

# Planning Committee Agenda

## 31 August 2022

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

4	22/0415	LAND SOUTH EAST OF TREALES GARAGE TREALES ROAD TREALES PRESTON	EQUESTRIAN DEVELOPMENT COMPRISING: 1) ERECTION OF TWO BUILDINGS TO PROVIDE FOUR STABLES WITH ASSOCIATED TACK ROOM AND FEED/TOOL STORE; 2) CONSTRUCTION OF ALL- WEATHER HORSE EXERCISE ARENA INCLUDING ASSOCIATED LAND RE- GRADING WORKS AND ERECTION OF PERIMETER FENCING; 3) FORMATION OF HARDSTADNING ACCESS TRACK AND STABLE YARD; AND 4) INSTALLATION OF ASSOCIATED FENCING AND SOFT LANDSCAPING	Grant	92
5	22/0469	ROSEBANK 12 MAINS LANE SINGLETON POULTON-LE-FYLDE LANCASHIRE FY6 7LF	ERECTION OF SINGLE STOREY OUTBUILDING IN REAR GARDEN, FORMATION OF REAR FIRST FLOOR BALCONY WITH GLASS BALUSTRADE ABOVE FLAT ROOF AND ALTERATIONS TO SCHEME APPROVED BY PLANNING PERMISSION 21/0127 INCLUDING WIDENING OF EXTERNAL CHIMNEY STACKS, INSTALLATION OF ADDITIONAL FIRST FLOOR WINDOW IN EAST FACING SIDE ELEVATION, INSERTION OF TWO ADDITIONAL ROOF LIGHTS IN REAR ROOF SLOPE, INFILLING OF ROOF SPACE ABOVE GARAGE ON WEST SIDE TO CONTINUE RIDGELINE AND REPLACEMENT OF LEAN-TO ROOF ON PART OF EASTERN SIDE EXTENSION WITH HIPPED ROOF - PART RETROSPECTIVE APPLICATION	Grant	101

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### **Background Papers**

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

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

These Background Documents are available online at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning)

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### Item 1

<b>Application No:</b>	21/0748	<b>Case Officer:</b>	Andrew Stell Area Team 1
<b>Applicant:</b>	Mr Bradshaw	<b>Agent:</b>	Mrs Leggett
<b>Location:</b>	BLACKBURNS FARM, RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2PA		
<b>Proposal:</b>	1) CHANGE OF USE OF AGRICULTURAL LAND TO A MIXED USE OF AGRICULTURE, REMEMBRANCE WOOD AND WILDLIFE CENTRE WITH ASSOCIATED SUPPORTING DEVELOPMENT INCLUDING ACCESS TRACKS, NATURE TRAILS AND BIRD HIDES; 2) ERECTION OF A BUILDING TO PROVIDE WILDLIFE AND EDUCATION CENTRE WITH WELLNESS AND REMEMBRANCE SPACE, FARM SHOP AND CAFÉ WITH ASSOCIATED CAR PARKING, REFUSE STORE AND OTHER SUPPORTING INFRASTRUCTURE AND LANDSCAPING 3) RETROSPECTIVE ERECTION OF POLYTUNNEL		
<b>Ward:</b>	Ribby with Wrea	<b>Parish:</b>	Ribby with Wrea
<b>Statutory Expiry:</b>	14 January 2022	<b>Earliest Decision:</b>	20 December 2021
<b>Reason for any delay:</b>	Need to determine at Committee due to scale or nature of application		<b>Online application file</b> <a href="#">here</a>

**Officer Recommendation:** Delegate to Officers

#### Summary of Officer Recommendation

The application site is an area of land that extends to 34 hectares that wraps around the west and south of Wrea Green. It is partly in the Countryside (to the south) and partly in an Area of Separation (to the west) which is designed to protect the identities and individuality of Wrea Green and Kirkham. The land is undeveloped and has a lawful use that is for agricultural purposes. In recent years part of the area to the south has been developed as 'Wrea Green Remembrance Wood' with a series of trees planted around a pond and a number of benches and a storage shed provided. To the western parcel is an agricultural building and a polytunnel with areas of hardstanding around them. The use as a remembrance wood and associated development, the polytunnel and hard standing are unauthorised development, but are part of this application. There is a 'prior notification' approval for an agricultural building, although the building that has been erected on site differs in its appearance and location from that shown in the submission and so is also unauthorised but is not part of this application at this time.

The proposal has two main elements: the change of use of the land to provide the Remembrance Wood, the erection of a building in the vicinity of the agricultural building to the west that is described as providing a farm shop, café, and wildlife education facility with associated parking, and the siting of the polytunnel.

As presented the application is contrary to the policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and to national guidance in the NPPF. This is primarily as a result of the farm shop / education building being located in the Area of Separation, where the erection of new buildings is strictly limited and the use of land is to be related to purposes that are appropriate for a rural area. The retail / café element is a main town centre use that is located out of any settlement and so fails to comply with guidance that directs such facilities to town centres. However, the other elements

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of the application would generally accord with policy, in principle at least, and so there have been some discussions with the applicant and his advisors over how the scheme could be modified to address the policy conflict. These discussions have not resulted in any formal revisions to the scheme, but indications have been provided that the applicant is willing to revise the scheme to allow it to be supported, with a key element of this being a willingness to remove the retail element in the proposed building.

The application is the subject of a detailed objection from Ribby with Wrea Parish Council, and so if officers were minded to support the application it would require consideration at Committee. There is some community support for the scheme, and favourable representations have also been received from organisations that may be involved in the educational element of the proposed development. Set against that support is a range of points of objections that have been raised by residents local to the site.

Having given consideration to how this could best be progressed officers have decided to bring the application forward at this time to seek authority from Committee to grant planning permission should the future negotiations with the applicant and his team resolve the outstanding issues. A number of these are fundamental to the original scheme, but are areas where the applicant has indicated a willingness to modify the proposals. Others are more straightforward, such as revising plans to correct changes on site, whilst there are a number of matters that remain to be properly considered by officers, such as the ecological and drainage implications. It is recognised that this is an unusual approach to take, but given the scale of the site and the matters of principle that the proposal presents, it is considered appropriate to present the application for consideration at this early stage in its assessment to secure a steer on the principal of the development from members.

Should members agree to delegate the approval to the Head of Planning, this will be subject to a series of matters being resolved to his satisfaction including:

- The removal of the retail element of the proposal
- The revision of the plans to reduce the scale of the building to reflect that change and reduce impact on the area of separation
- The receipt of revised plans to correct various inaccuracies with the current scheme and matters requested by consultees yet outstanding, including the potential incorporation of the agricultural building into the scheme.
- The assessment of aspects of the scheme that remain to be considered such as ecology and drainage arrangements
- The receipt of views from the local highway authority and their consideration, along with any revisions that are needed to the access, parking and site management arrangements
- The receipt of a management plan to establish how the access to the Remembrance Wood is to be achieved and to ensure that the development remains as a single combined use to avoid the need for further development outside the areas proposed here
- The agreement of specified level of use of the building to support the environmental education activities on site within a specified period, and the consequences of not achieving that.
- The consultation on the revised scheme and consideration of any further comments that are received, including the advertisement of the application as a 'departure case'
- The resolution of other matters that arise during the further consideration of the application
- The drafting of a list of planning conditions to ensure that the development is appropriately controlled

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Assuming that these are all addressed, the decision on the application will be a finely balanced one. There will be points in favour of the development in the planning balance with some environmental and social benefits from the Remembrance Wood and the establishment of wildlife centre and the development of the majority of the site for ecological habitat. These are to be set against the policy conflict that comes from the urbanising development in the Area of Separation and the Countryside designations of the Local Plan, the increased disturbance to residents around the site, and the increased traffic generation and uncertain highway safety impacts. The overall recommendation on this scheme is therefore a very finely balanced one, but bearing in mind the obligations in NPPF for the council to approach decisions in a positive way officers are of the view that this justifies supporting the scheme should these issues all be progressed and resolved to their satisfaction.

Obviously, should these matters not all be completed and adequately resolved to the satisfaction of the Head of Planning, the application should be refused planning permission where the policy assessment and planning balance considering all material considerations require it.

### **Reason for Decision Level**

The application site is of a scale that ensures that the scheme represents 'major development'. The scheme of officer delegation permits the refusal of such applications by officers, but requires that they are determined at Committee should the officer recommendation be for approval. The Head of Planning has taken the view that it is appropriate that the application be presented to Committee to allow consideration of the proposal in principle at this stage.

It is also the case that the Parish Council have raised objection to the development and so Committee determination would be required on that basis of the officer recommendation was to be for approval. Finally there has been a request for Committee consideration from the ward councillor, Cllr Andrews. Whilst that request was made outside of the timeframe available, it does indicate that there is a member desire for the application to be considered at Committee.

### **Site Description and Location**

The application site is an irregular shaped area that extends to 34 hectares according to the application form. The site can reasonably be split into four parcels as follows:

An area to the south of the village of Wrea Green that is gently sloping down from north to south and is rectangular in area. In recent years this area has seen some ad hoc tree planting and is set out as 'Wrea Green Remembrance Wood' with a series of supporting features such as numerous benches, a storage shed and fencing works.

An area of agricultural land to the immediate south of the dwelling at Blackburn's Farm (which is not itself part of the application site). This features a single agricultural style building which was under construction at the time of initial officer site visit, albeit at variance to the plans for that building in terms of its design and location, and a polytunnel which is part of this application. Areas of top soil have been removed in this area to form a working area during construction and to apparently accord with areas that would be provided as part of this application.

An area of agricultural land which connects the two areas set out above. This has also been in use for agricultural cropping and it is the intention that this will remain, along with some ponds being formed and a series of ecological habitats created.

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The vehicle access to the dwelling at Blackburn's Farm and the area containing the recently constructed agricultural building. This is a single-track surfaced route that connects these buildings to Ribby Road immediately to the west of the edge of the built development in the village. The actual access is through a double width gate that is formed with brick gateposts either side of brick walls that lead to the gates that are recessed circa 20m from the edge of the carriageway of Ribby Road. At this point the speed limit is 20mph, with this rising to 30mph around 30m to the east, and there is a footpath connection to the village only on that side of the road, with a continuous one on the opposite side.

### Details of Proposal

Planning permission is sought for the following main elements:

1. The use of an L-shaped area of agricultural land to the south of the site that extends to around 3 hectares as a Remembrance Wood. This is to feature a series of trees that are planted in a largely random arrangement of species and locations. The concept of this is that the trees would be planted as a remembrance of loved ones that have passed away, and so provide a focal point for families and friends to visit from time to time. There is no burial or ashes spread as part of this use. There is a pond in this area with a series of benches set around it. There are also sheds and water bowers that support the planting and maintenance of the trees. No formal paths or other hard standing areas are existing or proposed as part of this element, and there is no parking associated with the use although there is a pedestrian connection between the wood and Richmond Avenue to the north which is routed around a field that is in the applicant's ownership but is not part of this proposal.
2. A building is proposed to the northern part of the site, and so to the east of Wrea Green in the vicinity of the agricultural building. This is single storey with a simple construction that is intended to reflect the design of an agricultural building, albeit the materials are timber cladding and glazing. This measures 20m x 24m with a single ridged roof that has a height of 5m. The walls are proposed to be clad with a series of full height windows along one of the sides, and the gables are both indicated as fully glazed. Internally around half of the floor area of the building is indicated as providing a farm shop, with the remainder providing a café element, a wildlife education and conference room, reception area, and a series of education and craft rooms.
3. Externally around the farm shop building is a car parking area with space for 20 vehicles and 2 mobility spaces, a terrace area to the south of the building, and areas of hard surfacing for servicing and other general use.
4. A polytunnel has been constructed on land adjacent to the farm shop building and measures 50m x 11m. There are further areas of hard surfacing around this structure and the agricultural building.
5. A series of nature trails are shown around the remainder of the site, including a linkage between the farm shop building and the Remembrance Wood area, a distance of around 800m. It is suggested that a number of these trails are along existing routes that are to be improved, although the details of this improvement are limited.
6. A series of bird hides and other wildlife features are shown to be located alongside the nature trails and elsewhere within the site.
7. The applicant has referred in discussions to intentions to undertake management of the site for purposes that are beneficial to native wildlife and to plant extensive areas of hedging, although the details of this that are available at present are limited.
8. It is suggested that the majority of the site is to remain in active agricultural use, hence the need for the agricultural building that was applied for under agricultural permitted development rights in 2021 and recently completed, albeit not in accordance with the submitted details.

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Elements of the development have commenced including the remembrance wood and supporting development and so the application is, in part, submitted retrospectively.

The application is submitted with the usual suite of supporting documentation including Design and Access Statement, Planning Statement, Flood Risk Assessment, Ecological appraisal and habitat survey.

Some revisions to the scheme have been provided, but the majority of the suggested changes that have been discussed with the applicant have yet to be formally presented as amendments to the original submission.

### **Relevant Planning/Appeal History**

Whilst there is a degree of planning history associated with the dwelling at Blackburn's Farm, that is outside of this application site and so is not included here. The only history relevant to this application site is the following:

<b>Appn No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/0575	PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL STORAGE BUILDING PURSUANT TO SCHEDULE 2, PART 6 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Prior Approval not required	22 July 2021
21/0135	PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL STORAGE BUILDING PURSUANT TO SCHEDULE 2, PART 6 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Prior Approval not required	12 March 2021
21/0044	PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL STORAGE BUILDING PURSUANT TO SCHEDULE 2, PART 6 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Planning Permission Required	11 February 2021

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

<b>Parish Council</b>	<b>Observations</b>
<b>Ribby with Wrea Parish Council</b>	<p><i>ITEM 1) (Remembrance wood and ecological works) NO OBJECTION - if specific to only access tracks, nature trails and bird hides</i></p> <p><i>ITEM 2) (Farm Shop building) OBJECTION TO THE APPLICATION.</i></p> <p><i>ITEM 3) (Polytunnel) NO OBSERVATIONS</i></p>



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	<p><b>REASONING:</b></p> <ol style="list-style-type: none"> <li>1. It is outside the village boundary</li> <li>2. It is in the area of separation</li> <li>3. It destroys the rural character of the area</li> <li>4. It is creating a brownfield site on productive agricultural land</li> <li>5. Access to the development is currently unsuitable, particularly the access onto Ribby Road – vehicles would have to queue on the road if they encountered vehicles coming down the track or in the entrance.</li> <li>6. The carpark is solid enhancing a flood risk</li> <li>7. No foul sewage provision highlighted.</li> <li>8. Questionable why there is a proposal for buildings on a green field site</li> </ol> <p>Notes: Reasons 1, 2 and 3 were used by FBC and subsequently the Planning Inspectorate to refuse Planning Application 19/0343 – development at Malcolms Place – which lies to the west and north of this site, ie nearer the village boundary and not as far into the area of separation. Reason 5 was a LCC Highways observation for Planning Application 21/0155 – Development on land to the rear of Highgate Cottage, 28 Ribby Road. Quote from LCC letter D5/21/0155 dated 7 April 2021:</p> <p><i>The access is requested to be widened to allow for vehicles to enter and exit at the same time. This to ensure the safe and free passage of highway users on Ribby Road.</i></p> <p><i>As there are agricultural vehicles using the track it is requested that the track is widened to allow for vehicles to pass in opposing directions. The area of separation around the village boundary is at its narrowest here on the east separating Wrea Green from Ribby Hall and Kirkham (Kirkham Prison).</i></p> <p><i>The parish council feels it is important to maintain the integrity of this area and oppose “development creep”.</i></p>
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### **Statutory Consultees and Observations of Other Interested Parties**

<b>Consultee</b>	<b>Comments</b>
<b>Environment Agency</b>	<p>They initially raised objection to the application on the basis of the lack of any information over how foul drainage was to be handled. The agent provided that detail which confirmed an intention to connect to the public sewer and so the Environment Agency were reconsulted. They confirmed on 8 December 2021 that providing that intention was realised then they would have no objection to the development.</p> <p>They do refer to advice provided in their original submission which relates to the potential need for environmental permits and advice on pollution prevention.</p>
<b>Greater Manchester Ecology Unit</b>	<u>Introduction</u>

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	<p>The application is accompanied by two ecological reports (Pennine Ecological, Preliminary Ecological Appraisal, July 2021 and an Extended Phase 1 Habitat Survey, Lancashire Wildlife Trust, September 2021). In addition a statement relating to wintering birds has been submitted (Lancashire Wildlife Trust, 17th September 2021).</p> <p>The surveys and reports have been undertaken by suitably qualified ecologist, and have included a desktop search of the Local Records Centre and access to Fylde Bird Clubs Database.</p> <p><u>Legally Protected Sites</u></p> <p>The site itself does not have any nature conservation designations, legal or otherwise. It is however in the Impact Risk Zone of the following designated sites:</p> <ul style="list-style-type: none"> <li>• Marton Mere (designation, 7km IRZ)</li> <li>• Newton Marsh (SSSI, 5km IRZ)</li> <li>• Wyre Estuary (SSSI 10km IRZ)</li> <li>• Morecambe Bay Compensation (7km IRZ)</li> <li>• Ribble and Alt Estuary (SPA/RAMSAR 4km IRZ)</li> <li>• Ribble Estuary (SSSI, 4km IRZ)</li> </ul> <p>The proposed development does not fit the description of any of the developments/activities identified in Natural England's IRZ for any of the above features/sites.</p> <p>Furthermore, although no formal sHRA has been submitted in support of the application, consideration of the potential of the site to support species linked to the SPA/RAMSAR has been made in the wintering bird statement, and explanations as to why the site/habitats present on the site are unlikely to support species associated with the Ribble and Alt Estuary, which I consider to be justified conclusions.</p> <p>Having considered the submitted information, along with GMEUs own analysis of the Fylde bird club data, Natural England's report on functionally linked land (published on Natural England's Access to Evidence Catalogue which does not identify this land, or land with close proximity as FLL (closest is &gt;3km away), and the fact that the IRZ doesn't identify loss of FLL as a potential impact on the SPA/RAMSAR, and I am satisfied that sHRA is not required for this application and there is unlikely to be a negative impact of the application on any designated sites.</p> <p>In addition to the above, the submitted ecological reports did not find evidence of protected species such as badger and water vole as part of the surveys, and it is unlikely that such species would be harmed by the proposals. The overall aim of the application is to improve the biodiversity value of the site, and the Lancashire Wildlife Trust report outlined many opportunities.</p>
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	<p><u>Suggested condition subjects</u> Based on the ecology reports, I would make the following comments:</p> <ul style="list-style-type: none"> <li>• Lighting for the scheme should be designed in line with the principles described in the ecology report and best practice guidelines (for example <a href="https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting">https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting</a>).</li> <li>• Work that will impact on habitats where nesting birds may be present (for example vegetation or ground clearance), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.</li> <li>• Reasonable Avoidance Measures for amphibians and mammals identified in the ecology report should be followed during the works.</li> <li>• Retained habitat (ponds, hedgerows, trees/woodland) must be adequately protected from any adverse impacts of the proposals.</li> <li>• Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.</li> <li>• Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. The submitted information suggests that these gains are possible and are being actively sought through the development.</li> </ul>
<b>Lancashire CC Flood Risk Management Team</b>	Decline to comment as they refer to standing advice being appropriate for a building of this scale
<b>LCC Highways</b>	<p>Offered initial comments to advise that the access arrangements needed to be revised to improve the width of the entrance to allow two cars to pass, and to provide a dropped kerb and markings to support a pedestrian crossing facility of Ribby Road.</p> <p>Unfortunately, no formal comments have been received on the scheme and so these will be sought to inform the final consideration of the application.</p>

### Neighbour Observations

**Neighbours notified:** 26 October 2021

**Site Notice Date:** 26 October 2021

**Press Notice Date:** 4 November 2021

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<b>Number of Responses</b>	Total Number Objecting	6
	Total Number Supporting	13

**Summary of Comments**      The comments received in opposition to the application can be summarised as:

- The applicant is a developer who has commenced work on the scheme without planning permission and is doing so to force the council to approve the development
- The access is inadequate due to the restricted visibility and the position outside the village
- The proposal is a pre-cursor to a residential development.
- The Remembrance Wood should have parking and it should be conveniently located to the facility
- The proposal will increase the volume of traffic using Ribby Road
- The farm track access is inadequate for a development of this scale
- The shop, café and visitor centre facilities are unnecessary given that the village is well catered for such facilities at Ribby Hall
- The council should not be supporting the development of new buildings in rural area, but should be encouraging those wishing to invest to do so in town centre locations.
- The Remembrance Wood is well intentioned, but is covered with ribbons, candles, lights, benches, artificial flowers, etc. These are all untidy and detract from the natural appearance of the countryside
- The Remembrance Wood has hosted music events and creates disturbance to local residents. If this application is approved it is likely that these events will increase and the level of disturbance to residents on the southern and eastern edge of the village will suffer noise nuisance
- The noise from these events and the general activity at the site will cause disturbance to the wildlife that the scheme proports to support, with this particularly an issue if there are to be evening activity given the impacts it would have on bats, owls, hares, etc
- The maintenance arrangements for the trees that are planted in the Remembrance Wood are uncertain and a number have failed, which could compound distance to the bereaved.
- There are severe highway safety issues from the use of a field gate on Bryning Lane to serve the site as is indicated on the plan as being available, both to vehicles using it and to pedestrians accessing the site this way as there are no safe crossing points or pedestrian routes to the site on this road. If the scheme is to be supported this must be closed off.

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- Visitors to the Remembrance Wood have used it as a dog exercise field and this has led to dog waste being spread across the site and dogs entering adjacent fields and causing distress to farm animals
- Whilst the site access is within the 20mph area on Ribby Road this is not respected and vehicle speeds are generally much higher making the access to the site difficult to those who are unfamiliar with its location
- The lack of a pedestrian footpath at the site entrance will encourage visitors from the Kirkham direction to walk in the road, which is clearly dangerous
- There is an unauthorised sign at the Ribby Road entrance which obstructs visibility for those expected to use it.
- It is possible that the supporters of the scheme will be influenced by their personal use of the Remembrance Wood following a bereavement, and as they are unlikely to be near neighbours to the site the weight to their support should be reduced.
- The council has shown itself to be weak and ineffective by not issuing a Stop Notice to require the unauthorised development of the site to cease. This is supporting the actions of the applicant who is a property developer.

