by the proposal, and there are no material considerations which indicate that the appeal should be determined other than in accordance with the Development Plan.

64. For the reasons given above, and having regard to all matters raised including the suggested conditions, I conclude that the appeal should be dismissed.

*Richard Clegg*

INSPECTOR

**APPEARANCES**

## FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton of Counsel	Instructed by the Legal Services Department, Fylde BC.
He called	
Mr S Smith BA MSc	Blackpool Airport Enterprise Zone Delivery Manager, Blackpool Council.
Mr A Stell BA(Hons) MRTPI	Development Manager, Fylde BC.
Mr N J Stevens BEng(Hons) MSc	Highways Development Support Manager, Lancashire County Council.
Mr D Longdin BSc DipLA FLI	Partner, Randall Thorp.

## FOR APPELLANT A:

Mr A Crean QC	Instructed by Colliers International.
He called	
Mr P Gray BA(Hons) BLA CMLI	Director, PGLA Landscape Architects.
Mr K G Riley BSc(Hons)	Projects Director, Mott MacDonald.
Mr A H Aitken BSc MRTPI	Head of UK Planning, Colliers International.

## FOR APPELLANT B:

Mr V Fraser QC	Instructed by Mr Harris.
He called	
Mr S A Harris BSc(Hons) MRTPI	Director, Emery Planning Partnership.
Mr N I Folland BA(Hons) DipLA CMLI	Director, Barnes Walker Ltd.
Mr D Roberts IEng FIHE FCIHT	Director, SCP.

## FOR APPELLANT C:

Mr M Carter of Counsel	Instructed by Mr McAteer.
He called	
Mr A McAteer DipTP DMS MRTPI	Director, McAteer Associates Ltd.
Mrs L Cruice BA DipLA TechArborA CMLI	Director, Appletons.
Mr J B Farmery MEng CEng MICE MCIHT ICE	Managing Director, Cole Easdon Consultants Ltd.
Mr R Bowley BSc CEng MCIWEM	Director, Cole Easdon Consultants Ltd.

## FOR APPELLANT D:

Mr I Ponter of Counsel	Instructed by Knights 1759.
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He called	
Mr W Booker BSc	Director, SCP.
Mr J Berry BA(Hons)	Partner, Tyler Grange LLP.
DipLA CMLI AIEMA	
MArborA	
Mr A Corinaldi-Knott	Associate, Knights 1759.
MTCP MRTPI	

**INTERESTED PERSONS:**

Councillor F Andrews	Member of Fylde BC for Ribby-with-Wrea Ward.
Councillor J Maskell	Chairman, Ribby with Wrea PC.
Councillor M Wright	Member of Bryning-with-Warton PC.
Mr J Rowson	Chairman, Community Association for the Protection of Wrea Green.
Mr P Bagot	Local resident.
Mr E Brown	Local resident.
Mr M Cockrill	Local resident.
Mr R S Hetherington	Local resident.
Mr G McAuley	Local resident.
Mrs J Moreau	Local resident.
Mr J E Murphy	Local resident.
Mrs M A Murphy	For Mrs R Hatton, local resident.
Mr J Nelson	Local resident.
Mrs H Rowley	Local resident.
Mr J D Rowley	Local resident.
Mr J Smallwood	Local resident.
Mr B Taylor	Local resident.

**CORE DOCUMENTS – SUPPLEMENTARY LIST****CD20 The LPA's additional proofs of evidence**

CD20.10 Mr Smith's rebuttal proof of evidence.  
 CD20.11 Appendices to Document CD20.10.  
 CD20.12 Mr Longdin's rebuttal proof of evidence.  
 CD20.13 Appendices to Document CD20.12.

**CD21 The Appellants' joint proofs of evidence**

CD21.1 Mr McAteer's proof of evidence on behalf of the Appellants.  
 CD21.2 Appendices to Document CD21.1.  
 CD21.3 Mr Harris's proof of evidence on behalf of the Appellants.  
 CD21.4 Appendices to Document CD21.3.

**CD22 Appellant A's proofs of evidence.**

CD22.1 Mr Gray's proof of evidence.  
 CD22.2 Appendix to Document CD22.1.  
 CD22.3 Mr Riley's proof of evidence.  
 CD22.4 Appendices to Document CD22.3.  
 CD22.5 Mr Aitken's proof of evidence.  
 CD22.6 Mr Aitken's supplementary proof of evidence.  
 CD22.7 Appendix to Document CD22.6.

**CD23 Appellant B's proofs of evidence**

CD23.1 Mr Folland's proof of evidence.  
 CD23.2 Appendices to Document CD23.1.  
 CD23.3 Mr Roberts's proof of evidence.