The comments received in support of the application can be summarised as:

- The Remembrance Wood is a well used asset to the village
- The Remembrance Wood is an area of tranquillity that has been beneficial to many who have lost, especially as it was developed during the COVID period
- The environmental benefits of the scheme should be supported to help with global climate change
- Those with a tree in the Remembrance Wood are grateful for this facility
- The extension of the Remembrance Wood and a pedestrian route through to Ribby Road will be beneficial and make an attractive route for visitors and dog-walkers
- The restoration of native habitat on the site is a clear positive to wildlife in the area
- The development will allow a demonstration of how modern farming methods which can be undertaken alongside works to enhance the wildlife habitat of an area
- The applicant has undertaken works on his land in an effort to address the severe flooding issues that affect the village and that demonstrates his commitment to helping the local community.
- The site is set back from Ribby Road so will not create any visual harm
- The farm shop will be a beneficial feature and enhance the choice available to visitors and residents so they can buy local produce locally

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- The nature trails will be an asset to the area and help improve the physical and mental health of the community, with the various bird hides that are proposed a further asset of this nature
- The Remembrance Wood is a welcome addition to the village and a place where residents can visit to 'de-stress'
- It is unfortunate that the farm buildings are not available to be used for this development, but assuming that is the case then the reuse of the farmland in a productive way should be supported
- The facility will be good for village families to use to help educate their children about nature

### Other Comments received

In addition to the comments from the council's consultation exercise as reported above, a number of organisations have written with their support of the scheme:

#### CLlr Frank Andrews (Ribby with Wrea Ward)

He has contacted the case officer on a number of occasions regarding the application, with these generally queries about progress and to ask that it be presented to Committee. In an email of 22 November 2022 he makes comments about the merits of the scheme and so these are included here:

*"I have just seen the Parish Council's views on this proposal and whilst I understand where they are coming from, I find it difficult to agree with them. I have discussed with a number of residents this weekend and can't find anyone who is worried about the proposal. The applicant has an excellent reputation in the village with his personal efforts to resolve flooding issues and especially in donating the Remembrance Wood which is in constant use and appreciated by all who visit.*

*This proposal adjoins the Remembrance Wood and indeed appears to give even more land over to village use. Whilst it may just impinge on the area of separation between Wrea Green and Kirkham this really is minimal. The nearest development is Ribby Hall Leisure Village and this separation is unaltered. The Parish Council have said it will destroy the rural character of the area but it's difficult to see how the use of this remote land can adversely affect anyone. It should also be remembered that the application provides for a rare NHS facility which is also generously given. It also provides an opportunity for residents to see more of the natural world around us and for our children to become more aware of nature locally. Natural England and Lancashire Wildlife Trust are clearly in support of the scheme too. In short the application gives far more than it takes to the local community and as long as the Environment Agency's requirement regarding sewage is met I believe it is in the village's interest to be approved."*

#### Bishop of Lancaster

He references visits that he has made to dedicate the Remembrance Wood and subsequently. He refers to it as a peaceful location that brings comfort to those who have lost family and friends, and works well with the local church and Blackpool Hospital. The addition of parking and other facilities can only enhance it.

#### The Scouts

They support the scheme as it provides an opportunity for young people to visit and to learn about the outdoors, with this being something that is lacking in Lancashire as all existing facilities do not have the same level of agricultural connection. They also highlight how it would benefit as a location for

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training for those doing Duke of Edinburgh Award training. They see it as a place that the Scouts would like to use to help train young people with the life skills they will need.

### Lancashire Wildlife Trust

They refer to the support that they are provided 'Blackburn's Farm Nurseries Ltd' with an application for 'The Wildlife Trusts' Biodiversity Benchmark Standard'. This is designed to complement ISO14001 and tests the design and implementation of a business's management systems to achieve continual biodiversity protection and enhancement on their landholding(s). Their work on this has included undertaking a Phase 1 Habitat survey of the site, an audit of existing biodiversity, assist with the establishment of ponds on site, and undertaken wintering bird surveys. They refer to an intention to work in partnership with the landowner in the coming years to assist visitors to the site in their understanding of the wildlife.

### Royal Horticultural Society

They refer to their interest in horticultural and environmental conservation and community involvement. They explain that the Remembrance Wood is considered to be an exceptional project and are supportive of the application if it is to improve access to the Wood. They believe that the educational element of the application could contribute to strategic sustainable milestones. They also mention the potential for the farm shop and café to support a local food production and sustainable food mile goals.

### Myerscough Collage

They express the view that the Remembrance Wood is a successful project. They refer to the wider development proposals in the application with the education centre and farm shop facility as an excellent and exciting initiative that would have positive outcomes in relation to local, regional and national sustainability and biodiversity targets and related educational excellence. The letter refers to the potential for student learner groups at Foundation level and those on both further and higher education programmes of study being able to use this resource regularly to enhance their learning experience. They make particularly positive references to the areas of tree planting and wildflower meadows that are proposed.

### Carr Hill School

A representative of Carr Hill School has written to advise that the site could be a useful resource to support a Natural History GCSE, to support a Nature Club, and to be used as a location for end-of-year 'rewards day'.

## **Relevant Planning Policy & Government Guidance**

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

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

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bring these in alignment with the 2021 version of the National Planning Policy Framework.

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

### **Fylde Local Plan to 2032 (incorporating Partial Review):**

GD3 – Areas of Separation  
GD4 – Development in the Countryside  
GD7 – Design of New Development  
ENV1 – Landscaping  
ENV2 – Biodiversity  
HW2 - Provision of Community Facilities  
CL1 – Flood Alleviation  
CL2 – Surface Water Run-off and sustainable drainage  
T5 – Parking Standards

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Policy Background**

The application site is split between two allocations: the area to the east of Wrea Green where the farm shop building, polytunnel, access, parking area and some of the ecological works are proposed is within an Area of Separation; the area to the south of the village containing the Remembrance Wood and some of the nature trails is within the area allocated as Countryside.

Policy GD3 of the Fylde Local Plan to 2032 (incorporating Partial Review) establishes the purpose and form of development that is supported in the Areas of Separation, with Policy GD4 setting out the form of development that is appropriate in Countryside areas.

Policy GD3 establishes two Areas of Separation in the borough, this one between Wrea Green and Kirkham, and another between Kirkham and Newton. The supporting text to the policy explains that the purpose of these areas is to help maintain the openness of areas outside the green belt, and the identity and distinctiveness of settlements. This is achieved through the policy itself by requiring an assessment of the degree to which the development proposed would compromise the function of the Area of Separation. The policy also sets out the forms of development that can be permitted in these areas, with 6 elements listed, and an overall requirement for the development that is proposed to avoid harm to the effectiveness of the gap between settlements.



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Policy GD4 is also restrictive of new development to ensure that the rural character of these areas is maintained, and also sets a general restraint to new development other than a series of exemptions to that. There are 7 of these which generally mirror those in Areas of Separation other than entry level housing is also permitted in these areas albeit this is clearly irrelevant to the consideration of this application.

Other relevant policies include Policy GD7 which relates to the design of new development which in this case will include the highway arrangements, the scale and design of the buildings and the other ancillary development to the principal uses. Policy ENV1 relating to the landscape implications and Policy ENV2 relating to biodiversity measures are also relevant considering the ecological habitat and nature trail elements of the proposal.

### **Planning History**

As reported above the planning history for the site is limited to that associated with the erection of an agricultural building under the permitted development rights available for agricultural units. The initial application was refused as the proposed building was within the proximity of an aerodrome (BAE Systems, Warton) which prevented it from benefitting from that procedure. The second application relocated the building out of the restricted area and the council approved the siting and design of the building. The third application retains the revised siting but increased the size of the building.

An agricultural building has since been constructed on site, and whilst it is in the general location of that approved under this permission it is not in the approved location. It also differs in its appearance from that approved. As such this building is currently unauthorised. This is a matter that is to be raised with the applicant, but given that there is a permission for an agricultural building in the same general location it represents a fallback position that ensures that a planning application for this building is likely to be viewed favourably.

There is a dwelling with the name 'Blackburn's Farm' which is located to the north of this application site and utilises its access point to Ribby Road. This dwelling is in the ownership of the applicant, but is not part of this submission as it is in use to provide care for young persons as part of a separate arrangement.

There is no other relevant planning history on the site, which means that the various elements of the development that have been constructed and brought into use are unauthorised. No formal enforcement proceedings have been taken forward as the applicant explained his intention to submit this application since shortly after the Remembrance Wood was first established, and with that being during the COVID lockdown it was felt inappropriate to pursue any enforcement given the role that the development could provide to those suffering losses.

### **Principle of Remembrance Wood**

This features an area of existing and proposed tree planting that is located in the Countryside. The simple planting of trees is not development and so does not require planning permission, however the use here goes beyond that and involves a change of use of the agricultural land to form a Remembrance Wood. This is a material change of use of the land and so has been included within this planning application in order to seek to regularise the use given that the activity commenced a couple of years ago. Alongside the trees themselves, the site has developed with a series of informal 'memorial' features such as benches, floral features, and there is a shed and other structures that support the implementation and maintenance of the trees themselves.

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Looking at Policy GD4 the only potential exemption to the general restraint on development in rural areas that could apply is a) which states:

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

There are therefore several elements to this assessment which are analysed here:

- Does it meet local business or community needs – It seems from the comments received that there is some community support for the development, both from residents and their ward councillor.
- Is it for a use appropriate to a rural area (or one that helps diversify the rural economy) - It would be difficult to establish a facility of this nature in an area other than in a rural area. Clearly the woodland takes land out of effective farming, with this being Grade 2 is categorised as best and most versatile, but as the site extends to only 3 hectares this it is not an overly large area and a reason for refusal on that basis could not be justified, particularly as trees could be planted without the need for planning permission and as there is an intention that this is part of a scheme that will support the return to a viable agricultural use of the wider landholding at Blackburn's Farm.
- Is it sensitively sited – the woodland area itself is well separated from public vantage points, and whilst the memorial features and their random siting across the area are unattractive in the wider rural landscape they are not prominently visible from off-site so it is concluded that the siting passes this test.
- Does it have an acceptable impact on local roads – the current access arrangement is for visitors to park on Richmond Avenue and walk around a field to access the site. This has seemingly not led to any significant highway issues in that area, but is not a good long-term solution given the residential cul-de-sac nature of that road. In their comments to this application neighbours have referenced the use of Bryning Lane for parking and pedestrian access. This is a highly unsatisfactory situation (if it occurs) as that route has no footpaths and a limited width making any parking or pedestrian use contrary to highway safety. This application proposes that access and parking will be from Ribby Road only. This is a preferable arrangement in safety terms, but brings significant logistical issues given that the proposed parking area is 800m from the woodland with this via unlit and unsurfaced paths that are to be developed as nature trails in this application. The logistics of how this is to be managed and how the elderly, young or infirm are to access the site is unclear at this stage. This will need to be adequately resolved through some form of management plan to allow this element of the assessment to be satisfied, and will need to be the subject of further consideration when received.
- Can the location be made more sustainable – this would also be an element to consider as part of the management arrangements

Having undertaken this policy assessment it is considered that the Remembrance Wood is an element that is likely to comply with the requirements of Policy GD4 a). However, that conclusion can only be reached once an adequate scheme to manage the highway and accessibility impacts of this use has been concluded. This is also a key factor in Policy GD7 which requires that a development should not compromise highway safety and should provide safe and convenient access for all. That is not the case at present, and if this matter is not resolved then it would justify a refusal of the application.

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Furthermore, any approval will need to include conditions that require that the existing pedestrian access to Richmond Avenue is managed to ensure that parking in that area does not become prevalent, and that any access points from Bryning Lane are permanently and physically closed.

### **Principle of Farm shop building**

#### Background

This building was initially to provide a farm shop, a café, an education and conference facility and a series of 'wellness consulting rooms'. As the project has evolved over the time that the application has been with the council the latter element has been replaced with a series of craft and education rooms which are designed to support an expanded educational element to the building. The building itself has not been revised in size, design or location as a result of this change in its proposed use.

More recently the applicant has responded to officer advice over the policy conflict that the retail element and scale of the building creates by indicating that this element will be removed, and so presumably the building itself will be reduced in scale to reflect that reduction in its use. However as there are currently no plans that indicate that it is necessary to set out the policy assessment here based on the submitted scheme, with this being a key element in the reasoning for the application as a whole being presented in the way it is.

A further background factor to the assessment of this element of the overall application is the need for planning permission. This is related to the goods that the farm shop is to sell, and how that sale is undertaken. If it were the case that there were an intention to only sell products that are grown on the farm in a 'farm gate' style then that would not require planning permission. However, as there are no existing farm buildings on this site to undertake 'farm gate' sales from, and seemingly a very limited range of products that are currently, and likely to be, grown on site the retail operation would need to include the sale of products sourced from beyond the agricultural unit. The establishment of a retail use of this nature is a change of use and so would require planning permission, and that is certainly the case where the sale is to be undertaken from a new building, as is the case here.

#### Area of Separation Policy

This building is located in the Area of Separation where Policy GD3 applies. This is more restrictive of new development than the Countryside designation described above, with that a reflection of its position higher in the hierarchy of designations in the Local Plan. This is a specific aim to ensure that those parts of the borough that are Areas of Separation should only be developed in a way that reflects many of the characteristics of green belt and so protects the identity of settlements, with that achieved by restricting the development that can be implemented in these areas.

Policy GD3 does that by limiting development to where it meets one of 6 exemptions to restraint. The only one that could realistically apply to this development is a) which permits development which is:

*"that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements"*

The other exemptions relate to occasions where residential development can be permitted, where existing buildings are being replaced, and where the development is essential to the continuation of an existing use. None of these apply to this scheme and so there is only a need to assess compliance with

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exemption a) above. This has a number of elements which are assessed here:

- Is it needed for agriculture, horticulture, forestry– The building and the uses it provides is not needed for any of these uses
- Is it needed for another use that is appropriate for a rural area, including one that diversifies the economy – The farm shop use is not a use that is needed in a rural use and so a building for that use would conflict with this requirement. However, it could be argued that if the Remembrance Wood is accepted as a rural use then there is a benefit in a café and associated rest facilities being available to support the needs of visitors. It is also now the case that the wider site is set out as providing a more educational focus than was originally the case. There are some supportive comments from representatives of Myerscough Collage, Carr Hill School and The Scouts on this aspect. These are all engaged in educational elements, with a key focus on young people. If the site is to be developed as a facility to deliver environmental education, then this has to be a use that is only realistically capable of being undertaken in a rural area. The café element will also bring in some revenue to support that aspect, and so may be beneficial to the rural economy, albeit this could be as a diversion for customer spend at existing facilities in the village or wider area.
- Would it harm the effectiveness of the gap between settlements – The building is large in scale and prominent in its siting as proposed, being on a rise in the land and detached from other buildings. The recently constructed agricultural building assists in masking views from Ribby Road, but it remains highly prominent in views from Browns Lane and elsewhere. Given the intended range of uses in the application and the scale of the building that are presented in the application currently with the council the building must therefore fail to satisfy this requirement. However, this is a key area where the applicant has agreed to reduce the range of uses, and with a consequential reduction in its scale, and ideally a more sensitive siting to the west where its prominence is reduced. Should these discussions progress and an appropriately revised scheme be received then it is conceivable that this aspect can be addressed.

As a summary to this aspect the submitted scheme is in conflict with Policy GD3, and so should be refused if the application is to be determined as presented. However, the proposal could be amended in a manner that would resolve these policy conflicts.

### Retail Planning Policy

The retail element of the building brings a further assessment forward, which is that a retail use is clearly a 'main town centre' use. Guidance in para 87 of NPPF and the requirements of Policy EC5 of the FLPPR refer to the need for these uses to be located in existing retail centres wherever possible, in edge of centre locations where that is not possible, and in out of centre locations only if there are no other options. The location of retail, and other main town centre, uses is considered as part of a planning decision through the submission and assessment of a 'Sequential Assessment'. This should look at the use that is proposed and determine if there are any sequentially preferable locations for that use to be sited.

The submission here does not include any sequential information and so it has not been possible for officers to assess the accuracy and validity of that assessment. However, the proposed retail use extends to 188m<sup>2</sup> from the detail provided in the planning statement and this is a size of unit that would be typically available in many town and edge of town locations, with the Westminster Carpets premises on Freckleton Street in Kirkham being one example that is available within 2km of the application site in a sequentially preferable edge of centre location. The failure of the applicant to undertake this assessment, and the inevitable availability of sequentially preferable premises, requires a refusal of the application.

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The applicant has verbally indicated that the retail element will be removed from the scheme, and this has to be a requirement of any support to the application as a whole.

### Café Element

This is also a main town centre use, and so should be subject to the same sequential assessment as the retail use. However, it is also a use that is more readily associated with the Remembrance Wood element as a supporting facility for its visitors. If it is accepted that that use is appropriate in a rural location, then the provision of a modest café with rest facilities to be associated with it would be acceptable. In this case the cafe occupies a relatively small area of the building and is limited to 15 covers thereby ensuring that the impacts on the existing cafés and such facilities in Wrea Green and Kirkham are unlikely to suffer unduly in trade terms from its establishment at this site. It would also support the education use, as is examined below.

There is a need to provide the same link between this use and the operation of the other, more policy compliant, uses on the site, but subject to that it is an element that can be supported.

There is a query over the extent of this use which needs to be further explored as the café is shown at the southern end of the building where there is a fully glazed elevation that faces to an area of hardstanding. Whilst it is not shown as such on any of the submitted plans, it could be the case that there is an intention for this area to provide an external terrace area for the café, with the elevations revised from full height glazing as at present to include an access door to this area. This would involve a potentially significant increase in its scale and the associated planning policy issues that this brings, as well as the potential for neighbour nuisance issues which will be discussed later but could be controlled through appropriate conditions.

### Education Element

As is set out above this is a use that can be accepted in a rural location where that education is related to rural uses. The applicant has provided supporting details from educational establishments, and confirmed that they are hoping to achieve the 'Wildlife Trust Biodiversity Benchmark' as an indication of the commitment to that aspect. That would be a helpful step as the Benchmark relates to objectives of continual conservation and enhancement of biodiversity, with education relating to this, including practical involvement by those involved in the learning, being a key element. That education element needs a base to operate from and so the building that is proposed could provide that.

Notwithstanding this linkage to the wider environmental and ecological activities on the site, the building for this use would not comply with any elements of Policy GD3. This means that for it to be acceptable there needs to be an enforceable link to tie the use of the building to this wider activities. This is an aspect that has been discussed with the applicant, but has not been concluded, although it seems that a planning condition that requires that the building is removed should it not be used for an agreed level of environmental training in an agreed period is the mechanism that will be needed to provide this link. This is a matter that needs to be the subject of further discussions with the applicant before the application can be determined favourably. This is a further element that would justify a refusal of the application if agreement were not reached as there is no support for establishing an education facility in the area of separation given the restricts in Policy GD3.

### Design and Materials

The building has a simple form with a gabled elevation that is positioned generally north to south. The entrance would be to the north which faces Ribby Road and the car parking area, with a reception area on entry, the education elements to the centre and one side of that, the retail element to the other side and rear, and the café to the other rear corner. Externally the building is to be clad in black timber with fully glazed gable elevations at ground floor with cladding above and features a series of windows

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to the side that includes the education rooms.

The design and appearance is inoffensive and with the intended use of a dark colour for the cladding it will have an appearance that could be read as part of an agricultural site whilst appearing different to the existing agricultural building which is taller and clad in green profile sheeting.

### Overall Assessment of Merits of Farm Shop Building

As this building is located in the Area of Separation there is a need for its use, scale, design and siting to be considered against Policy GD3 of the Fylde Local Plan to 2032 (incorporating Partial Review). This section of the report undertakes that assessment and concludes that as it is presented there is no justification for a building of this use under that Policy, and that the scale and siting of it are such that it harms the purposes for which the Area of Separation was established as well as wider retail planning policy. As such the application should be refused on this basis.

However, one of the key reasons for the application being brought to Committee at this stage is that the applicant has indicated a willingness to remove the retail element from the building. Subject to that being carried through in revised plans, and that these address the concerns over the scale of the building and potentially its siting then the building could be acceptable under Policy GD3. This will be reliant on a series of controls being imposed to ensure its retention only as part of the wider scheme and its appropriate construction and operation, but officers believe that these can be achieved and so will work with the applicant and his agent on these should Committee support the development in principle.

### **Principle of Other Works**

The polytunnel is located in the Area of Separation and so needs to be assessed against Policy GD3. This is a common form of agricultural development and so it is likely that this element will accord with the requirements of Policy GD3a relating to agricultural works providing it is to be put to that use. It is of a significant scale at 50m in length, but is sited where it has a lesser impact on the openness of the area than other buildings on the site, particularly following the recent erection of the agricultural building which it is closely related to. As such it is concluded that this element of the scheme is acceptable.

Rather than assess them individually, it is possible to group the other developments into two categories: those associated with the ecological elements of the overall scheme, and those associated with the farm shop element.

The ecological elements are the bird hides, bee hives, tree and hedgerow planting, pond excavations, and more general wildflower and other planting. These elements are largely located in the Area of Separation and are forms of development that are likely to be acceptable under the exemption provided by Policy GD3a as they are appropriate for a rural area and will have a very limited impact on the openness of the gap and its effectiveness in maintaining the distinctiveness of the settlements.

The farm shop elements include the parking area, other hardsurfacing around the farm shop, cycle store, bin store, etc. These are also in the Area of Separation and so again could only be acceptable under exemption a) of that Policy. By themselves they are not appropriate in a rural area, although the parking area and the cycle store will provide some support to the Remembrance Wood element of the scheme and so if that is acceptable then these could also be supported as being 'needed' for a purpose that is appropriate in a rural area. There is an assessment to be made over the scale of the parking area that is provided, and whether the location of it being so remote from the Remembrance Wood is acceptable. However, in landscape terms it is sited to the rear of the agricultural building when viewed

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from Ribby Road and benefits from hedge screening around the perimeter of the parking area and site which will reduce its visual impact from Browns Lane and other aspects that may be available. The cycle and refuse storage areas are also limited in scale and set against the backdrop of other buildings in locations where they benefit from perimeter landscaping.

It is unclear why there are extensive areas of hardsurfacing to the side of the farm shop and to its southern gable. These areas seem to be unnecessary for the scheme that is proposed and introduce hard surfacing that removes land from agricultural or ecological use. This is an aspect that is to be the subject of further discussions with the applicant's agent alongside the revision of the uses in the farm shop building and the reduction in its scale.

Assuming that the unnecessary hardsurfacing areas are removed from the scheme, and the parking levels and management queries are adequately resolved, it is likely that the other elements of the development that are set out in this part of the assessment will accord with the requirements of Policy GD3a and so can be supported subject to conditions relating to matters such as their use, landscaping, and the relationship to the wider package of development.

### **Overall Policy Assessment and Planning Balance**

As members will appreciate from the above assessment the application raises a series of complex policy matters that provide some competing conclusions. Should the application be determined as presented then there are clear policy objections to the development, particularly with the proposed farm shop building. However, as the applicant has indicated an intention to revise this building to address those objections, it makes the overall recommendation more finely balanced.

The Remembrance Wood element brings some community benefits, and there are likely to be ecological and environmental benefits from the effective delivery of the native landscaping and management of the site as set out in the submissions claims for achieving the Biodiversity Benchmark status. The intention to bring in educational elements enhances this aspect, and if this is delivered in a reduced scale of building with less development around it then the harm to the openness of the Area of Separation will be consequentially reduced.

Having carefully considered the issues and visited the site on a number of occasions the officer view is that there is a finally balanced position in favour of the development providing all the outstanding matters that have been referenced in this section of the report are carried through. This will involve the submission of revised plans, and the drafting of a series of planning conditions that bring the various elements of the scheme together and require the removal of the farm shop building should it not be used for purposes the elements of the overall scheme that accord with Policy.

Members will appreciate that the application has been brought forward for consideration at this time as a view on the principle of development will be helpful in steering further actions and interactions with the applicant, which it is expected will take considerable time but should allow a scheme to be delivered that accords with the development plan.

### **Access and Parking Implications**

As this is a particularly large site it has a number of potential access points, but the only vehicle access point shown on the plans is to Ribby Road. This is the existing access that serves Blackburn's Farm (the dwelling) along with the existing agricultural activity on the site and the stables that are located to the east of the farmhouse. The other connection that is available is through agricultural field gates to Richmond Avenue, where a pedestrian gate has been constructed and is in use by visitors to the Remembrance Wood. The Richmond Avenue access is outside of the red edge to this application and so would not be available for use should this development be approved, meaning that all access would

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be through the Ribby Road entrance. Accordingly, that is the access point that is assessed here, albeit in the absence of final comments from the local highway authority that assessment will be only done at a high-level.

Ribby Road is one of the main arterial routes to the village and connects it to Ribby Hall and then Kirkham beyond. It is a classified road with a good width at the access point and so it is expected that there will be sufficient capacity in that road and the surrounding network to accommodate the additional visitors that the development is reasonably likely to generate.

The initial informal comments that were received from the highway authority advised that the existing access is inadequate to serve the development without improvement. That would involve:

- the provision of a carriageway width along the access that provides sufficient width for two vehicles to comfortably pass in the entrance so that those turning into the site are able to do so even when other vehicles are waiting to leave,
- that visibility splays are provided that allow sufficient visibility to reflect the average speed of vehicles in the area, which is likely to be above the 20mph limit given that this is almost immediately to the east of this access,
- that the safety of the use of this access for pedestrians and cyclists is improved through the provision of a dropped kerb crossing point to the immediate west so that access to the continuous footway on the opposite side of Ribby Road by all users can be achieved
- that there are passing places and traffic calming measures built into the driveway from the access point to the car park which extends to around 300m in length.

A revised plan was received which indicated improvements to the access itself, but the views of the local highway authority on this and the general operation of the access arrangements of the site are outstanding. Officers will chase these and ensure that any reasonable points that are made are carried through in any decision on this application through appropriately worded conditions, although from the initial feedback received it is expected that LCC will not be opposed to the use of Ribby Road to access the site on highway safety grounds.

The existing signed and gated access to the Remembrance Wood from Richmond Avenue is sufficient for its modest use, but does not provide any parking facilities, other than on the roadside opposite dwellings, and does not offer mobility access. Neither of these are acceptable solutions for the long-term operation of the site and it is helpful that this application confirms that this access is not within the application site that is edged in red on the submitted plans. It is, however, in the area edged in blue and so a condition can be imposed to ensure that this access is removed and the area reinstated as agricultural land. This will bring highway safety benefits and a visual improvement to this sensitive 'edge of settlement' location.

Some of the comments submitted by neighbours refer to the use of Bryning Lane for informal vehicle and pedestrian use to access the Remembrance Wood. If this has been occurring it is clearly dangerous to those users and other highway users. There is an indication for a track leading in this direction on the site layout plan, which is unusual as that route does not exist on the ground and so this indication on the plan is a matter that is to be queried with the applicant to ensure that all steps are taken to ensure that there can be no continuation of any access from this dangerous location.

With access to the Remembrance Wood no longer being available from the closest point on Richmond Avenue, the only access that would be available is from the Ribby Road access. This involves a considerable distance which from Ribby Road itself is 1.1km and from the car park to the Farm Shop building is 800m. These distances are at the edge of those set out in the Institution of Highways and



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Transportation document 'Providing for Journeys on Foot' which indicates that 1000m is the acceptable distance that can be achieved for a 'sight seeing' pedestrian journey. With the likelihood that many of the visitors to the Remembrance Wood will be elderly, have young children, or be infirm there is a particular need to ensure that this part of the site is more conveniently accessible to visitors than these distances will permit. The submission does not provide any information about how this will be achieved, but it is expected that some form of internal shuttle arrangement may be required. The details of this are to be a further issue that is to be the subject of further consideration with the applicant prior to any favourable decision on the application being possible, with the measures that are proposed then needing to be secured through a planning condition or other such arrangement.

The final highway matter for consideration is the level of parking. At present the proposal is for a new car park with 22 spaces with 2 further mobility spaces, and a secure cycle parking facility. These are likely to be appropriate in number, and perhaps excessive, given the necessary removal of the retail element. However, as they were designed around the intended wellness use it is possible that the replacement of that with the environmental education use will bring revised parking needs. This is an area where the further guidance of the local highway authority will be helpful, with any revisions being incorporated into revised plans.

As a summary to this section it seems likely that the site access and parking arrangements can be provided without any significant issues, although the views of the local highway authority on the scheme, and its revisions, should be secured to allow a more thorough assessment of this. At present it is not expected that this would justify a reason for refusal of the application.

### **Drainage Implications**

This issue cannot be fully assessed until the final form of the development is presented.

The application is supported with a Flood Risk Assessment and Drainage Strategy. This provides a high-level analysis of the site and its potential implications for drainage. It highlights that there are a number of ditches on the site which flow to existing watercourses that run off site. The submission refers to making a connection to one of these to direct surface water offsite, with that being restricted to the greenfield run off rate. No details of how this is to be achieved are provided, but given the intention to establish ponds on site and the extensive area of land available it seems highly likely that a drainage solution can be designed that delivers not just the necessary attenuation of the surface water, but does so in a manner that will bring ecological benefits.

This is a matter that could be secured through a planning condition, but with the need to revise the scheme, there is also the opportunity for this to be designed in advance of a decision ensuring that the conditions needed on this aspect could simply relate to the implementation of the scheme and its maintenance.

With regard to foul water, there were initial concerns over the arrangements that were proposed from the Environment Agency, but following clarification that the foul drainage is to connect to a sewer they withdrew their objection. A condition is an appropriate mechanism to deal with this.

Whilst the scheme has not been assessed in any great detail officers are reasonably confident that there will be no adverse drainage implications from the development subject to appropriate conditions.

### **Ecological Implications**

This issue cannot be fully assessed until the final form of the development is presented.

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However, it is noted that the council's consultee on this matter does not raise any objection to the development and confirms that the survey work that has been undertaken is appropriate. They recognise that one of the aims of the development as a whole is to improve the ecological value of the site, and so welcome the development on that basis before making a series of suggestions that will be useful in the drafting of a series of conditions that would be appropriate to ensure that the implementation of the scheme does not bring any ecological harm.

They conclude with a reference to the benefits of enhancing biodiversity, and it would be usual for conditions to be imposed to ensure that any development brings forward such enhancements. In this case one of the key thrusts of the application is claimed to be the benefits that it will bring to the ecological habitats in the area and so it is imperative that conditions are included to establish the scope of these measures, and require their implementation and management to ensure that this can be considered as a positive factor in the overall planning balance on the application. These conditions have not been drafted as yet, but are clearly a key feature if planning permission is to be granted.

Set against these benefits is the potential for the 'recreational disturbance' that will be inevitable as a result of the establishment of a visitor attraction in this rural landscape which will bring people to an area that is currently unavailable to them and so where wildlife is largely undisturbed. Notwithstanding the potential for this, GMEU are satisfied that the risk of this harming protected sites and their species is sufficiently low that a Habitat Regulation Assessment is not required.

Therefore there is just the need to draft appropriate conditions to deliver the ecological and environmental benefits sought by the applicant to satisfy the requirement of Policy ENV2 relating to Biodiversity.

### **Neighbour Relationships**

Almost all developments create the potential to impact on the amenity of neighbours in some respects, and with the extensive site area involved here and the range of uses proposed this scheme is no different. As with the immediately preceding sections, the analysis undertaken here is limited in its depth, particularly as there is the potential for some of the impacts to change as the scheme is revised, but the following are initial officer thoughts:

- Buildings – these are sufficiently separated from any neighbouring property to avoid any impacts in terms of massing, loss of light, privacy, etc
- Blackburn's Farm – This is the closest dwelling to the site and so will experience increased disturbance from the development, particularly with the proposal to make a shared use of the access track that links this dwelling to Ribby Road. However, the level of use and separations involved are likely to be such that this amenity impact is not unduly harmful, even with the protected status of the residents of this property
- Use of Remembrance Wood – This has a relatively benign operation and is well separated from neighbouring dwellings. The closure of the Richmond Avenue access will be a benefit to the neighbours on that road, albeit the current use is unauthorised.
- Café – This is limited in size and so the impacts of its use, and the traffic associated with the parking for the Remembrance Wood being located alongside the building, should both be modest and so at an acceptable level. Residents have highlighted that they have experienced disturbance from outdoor music events on the site on the small number of occasions that they have taken place. The potential for the café to include a terraced area, and the potential for such festivals to become more common place both bring an increased risk of disturbance to neighbours. This is an aspect that needs to be explored further with the applicant, and may require controls to be imposed to ensure to control such activities, alongside the usual controls that would limit the operation of a café to daytime hours only to minimise the potential for disturbance.

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- Education / Nature trails – this will bring some additional pedestrian users into the land around the edge of the village and so could bring some additional disturbance to residents on the perimeter. However the use is also benign so should not be harmful to residential amenity.

As an overall summary it seems unlikely that the operation of the various elements of the scheme will generate any harmful neighbour impacts, and any that are created should be capable of suitable control through appropriate planning conditions. Indeed, it is logical that with the scheme seemingly being based on its environmental credentials then there should be ever effort made to minimise activities that could harm neighbouring amenity, as this must also be harmful to the wildlife that the scheme is hoping to support.

Subject to a more detailed consideration on the final scheme, and the imposition of conditions to control the operation of the development it is expected that the scheme will be able to satisfy the requirements of the neighbour amenity tests in Policy GD7.

### **Conclusions**

This application is presented at an unusually early stage in its assessment, with that a product of the wide range of issues that it raises which require further negotiations with the applicant to secure compliance with the policies of the Local Plan. Officers have brought the scheme forward at this stage as they are mindful that these discussions will take some time to resolve and committing that time to them with the applicant, and his time and expense in revising the scheme, would be more worthwhile if there was comfort on both sides that the council would support the scheme when it was ultimately in a state that could be supported.

The application as presented is one that should be refused planning permission, but officers are of the view that there is a reasonable prospect of it being sufficiently modified to address the numerous issues that are rehearsed in this report, and that a planning permission can incorporate suitable controls over its operation. Assuming these modifications are made and conditions drafted, a balanced view is that the application can be granted planning permission, and so this report requests that the decision on this application be delegated to the Head of Planning so that he can continue the dialogue with the applicant with the confidence that supporting a scheme of this nature on this site is a development that has Committee support.

### **Recommendation**

That the decision on the application be delegated to the Head of Planning so that he can grant planning permission on:

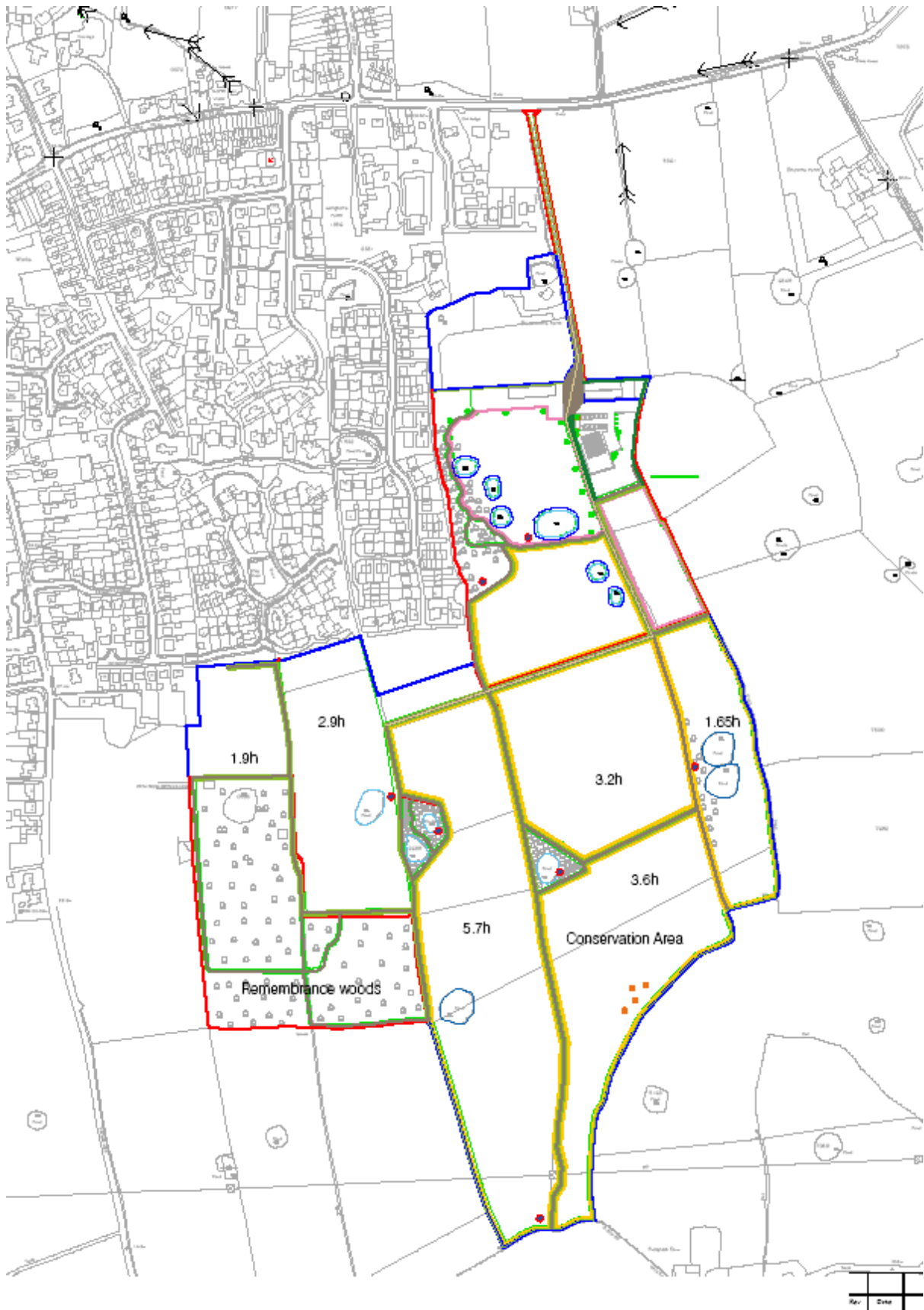
- 1) the satisfactory resolution of all issues that he considers need to be resolved to allow the development to satisfy the requirements of the applicable planning policies. These matters are to include the following, along with any others that arise:
  - a) The removal of the retail element of the proposal
  - b) The revision of the plans to reduce the scale of the building to reflect that change
  - c) The receipt of revised plans to correct various inaccuracies with the current scheme and matters requested by consultees yet outstanding, including the potential incorporation of the agricultural building into the scheme.
  - d) The assessment of aspects of the scheme that remain to be considered such as ecology and drainage arrangements

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- e) Clarification of access, parking and site management arrangements associated with the development
  - f) The receipt of a management plan to establish how the access to the Remembrance Wood is to be achieved and to ensure that the development remains as a single combined use
  - g) The agreement of specified level of use of the building to support the environmental education activities on site within a specified period, and the consequences of not achieving that.
  - h) Other matters as are necessary and appropriate
- 2) The undertaking of a further consultation exercise with neighbours, the Parish Council, and other relevant consultees to establish their views on the revised scheme
  - 3) The consideration of any further comments that are received, with further amendments secured where necessary
  - 4) The drafting of a list of appropriate planning conditions to secure the proper implementation, phasing and control over the development.

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## Location Plan for 21/0748



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### Item 2

<b>Application No:</b>	21/1075	<b>Case Officer:</b>	Rob Buffham Area Team 1
<b>Applicant:</b>	Mr Renwick	<b>Agent:</b>	Mr Betteridge
<b>Location:</b>	16 & 18 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1XD		
<b>Proposal:</b>	DEMOLITION OF TWO BUNGALOWS AND ERECTION OF A RETAIL UNIT (CLASS E(A)) AND DRIVE THROUGH COFFEE SHOP, WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS FROM LYTHAM ROAD, CAR PARKING AND LANDSCAPING ARRANGEMENTS.		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Bryning with Warton
<b>Statutory Expiry:</b>	29 July 2022	<b>Earliest Decision:</b>	19 July 2022
<b>Reason for any delay:</b>	Officers negotiating design improvements		<b>Online application file</b> <a href="#">here</a>

**Officer Recommendation:** Delegate to Officers

#### Summary of Officer Recommendation

The proposal relates to a derelict and unkempt plot of land within the combined settlement boundary of Warton and Freckleton as defined in the Fylde Local Plan to 2032 (incorporating Partial Review), although it is within Warton Parish.

Planning consent is sought for the construction of a drive thru coffee shop (210sqm) and retail unit (105sqm) and includes access, car parking and landscaping arrangements.

The submitted retail sequential test has demonstrated that there are no comparable sites available within or adjacent to the existing centres of Freckleton Local Centre and Warton Village Centre. Furthermore, the drive thru coffee shop will enhance the roadside services offer available to the motorist and therefore has unique locational requirements that affords support for the proposal in this location. The proposed floor area of the development is below the thresholds required for retail impact assessment (750sqm).

The development is of appropriate appearance and in-keeping with the character of the area, providing regeneration benefit through the redevelopment of an unsightly land parcel.

The proposal would not compromise the safe, efficient or convenient movement of all highway users and provides for a satisfactory relationship to neighbours of the site, nor would it compromise the amenity of residents living in vicinity of the site.

There are no other technical matters of note that would warrant refusal of the proposal.

There is an outstanding matter with regards to off site highway works (widening of an existing footpath link to a bus stop, replacement bus shelter, and provision of raised boarding areas to 3 bus stops) that have been requested by the Highway Authority, with discussion on-going between the applicant and Highway Authority with regards to justification for this request. The outcome of this discussion will be reported via Late Observations, but in the absence of such there is no reason why

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this matter should delay referral of the application to Planning Committee.

The development accords with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21, the proposal should be approved without delay and the Officer recommendation is that Members support the application and delegate the authority to grant planning permission to officers on resolution of the outstanding highways matter, and finalisation of a schedule of appropriate conditions.

### **Reason for Decision Level**

The officer recommendation for approval conflicts with the views of both Bryning with Warton Parish Council and Freckleton Parish Councils and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site is located to the eastern end of Warton, immediately south of the roundabout junction of Lytham Road and the A584. It is presently occupied by 2 vacant detached bungalows and associated garden ground. The dwellings have not been occupied for a number of years and have fallen into a state of disrepair as a consequence, with gardens being overgrown and having unkempt appearance.

The site is bound by Lytham Road located immediately to the northern boundary of the application site. A new access arm has been constructed from the north of the roundabout and will serve housing that is presently under construction. The site is bound by Lytham Road to the south with a terrace row of housing that have a front facing aspect toward the application site and grounds of Holy Family Church. To the east, the site is flanked by an off site landscape strip of mature tree planting and Lytham Road, with mature landscaping and 2 dwellings to the opposite side of the road.

Buildings within the vicinity are predominantly residential in nature being 2 storey in appearance and constructed of either red brick, render or painted brick work and set beneath a slate or tile roof. There are commercial buildings further afield, including the flat roof Tesco Express/ Subway building, as well as the larger industrial scale structures of BAE that are glimpsed when travelling along Lytham Road down streets or through gaps between buildings.

The application is located within the settlement boundary of Warton, with that boundary following the line of Lytham Road to the north, and has no specific land allocation, as per adopted Local Plan Proposals Map.

### **Details of Proposal**

Planning permission is sought for the following:

Demolition of all buildings on the site and clearance of trees/ shrubs to facilitate construction of a drive thru coffee shop (210sqm) for Starbucks, and a retail unit (105sqm), including access from Lytham Road (south of the site and opposite landscaped area of Holy Family Church) 35 parking spaces (including 4 disabled bays, 4 electric charging bays, and cycle spaces), and landscaping arrangements.

The buildings proposed are located toward the northern boundary, set behind a landscape strip of tree and grass planting adjacent to Lytham Road. The Starbucks building has a front facing aspect toward

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the main road with its rear elevation set to the east, adjacent to off site trees. The retail unit has been designed as dual aspect, providing elements of glazing and cladding to all elevations. Both structures are single storey in scale and constructed of glazing and neutral coloured cladding.

A landscape buffer is provided to all boundaries of the site which makes provision for tree and shrub planting.

The proposal originally sought consent for 2 drive thru uses, Starbucks and Greggs being specified as the end users. The Greggs proposal has been removed from the scheme due to concerns raised in relation to the sale of hot food and associated health implications for school children, being replaced by a drive to retail unit.

### **Relevant Planning/Appeal History**

There is no planning history relevant to the application site.