- CD23.4 Appendices to Document CD23.3.  
 CD23.5 Mr Harris's proof of evidence on behalf of Appellant B.  
 CD23.6 Appendices to Document CD23.5.  
**CD24 Appellant C's proofs of evidence**  
 CD24.1 Mrs Cruice's proof of evidence.  
 CD24.2 Appendices to Document CD24.1.  
 CD24.3 Mr Farmery's proof of evidence.  
 CD24.4 Mr Bowley's proof of evidence.  
 CD24.5 Appendices to Document CD24.4.  
 CD24.6 Mr McAteer's proof of evidence on behalf of Appellant C.  
 CD24.7 Appendix to Document CD24.6.  
**CD25 Appellant D's proofs of evidence**  
 CD25.1 Mr Berry's proof of evidence.  
 CD25.2 Appendices to Document CD25.1.  
 CD25.3 Mr Booker's proof of evidence.  
 CD25.4 Appendices to Document CD25.3.  
 CD25.5 Mr Corinaldi-Knott's proof of evidence.

### THE LPA's DOCUMENTS

- LPA1 Mr Easton's opening statement.  
 LPA2 Mr Stevens's note on qualifications and experience.  
 LPA3 Exchange of emails of March & April 2018 between the Council and Bannister Bates concerning a planning agreement relating to Oaklands Caravan Park.  
 LPA4 Extended extract from planning obligation concerning land at West Cliffe, Lytham St Annes.  
 LPA5 Extract from Sustrans website.  
 LPA6 CIL statement.  
 LPA7 Plan showing drainage concept overlain on wildlife corridor proposals for site C.  
 LPA8 Email dated 2 May 2018 from Mr Stell to Mr Easton & Mr Longdin concerning the heights of houses proposed on site C.  
 LPA9 Mr Easton's closing submissions.  
 LPA10 Email dated 4 May 2018 from Lancashire CC to Mr Stell concerning a footway link to site C.  
 LPA11 Letter dated 27 August 2018 from Mr Stell relating to the revised NPPF, and Housing Land Supply Statement 31 March 2018.  
 LPA12 Letter dated 10 September 2018 from Mr Stell commenting on representations in respect of the revised NPPF.  
 LPA13 Letter dated 29 October 2018 from Mr Stell relating to the Local Plan and updates to PPG.  
 LPA14 Appeal decision ref APP/M2325/W/17/3187426 concerning 68 dwellings at Wesham.

### THE APPELLANTS' JOINT DOCUMENTS

- APPJ1 Timetables for bus services through Wrea Green.  
 APPJ2 Headteachers's statement on school information from Ribby-with-Wrea Primary School website.  
 APPJ3 Ribby-with-Wrea Primary School Admission Arrangements, September 2019.  
 APPJ4 Extract from planning obligation concerning land at West Cliffe, Lytham

- St Annes.
- APPJ5 The Council's statement of case in respect of an appeal for up to nine dwellings at Elswick.
- APPJ6 Errata note for the emerging Local Plan by the Council concerning housing land supply.
- APPJ7 Extract from the Council's closing submissions for an appeal concerning land adjacent to Kilnhouse Lane and Queensway, Lytham St Annes.
- APPJ8 Notice of granting of non-material amendment concerning planning permission ref 15/0787 at Electronic Data Systems, Heyhouses Lane, Lytham St Annes.
- APPJ9 Mr Crean's, Mr Fraser's, Mr Carter's & Mr Ponter's closing submissions concerning joint matters.
- APPJ10 Letter dated 13 August 2018 from Mr McAteer relating to the revised NPPF.
- APPJ11 Letter dated 24 August 2018 from Mr Harris relating to the revised NPPF.
- APPJ12 Letter dated 10 September 2018 from Mr Harris commenting on representations in respect of the revised NPPF, and appeal decision relating to residential development at Bamber Bridge.
- APPJ13 Mr Harris's statement in respect of the Local Plan and updates to PPG.
- APPJ14 Mr Corinaldi-Knott's statement in respect of the Local Plan.

### **APPELLANT A's DOCUMENTS**

- APPA1 Unilateral undertaking in respect of appeal A.
- APPA2 Mr Crean's opening statement.
- APPA3a-b Appeal decision and report concerning mineral extraction and auger mining scheme at Widdrington, Northumberland.
- APPA4 Corrected LVIA summary tables.
- APPA5 Revised access plan for site A.
- APPA6 Mr Crean's closing submissions
- APPA7 Judgement in Derbyshire Dales DC and Peak District NPA v Secretary of State for Communities & Local Government and Carsington Wind Energy Ltd [2009] EWHC 1729 (Admin).