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

Parish/Town Council	Observations
Bryning with Warton Parish Council.	<p><b><u>Comments to Revised Scheme received 22 July 2022</u></b></p> <p><b>Comments</b></p> <p>The Parish Council Object strongly to the application and are extremely concerned on the impact the development will have on not only the Parish of Bryning with Warton but also on the surrounding towns and Parishes in the Fylde.</p> <p>While the changes to the original application are clearly a compromise in maximising returns from the site yet acknowledgement to the Planning officers concerns (Healthy Living SPD) specific use etc. over the potential provision of two 'drive through' retail establishments, the proposal revision of making one a regular retail outlet in no way addresses the concerns of the Parish Council or the local community in consideration of the future of the area. Much of the Parish Councils original objections to development of this site for the proposed use remain valid but clearly are of no relevance to the applicant as nothing is subsequently referenced or appears addressed in the revised application.</p> <p>The applicant firstly goes to great lengths in the amendment stressing the potential alternative healthy access to the site. P.2 -1.7 'encouraging people to access the site via cycle P.2 - 1.9 'clear legible pedestrian routes'</p> <p>It is concluded that these issues are matters of policy compliance discussed in consultation between the planning officer and the applicant, not of any genuine belief by anyone that this will mitigate the significant impact on the highways for vehicular traffic or encourage and stimulate a healthy community!</p>



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	<p>The Addendum goes on to address an issue raised by Freckleton Parish Council concerning drainage. P.3 - 1.13 'United Utilities' confirm proposals are acceptable. But suggested a condition for 'Surface Water' - No Surprises there!</p> <p>Given the recent surface water flooding history problems experienced by some residents of the Parishes in Warton and Freckleton the continual insistence of United Utilities that the existing water courses and drainage can cope with all the surrounding new development is incredulous. 'There is No objection from the Lancashire Local Flood Authority' without any qualification, unbelievable, given the extensive new housing developments, one across the carriageway A584 and one fifty metres further along Lytham Road. The Parish Council would recommend that if the application is approved the installation of a collection tank is most certainly a condition of approval from the outset and not left to a later stage!</p> <p>The addendum goes on to address the designated local centre and non-availability of alternative sites. As disappointing as it is related the observations in regard to these elements are undisputed, but the relevance to provision of a drive through coffee shop and associated 'retail shop' being placed in a wholly inappropriate location in addition to the entire process of the development did not include acknowledgement of the very Parish the site is located does not validate approval.</p> <p><b>Contrary to the Neighbourhood Plan</b></p> <p><u>Traffic and Highways</u></p> <p>Despite the Neighbourhood Plan, objective 11 - 'To ensure that new development does not have a detrimental impact on highway safety' It seems all Traffic and Highway concerns are inconsequential in light of the direct consultation between the applicant and LCC Highways. Given that the A584 is a major arterial route into Lytham the failure to anticipate the traffic problems, delays and safety issues at this proposed bottleneck, being created, is unconscionable in reference to the projected figures provided in the transport statement and those individuals responsible for signing off on it should, at least be identifiable, to be held to account if necessary, as and when any serious road traffic collisions occur, as they inevitably are predicted by those who regularly use the route.</p> <p><u>Environment</u></p> <p>POLICY BWNE1 - PROTECTING AND ENHANCING LOCAL WILDLIFE AND HABITATS - All new development will be required to demonstrate that local wildlife and habitats will be protected and enhanced through sensitive and appropriate landscape and environmental management. Development will be permitted when it incorporates the following:</p>
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	<ul style="list-style-type: none"> <li>• Retention of existing features, such as ponds, mature native trees and hedgerows.</li> <li>• New habitats within the identified buffer areas (Fig. 12);</li> <li>• A Green Infrastructure approach that creates a network of green spaces. A network that maintains and creates connecting green routes for access, recreation and wildlife corridors. Open spaces should be connected with existing semi-natural habitats wherever possible, providing local communities with recreational green space which supports wildlife corridors.</li> <li>• Improved access to the countryside by improving the network of existing public rights of way.</li> <li>• Preservation of existing areas of public open space and Local Green Spaces in order to promote social interaction, community activity and active play</li> </ul> <p>POLICY BWNE2 - PROTECTING AND ENHANCING LOCAL CHARACTER AND LANDSCAPE - All new development proposals will be required to demonstrate that design, scale, height, massing and layout are appropriate to the local landscape character of Bryning with Warton. New development will be permitted when:</p> <ul style="list-style-type: none"> <li>• It can be demonstrated that it enhances and reinforces local distinctiveness and that proposals can clearly demonstrate how the general character, scale, mass and layout of the site, building or extension fits in with the 'grain' of the surrounding area within design and access statement.</li> <li>• Layout in new developments should reflect the existing local settlement patterns of the predominant rural character of this area of the Fylde Coast, where isolated farmsteads and small villages predominate, in contrast to the major built up areas of the coast to the west.</li> <li>• Development on the settlement fringes should enhance the distinctive character and countryside setting of the rural landscape, including incorporation of buffer zones.</li> </ul> <p>In conclusion the Parish Council believe that this application should be refused.</p> <p><b><u>Comments to Original Scheme received 14 January 2022</u></b></p> <p>The Parish Council Object strongly to the application and are extremely concerned on the impact the development would have on not only the Parish of Bryning with Warton but also its neighbouring Parish, Freckleton.</p> <p>It is noted in the applicants Planning Statement " 4.1. The application site is wholly located within the settlement boundary of Warton/Freckleton. The Fylde Local Plan does not differentiate between the two settlements with the settlements merging. Notwithstanding this both Warton and Freckleton are identified as 'Local Service Centres' by Policy S1 of the adopted Local Plan and therefore both fulfil the role of second order settlements in</p>
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	<p>the Borough.</p> <p>The council is most surprised by this statement as the Fylde Local Plan indicates in numerous places e.g. <i>Policy S1 Proposed settlement Hierarchy, Local service centres, Urban areas</i> Freckleton and Warton as distinct separate settlements and 'Local Service centres' within the life of the Local Plan. The Bryning with Warton Neighbourhood development plan, which forms part planning policy for the area, also makes quite clear the boundary. While clarification is surely not required the site falls most definitely within the Bryning with Warton Parish boundary and thus makes it more perplexing that there is no reference to the Neighbourhood Development plan of which there seems to have been no consideration.</p> <p><u>Chapter 1 Introduction -</u></p> <p>1.2. This document responds to the requirements of the Local Plan Policy and NPPF in relation to town centre uses and economic development. It considers the pertinent matters relevant to this application.</p> <p><u>Sequential Test</u></p> <p>4.9. A sequential test has been undertaken on behalf of the applicant in response to planning policy and in the context of case law and SoS decision outlined earlier in this Statement. An initial pre-application approach was made to Fylde Council to discuss the extent of a Sequential Test and associated parameters as part of this pre-application engagement the following matters were agreed:</p> <ul style="list-style-type: none"> <li>• <i>Owing to the scale and location of the proposal only Freckleton Local Centre should be considered;</i></li> </ul> <p>Naturally in view of the extensive efforts by those in the formulation, submission and adoption of the Bryning with Warton Neighbourhood Development Plan the Parish Council would query why it seems it is discounted from this application process?</p> <p>It is farcical that the applicants from the 'scale and location' of proposal would 'only' consider 'Freckleton Local Centre' given that both 'Tesco Express' and 'Subway' (Lytham Road, Warton) are within less than half a mile from the proposed site (Not 0.8 of a mile as indicated by the applicant) and there are further existing businesses providing 'take away food and drink' facilities in and around the centre of Warton. The combined 'Spar' service station further down Lytham Road, in addition to groceries provides a plethora of 'take away' type foodstuffs including beverages, 'Foodie Fusion' and Olivers Chippy', slightly closer on Lytham Road provide such takeaway food (although perhaps at more limited hours of trading), but that aside while retail competition may not be a planning consideration the policies (BWH2 - Protecting existing employment) of the Neighbourhood Plan are relevant and Reference Policy M1 of the Fylde Local Plan-"An appropriate level of retail, leisure, social,</p>
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	<p>cultural, community and health facilities should be provided that meet local needs of the residents of the development, but does not undermine existing town, district or local centres or neighbouring key service centres or local service centres. Which the location of this particular venue would clearly do so.</p> <p>The following Planning Statement item is most intriguing and obviously difficult to imagine how this would work for a coffee/beverage or small food drive through?</p> <p>4.8. It is considered that the proposed use of the premises does not fall within the category of a “<i>more intensive use</i>” and as such is not classed as a Main Town Centre Use as defined by NPPF. The application proposes the use of the unit for limited hours at the start and end of the day and is limited to no more than 10 people attending at any one time. Attendance is by appointment only and access is strictly controlled. In the presumption that appointment only is an error how could this possibly be policed/enforced? Do they intend to turn away the eleventh customer? Is this for both premises jointly or individually meaning a potential 20 customers and associated vehicles?</p> <p><u>Traffic and Highways</u></p> <p>There are significant highway safety concerns both from the Council and residents of the community.</p> <p>"5.3. The proposed development will not have an unacceptable detrimental impact on the local highway network and the site can be accessed safely both by car and on foot. <i>The application was subject to pre-application discussions with the highways authority and the applicant has submitted the scheme on the basis of those discussions.</i></p> <p>The Transport Statement -Summary and Conclusion 5.1 This Transport Statement considers proposals for a drive-thru development on land at Lytham Road in Warton. The review is concluded as follows:</p> <ul style="list-style-type: none"> <li>• Two drive-thru units are proposed serving coffee and small food (i.e. sandwiches and pastries);</li> <li>• Vehicular access can be provided from Lytham Road referencing design best practice and industry guidance;</li> <li>• The proposed site layout seeks to maximise queue storage for vehicles whilst providing safe passage for pedestrians and cyclists;</li> <li>• Drive-thru lane infrastructure has been informed by a review of similar sites and their general operational requirements;</li> <li>• An indicative trip generation exercise has been conducted accounting for the different drive thru elements and their associated peak periods;</li> <li>• The majority of trips associated with the proposed development will be diverted trips from the A584 of eastern section of Lytham Road, with few new trips;</li> </ul> <p>4.16. INF1 also requires development to</p>
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	<p>minimise negative impacts on existing infrastructure. The majority of customers visiting the site will already be on the network and already passing the site. The location of the development just off of the A584 but also within walking distance of a number of residents in both Warton and Freckleton means that there will be limited additional traffic movements associated with the proposal and limited additional diverted trips putting pressure on the existing road network.</p> <ul style="list-style-type: none"> <li>• Traffic impacts are not expected to adversely affect existing network characteristics; and</li> <li>• A simple mitigation strategy can be implemented should queueing start to extend towards the site access on Lytham Road which will manage and make best use of the queue storage space available within the site.</li> </ul> <p>5.2 Overall, it is considered that the development proposals would not significantly alter the existing characteristics of the local highway network in the vicinity of the site and can therefore be accommodated.</p> <ul style="list-style-type: none"> <li>• The site is located in a sustainable location in transport terms;</li> </ul> <p>Policy BXT2 of the BWW Neighbourhood Development Plan (Page 73) To promote the visual appearance of the village, and improve access for all transport users, opportunities should be taken to enhance and improve key gateways. In particular: Lytham Road A584.</p> <p>The Parish Council are at a complete loss as to how the proposal will not have a detrimental effect on traffic flows in all directions on the A584 and that is before the new residential estate (400+ houses) junction on to the roundabout are built! As referenced in the N.D.P. At the Warton Stakeholder meeting facilitated by Fylde Borough Council on 20 November 2013, Lancashire County Council expressed concerns that the existing local network already suffers from congestion at peak times. Lancashire County Council also made it clear at the same meeting that there are sustainability issues in Warton that must be addressed by a comprehensive masterplan, supported and delivered by all developers, and in consultation with the community. If not, there is a great risk that further development proposals of significance will not satisfy the aims and objectives of the NPPF.</p> <p>It would have to be concluded that the 'Masterplan' is referenced in these 'pre-application discussions' but presumably the consultations with the community are of no concern anymore? Or if LCC Highways have since decided that there are now no issues of concern then the Borough Council should be seeking formal confirmation so as to alleviate all future issues of safety concerns!</p> <ul style="list-style-type: none"> <li>• Local accident records show that there are no safety issues in relation to the operation of the surrounding highway network;</li> </ul>
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	<p>A sad reflection on such statements in planning that only account of official Road Traffic Collision statistics determines reference of whether a safety issue exist or not. Many near misses and minor accidents go unreported and local consultation would unquestionably highlight that since the Highway alterations to accommodate Thunderbolt Way, Warton, off the dual carriageway roundabout, (Immediately North of this site) it is often now recounted that it's only a matter of time before a serious collision with the most tragic result occurs in this locality, and clearly why any access from the main road would be rejected, but this site will unquestionably detrimentally impact on future traffic flows.</p> <p>The new approved residential estate that will access directly on to the main Warton /Freckleton roundabout will inevitably increase traffic on the roundabout and surely raises some heightened Safety concerns even for short trips 'nipping across to these restaurants' despite the indication that 'ratio of trips' will not be increased / influenced by the availability of further fast food facilities.</p> <p>Due to speed and safety concerns the Parish Council has 'sited' a 'SPID' on Lytham Road for bypass traffic re-joining Lytham Road, in this locality as the two lane exit merges together, to the point where not only are there vehicles attempting to merge at the roundabout from direction of Freckleton Village but also, if intended to access the drive-ins, negotiate the Cul-de- sac part of Lytham Road where at busy times there is standing traffic waiting to get on to the main road as well as a Bus stop! This application proposal seeks to attract the attention of motorists to coffee and food drive-ins right at a point where full regard should be taken for negotiating the traffic.</p>
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	<p>Lytham Road in the immediate vicinity of the adjoining junctions not only has Holy family Church which hosts multiple social events and groups in addition to their usual function. It also accesses the local well established children's day Nursery business (Silverdawn Day Nursery, 23 Lytham Road, Warton) private residences' and access to allotments! The route is also a designated cycle path joining the main A584 Road coming out of Freckleton. Available parking is often completely full with the obvious congestion of those looking for spaces. Additional pedestrian child safety concerns exist for children and families accessing the neighbouring primary schools as well as parents trying to access the Nursery against vehicles entering and exiting the Drive-ins.</p> <p>While the consideration of "The proposed site layout seeks to maximise queue storage for vehicles whilst providing safe passage for pedestrians and cyclists" - no discernible description of how this is to be implemented (or enforced) given the proposed entrance/exits.</p> <p>As an additional issue the proximity of the site to the established existing Day Nursery will inevitably affect the access and safety of customers to the business and there is a genuine fear that the success of the proposed application would force the Nursery out of business and obviously cause the loss of employment.</p> <p>4.18. NPPF paragraph 111 identifies that proposals should only be refused on highways grounds if the impacts of the proposed development are considered to be severe or there is an unacceptable impact on highway safety. The submitted Transport Assessment considers the implications of the development on the local highway network including highway safety. It demonstrates that there are no unacceptable highways impacts associated with the scheme. It is considered that the proposed development complies with the requirements of policy.</p> <p>Can it be seriously be represented that at peak operational times for these proposed drive-in restaurants, 5 to 10 Customers and additional vehicles, will not 'unacceptably detrimentally impact on the existing local Highway Network!</p> <p><u>Other Matters of Concern</u></p> <p>Given the strong National and International concerns and guidance, Central Government etc., toward environmental Issues, health and welfare of the nation these are issues need to be referenced in any proposed business type premises offering takeaway facilities and all levels of Council have a duty to minimise any potential detrimental impact on their communities wherever possible.</p> <p><b>Litter:</b> Unfortunately drive-through and takeaway premises are producers of inordinate levels of food and drink packaging which often finds its way to the nearby hedge row or discarded on the</p>
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	<p>street. While obviously the operators, some more than others, do try and reduce this impact but just by local example the Borough and Parish Council, in addition to council services, have become reliant of volunteer members of the community, litter picking to try and prevent vast areas of the rural Fylde from becoming unsightly and shambolic. Operating conditions to provide waste bins in and around site are just not sufficient to curtail the problem and more so with drive-through facilities which encourage or support consumption of their wares 'on journey' rather than on site. Unlike Cities and Towns there are not the resources, availability or convenience for easy litter and refuse collection by paid professional services.</p>
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	<p><b>Health:</b> The irony of the Borough Council investing financial incentives in healthy eating programmes, particularly for the young and children, yet their hands are tied in the planning the 'system' restricting drive-through fast food type establishments in villages with close proximity to schools and venues frequented by those families. It would of course be argued that many such items offered are not unhealthy in context or limited quantity but as most of us know, and certainly any parents, trying to maintain a healthy balanced diet when sweetened beverages, cakes and pastries are so readily available can almost be impossible and at least mentally challenging to the most resolved.</p>
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	<p><u>Conclusion</u> Applicants Planning Statement.</p> <p>Conclusion 5.1. The application proposal is for the redevelopment of a previously developed site for two drive-through restaurants adjacent to the A584. The application site falls within the settlement boundary of Warton/Freckleton and therefore as a point of principle the development of the site is acceptable.</p> <p>Development of the site as a matter of principle is acceptable, just not for two drive through restaurants which alone would be an over development of the site for offering these type of facilities and in regard to Road Safety Issues.</p> <p>5.2. The proposal has been subject to the sequential approach with Freckleton Centre having been assessed and considered for alternative sites. No alternative sequentially preferable sites were identified in line with the approach agreed at pre-application stage and therefore the sequential test is passed.</p> <p>The site is in Warton Boundary and with the future prospects of the Enterprise Zone alternative more suitable sites may be available so the sequential test is not passed. Local Plan Strategic Objective 4: To diversify and grow the local economy by: c. Recognising the international and national strategic importance of the Lancashire Enterprise Zone at BAE Systems, Warton ..... as means of achieving economic growth and diversifying and protecting existing employment land and industrial premises, where appropriate.</p> <p>5.4. The proposed development will have no negative implications for protected species and the site can be adequately drained with on-site attenuation. The development will result in the loss of some trees on site, although these are of a low quality generally and will be compensated for as part of the landscaping of the development. There will be an unavoidable effect on wildlife habitat by any development of the site.</p> <p>5.5. The application will have overriding sustainability benefits through the redevelopment of a previously developed site, the improvement to the appearance of the area, provision of enhanced local facilities and the provision of jobs. 5.6. The application proposal is considered to comply with the Fylde Local Plan and, in accordance with presumption in favour of sustainable development outlined in paragraph 11 of NPPF planning permission should be granted without delay.</p> <p>The detrimental issues associated with the application far outweigh any sustainability benefits other than some form of development of the site. It does not comply with the Fylde Local Plan or Bryning with Warton Neighbourhood Development Plan and the application should be rejected.</p>
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	<p>Naturally the Parish Council would wish to encourage the respective site developed from the existing run down and neglected properties presently on the site proposed. Seek to promote a healthy infrastructure of shops and services in accord with the Neighbourhood development plan and the Borough</p>
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	Council visions for Fylde through the Local plan. Encourage new and greater employment locally but certainly not at the expense of existing businesses and jobs.
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	<p>This location for two drive-in facilities have the alarming potential to cause untold damage to both the existing Highway traffic flows, Highway safety and cause irreparable harm to surrounding businesses which is contrary to the both the Fylde Local Plan and the Neighbourhood plan (Policy BWH2 protecting existing employment BWLC1 shops and services) this application should be refused.</p>
<b>Freckleton Parish Council</b>	<p><u>Comments to revised scheme dated 1 August 2022</u></p> <p><i>Freckleton Parish Council are against this application for the reasons listed below.</i></p> <ul style="list-style-type: none"> <li>• <i>The potential negative impact on other businesses in the village.</i></li> <li>• <i>This development is un-necessary as Freckleton and Warton already have a large number of cafes and takeaways.</i></li> <li>• <i>The site is directly opposite a nursery school and a church.</i></li> <li>• <i>Potential for church goers and children to be injured by excessive traffic generated by this development.</i></li> <li>• <i>The negative impact on close by residents.</i></li> <li>• <i>LCC's cavalier attitude to the problems that will be caused by parked cars blocking access for residents and emergency vehicles.</i></li> <li>• <i>No consideration for the drainage infrastructure and the increased flood risk.</i></li> <li>• <i>Freckleton Parish Council fully support the letter of objection put in by Bryning with Warton PC.</i></li> <li>• <i>This development would blight the village. It would be a carbuncle on the edge of a lovely village.</i></li> </ul> <p><u>Comments to Original Scheme dated 10 January 2022</u></p> <p><i>This is a major concern for Freckleton Parish council and the residents of Freckleton. They strongly oppose this application for the following reasons:</i></p> <p><i>The access is to be via the stub of Lytham Rd that was blocked off by the formation of the by-pass, which will impact on the local Freckleton residents, the Catholic Church and the nursery due to the traffic impact at the mini roundabout at the end of Lytham Rd.</i></p> <p><i>There are already significant concerns regarding access for emergency vehicles in this constricted area.</i></p> <p><i>Concerns have to be raised regarding the planned drainage of the site, relating to both foul sewage and rainwater run-off. The plan proposes connection to the main sewer at Lytham Rd. but this already has significant capacity concerns, as reflected by the constraints applied to the development relating to plan 19/0541 which has required a collection tank to allow sewage to be pumped in "the quiet hours". Run-off is proposed to be directed to the Pool Stream which</i></p>

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	<i>also suffers capacity issues and has been a cause of local flooding and considerable concern to Freckleton residents.</i>
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### **Statutory Consultees and Observations of Other Interested Parties**

<b>Consultee</b>	<b>Comments</b>
<b>NATS</b>	No safeguarding objections with regards to management of en-route air traffic.
<b>Lancashire Fire &amp; Rescue Service</b>	No objection to the planning application but does make recommendations to make the applicant aware of conditions that must be satisfied as part of any subsequent Building Regulation application.
<b>GMEU Ecological consultants</b>	No objection stating that overall the site has limited ecological value. Conditions are suggested requiring no felling during the bird nesting season unless survey work confirms otherwise, provision of Biodiversity Enhancement Measures in accordance with a scheme to be submitted and agreed, and an informative advising of what to do in the event that bats are found during works on site.
<b>United Utilities</b>	No objection stating that following review of the submitted Surface Water and foul water Drainage Scheme, the proposals are acceptable in principle to United Utilities. However, there is not have sufficient information on the detail of the drainage design and appropriate conditions requested relating to drainage design, and, management and maintenance of the implemented drainage scheme once operational.
<b>Ministry of Defence</b>	<p>The application site falls within the statutory height, technical and birdstrike safeguarding zones for Warton Aerodrome and is approximately 1.19km from the centre of the airfield.</p> <p>After reviewing the documents provided, I can confirm that the MOD has no objections with regards to this proposal.</p>
<b>LCC Highways</b>	<p>LCC Highways can support the proposal subject to a number of planning conditions.</p> <p>The developer has produced a Transport Statement (TS) in support of the application which shows the predicted vehicle trips for the 2 units. These trip rates have been derived from the TRICS database and are considered to be a reasonable estimation of the vehicles trips that would occur should the development be granted planning permission and open.</p> <p>It is noted that each unit is relatively small and as such it limits the end user to coffee shop / bakery rather than the typical "fast food" outlet and this is on this basis that the application has been assessed.</p>

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	<p>There are two elements of the development which have the potential to impact on highway safety and capacity.</p> <p>1. <u>Car parking and queuing.</u> Both weekday and Saturday traffic levels for the development peak around midday with the Saturday being slightly higher.</p> <p>The Saturday peak hour (12:00-13:00) is around 80 vehicles.</p> <p>At paragraph 4.13 of the TS the developer states that combined, <i>"there is space for up to 20 vehicles to queue within the drive-thru lanes on site without affecting the internal site layout or junction on Lytham Road"</i>. This is sufficient to accommodate 25% of the traffic that would arrive in the busiest hour and given that time taken from arrival to service is generally less than 15 minutes (based on observations at similar establishments) the risk of queuing on Lytham Road is considered to be low. It is also noted that some users will utilise the car parking areas and walk into the restaurants.</p> <p>As such it is considered that the development proposal is unlikely to have an adverse impact on highway safety as a result of queuing.</p> <p>2. <u>Highway Capacity.</u> During the period when traffic on the highway network is busiest (generally regarded as between 8am and 9am on a weekday) it is predicted that a total of 48 vehicle movements will occur (25 arrivals and 23 departures). Given the nature of the development only a small proportion (around 15%) of the trips associated with the development will be new trips on the highway network and as such the impact on the wider highway network will be minimal.</p> <p>The TS describes the roundabout as a large 3-arm roundabout, which whilst not incorrect it will become a 4-arm roundabout as the large housing development to the north progresses. During the determining of the housing development, it was demonstrated that capacity at this large roundabout would not be an issue.</p> <p>The effect of this proposal would increase the number of movements at the large roundabout with each diverted trip generating an additional movement and each new trip generating 2 movements. Overall, this means that the developments will result in around 55 additional movements at the large roundabout. This equates to less than 1 additional movement per minute and as such it would be difficult to argue that the impact was unacceptable.</p> <p><b>Access and layout.</b> The access has the geometric requirements expected for an access onto his class of road and is acceptable. The site access will need to be constructed under a s278 agreement.</p>
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	<p>Servicing to unit 1 can be achieved without overrunning parking bays and only a slight overhang of the internal footway. The manoeuvring for servicing unit 2 will require several car parking spaces to be free from vehicles. Although these are areas of concern servicing generally takes place at quieter times and can be carried out safely under the development's health and safety plan.</p> <p>The level of car parking proposed is acceptable as is the layout.</p> <p><b>Sustainability.</b></p> <p>The development site is well placed for public transport however, none of the nearest bus stops meet with current standards in that they lack raised boarding areas.</p> <p>Although there is a footway to the nearest bus stop (westerly side of the link road between the roundabouts) the footway is substandard and needs to be widened to 2m. The existing bus shelter should be replaced, and a raised boarding area provided.</p> <p>The developer to the north of the large roundabout is required to provide a new footway on the easterly side of the link road and a Toucan crossing (pedestrian and cycle crossing) east of the large roundabout (across the dual carriageway).</p> <p>There are 2 bus stops on Lytham Road near Lamaleach Drive, although only the one on the southside has a bus stop flag. These bus stops should be upgraded to include raised boarding areas (no shelters are necessary).</p> <p>The above improvements will demonstrate the developers commitment to encouraging walking and public transport use and thereby fulfil the requirements of the NPPF in supporting sustainable travel.</p> <p><b>Conclusion.</b></p> <p>The development proposal is acceptable should the developer agree to the off-site highway improvements to the local bus stops and footway on the westerly side of the link road.</p> <p><b>Conditions.</b></p> <p>Should you be minded to grant planning permission I would ask that the following conditions are imposed.</p> <p>Scheme for construction of site access and off site highway works (improved footway to westerly side of link road, 3 bus stop upgrades)</p> <p>Provision of approved access design prior to occupation.</p> <p>Construction Management Plan.</p> <p>Highway survey of existing roads prior to works commencing, further survey within 1 month of operation, and developer to make good any</p>
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	damage to highway during construction.
<b>Lead Local Flood Authority</b>	<p>No comment to make, standing advice for minor application is applicable.</p> <p>The site has a low susceptibility to surface water flooding. Standing Advice from the LLFA is therefore relevant and states No Objection to the proposal, recommending use of sustainable urban drainage where feasible.</p>
<b>Environmental Protection</b>	<p>No objection subject to conditions requiring implementation of measures to mitigate potential odour escape including emission collection, grease filtration, fine dust filter, gaseous phase and dispersion, and the following hours of operation:  Monday to Friday: 06.30 – 21.00  Saturday: 07.00 – 21.00  Sunday: 07.30 – 21.00</p>
<b>Tree Officer</b>	<p>Overall, I have no issues with the removal of the trees as highlighted in the AIA report by Bowland Consultancy and their method plan for protecting trees that will be retained during the course of development.</p> <p>Concern raised with regards to impact that trees loss could have to air quality in this location, being close to a busy section of road and the development encouraging standing traffic.</p> <p>Trees and the landscaping of this area, trees, and shrubs to help reduce any negative impact should be at the forefront of the development not an afterthought. All trees and landscaping shrubs and plants should have sufficient room to establish and grow to their full potential and not conflict with their surroundings.</p> <p>For example, if trees are being planted along the outer perimeter there could be conflict with pedestrians using footpaths as the trees grow. If trees are placed within insufficient tree pits (only big enough to plant a tree) and tree root development and incremental growth of the main stem is not considered, at some point in the future – and more than likely after the landscaping condition has passed - the trees will be either of such poor quality or conflicting with their environment that they will be removed and not replaced.</p> <p>To mitigate the issue and help with carbon sequestration, absorbing particulate matter, reducing run-off, reducing heat island effect, reduce and prevent future conflicts with pedestrian users or the environment the trees are planted in, and increasing the aesthetical value to the area, I would like to see tree species that have been selected because they are the right tree for the right place for the right reason selected. Not only to help with the points already made but also to help future proof our tree stock from increasing threat of new pest and diseases that have made a home in our environment</p>

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	<p>brought about by the changing climate the world is experiencing.</p> <p>This location could also benefit from selecting some evergreen trees to help with screening and pollution absorbing during the winter months.</p>
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### Neighbour Observations

<b>Neighbours notified:</b>	08/12/2021						
<b>Amended plans notified:</b>	28/06/2022						
<b>Site Notice Date:</b>	21/12/2021 and 28/06/2022 (revision).						
<b>Press Notice Date:</b>	n/a						
<b>Number of Responses</b>	<table> <tr> <td>Total number of comments</td><td>18</td></tr> <tr> <td>Total Number Objecting to original scheme</td><td>12</td></tr> <tr> <td>Total Number Objecting to revised scheme</td><td>6</td></tr> </table>	Total number of comments	18	Total Number Objecting to original scheme	12	Total Number Objecting to revised scheme	6
Total number of comments	18						
Total Number Objecting to original scheme	12						
Total Number Objecting to revised scheme	6						
<b>Summary of Comments</b>	<p>The comments received in opposition to the application can be summarised as:</p> <p><u>To revised proposal:</u></p> <p>A lot of objections received referred back to initial objections made. Additional concerns raised are outlined below.</p> <ul style="list-style-type: none"> <li>• Very little consultation with local residents has been undertaken.</li> <li>• Contrary to Neighbourhood Plan (preserves rural character, maintain/ protect integrity – rural setting &amp; green approaches that extend into the village, respect design and quality of existing buildings, no detrimental impact to highway safety).</li> <li>• Design – different to the ones within the rural community that they are proposed for. The Neighbourhood plan makes reference to concerns around standard design in developments, and it was noted that a more bespoke design for the area would enhance the community and village concept of the area. The street is a set of 1920s terraces, and the plan for such a standard metal box to be built on the site, does not add anything to the local area nor conform to the Neighbourhood plan.</li> <li>• Widening of pavement will make road narrower.</li> <li>• No mention of opening hours – similar operations start at 6am with deliveries earlier, such times would be detrimental to sleep quality for those living close by. No mention of closing times and whether gates will be used to prevent unsociable behaviour.</li> <li>• Drainage – The street has no mains drain and uses septic tanks to dispose of waste. The plan makes reference to collection at quieter times, night time or early morning?</li> <li>• Employment – Neighbourhood plan references local employment. The development will employ low skilled and low paid workers and Starbucks will bring in their own managers. This will create competition for jobs and could undermine recruitment of local businesses in the area.</li> </ul> <p><u>To original submission:</u></p> <ul style="list-style-type: none"> <li>• Contribute toward the merging of Warton and Freckleton.</li> </ul>						

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- Too much housing being built, we do not need a coffee shop, but do require GP surgeries, dentists and schools.
- Need - plenty of food and drink units to support staff working in the area.
- Greggs opened a unit on Clifton Dr, Lytham which close within a year. Do we know why? As the unit could end up being vacant if this was to be repeated.
- Highway safety.
- Increased traffic through the village.
- Increased traffic will block access to/ from 19 Lytham Road, deliveries to a housebound elderly resident, allotments, Church and nursery, as well as preventing access by emergency vehicles.
- Roundabouts adjacent are already congested during busy times and dangerous. Creation of a bottleneck when the buses and residential access are taken into consideration.
- Accident report is not accurate – accident on Lytham Road in February 2020.
- Reference to Lytham McDonalds and traffic issues created by queuing traffic onto the main road and near accidents as vehicles pass the site into a 50mph zone.
- Lytham Road cul de sac is already busy during drop off and pick up times.
- Cars park on the road whilst there is a wedding or funeral at the Church. Parking will displace from the site and make this situation worse. If yellow lines are imposed then this cause more strain and prevent visitors, home help etc... from being able to visit properties.
- Horse boxes will not be able to park up opposite the Church and exercise horses along Lytham Road.
- Existing parking issues from workers blocking the road and footpaths.
- Not in-keeping with the Villages, loss of identity as a small Village.
- Should be located out of town and not close to housing.
- Greggs, KFC, BK, Subway, McDonalds and Starbucks within 5 miles. We do not need more fast food corporations in the village.
- Detrimental to local businesses.
- Drive thru facility that benefits passing vehicles and no added benefits to village residents.
- Edge of village and mundane looking buildings rather than thinking about the residents of the village.
- Site does not appear big enough feeling cramped and claustrophobic. Plans are over bearing, out of scale and too enclosed.
- Out of character in terms of appearance. Church and terrace properties constructed of red Lancashire brick and development should be in-keeping with character of the area.
- More suited to an industrial estate environment.
- Development fails 4 objectives of Neighbourhood Plan (preserves rural character, integrate and be of benefit to the community, respect design and quality of existing buildings, to have appropriate green buffers to enhance biodiversity and protect

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rural character/ amenity of Warton).

- The site you insist on demolishing is a green space, It could be better maintained, with some grass or flower beds, and become a communal area to sit and enjoy the open space.
- Ecology – landscaping is inadequate compared to what grows on site. Demolition will disturb wildlife living in scrub and trees like the barn owls, birds, squirrels and foxes we see in this area.
- Construction vehicles will be displaced from the site onto surrounding roads, blocking access to homes and businesses.
- Noise disturbance to residents – from vehicles, car radios, tannoy, outside seating areas.
- Our daughter is diagnosed autistic and therefore any loud noise will cause her great distress. We have the right to peaceful enjoyment of our own freehold property and our daughter has the right not to live in fear and anxiety.
- Increased anxiety of residents.
- Light pollution.
- Loss of privacy, increased overlooking of houses and bedrooms.
- Disturbance during construction.
- Litter.
- Air pollution from increased fumes from stationary traffic.
- Antisocial behaviour - boy racers, loud exhausts, performance car owners will travel from all over the region to gather at such venues.
- Vermin.

### **Relevant Planning Policy & Government Guidance**

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

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

### **Fylde Local Plan to 2032 (incorporating Partial Review):**

S1 - The Proposed Settlement Hierarchy.

DLF1 - Development Locations for Fylde.

SL3 - Warton Strategic Location for Development.

GD1 - Settlement Boundaries.

GD7 - Achieving Good Design in Development.

EC5 - Vibrant Town, District & Local Centres.

HW1 – Health and Wellbeing.

T5 - Parking Standards.

CL1 - Flood Alleviation, Water Quality and Water Efficiency.

CL2 - Surface Water Run-Off and Sustainable Drainage.

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

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### Environmental Impact Assessment

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

### Comment and Analysis

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

- Principle of development, including retail sequential testing, health and wellbeing.
- Design.
- Amenity.
- Highways.
- Other matters – drainage and flood risk, ecology.

### Principle of Development:

#### Policy Background

The site is located within the settlement boundary of Warton and Freckleton as designated by the FLPPR Policies Map. FLPPR policy GD1 generally encourages development toward sites located within settlement boundaries subject to compliance with all other relevant policies of the development plan.

Annex A of the NPPF defines a main town centre use to include ‘retail development’ and ‘drive-through restaurants’, and so the retail policies of the FLPPR and Bryning with Warton Neighbourhood Development Plan (BWNDP) are therefore of relevance.

FLPPR Policy EC5 introduces a hierarchy of Centres, namely Town Centres, District Centres and Local Centres within the Borough. The FLPPR Proposals Map identifies a Local Centre within Freckleton that is focussed upon the group of commercial buildings that surround the Memorial Gardens to the junction of Lytham Road/ Kirkham Road. A Local Centre is also proposed for Warton under Policy EC5 to support housing and employment growth in the area.

Policy BWLC1 (Shops and Services) of the Bryning with Warton Neighbourhood Development Plan seeks to improve the range of, and access to shopping and community facilities within Warton, encouraging such land uses to a defined Principal Village Centre. This Centre focusses on commercial properties and Community Hall on Lytham Road, immediately south of St Pauls Church. Policy BWLC1 also supports proposals for local needs retail or local service uses within the settlement boundary, provided that the development does not harm local character, residential amenity or highway safety.

It is clear that the application site is not located within any of the aforementioned Local or Principal Village Centres, nor can the site be considered to be located on the edge of any such site due to distance. The site is therefore considered to be out-of-centre and in this circumstance Policy EC5 requires proposals for retail to be considered in line with NPPF21.

Paragraph 87 of NPPF21 requires planning authorities to apply a sequential test to planning applications for main town centre uses which are not in an existing centre or in accordance with an up-to-date plan. In the first instance, main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. Paragraph 88 states that preference should be given to accessible sites that are well connected to the town centre when considering edge of centre or out of centre proposals.

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It is noted that FLPPR policy EC5 requires retail impact assessment for town centre uses in out of centre locations above a locally set threshold of 750sqm. The current proposal seeks consent for 315sqm of retail floor space, significantly below the threshold required for impact assessment to be undertaken. On this basis, matters of principle relate solely to the sequential test requirements of Policy EC5 and NPPF21 which are considered in more detail below.

### Retail Sequential Test Assessment:

Paragraph 011 of the PPG provides further guidance concerning application of the sequential test in decision making. Importantly it is for the applicant to demonstrate compliance with the sequential test, and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission. It then sets out three criteria that should be taken into account in determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

The supreme Court (Tesco Stores Ltd v Dundee City Council [2012]) and various Secretary of State decisions have clarified that the sequential test should apply only to the specific proposal for which the applicant seeks permission. Accordingly, the Framework's sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a sequentially preferable site. This includes the requirement to demonstrate flexibility on issues such as format and scale but does not require the applicant to disaggregate the scheme.

The planning application is accompanied by a retail sequential test (RST) that is contained within the submitted Planning Statement (De Pol, Planning Statement, November 2021 and De Pol, Addendum Planning Statement, June 2022). The applicant agreed the scope of the retail sequential test (RST) with the LPA, including requirement of a site size that ranges between 0.25-0.35 hectares and the Centres to be included in their assessment namely Freckleton Local Centre and Warton Principal Village Centre. The applicant also confirms the development requiring a roadside frontage due to the drive thru nature of the proposal.

In summary the RST found that no such sites of the required size were available within or adjacent to the Freckleton Centre, or within the Warton Principal Village Centre. It is also apparent that there are also few vacant properties within these Centres.

The RST also considered availability of alternative sites adjacent to these Centres, with 3 sites identified. A site located to the edge of Freckleton Local centre, to the rear of the Plough Inn, Freckleton, was discounted for being land locked with no means of access, no road frontage and excessive in size (0.6 hectares). 2 sites were identified close to Warton Principal Village Centre, to the opposing side of Lytham Road. The first being a land parcel within BAE Enterprise Zone which was discounted due to conflict with Local Plan Policy EC3 (Lancashire Advanced Engineering and Manufacturing Enterprise Zone) and size being too large for the development proposed. The second being the car park to the Clifton Public House, though this is presently used in association with the

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public house and is under sized (0.15ha) in any event.

Paragraph 12 of the PPG states that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

The drive thru coffee element of the proposal will supplement the current roadside service offer available to motorists whom travel along Lytham Road. It is recognised that the needs of the motorist are not solely limited to refuelling and that facilities for rest and sustenance are an important aspect of roadside services. This is supported by the nature of more modern roadside services that include refuelling but also drive thru coffee and restaurant elements. Roadside services are reliant upon high levels of passing vehicles and, as a consequence, they are mostly found outside of designated Centres. Indeed, designated Centres traditionally have much lower levels of vehicular movements affording further reason for an out of centre location. By definition, roadside services require out of Centre locations that are on main road networks, such as the application site, affording further locational justification as per paragraph 12 of the PPG.

### Retail Sequential Test Conclusion

FLPPR Policy EC5 and the NPPF21 require sequential testing for town centre (retail) uses within out of centre locations.

The applicant has considered Centres at Freckleton and Warton, as well as a search of land available to the edge of these Centres, concluding that no sites were available. The LPA is not aware of any other available sites which would meet the stated development requirements. The applicant has not considered the Council's aspirations for a new Local Centre within Warton, though any provision of such would be subject to approval of a subsequent planning application(s). Until that time, the site cannot be considered either suitable or available. As such, whilst a proposed Local Centre is identified, there are no tangible proposals and no units available. Therefore, the proposed Local Centre at Warton cannot be a sequentially preferable alternative.

While the application is considered 'out of centre', it is in a highly accessible location on a main road that is well connected to the aforementioned Centres, as per paragraph 11 of the PPG which gives preference to such sites in the absence of sites within or on the edge of Centre. In addition, there are locational requirements for the drive thru proposal that support an out of centre location as per paragraph 12 of the PPG.

Members should note that Policy BWLC1 (Shops and Services) of the Bryning with Warton Neighbourhood Plan focusses new retail development toward the Principal Village Centre in Warton, and that any retail proposal outside of that Centre must be within the settlement boundary and for local need only. Local need is not defined by the Policy though in the context of this application is formed by the roadside location of the site within the settlement and volume of traffic on the main road network.

Accordingly it is considered that there are no sequentially preferable sites available for the proposal, and there are unique locational requirements that afford support for the proposal in this out of centre location. The proposal therefore accords with Policy EC5, the NPPF21 and PPG (Town Centres and Retail).

### Health and Wellbeing

FLPPR Policy HW1 seeks to reduce health inequalities through a number of set criteria. Those relevant to the current proposal are:



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- b) 1. Better health – improve healthy life expectancy, and narrow the health gap.
- g) the reduction of health inequalities and initiatives to facilitate healthier lifestyles will be supported, where these can be delivered through the planning system.

The Council has also produced an SPD 'Fylde Healthy Living' (adopted 11/09/2019). It is intended to provide supporting information and guidance on how to approach proposals in a way that will *contribute to a reduction in health inequalities and an overall positive impact on the health and wellbeing of the residents of Fylde*. The SPD clarifies that the term 'hot food takeaway' (HFT) shall mean an A5 use or any proposal which includes an element of hot food takeaway (A5) and seeks to control HFT in specific Wards (greater than 15% of year 6 pupils or 10% of reception pupils are classed as obese) and within a 400m of secondary schools.

Officers initially raised objection to the proposal on grounds that one of the end users was Greggs Bakery, and that the nature of hot food sales from this type of establishment constituted a hot food takeaway within a Ward (Warton with Westby) that exceeded obesity thresholds of the SPD. To overcome this concern, the applicant subsequently revised their scheme, replacing Greggs with a general retail use. Whilst this approach is acceptable, it is considered necessary to prevent the sale of hot food from the retail unit by way of condition to enforce future compliance with the SPD. The condition will not prevent the ancillary sale of hot food, such as paninis and toasties, from the establishments.

### Principle of Development – Conclusions

The application site is located within the settlement boundary of Warton and Freckleton. Whilst the site is located Out of Centre, the applicant has demonstrated that there are no sequentially preferable sites within Freckleton Local Centre and Warton Principal Village Centre and the LPA is not aware of any other available edge of centre or out of centre sites. In addition the site is on a main road network with good accessibility to these Centres and there are unique locational circumstances that afford support for the principle of retail at the site.

Furthermore, the proposal would not unacceptably undermine child health or obesity levels within the Ward of Warton with Westby.

The proposal will provide full and part time jobs within the service sector and construction industry, according with Strategic Objective 4 (To diversify and grow the local economy) of the FLPPR.

On this basis, the principle of the proposal is considered acceptable and in accordance with the Development Plan, NPPF21 and PPG.

### **Design**

#### Policy Background

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

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

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- e) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- i) make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

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

### Assessment

The site is almost triangular in shape, bound by Lytham Road on all 3 sides, with a terrace row of dwellings and Holy Family Church and grounds located to the south that have a front facing aspect toward the development. The roundabout junction of the bypass is located immediately north east, where a new access arm has recently been constructed to serve a new housing scheme located to the north. Buildings in the vicinity are predominantly 2 storey, constructed of a variance of materials including render, red brick, multi coloured painted brick, with slate and tile roofs.

The site is presently occupied by 2 detached bungalows that have been vacant for a prolonged period. The buildings have been subject to anti-social behaviour and vandalism and have fallen into a state of disrepair as a consequence. The external grounds of both properties have not been maintained, with shrubs and trees being left to grow to the extent that buildings on site have been largely consumed by foliage. The present appearance of the site is considered to have a negative impact toward the character of the area and this is only exacerbated by the prominence of the site in the street scene.

Under this proposal the site will be cleared of all buildings, trees and foliage though it should be noted that trees located to the eastern boundary are not within the application site so will be left undisturbed. The proposed buildings are located to the northern boundary of the site, being set back from Lytham Road behind a tree planted landscape strip. The Starbucks building is positioned with its rear elevation being screened by off site trees to the east, presenting a side elevation to the adjacent roundabout and south, with open fronted aspect to the main road. The retail unit is sited some 5m from the northern boundary and has been designed to have a dual aspect to all 4 elevations. Externally, the car parking and access arrangements are located to the southern portion of the site, with landscaping about the site periphery acting to soften the built form of buildings and hardstanding.

The proposed buildings are single storey in nature and have been designed to have a simplistic form, with a modern appearance, through the addition of a flat roof, glazing to prominent elevations where exposed to the street and neutral coloured cladding. The front façade of the Starbucks building has an overhang that introduces depth to the elevation, has a chimney detail that projects above the first floor that is used for advertising purposes. The scale of proposed buildings is reflective of that in the locality, and the modern form is akin to the appearance of other commercial properties, similar to the adjacent Tesco Express and Subway. Construction materials are sympathetic, and the use of neutral colours would not be jarring to the eye.