### **APPELLANT B's DOCUMENTS**

- APPB1 Mr Fraser's opening statement.
- APPB2 Unilateral undertaking in respect of appeal B.
- APPB4 Mr Fraser's closing submissions.
- APPB5 Mr Harris's response to Document G13.

### **APPELLANT C's DOCUMENTS**

- APPC2 Mr Carter's opening statement.
- APPC3 Unilateral undertaking in respect of appeal C.
- APPC4 Plans showing the adopted highway in the vicinity of site C.
- APPC5 Plot levels plan – site C.
- APPC6 Extracts from glossary, the Planning Portal.
- APPC7 Revised access plan for site C.
- APPC8 Mr McAteer's response to Document G13.

**APPELLANT D's DOCUMENTS**

APPD2	Mr Ponter's opening statement.
APPD3	Email dated 2 May 2018 from Knights 1759 to the Council and the County Council concerning the unilateral undertaking for appeal D.
APPD4a-e	Revised plans for appeal D.
APPD5	Mr Corinaldi-Knott's note concerning the extent and ownership of site D.
APPD6	Mr Ponter's closing submissions.
APPD7	Unilateral undertaking in respect of appeal D.
APPD8	Letter dated 28 August 2018 from Mr Corinaldi-Knott relating to the revised NPPF.

**OTHER PARTIES' DOCUMENTS**

TP1	Councillor Andrews's statement and appendix.
TP2	Councillor Maskell's statement.
TP3a-b	Mr Rowson's statements and appendices.
TP4a-c	Mr Rowson's comments on the LPA's and Appellants' proofs and the statements of common ground.
TP5	Councillor Wright's statement.
TP6	Mr & Mrs Rowley's statement in respect of Appeal A.
TP7	Mrs Rowley's comments on other parties' proofs and the statements of common ground.
TP8	Mr Hetherington's statement in respect of Appeal A.
TP9	Mr Hetherington's comments in response to Mr Gray's proof of evidence.
TP10	Mr Bagot's statement and appendices in respect of Appeal A.
TP11	Mr Cockrill's statement in respect of Appeal B.
TP12	Photographs relating to Document TP27.
TP13	Mr & Mrs Murphy's statement and appendix in respect of Appeal C.
TP14	Mr & Mrs Murphy's comments on the Appellants' proofs.
TP15	Mr Smallwood's statement in respect of Appeal C.
TP16	Mr & Mrs Hatton's statement and appendix in respect of Appeal C.
TP17	Mr Brown's statement in respect of Appeal C.
TP18	Mr McAuley's statement and appendix in respect of Appeal D.
TP19	Mr Taylor's statement in respect of Appeal D.
TP20	Mr Brown's supplementary statement and appendices.
TP22	Email dated 16 April 2018 from Legal & Democratic Services at Lancashire CC to Mr Bagot concerning a hedgerow on Moss Side Lane.
TP23	Bundle of representations from Mr & Mrs Moreau in respect of Document APP3B.
TP24	Mr Bagot's supplementary statement.
TP25	Mr Nelson's statement in respect of Appeal B.
TP26	Mr Rowley's comments on other parties' proofs and the statements of common ground.
TP27	Mrs Moreau's statement in respect of Appeal B.
TP28	Mr & Mrs Murphy's revised statement.
TP29	Email dated 1 May 2018, with plan, from Mrs Moreau to Mr Stell concerning separation distances in respect of appeal B.
TP30	Appendices to Document TP15.
TP31	CAPOW's comments relating to the revised NPPF.
TP32	Ribby-with-Wrea PC's comments relating to the revised NPPF.
TP33	CAPOW's comments on representations in respect of the revised NPPF.

- TP34 Ribby-with-Wrea PC's comments in respect of the Local Plan and the 2016 household projections.
- TP35 CAPOW's comments in respect of the Local Plan and the 2016 household projections.

## **GENERAL DOCUMENTS**

- G1 Schedule of disputed housing sites prepared by the Appellants and the Council
- G2 Supplementary statement of common ground for appeal A in relation to paragraph 109 of the NPPF.
- G3 Mr Stevens's note concerning highway scheme at Lytham Road/Church Road, Warton.
- G4 Adopted Local Plan proposals map.
- G5 Extract from emerging Local Plan policies map.
- G6 Site plan for previous appeal proposal on site C.
- G7 Council minutes concerning Wrea Green Conservation Area report.
- G8 Note on housing delivery and the development strategy.
- G9 Plan of the ecclesiastical parish of St Nicholas, Ribby-cum-Wrea.
- G10 Site visit locations suggested by parties attending the inquiry.
- G12 List of possible conditions submitted by the Council and the Appellants.
- G13 Regulation 2(4) notices concerning pre-commencement conditions, appeals B & C.