There are a number of trees located within the garden area of both dwellings that are proposed to be felled. The submitted Arboricultural Impact Assessment (Bowland, BTC2273, October 2021) confirms that only 1 tree and one group of trees were categorised as having moderate quality, with the remainder being of low quality or unsuitable for long term retention. These trees are of little amenity value and are not covered by a Tree Preservation Order. In addition, the AIA requires specialist construction methods to safeguard off site trees from construction of the drive thru lane. The Councils Tree Officer has no objection to tree removal or proposed works adjacent to off site retained trees,

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subject to replacement planting and construction to accord with measures outlined within the AIA.

In conclusion, the proposed development is considered in-keeping with the existing built form and will rejuvenate a parcel of land that currently detracts from the visual appearance of the area, providing significant regeneration benefits, in accordance with the provisions of Policy GD7 and NPPF21.

### **Amenity**

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses and existing residents that live adjacent. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the presence of buildings or disturbance, including noise, odour and light, from operation of the intended use.

Existing neighbours that could be affected by the proposal is limited to occupants that live opposing the site to the south. These properties are 2 storey terrace dwellings, that have a front facing aspect with ground and first floor habitable room windows to the front elevation that overlook the development.

Siting of the closest proposed building to these neighbours results in a separation, at its closest point, of approximately 40m. This distance, combined with the single storey nature of buildings proposed, ensures that the amenity of these neighbours would not be undermined by the presence of proposed buildings by virtue of privacy, loss of light or over shadowing. There is opportunity for overlooking from users of the car parking area, albeit this would be of a passive and infrequent nature with no sustained or prolonged overlooking encouraged. Separation distance to parking is a minimum of 21m which is sufficient to minimise any privacy concern. Once mature, proposed landscaping would also help reduce the perception of being overlooked by diluting visibility of cars and patrons of the development.

The submission confirms the end user of the drive thru coffee shop as Starbucks with no end user for the retail unit. The submitted application form confirms opening to be 6am to 10pm Monday to Sunday. Early morning and late night disturbance resultant from odour, customers frequenting the development and external lighting is therefore a possibility. At the request of Officers, the applicant has submitted Noise and Odour Reports to inform assessment of the application.

As discussed above, the development has good separation to neighbours and this will assist in reducing the amenity impact of early morning and late night disturbance. The site and affected neighbours are also located close to Lytham Road/ A584, which is a heavily trafficked main road that connects Preston to Lytham St Annes and beyond, serving as a means of access for employees that work in businesses along the Fylde coast. Ambient noise levels are therefore high as a consequence, borne primarily from the number of vehicles using Lytham Road and associated road noise.

The submitted Noise Impact Assessment (RDA, J003840-5589-JP-01, 23/05/22) has considered noise in respect of use of the car park as well as external plant/ equipment on neighbours to the south of the application site. The assessment included a survey of the existing ambient noise levels, with measurements being taken from the southern boundary of the site. The report concludes that noise levels are dominated road traffic noise from Lytham Road and that predicted noise levels at neighbouring dwellings are lower than the measured ambient background noise level, even with windows open.

The submitted Odour Assessment (Redmore environmental, 5578r1, 20/05/2022) is based on the operation of a drive thru restaurant as a worst-case scenario and refers to the cooking of hot food.

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Based on this scenario, the development was assessed to have a high level of odour risk given that the extraction system was not known at the time of assessment, and mitigation in the form of a baffle filter/ fine filter/ carbon filter system is suggested.

The Environmental Protection team have commented on the proposals and raise no objection subject to implementation of the proposed odour mitigation, and an hours of use restriction. A condition requiring submission of the final extraction system is suggested. With regards to hours of use, the applicant has requested 6am to 10pm and whilst the submitted Acoustic Assessment purports to an acceptable relationship with neighbours, it is considered that opening should be more restrictive so as to allow some relief to residents, such as on a Saturday and Sunday when roads are more likely to be quieter. Opening hours of 06.30 – 21.00 Monday to Friday, 07.00 to 21.00 Saturday and 07.30 to 21.00 Sunday and Bank Holidays are sought.

The applicant has not submitted external lighting information. Notwithstanding, the separation to closest houses acts as a good buffer as too will landscaping once matured. External lighting will be similar to street lighting in order to illuminate parking and external areas of the buildings, but to ensure an appropriate relationship to neighbouring occupiers final details should be requested by condition.

Residents have also referenced increased litter, encouragement of anti-social behaviour and vermin in their objections. With regards to littering, whilst submitted drawings do not provide for litter bins it is expected that these be provided outside of building entrances and within the car parking areas. Notwithstanding human behaviours, such measures will ensure that opportunities are provided to dispose of litter on site and can be required by condition. Matters relating to vermin and anti social behaviour are perceptions of development, there is no justification that these issues will materialise once operational and separate Authorities exist that can deal with such problems if they arise.

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

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

### **Highway Safety**

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

Policy T5 relates to parking provision and indicates that provision should be on site wherever possible to ensure there is no detrimental effect on highway safety, and enables a flexible approach to the level of car parking provision dependent on the location of the development. Paragraph 11.61 of the FLP indicates that the Council will prepare a Supplementary Planning Document (SPD) on parking standards. The SPD has not yet been adopted and standards contained in the Joint Lancashire Structure Plan (JLSP) are therefore still applicable, in this circumstance the relevant standard is 1 car space for ever 14sqm of floor area, and 1 cycle space per 10 parking spaces. Guidance allows for reductions in areas of good accessibility.

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

The scheme seeks to close the existing access points into the site, with a new 2-way give way access arrangement proposed from the south on Lytham Road, located opposite the landscape area of the Church. The existing footpath that flanks the southern boundary will be cleared of vegetation to provide a 2m width and that footpath will be continued into the development providing safe pedestrian access to the entrance of both Units. This widening helps achieve the required visibility splays for the access arrangement. 35 parking spaces (4 disabled, 4 electric charging) are provided within 2 separate areas segregated by the central access road and located to the south of the site, and 8 cycle spaces are indicated per building. A delivery area is shown adjacent to Unit 1 that will also be used by Unit 2 also. The drive thru lane for Unit 2 can accommodate up to 12 vehicles, with overflow available on the internal access road if needed. The TS states that the length of drive thru lane reflects the average length of other similar drive thru developments.

The planning application was accompanied by a Transport Statement (Vectos, VN212018-2, 10/2021). It should be noted that the TS has not been updated to account for the revised layout (removal of drive thru Unit 1). Key findings of the TS are summarised below.

- The applicant undertook pre-application advice with the Highway Authority prior to submission of this proposal.
- There have been no accidents on the secondary roads adjacent to the site in the last 5 years, though does highlight 4 accidents at or on approach to the roundabout junction of Lytham Road/ A584, equating to less than one recorded accident per year.
- The site is in a sustainable location in transport terms, with footways, residential areas, employment sites and bus stops all close by. Servicing and refuse collections are likely to be daily, but outside of operating times so as to minimise potential conflicts with customers and manoeuvrability of appropriate vehicles is shown.
- The TRICS database has been used to predict trip generation levels in the TS. The TS states that many of these trips will already be present on the wider network, having to undertake a minor diversion to access the site. Diverted trips from the A584 and eastern section of Lytham Road are expected to make up the majority of trips which are considered additional trips at the proposed site access, but not on the wider network. The TS demonstrates that there will be an estimated 63 arrivals and 57 departures during the weekday peak (12.00-13.00) or approximately 1 vehicle arriving and departing every minute. The Saturday peak (12.00-13.00) will witness increased arrivals (82) and departures (78) equitable to 1-2 vehicles arriving and departing every minute.
- There are no existing capacity concerns. Most trips are already on the network and any new trips are unlikely to significantly alter that. The drive thru lane are of sufficient length to ensure queuing is unlikely to affect the mini roundabout on Lytham Road. The TS does acknowledge that some queuing might occur in certain circumstances, though in practice this quickly clears.

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- The TS concludes that the development proposals would not significantly alter the existing characteristics of the local highway network in the vicinity of the site and can therefore be accommodated.

The Highway Authority were consulted on both the original submission and the revised proposals and supported the development in both instances. Importantly in their revised comments the HA acknowledge that the TS has not been updated, but they do not consider revision is necessary stating that the number of trips entering and leaving the site will be lower due to the smaller footprint proposed by the revision. No objections are raised to the amount of car parking, access arrangement or site layout. Notwithstanding, the HA have requested sustainability improvements in the form of a widened footpath to a bus stop (westerly side of the link road between both roundabouts), as well as replacement of the shelter and raised kerb. In addition, the HA request upgrade of 2 further bus stops (adjacent to junction of Lytham Road and Lamaleach Drive) to include raised kerbs.

At the time of writing, Members should note that the applicant is in dialogue with regards to provision of the above off-site highway works and that the outcome of discussion will be reported via late observations.

Residents living to the south of the site on Lytham Road are reliant on this street for parking. At the time of the Officers site visit it was noted that construction workers of an adjacent housing development were also parking along Lytham Road, reducing width of this carriageway to a single lane and impinging upon access. There are no parking restrictions to this section of Lytham Road meaning that workers can park. Notwithstanding, with regards to construction of this scheme, it is suggested that associated parking be contained on site so as to ease pressure on the highway, this can be controlled by condition.

Accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies and the NPPF.

### Other Matters

#### Drainage and Flood Risk

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

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map. The size of the site is also less than 1 hectare, accordingly submission of a Flood risk Assessment is not necessary for the development.

The submitted Drainage Strategy (Reford, 21.1040, October 2021) confirms that infiltration drainage for surface water is not feasible due to the nature of geology beneath the site. As per existing scenario for dwellings on the site, it is intended that surface water will drain into a surface water sewer that runs along Lytham Road which discharges into Pool Stream watercourse to the east. Surface water will be held in tanks located beneath the car park prior to being released into the network at an attenuated rate of 5 litres per second. The on-site storage is equivalent of a 100 year critical rain storm plus a 40% allowance for climate change. Foul water is presently dealt with by septic tank and the applicant intends to alter this arrangement through connection to a combined sewer located 60m to the east on Lytham Road.

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Environment Agency mapping confirms that the site is at Very Low Risk from surface water flooding, albeit the Church located to the south and residential area to the south of that are within an area of High, Medium and Low Risk of surface water flooding. Since the proposal relates to Minor development within an area at low risk from surface water flooding, the LLFA standing advice is applicable which confirms that the LLFA has no objection to the scheme and the use of sustainable drainage is recommended. Similarly, United Utilities have no objection to the proposal though do require further details regarding design, management and maintenance of the surface water drainage system.

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### Ecology

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

The planning application was accompanied by a Preliminary Ecological Assessment (PEA) (Pennine ecological, September 2021). Key findings of the PEA are outlined below:

- The site has no statutory or local designations, and one internationally and nationally designated statutory site within 2km. The Ribble Estuary Ramsar, SPA and SSSI is located approximately 1.6km south. No direct or indirect impacts on any statutory sites are predicted.
- The habitats affected by the proposal are of 'Site' value only. The site is primarily composed of buildings tall ruderal, scrub, trees and a small area of overgrown amenity grassland.
- There are no known habitats or species of principle importance associated with the site.
- The buildings on site have been assessed as having negligible bat roost potential.
- There are no ponds on site, and one pond located within 250m. The pond is located approximately 192m north of the site. The pond is separated from the site by the A584, Lytham Road which is a barrier to dispersal for amphibians including GCN. Therefore no further surveys are required.
- The site supports habitats suitable for bird nesting. No further surveys are required however precautionary working measures are recommended.
- The survey revealed no evidence of use of the site and adjacent land by badger, and no
- further surveys are required.

The Council's ecological consultant agreed with the report findings, commenting that the site has limited ecological value, requiring conditions relating to clearance of vegetation outside of the bird nesting season and biodiversity enhancement measures. An informative relating to developer responsibilities toward conservation of bats is also advised.

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

### Conclusions

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The application site is located within the settlement boundary of Warton and Freckleton.

The submitted retail sequential test has found that there are no sequentially preferable sites, within or adjacent to the existing Freckleton Local Centre and Warton Principal Village Centre, to accommodate the proposal. In addition, the proposal will enhance the roadside services offer for the motorist and therefore has unique locational requirements that affords support for the proposal in this location. The proposal therefore accords with Policy EC5, the NPPF21 and PPG (Town Centres and Retail).

The development will encourage job creation during the construction phase and once operational, in accordance with the FLPPR strategic objective 4 to grow the local economy.

The development is considered to be of appropriate appearance and in-keeping with the character of the area, providing significant regeneration benefit through the redevelopment of a prominent unsightly land parcel. The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

### **Recommendation**

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

1. The satisfactory resolution of any discussions between the applicant, the council, and the local highway authority regarding the provision of accessibility improvements such as pedestrian footways to serve the development.
2. The final drafting of a series of planning conditions that are appropriate and necessary to control the development, with these based on the following suggestions.

### **Suggested Conditions**

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

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

2. This permission relates to the following plans:
  - Proposed Site Layout Plan - Drawing no. 21-027 rev D
  - Starbucks Elevations - Drawing no. 21-027 ST-04
  - Starbucks Floor Plan - Drawing no. 21-027 ST-01
  - A1 Retail Unit Elevation - Drawing no. 21-027 A1RE-02
  - A1 Retail Unit Floor Plan - Drawing no. 21-027 A1RE-01



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

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

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

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

4. No above ground works of development shall take place until details of finished floor levels for the buildings and ground levels for the external areas of the site, above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

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

5. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the Units hereby approved shall be occupied until details of the siting, height, design, materials and finish of all boundary treatments within the development have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details before the any of the Units are first occupied, and shall be retained as such thereafter.

Reason: To achieve clear demarcation of public and private areas and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

6. None of the Units hereby approved shall be occupied until a scheme providing details of the bin store and litter bin provision on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

design and materials of the bin store and associated means of enclosure;  
location and design of litter bins on the site.

The bin store and litter bins shall be constructed in accordance with the duly approved scheme and made available for use before any of the Units hereby approved are first occupied, and shall be retained as such thereafter.

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Reason: To ensure that adequate provision is made for the storage of refuse and recycling receptacles in the interests of the amenity of the site and surrounding area, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the Units hereby approved are first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

8. None of the Units hereby approved shall be occupied until a Biodiversity Enhancement Plan (BEP) for the development has been submitted to and approved in writing by the Local Planning Authority. The BEP shall include the incorporation of the following biodiversity enhancement measures, including details of their number, location and specification, into the development and a timetable for their provision:

- a) The installation of bat boxes.
- b) The installation of bird boxes.
- c) The introduction of native tree planting as part of the soft landscaping scheme required by condition 4 of this permission.

The duly approved BEP shall thereafter be implemented in full accordance with the details and timetable contained therein.

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

9. The development hereby approved shall be constructed in accordance with the Special Construction Methods outlined on the Tree Impact Plan (Arboricultural Impact Assessment, Bowland, BTC2273, October 2021).

No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those off site trees to the eastern boundary of the site as per the Tree Impact Plan (Arboricultural Impact Assessment, Bowland, BTC2273, October 2021). The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed around the

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root protection area of the retained trees. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.

Reason: To ensure that appropriate mitigation measures are put in place to safeguard the health of protected trees within and/or overhanging the site in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1.

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

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

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site improvements has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to, the following:
  - a) Site access.
  - b) Improved footway on the westerly side of the link road.
  - c) 3 No. bus stop upgrades, including provision of a replacement shelter and raised boarding areas.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with policies GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

12. The development hereby approved shall not be occupied until the site access, visibility sight lines and off site highway works approved by condition 10, as well as the vehicle parking and manoeuvring areas shown on drawing no. 21-027 1000 rev D have been laid out and made available for use. The implemented visibility sight lines, vehicle parking and manoeuvring areas shall remain free from obstruction and be retained as such thereafter.

Reason: To ensure that adequate provision is made for access, vehicle parking, servicing and manoeuvring, in the interests of highway safety and visual amenity in accordance with policies GD7 and T5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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13. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
- a) hours and days of work for site preparation, delivery of materials and construction;
  - b) areas designated for the loading, unloading and storage of plant and materials;
  - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
  - d) arrangements for the parking of vehicles for operatives and visitors;
  - e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
  - f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
  - g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
  - h) measures to control the emission of dust and dirt during the construction period;

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

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

14. Prior to commencement of any development, a survey to determine the condition of Lytham Road (south of the application site from Silverdawn Day Nursery to the mini roundabout on Lytham Road) shall be submitted to and approved in writing by the Local Planning Authority. Similar surveys shall be carried out every 3 months of the construction period and a final survey undertaken within one month of the development opening for trading. The surveys, along with a scheme confirming any necessary works to make good any damage resultant from the construction of the development and a timeframe for implementation of any such works, shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the development opening for trading. The works to make good Lytham Road shall be implemented in accordance with the approved timeframe.

Reasons: To repair any damage to the highway from during the construction period in the interest of highway safety, in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

15. Prior to commencement of the development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

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- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

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

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

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

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

Reason: To ensure that flood risks from the development to the future occupiers of the development and the occupiers of neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development is constructed in accordance with the duly approved surface water drainage scheme and that suitable measures are put in place for its future management and maintenance in accordance policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

17. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
- a) a survey of the extent, scale and nature of contamination;
  - b) an assessment of the potential risks to:
    - human health;

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property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land;  
groundwaters and surface waters;  
ecological systems; and  
archaeological sites and ancient monuments.

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

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with policy GD9 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

18. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the use hereby permitted first takes place a scheme for the provision of a system for the extraction and filtration of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) details of the siting, design and finish (including colour treatment) of any external flue;
  - b) details for the treatment and filtration of cooking odours within the system prior to their emission;
  - c) measures to attenuate noise and minimise vibration arising from its operation;
  - d) manufacturer's operating instructions; and
  - e) a programme of equipment servicing/maintenance.

The extraction system shall thereafter be installed in accordance with the duly approved scheme before the use hereby permitted first takes place and, at all times when food is being cooked on the premises, the extraction/ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

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

19. Prior to the installation of any external lighting at the site, a scheme for the installation of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) position and height on the building(s) and/or site;
  - b) spillage, luminance and angle of installation;
  - c) any hoods to be fixed to the lights.

The external lighting shall only be installed in accordance with the duly approved scheme.

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Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial review) and the National Planning Policy Framework.

20. The development hereby permitted shall only be open for trade or business between the hours of:

06.30 - 21.00 Monday to Friday.

07.00 - 21.00 Saturday.

07.30 - 21.00 Sunday and Bank Holidays.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

21. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the premises hereby approved shall only be used as follows:

Unit 1 - within Class E(a), and for no other purpose (including any other use falling within Class E of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Unit 2 - as a drive thru coffee shop, and for no other purpose (including any other use falling within Class E of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: In the interests of health of Year 6 pupils and reception pupils, to ensure that the future use of the premises is limited to one which can be carried out in a residential area without detriment to the amenity of the occupiers of nearby dwellings; and to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety, in accordance with policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 (incorporating Partial Review), the National Planning Policy Framework and Supplementary Planning Document 'Fylde Healthy Living'.

### Informative(s)

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

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

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### **2. Food Safety:**

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

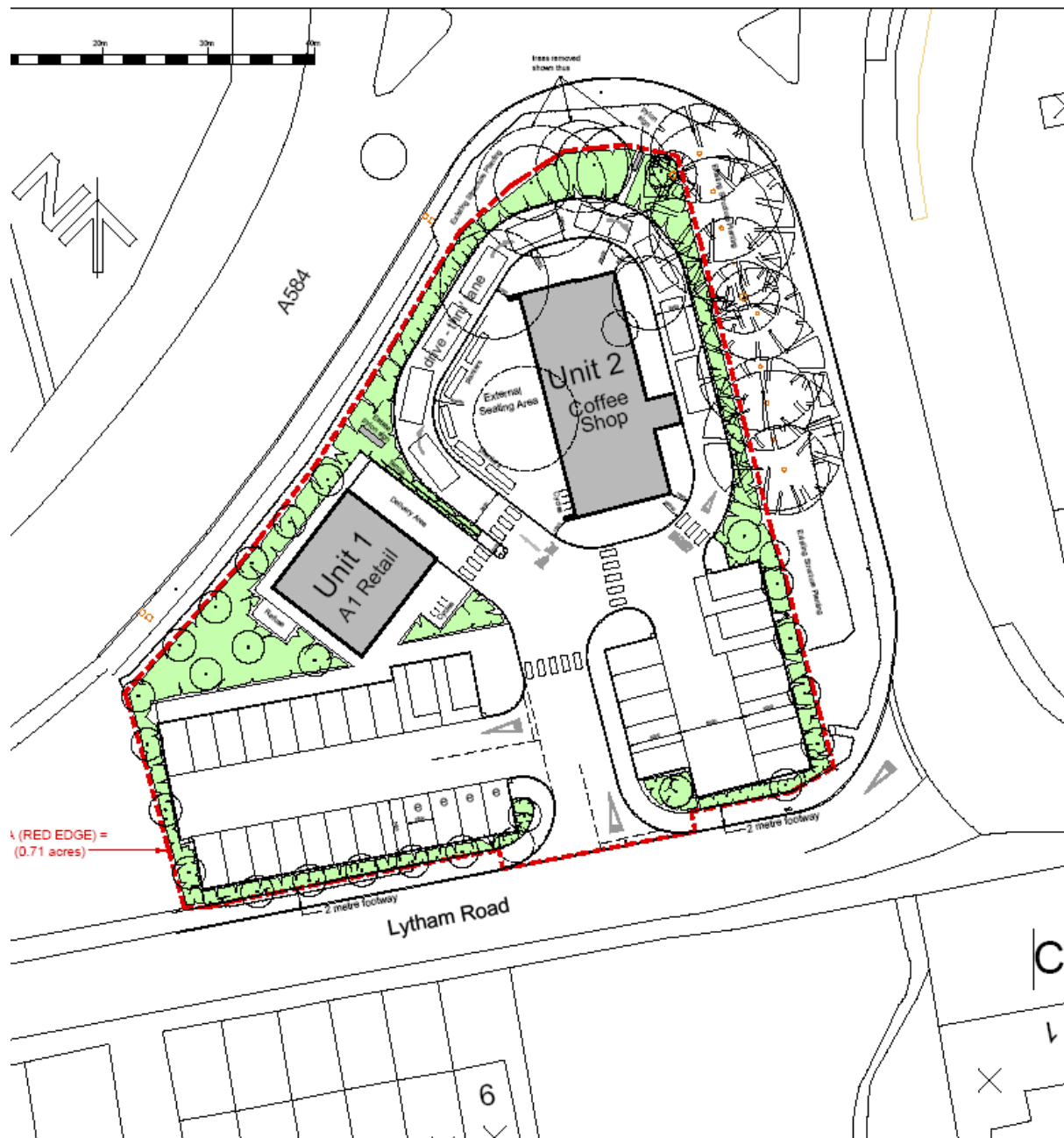
### **3. Bat Protection**

Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.



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### Location Plan 21/1075



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### Item 3

<b>Application No:</b>	22/0341	<b>Case Officer:</b>	Andrew Stell Area Team 2
<b>Applicant:</b>	FYLDE COUNCIL	<b>Agent:</b>	MR ANDY WOLFE
<b>Location:</b>	NORTH BEACH WINDSPORTS CENTRE CLIFTON DRIVE NORTH LYTHAM ST ANNES LANCASHIRE FY8 2PP		
<b>Proposal:</b>	1) RECONFIGURATION AND CHANGE OF USE OF EXISTING WINDSPORTS CENTRE & CAFE BUILDING TO USE AS WINDSPORTS CENTRE, CAFE AND RANGER BASE. 2) SCHEDULE OF ASSOCIATED WORKS TO INCLUDE ALTERATIONS TO WINDOWS AND DOORS, INSTALLATION OF EXTRACT & INLET VENTILATION TO CAFE KITCHEN, REPLACEMENT OF EXISTING EXTERNAL DECK WITH NEW EXTENDED DECK, AND FORMATION OF ACCESS RAMP AND ACCESS FOOTPATH		
<b>Ward:</b>	St Leonards	<b>Parish:</b>	St Anne's on the Sea
<b>Statutory Expiry:</b>	13 July 2022	<b>Earliest Decision:</b>	11 June 2022
<b>Reason for any delay:</b>	Not applicable as decision will be 'in time'		<b>Online application file</b> <a href="#">here</a>

**Officer Recommendation:** Delegate to Officers

### Report Update

#### Introduction

This application was considered at the 22 June 2022 meeting of the Planning Committee. At that meeting the committee resolution followed the officer recommendation and is recorded in the minutes as:

*Authority to Grant Planning Permission is delegated to the Head of Planning, with the decision to be made when he is satisfied that:*

- 1) the applicant has provided a professional assessment over the potential implications of the development on the SSSI and any other ecological designations around the site that could be directly or indirectly affected by the development*
- 2) the consultation views of Natural England have been sought and received on this information*
- 3) the Head of Planning is satisfied that the ecological implications of the development have been appropriately considered and any necessary mitigation can be secured*
- 4) any Habitat Regulation Assessment that may be required has been produced, and can be formally adopted by Fylde Council as competent authority*
- 5) a schedule of appropriate and necessary planning conditions is finalised based on the following suggestions.*

This was designed to allow officers to progress the outstanding issues and so issue the planning permission once these matters had been resolved appropriately. Regrettably work has commenced on the conversion of the building in advance of the decision on the application, and with the council being the landowner this has attracted a degree of public scrutiny. The prospective tenant for the café element of the building has also made an application for a Premises Licence relating to elements of the proposed operation of that part of the building which has attracted further public comment.

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In response to this the Head of Planning and the Chairman of the Planning Committee have agreed that it would be appropriate for the Planning Committee to be provided with an update on the application so that the development can be reconsidered and any revisions to the resolution made. This report provides that update.

### **Updates and Revisions to Scheme**

The planning application relates to the change of use of the building to allow three separate uses: a windsports centre, a café, and a base for the coastal ranger. This has not changed from when the application was first submitted, and so the initial consideration of the application in the officer report remains valid.

The planning application also includes some physical works to the building to facilitate those uses. These elements of the proposal have not changed either, although it is understood that the works on site have introduced some minor variations from the submitted plans. The applicant's agent has provided revised plans to document these, which relate to changes to add some vents and other such minor details.

At the time of the consideration of the application in June the final materials to be used in these works were not available to the planning officers, and so a 'pre-commencement' condition was suggested to require their submission and consideration. As works have now commenced, and may well have been completed by the time of the Committee meeting, it is possible to consider the appropriateness of those materials.

The main reason for the delegation of the application in June was that the applicant had not provided the shadow Habitat Regulations Assessment that is needed to explore the potential impact of the development (including the construction works associated with its implementation) on protected sites that are in close proximity to the application building. The need for this was explained to the applicant at the time of the submission of the application in May 2022 and was reiterated when Natural England, as the statutory national consultee on these matters, raised a holding objection to the application in early June. The Committee resolution was designed to allow this additional information to be provided, assessed and then, if acceptable, for the required mitigation to be secured through suitably worded conditions. Whilst the applicant provided a Construction Environmental Management Plan in July and have recently commissioned a shadow Habitat Regulations Assessment, at the time of drafting this report this remains outstanding. A consideration of the consequences of this is therefore necessary given that work is progressing on the development.

Finally, the prospective operators have submitted an application for a Premises Licence to the council in its role as Licensing Authority. This has been subject to objections and so it is expected to be heard at a meeting of the Licensing Panel on 2 September 2022. Elements of the premises licence application, most notably the request to operate until midnight, are outside of the scope of the suggested conditions and so a further consideration of this element is appropriate.

### **Neighbour Representations**

Whilst the council has not received any additional information that would require a further consultation exercise on the planning application, the local interest in the scheme has increased, seemingly as a consequence of the submission of an application for a Premises Licence of the café element of the building. At the time of drafting of this report 9 residents had made representations to the council's planning team, although it is understood that more have been received by the licensing authority for their consideration in the determination of that application. The points raised in the

## **AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE**

correspondence to the planning team can be summarised as:

### Procedural

- The planning application is flawed as there is no mention of the potential sale of alcohol, entertainment activities, or the late hours of trading as a bar
- The Premises Licence consultation has been very limited, with only a single site notice posted
- The application should be re-referred to the Planning Committee so that residents can speak to them on this before a decision is made
- The works should not have commenced without the planning permission being in place, and should have ceased immediately when it came to light that they did not have the appropriate permission. Fylde Council should not be allowed to ignore the planning rules that it expects everyone else to comply with.

### Ecological

- The establishment of a café at the site creates the potential for vermin to be attracted to any food waste that is left out at the site, which could cause ecological damage to the dune habitat
- The building works are using materials that contain plastic, and are being undertaken without the appropriate ecological protection being in place. As a result they are potentially causing harm to the dunes and the wildlife that they support.

### Neighbour Amenities

- The building is in a residential area and if music is to be played to 11pm this will cause great levels of disturbance to those residents. It is inappropriate to establish a party venue in this location
- The use of the premises late into the evening will cause noise to disturb residents, both from the building itself and from those outside it with cars and taxis using the car park later into the evening
- If it is to be allowed at all then it is essential that there is a limit on the number of occasions when late night activity can occur, and that it can only occur a part of a food-led function
- The late night use will mean that the area has to be lit to allow its safe use, which will in turn disturb residents who would wish to sleep at that time

### **Consultee Comments**

The views of Natural England were sought to establish their views on whether the information in the Construction Environmental Management Plan was sufficient to address the request made in their initial consultation response that a Habitat Regulations Assessment is required.

Their most recent consultation response is from 26 July 2022 and reconfirms their position as reported in the agenda papers to the June Planning Committee meeting. These are that the application could have potential significant effects on the Ribble and Alt Estuaries Special Protection Area, the Ribble and Alt Estuaries Ramsar site, and the Ribble Estuary Site of Special Scientific Interest. Given this position they highlight that a Habitats Regulation Assessment is required and that without one being submitted they may formally object to the application.

More recently they contacted the planning team to express concern that works have commenced in advance of the ecological implications of the construction and development being explored through the appropriate legislative mechanisms, and so requested clarification of what environmental safeguards are in place. The planning team responded to that with reference to the Construction Environmental Management Plan that had been supplied by the applicant, and a site photo taken in early August of the development taking place.

In response Natural England advised on 5 August 2022 that:

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*Natural England has reviewed the CEMP (Heatons, July 2022) and whilst we are satisfied with the mitigation measures proposed, it does not include an assessment of impacts qualifying bird species during the wintering period. Ribble Estuary SPA/Ramsar consist of extensive intertidal mudflats and sand flats and large areas of saltmarsh. This habitat supports a large number of important bird species, especially during the wintering period (September to March inclusive).*

*We are concerned if the works continue into September without an assessment of any disturbance the proposal may have on these qualifying bird species, together with any appropriate mitigation measures, then the proposal could result in adverse effect on the integrity of Ribble & Alt SPA/Ramsar. Further information on Ribble & Alt Estuaries including a seasonably on the qualifying bird species can be find in our Conservation Advice Package.*

*We would expect the Shadow HRA currently being undertaken to include an assessment of these impacts and if mitigation measures are required, then the HRA should move to the appropriate assessment stage.*

As the shadow HRA has yet to be received there is no further consultee update on this matter.

### **Officer Assessment**

With reference to the elements set out in the 'Updates and Revisions' section of this report the assessment is as follows:

#### Elevation Changes

The minor changes that have occurred relate to an area of the building that was not visible at survey, a correction to the shutter details, and the addition of a series of vents. These are not material to the scheme and the variations are considered acceptable. The receipt of revised plans to correct these prior to the grant of any planning permission is an appropriate and acceptable way of addressing this issue.

#### Materials

The only material that has been used which differs from the material that were in place previously is that the timber decking area has been replaced with a composite timber effect decking. The agent has confirmed that this is 'NeoTimber Deluxe Decking' which is a product that reflects the detail supplied on the submitted drawing which refer to 'timber deck structure with composite timber finish'.

This product will provide an appropriate material for a building in this coastal location and is also likely to be more durable than the previous timber decking at the premises. The original plans confirm the intention to utilise this form of material and the submitted detail is acceptable to satisfy the requirements of Policy GD7 in this regard. The conditions can therefore be reworded to simply require that this material is used.

It is expected that a schedule of any materials that have been used elsewhere on the building, such as with the new windows, doors and shutters, will be provided. From officer visits to the site since construction works commenced it is considered that all the materials are acceptable and so this schedule of materials will add suitable clarity to the planning permission.

### Ecological Assessment

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In the absence of the shadow Habitat Regulations Assessment being submitted it is noted that Natural England maintain their holding objection to the application. This is an understandable position given the high level protection given to the sand dunes and estuary environment that the building is within or adjacent to. It is clearly disappointing that work has commenced on the development without these matters being fully assessed. As the building is owned by the council it is not possible for the local planning authority to take formal action against itself to ensure that any risk of ecological damage from continued development without assessed mitigation being in place.

Notwithstanding this, the project managers for the council have confirmed that the development is being undertaken in line with the Construction Environmental Management Plan, to prevent any potential ecological harm arising from the construction works. It is also the case that Natural England have confirmed that this document provides appropriate mitigation measures for the construction element of the project. Their main concern, as set out in the quoted response above, is that the works were not extended into the wintering bird season which begins in September. Officers understand that the construction works have now been completed and so this concern is not realised.

Moving this forward, the continued lack of a Shadow HRA for the council to consider, with the consultation comments of Natural England as guidance on this, means that the application cannot be favourably determined at this point. Accordingly, the matters set out in points 1-4 of the June resolution should be restated.

### Hours of Use of Café

The existing planning permission for the building confirms that the site can be used as a windsports centre with an ancillary café, and that can trade between 8am and 9pm for the benefit of the users of that windsports centre. The current application seeks to retain and expand the café element of the building and allow it to be used as an independent facility. The assessment in the June Committee report, and the council's resolution on that report, confirms that this independent use is acceptable in principle. However, it references the proximity of residential properties to the site, and the relatively quiet coastal location at the edge of the developed part of the town and concludes that it is appropriate to maintain similar controls over the hours of trading of the café so that neighbouring amenity is not adversely affected.

These controls are provided in the form of suggested condition 4 which limits the hours of trading to between 9am and 9pm on any day, and prevents the use of the decked area for any amplified or live music. This control was introduced by planning officers as they agreed with the caution over the potential for the use of the café in the later evening that was expressed by the council's Environmental Protection Team in their comments on the application.

Subsequent to the Planning Committee's consideration of the application in June, the prospective initial operator of the café has submitted a premises licence application to the council to be the 'Beachcomber Café'. This proposes that refreshments and alcohol is sold at the premises until midnight on any night, that live or recorded music is permitted indoors or outdoors until 11pm on any night, and that the hours of trading are extended to midnight on any night. The publicity granted to this Premises Licence application has attracted some opposition to the current planning application from local residents as is reported earlier in this Update Report. This opposition is understandable based on the relatively quiet location of the site and the proximity to a reasonable number of residential properties that could be adversely affected by the activity at the premises or by those leaving it later into the evening.

Notwithstanding these concerns, it is accepted that the location of the site is such that it will be susceptible to weather conditions to attract customers, and is remote from the centre of the tourist

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hub of the town meaning that passing trade is likely to be reduced. This means that there is an understandable desire of the prospective operators to be able to build some resilience into their business model through the potential to operate occasional functions and other events which run later into the evening.

In discussions over this with the Environmental Protection Team, it is considered that the 9pm closing time should be retained, but that the premises could reasonably be permitted to open until 11pm on a limited number of occasions each year. The number suggested as a compromise between the economic benefits of the building being a viable commercial operation to assist the economy of the borough, whilst not causing undue disturbance to neighbouring residents is 20 days each year. This number reflects the maximum number of 'Temporary Event Notices' that can be secured in a calendar year and so is the number of occasions that those legislators must have considered as an acceptably limited number of disturbances that can be accepted without leading to undue harm to residential amenity. Notwithstanding the proposed planning condition, the operator would also have to ensure that the necessary licences were in place.

To implement this it is proposed that the draft condition listed in the June report be split into the following two conditions:

*The café element of the uses hereby permitted shall normally be open to customers for the sale or consumption of food and drink, including use for private functions, between the hours of 9am and 9pm on any day, with the exception of a maximum of 20 days in any calendar year when the use of the café element of the premises shall cease no later than 11pm.*

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

*No amplified live music shall be performed outside of the hours 9am to 9pm on any day, and no pre-recorded or live amplified music shall be broadcast or performed on the decking area at any time.*

*Reason: To limit the potential for this specific noise generating activity to create disturbance and so to safeguard the amenity of the occupiers of surrounding properties in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.*

Members will note that the resident comments include a reference to the premises being used as a bar or drinking establishment. That seems to have arisen as a consequence of the way that a Premises Licence application is drafted under that legislation. The proposal under this planning application is for the premises to be used as a café (Class E), and so whilst this would allow alcohol to be served as part of a food offer at that site, it would not be solely a drinking establishment a use which falls outside Class E. If that were the intention it would be a material change of use from that sought in this application and a further planning application would be required.

Members will also note that the decision on the Premises Licence is due to be made at a meeting of the Licencing Panel on 2 September 2022. The operators need consent under both pieces of legislation to be able to operate to a particular time, so there are clearly benefits in legibility for all if this decision regarding the hours of opening (not necessarily live music or alcohol sales hours) are consistent.

### **Update to Recommendation and Revisions to Conditions**

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This further assessment of the application concludes that the application development as presented remains one that should be supported in accordance with planning policies and material considerations, but that a planning permission cannot be granted at this stage as the ecological implications of the development cannot be fully assessed with the information available. Accordingly points 1-4 of the June recommendation should be restated here.

Point 5 of that recommendation relates to the planning conditions that would accompany any decision and this can be revised, with a suggested list of conditions included in the Committee agenda to that meeting. A number of these can now be amended (to reflect the change in hours of use that are proposed, and that the materials are now known), others can be omitted (as work on the development has commenced), whilst others will need to be the subject of further consideration by officers following receipt of the outstanding ecological matters.

The table below sets out how officers propose that the conditions that are in the June agenda be revised, with the recommendation continuing to allow the Head of Planning the delegated authority to revise the wording of these as he sees necessary prior to the issuing of any planning permission.

No. in June	Subject	Proposed Update
1	Time limit	Omit as work commenced
2	Approved Plans	Amend to incorporate minor changes introduced in construction
3	Materials	Amend to relate to materials that have been used
4	Use of Building	Retain as previously proposed to control use to those permitted
5	Hours of Use	Retain but revise to wording suggested in report with condition split to deal with hours in one condition and music in another
6	CEMP	Revise to require compliance with submitted CEMP when final formal views of Natural England on scheme are received
7	Reasonable Avoidance Measures	Omit as details required by this conditions should be included within CEMP
8	Ecological Enhancement	Retain but likely revise wording to reflect a scheme that will be submitted prior to decision

### Original Report

The report that was presented to the 22 June 2022 meeting of the Planning Committee is included below verbatim for information and context to the above update.

#### Summary of Officer Recommendation

The application site is the former Fylde International Sand Yacht building and its compound that is located to the north of the north beach car park in St Annes. The building is currently vacant but has been used to support a range of beach related sport activities for a number of years, albeit its most recent use was as an unauthorised education establishment.

The site is in the green belt between St Annes and Blackpool but is immediately adjacent to the settlement boundary and so has the properties that surround the north beach car park on Clifton Drive North and Summerfields in relatively close proximity.



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The development proposed in this application is to expand the range of uses in the building to include a wind sports centre, a café and a base for the coastal rangers. An extended decking area to the seaward side of the building is proposed with a level access ramp alongside it. A series of bifold doors are proposed to provide access to this area from the building, with other more minor elevational changes elsewhere on the building.

The works provide for a physical enhancement of the existing dated building and a broadening of its uses in a way that will complement its existing use, and provide for expanded tourism and coastal management support services in a location that is ideally suited to that use.

There are no conflicts with the green belt designation, or with the design or access arrangements of the development. There are potential issues with neighbouring amenity should the café use expect to be operational into the evening, but it is considered that these can be controlled through planning condition.

There is a key outstanding issue with the development proposal, which is the potential for it to lead to harm to matters of ecological importance related to the estuary and dune habitat around the site. The application does not provide any details to allow this to be assessed and so those details are awaited.

Given the general acceptability of the principle of the development, officers recommend that the decision on the application be delegated to officers to allow a planning permission to be expeditiously granted in the event that the ecological assessments are satisfactorily completed. This will avoid the need for any delay through re-presenting the application to a future meeting of the Planning Committee, as is required under the approved scheme of delegation with the site being council owned, and should allow for the finalisation of planning conditions and any other controls required to appropriately control the operation of the building.

### **Reason for Decision Level**

The application is for the development of a council owned asset and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application relates to the former Fylde International Yacht Club building which is located to the north of the Coastguard building and North Beach Car Park in St Annes. The building is a single storey structure that was vacant for some years following the cessation of sand yachting activity in 2002 but was then opened again in 2010 by Trax Academy who leased it from the council. This was initially as a base for their wind sports activities which were operated for the benefit of young persons, but then transferred to use as a school without the benefit of planning permission or the landowners' consent. That use ceased some years ago and the building has been vacant since.

The site sits separate to the North Beach Carpark within the dune system that extends northwards from that point towards Blackpool. Vehicle access is available directly from Clifton Drive North, with a separate pedestrian/cycle link available to the car park. This pedestrian access extends past the building and is a well-used access point to the beach and dune systems beyond. It is understood that this is a popular access route for dog walkers and other recreational users of this part of the beach.

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There are a number of residential properties that surround the car park with some fronting onto Clifton Drive North having their rear boundaries with the car park, and others within the Summerfields development to the south. The application building has boundaries with the coastguard station to the south, the beach to the west, and the dunes to the north and east.

The building is within the green belt area that separates St Annes from Blackpool, with the northern edge of the car park being the settlement boundary. There are a range of ecological designations in the area, albeit the building itself is not within any of them. At the higher level there is the SSSI and Ramsar site that runs along the beach and has its edge 11m from the seaward facing elevation of the building. The Lytham Foreshore and Dunes Biological Heritage site is closer at 5m from the seaward elevation and runs immediately to the landward elevations so placing the parking and other external areas of this application site within that designation.

### Details of Proposal

The proposal relates to the change of use of the building to facilitate its use as a windsports centre with separate café/restaurant and separate base for the Coastal Ranger service operated by Fylde Council and its partners.

To facilitate this there are no extensions to the building itself, but the following works are proposed:

- The decking area to the seaward side of the building is proposed to be extended. This currently runs across the width of the building with a projection of 4m which is to be extended to 5.5m. This decking is to be formed from a composite timber material and is to be surrounded by a 1m high balustrade from that material with a further 500mm high glazed screen added to the top of that
- The decking is to continue alongside the building as a ramp to provide level access from the car park and access route with that similarly enclosed by the balustrade
- The doors and windows to the seaward elevation are to be widened and replaced with two sets of bi-folding doors that cover the majority of that elevation
- Other alterations to doors and windows and are to be provided to the other elevations of the building including the provision of a service door, the inclusion of a serving hatch to support the club use, and the replacement of other windows. A ventilation outlet is to be provided to improve the café operation
- Externally the car parking area is to be slightly remodelled and parking provided for cycles along with a bin store

### Relevant Planning/Appeal History

Application	Proposal	Decision	Date
76/0615	RETENTION OF EXISTING BUILDING AND USE AND SAND YACHT CLUB AND YACHT PARK.	Granted	8/9/1976
09/0683	RETROSPECTIVE CONSENT FOR THE INSTALLATION OF SECURITY SHUTTERS, REPLACEMENT CLADDING AND FENESTRATION TO THE EXISTING BUILDING.	Granted	14/12/2009
09/0677	SIDE EXTENSION TO WIND SPORTS CENTRE, INCLUDING CAFE ELEMENT WITH ADDITIONAL DECKING TO FRONT ELEVATION.	Granted	29/1/2010

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### Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	No comments had been received at the time of the preparation of this report. Any comments that are subsequently received will be reported to Committee or considered in any future officer determination of the application

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Natural England	<p>They provided initial comments on the application by letter of 1 June 2022. This highlights that the submission is missing information that is required to ensure it can be appropriately assessed for its impact on the ecological designations that they are the specialist governmental adviser on.</p> <p><i>“As submitted, the application could have potential significant effects on:</i></p> <ul style="list-style-type: none"> <li>• <i>Ribble and Alt Estuaries Special Protection Area (SPA)</i></li> <li>• <i>Ribble and Alt Estuaries Ramsar site</i></li> <li>• <i>Ribble Estuary Site of Special Scientific Interest (SSSI)</i></li> </ul> <p><i>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</i></p> <p><i>The following information is required:</i></p> <p><i>A Habitats Regulations Assessment (HRA) to include consideration of the potential impacts of the nearby designated sites during construction and operation.</i></p> <p><i>Without this information, Natural England may need to object to the proposal.”</i></p> <p>Their letter provides the following details to support this position.</p> <p><u><i>“Habitats Regulations Assessment (HRA)</i></u></p> <p><i>Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a HRA.</i></p> <p><i>In advising your authority on the requirements relating to HRA, it is Natural England’s advice that the proposal is not necessary for the</i></p>

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	<p><i>management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.</i></p> <p><i>Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.</i></p> <p><i>We recommend you include the following information in the HRA:</i></p> <ul style="list-style-type: none"> <li><i>• An assessment of all potential impacts on the designated sites that considers the direct and indirect impact pathways. We advise that you consider the potential impacts the development would have in its construction and operation.</i></li> </ul> <p><i><u>Ribble Estuary SSSI</u></i>  <i>Our concerns regarding Ribble Estuary SSSI coincide with those as mentioned above for the other designated sites.</i></p> <p><i>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence."</i></p> <p>The applicant has been advised of the need to supply this information, and so it is assumed that it is under preparation. On its receipt a further consultation with Natural England will be undertaken.</p>
Greater Manchester Ecology Unit	<p><i>Although a part of the site appears to lie in a Biological Heritage Site, the area in question appears to be hardstanding and therefore no direct harm to the BHS is likely to be caused. However in order to protect the BHS from accidental damage from construction activities we would recommend that a Construction Environmental Management Plans for Biodiversity be required and the following condition attached to any permission if granted.</i></p> <p>They then suggest a condition which is added in the relevant section of this report.</p>
Marine Management Organisation	<p>They highlight that any activities that take place below the mean high -water mark may require a marine licence to accord with the requirements of the Marine and Coastal Access Act 2009.</p> <p>They then provide guidance on the various planning and other legislative issues raised by development in the marine environment.</p>

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LCC Highways	LCC Highways does not have any objections regarding the proposed reconfiguration and change of use of existing wind sports centre & café building to use as wind sports centre, café and ranger base 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.
Environmental Protection (Pollution)	Initial comments received which raise no objection to the development subject to planning conditions being imposed to protect the amenity of neighbouring residential occupiers.  They suggest that conditions are imposed to prevent the use of the external terrace area for any live, amplified or other background entertainment or music, and that the use of the premises shall cease at a time that prevents late evening operation of the site.
United Utilities	Comments outstanding at time of drafting report so any comments that are received will either be presented to Committee in the Late Observations Report or considered by officers should the Committee delegate them that authority.