## Appeal Decision

Site visit made on 5 February 2019

**by S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11<sup>th</sup> February 2019**

**Appeal Ref: APP/M2325/W/18/3210319**

**Wrea View, Westby Mills, Westby, Lancashire PR4 3PL**

- 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 Mr M Taylor against the decision of Fylde Borough Council.
- The application Ref 18/0517, dated 14 June 2018, was refused by notice dated 23 August 2018.
- The development proposed is the change of use of a building approved as ancillary to the use of Wrea View (application No. 14/0728) to use as a separate dwelling house.

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of a building approved as ancillary to the use of Wrea View (application No. 14/0728) to use as a separate dwelling house at Wrea View, Westby Mills, Westby, Lancashire PR4 3PL in accordance with the terms of the application, Ref 18/0517, dated 14 June 2018, and the plans submitted with it, subject to the following conditions:
  - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
  - 2) the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing No. 1002-14-Rev B and Drawing No. 102-14-03.

### Reasons

2. The Fylde Local Plan to 2032 has been adopted and is the development plan context for deciding this appeal. I have had regard to an appeal<sup>1</sup> decision issued in May 2018 so far as it is material.
3. Development plan Policies S1, GD4 and H3 are the most relevant to the determination of this appeal. In the rural area development will be restricted to identified settlements except where it is permitted by Policy GD4 (Policy S1). Policy GD4 (b) says that development involving the reuse of existing permanent and substantial buildings in the countryside will be permitted. When considering proposals for residential conversions careful attention should be paid to the character of the immediate area and access to services (Policy H3).
4. Westby Mills is a small group of dwellings located in the open countryside. The building is freestanding and located to the rear of Wrea View. The supporting text to Policy GD4, paragraph 7.15, says that the reuse of substantial brick or stone buildings that are structurally sound may be an appropriate way of preserving an important local feature in the landscape or providing for a rural use which otherwise may have required a new building. The lpa say that as the building does not fall within either of these descriptions the proposal conflicts with Policy GD4.

<sup>1</sup> APP/M2325/W/18/3195723.

However, Criterion b of the policy does not say that, and I read paragraph 7.15 as examples and not as a restrictive or closed list. Thus, this proposal which involves the reuse of a substantial and permanent free-standing building accords with Policy GD4.

5. As far as I am aware other than the building being used as part of the extended family unit occupying Wrea View, there are no restrictions on the age of the occupants, their ability to access to motor vehicles or how they use the external amenity space. Thus, in terms of journeys to and from the property, the use of the garden and the introduction of domestic paraphernalia there would be no material difference in the use of the building that would erode the rural character of the locality.
6. Other than a church, Westby Mills has no facilities and is located some 1.5km from Wrea Green, a Tier 1 settlement, and some 3.5km from Kirkham, a Key Service Centre. There are 2 bus stops within walking distance, which via a regular service links Westby Mills to the main settlements. Wrea Green has a variety of facilities and is well within the 2km distance that Manual for Streets<sup>2</sup> identifies where walking has the potential to replace short trips by car. There is a footpath on one side or the other of the road between Westby Mills and Wrea Green. Crossing Preston New Road, at the junction with Weeton Road, which is traffic light controlled and has central islands, to access the bus stops or Wrea Green on foot or by bicycle, would not, in my view, present any more of a challenge or level of danger than any other road/junction of this type. Accordingly, I consider that Westby Mills and the appeal property would not be isolated for the purposes of Policy GD4 and would not conflict with the objectives of Policy H3.
7. For the above reasons and having taken all other matters into consideration, this proposal would not conflict with the Fylde Borough Local Plan to 2032 when read as a whole. Accordingly, the appeal is allowed.

### Conditions

8. In addition to the standard time limit and a condition specifying the plans, the lpa suggest conditions requiring details of fencing to be submitted and the removal of permitted development rights. There is sufficient detail on the submitted plans to indicate what fencing is to be erected. Moreover, given the proposed height and location of the fences they would largely be obscured from public view. Planning Practice Guidance indicates that a condition restricting future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Here, given the location of the building and the size of the plot, the lpa has not demonstrated the exceptional circumstances required for such a condition. I consider both conditions unnecessary and unreasonable.

*George Baird*

Inspector

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<sup>2</sup> Paragraph 4.4.1.