### **Neighbour Observations**

<b>Neighbours notified:</b>	19 May 2022	
<b>Site Notice Date:</b>	19 May 2022	
<b>Number of Responses</b>	Total number of comments	0 (although the consultation period was ongoing at the time of the drafting of this report and so it is possible that comments may be received)

### **Relevant Planning Policy & Government Guidance**

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

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

#### **Fylde Local Plan to 2032 (incorporating Partial Review):**

GD2 - Green Belt Lytham St Annes)  
 ENV1 – Landscape and Coastal Change Management Areas  
 ENV2 – Biodiversity and Ecological Enhancement  
 GD7 - Achieving Good Design in Development

STANP - St Annes on the Sea Neighbourhood Plan

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NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Planning and Policy Background**

The building was seemingly established with the purpose of providing supporting accommodation for sand yachting which was undertaken on that part of the beach until the early-2000s. The planning history confirms the building existed before then and was for that use. Following the resumption of wind sport activity on the beach in 2010 the building was extended and altered, and a café provided to support the wind sport activity that was then undertaken. This café was restricted by condition to be an ancillary activity to the wind sports and so essentially was a location where those involved in the activity would be able to secure refreshments. This activity ceased and the building was used for education purposes without the benefit of planning permission. That has also now ceased and the building is again vacant, but its lawful planning use remains the wind sport use with ancillary café that was approved in 2010. The current application proposes a change of use from that as it is intended that the cafe use will be a separate use, and the range of uses is proposed to be extended by the provision of a base for the coastal rangers to one side of the building.

The site is located immediately to the north of the settlement boundary of St Annes in an area that is designated as Green Belt in the Fylde Local Plan to 2032 (incorporating Partial Review) and as such it is the compliance with that policy which will be key to the acceptability of the development in principle. The other key issues will relate to the ecological implications given the proximity to a range of designated areas on the beach, dunes and wider estuary. Finally, the normal planning considerations of access, design and impact on neighbouring amenity will need to be examined. These matters are covered in the following sections of this report.

#### **Principle of development**

The application site is an existing building that has previously been used to support wind sport related activities. This application broadens that use to include a separate café element, although a café facility used as part of the centre itself has previously been provided, and includes some physical alterations to the building. These are to be assessed against the policies of the development plan, with the key one being that the site is located in the green belt. Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review) directs the assessment of applications in those areas to the compliance with the national planning guidance in the NPPF.

The key NPPF para is 149 which confirms that the construction of new buildings is inappropriate development, but lists a series of exceptions to that. In this case there are no new buildings to be constructed. However, there is an extension to the decking area and so it is appropriate to consider compliance with this policy in that regard.

One of the exceptions listed is “b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*”.

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The extended decking area seems to be primarily related to the café element of the use as it is the widened doors to that element that will provide access to it, although access is also available from the coastal ranger room. Whilst the wind sports use would be an outdoor sport and recreation use, it is not clear that the café would be and so it is not considered that the exception above provides policy support for this development.

A further exception is “c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”. This is more supportive of this type of use as the extension to the decking increases the projection from just under 4m to 5.5m across the width of the building and so it can be concluded that it is not a disproportionate addition. The solid balustrade around the decking is more substantial than the open fencing that surrounds the existing decking, but even with this additional feature it is considered that the proposed works satisfy this exception and so comply with green belt policy. The other alterations to the building do not impact on the scale of the building and so there is no adverse impact on the openness of the green belt.

With regards the change of use of the building, para 150 provides guidance on that. This follows the same approach by being restrictive to new development, but provides a series of exceptions. One of these is “d) *the re-use of buildings provided that the buildings are of permanent and substantial construction.*”

In this case the building is clearly of that standard of construction and is being re-used for a purpose that is similar to that which it was originally intended for and has been lawfully used for since. Accordingly, the change of use element of this application does not raise any conflicts with green belt policy and so complies with the Fylde Local Plan to 2032 (incorporating Partial Review) and the St Annes Neighbourhood Plan in that respect.

On this basis the principle of the development is an acceptable one, but there remains a need to assess the other planning implications raised by the development, with these explored more fully in the remaining sections of this report.

### **Marine Impacts**

The comments of the Marine Management Organisation (MMO) highlight the need to comply with the legislation that applies in the area that they have jurisdiction for, namely the area below ‘mean high water springs’, but do not provide any guidance on whether they consider that it applies to this development or not.

The applicant has sought further guidance on this matter from the MMO and it is clear from that that the application site itself is clear of that area and so the works proposed in this application will not have any legislative impacts with that aspect. Any requirement for a licence from the MMO to allow the beach sports activities themselves to continue would be a separate consideration to this planning application.

### **Ecological Matters**

Whilst the site is not in an area that is itself designated for any ecological protection, the building is within 11m of the Ramsar site and SSSI that are based on the estuary habitat, and the Dunes and Foreshore Biological Heritage Site is immediately against the landward wall of the building and the seaward edge of the proposed extended decking.

Given the proximity of the site to these designations and the high-level of protection that they are rightly given in planning and other legislation, it is imperative that the potential impact on these areas,

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and the wildlife that they provide habitat for, is fully considered in the decision on this application to ensure that there is no detriment to it. This is either through the physical works impacting on the habitat, or through the impact of increased 'recreational disturbance' to the habitat and wildlife from the use attracting more people to the area.

Natural England are a statutory consultee on applications that are located within this proximity to a SSSI, and the views of the GMEU as the council's ecological consultee have also been sought to inform the decision on this application. The initial views of the former have been received and are reported in the relevant section of this report. These raise objection to the application on the basis that there is no ecological information provided to allow them to assess the potential impact of the development, or to considered if any mitigation that is proposed is adequate to offset those impacts. This would be through an ecological report and a shadow Habitats Regulation Assessment which is a legal requirement on the council to ensure it fulfils its duties as a competent authority under the Habitat Regulations.

Whilst the lack of any information to allow this aspect to be properly considered would represent a reason for refusal of the application, these comments have been passed to the applicant so that they can attempt to provide the information required by Natural England. At the time of drafting this report no further information has been received, but when it is the views of Natural England should be sought upon it, and then for these responses to be considered. If they are sufficient to address any concerns, then a series of planning conditions are likely to be necessary, along with the adoption of the shadow Habitats Regulation Assessment as the council's own.

The council's ecological consultant, GMEU, has also provided comment on the local level impacts, in particular the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site. Their comments confirm that whilst elements of the site are within this designation, its current arrangement makes no positive contribution to the dune habitat that the BHS is to protect. GMEU also conclude that works that are proposed will not have any directly harmful impact on surrounding dunes. They do highlight that the construction works have the potential to impact on the dunes around the building, and so to address that they suggest a condition be imposed to any planning permission to require that a Construction Environmental Management Plan is submitted and followed during the construction works. This is a sensible suggestion and one that officers support to ensure compliance with Policy ENV2, with a draft wording listed at the end of this report.

To allow these matters to be progressed it is your officer's recommendation that the decision on the application be delegated to the Head of Planning so that the application can be determined and, if acceptable, a planning permission issued without the need to return to Committee. This is in an effort to expedite the decision on the application as it is understood that there is a desire in the estates team that the facility will be operational at some point in summer 2022.

### **Design Changes**

The building is a single storey structure with a mixture of flat and shallow pitched roofs. It has no particular architectural merit being a functional building that is perhaps designed to be as low-lying and so unobtrusive as possible.

The works that are proposed in this application will not fundamentally alter the building. The extended decking area will provide a wider frontage with a more solid balustrade that will give a refreshed appearance to the building in that aspect, with the bi-folding doors on the seaward elevation complementing that approach to give the building a more modern aspect in this most visible elevation. The other changes are more functional with new service doors, security grills and an access ramp provided.



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All elements are appropriately designed for the building and its location, and will bring both aesthetic and functional enhancements to it. The works fully accord with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) in that respect.

### **Operational Changes and Amenity Considerations**

The use of the building and site to support wind sport activity is an existing lawful use, and so its continuation does not raise any planning issues. The incorporation of an area to be used by the coastal ranger service is an appropriate use for a building in this location and will also be acceptable.

The café use is an extension of that previously existing on site, and crucially it is proposed that this is to be operated in a way that allows its use by members of the general public rather than just being to support the wind sport participants. It is also proposed that this be open until later in the evening, with the supporting statement supplied suggesting that the hours of trading would be 9am to 9pm with this extended to 11pm on Fridays, Saturdays and Bank Holidays.

Hospitality uses have the potential to create disturbances to neighbouring residential properties, and so are often subject to controls over the hours of operation and the extent of the use of external areas. This site does have residential neighbours on Summerfield and Clifton Drive North, albeit that both are across the north beach car park from the site. The nearest property is 476 Clifton Drive North which is 50m away from the building, with the decking area just over 70m distant.

The current café use has its hours of opening controlled to between 8am and 9pm on any day through condition on the 2010 planning permission. The proposal here is to extend those uses, and is an area where the council's Environmental Protection team have expressed some reservations, particularly over the potential for the outside terrace area to be used in the evening, or for music and other potential sources of noise to be undertaken at the site, as these could lead to neighbour nuisances.

The site is relatively well separated from neighbouring properties, and with the potential for the car park to generate noise through its comings and goings it is unlikely to be an area that is entirely free from other noise sources. However, some controls over the extent of the activity, particularly the use of the terrace area in the evening, are considered necessary to ensure that a measure of protection is provided to neighbouring residential amenity.

To achieve that it is considered that the current 9pm closure is an appropriate time for the activity at the site to be concluded by, with this reflecting the weekday intentions of the applicant as set out in the supporting statement. This continues the lawful hours from the 2010 permission, and allows unhindered use of the café for the daytime and early evening use that would be expected in a location such as this which is remote from a town centre and has limited night time illumination. It would clearly prevent any late-night use though, with this typically the time that greater nuisance to neighbours can be caused. A condition to that effect is suggested in this agenda, but the final wording of this is a matter that could be subject to change should officers believe it is necessary when this matter is finally considered.

### **Access and Parking**

The site has vehicle access direct from Clifton Drive North with that leading via a driveway to a compound area where there are to be 4 parking spaces marked out and other areas available for turning and informal parking. This is essentially the current situation and seems appropriate to meet the operational and servicing needs of the wind sports and ranger operation, and the staff requirements for the café.

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This area would not be sufficient to meet the customer needs of the café element or the spectator /competitor needs of the wind sports element. However, the site is immediately adjacent to the sizeable north beach car park with a convenient and level pedestrian link between the two areas. The north beach car park provides ample parking for any the potential level of use of this building.

The access points to the site from Clifton Drive North and the car park would serve pedestrian and cycle visitors, and pedestrians can readily access the site from the beach via the existing access point. These ensure that the site is highly accessible by all potential users and so accords with eh requirements of Policy T3 and GS7 of the Fylde Local Plan to 2032 in that regard.

### **Conclusions**

The application provides for a physical enhancement of the existing, dated, sand yacht building that is located alongside the North Beach Car Park in St Annes. The application also proposes a broadening of its uses in a way that will complement its existing use and provide for expanded tourism and coastal management support services in a location that is ideally suited to that use.

There are no conflicts with the green belt designation, or with the design or access arrangements of the development. There are potential issues with neighbouring amenity should the café use expect to be operational into the evening, but these can be controlled through planning condition.

There is a key outstanding issue with the development proposal, which is the potential for it to lead to harm to matters of ecological importance related to the estuary and dune habitat around the site. The application does not provide any details to allow this to be assessed and so those details are awaited.

Given the general acceptability of the principle of the development officers suggest that the decision on the application be delegated to officers to allow a planning permission to be expeditiously granted in the event that the ecological assessments are satisfactorily completed. This will avoid the need for any delay through re-presenting the application to a future meeting of the Planning Committee as is required within the approved scheme of delegation with the site being council owned and should allow for the finalisation of planning conditions, including any necessary to control the hours of use of the building and terrace, and any other controls required to appropriately control the operation of the building.

### **Recommendation**

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

- 1) Consideration of any further neighbour representation or consultee comments that may be received
- 2) The consideration of the additional ecological submissions, including the necessary consultations with Natural England and others, the consideration and adoption of a Habitats Regulation Assessment, and the drafting of any necessary planning conditions required to address any identified ecological matters
- 3) The final drafting of a series of planning conditions

The suggested Planning Conditions and Reasons are as follows:

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

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

2. This permission relates to the following plans:

Location Plan - Drawing 21-22 PL01 Rev A  
Proposed Site Plan - Drawing 21-22 PL04 Rev A  
Proposed Layout Plan - Drawing 21-22 PL05 Rev A  
Proposed External Deck Details - Drawing 21-22 PL06  
Proposed Elevations - Drawing 21-22 PL08

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

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

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

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

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the premises shall only be used as a mixed use of windsports centre, cafe and coastal ranger station and for no other purpose (including any other use falling within Class E of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order). Furthermore the extent of the individual uses set out in this condition shall only be undertaken from the areas of the building that are identified as being for that use on the approved layout plan as listed in condition 2 of this planning permission.

Reason: To ensure that the future use of the premises is limited to one which remains compatible with its specific coastal location and does not have any adverse amenity impacts upon the occupiers of nearby dwellings; and to preserve the vitality and viability of neighbouring centres by preventing the building being changed to a main town centre use without the application of the sequential test in accordance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032, and the National Planning Policy Framework.

5. The cafe element of the uses hereby permitted shall only be open for trade or business between the hours of 9am and 9pm on any day. At no time shall there be any live music played or amplified music broadcast on the decking area

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

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest of the adjacent habitat during the construction period before any development takes place in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

7. No development shall take place until a method statement detailing the reasonable avoidance measures to be put in place to avoid and/or minimise any impacts on the habitat and wildlife associated with that habitat that surrounds the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the reasonable avoidance measures identified in the duly approved method statement.

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

8. Prior to the commencement of any development a scheme for the provision of ecological mitigation and enhancement measures shall be provided and be approved in writing by the local planning authority. The scheme shall include:
  - a) Details of the area, siting, size and design of all ecological mitigation and enhancement measures and features to be introduced as part of the development.

## **AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE**

- b) Details of how the measures and features in a) will enhance biodiversity opportunities on the site and to which species these will be targeted.
- c) A timetable and phasing plan for the introduction of the measures and features set out in a).
- d) Details for the ongoing management and maintenance of the measures and features set out in a).

The approved ecological mitigation and enhancement measures shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements and mitigation in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV2, and the National Planning Policy Framework.

### **Informative(s)**

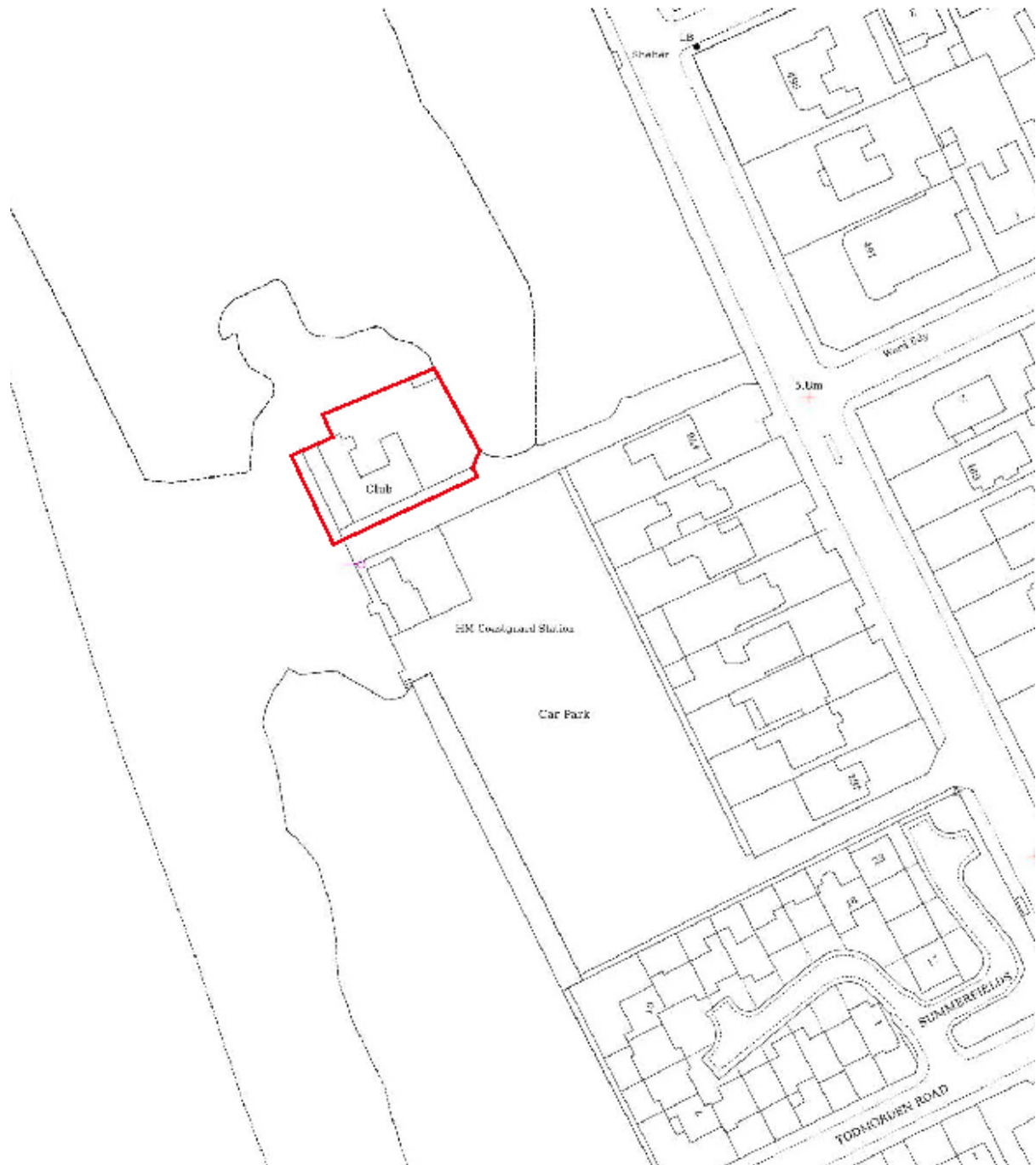
1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

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

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

### Location Plan 22/0341

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## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

### Item 4

<b>Application No:</b>	22/0415	<b>Case Officer:</b>	Alan Pinder
<b>Applicant:</b>	MRS AMANDA EAGLES	<b>Agent:</b>	MR RICHARD MCGONIGAL
<b>Location:</b>	LAND SOUTH EAST OF TREALES GARAGE TREALES ROAD TREALES PRESTON		
<b>Proposal:</b>	EQUESTRIAN DEVELOPMENT COMPRISING: 1) ERECTION OF TWO BUILDINGS TO PROVIDE FOUR STABLES WITH ASSOCIATED TACK ROOM AND FEED/TOOL STORE; 2) CONSTRUCTION OF ALL-WEATHER HORSE EXERCISE ARENA INCLUDING ASSOCIATED LAND RE-GRADING WORKS AND ERECTION OF PERIMETER FENCING; 3) FORMATION OF HARDSTADNING ACCESS TRACK AND STABLE YARD; AND 4) INSTALLATION OF ASSOCIATED FENCING AND SOFT LANDSCAPING		
<b>Ward:</b>	Newton with Treales	<b>Parish:</b>	Treales, Roseacre and Wharles
<b>Statutory Expiry:</b>	2 September 2022	<b>Earliest Decision:</b>	5 August 2022
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request		<b>Online application file</b> <a href="#">here</a>

### Officer Recommendation: Grant

#### Summary of Officer Recommendation

The application site is an area of land to the west of Treales village and south of Treales Road. It is located in the designated Countryside and is surrounded by land that is predominately rural in use, although there is cluster of development associated with Treales Garage and the residential dwellings at Huntsmans Chase which is a complex of former farm buildings now in residential use.

The relates to the erection of 2No. modest stable buildings for the private stabling of 4 No. horses, and the formation of a menage area within an open field to the southeast of Treales Garage. The site would utilise an existing access track that runs to the rear of Treales garage from 'Huntsmans Chase'. Having viewed the site and assessed the proposal it is the officer view that the siting and design of the development, and its intended use, are all appropriate for this rural area and would cause no undue harm to the visual amenity and rural character. It is also considered that they would not impact on the amenity of occupiers of nearby dwellings by their siting or use, and have no impact on the safe use of the local highway.

Accordingly the proposal accords with policies GD4 and GD7 of the Fylde Local plan to 2032 and the objectives of the NPPF. The application is therefore recommended for approval.

#### Reason for Decision Level

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

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

### Site Description and Location

The application site is an irregular shaped parcel of agricultural land, measuring *circa* 0.19 hectares in area, located *circa* 930 metres east of Treales village centre and adjacent to, and south east of, Treales garage on the south side of Treales Road. Treales Road runs across the north of the site with a *circa* 35 metre wide field separating the site from the highway.

The site is accessed via a small residential cul-de-sac ('Huntsmans Chase' – 6No. dwellings) located immediately to the west of Treales Garage. Land to the south and east of the site is open agricultural countryside.

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

### Details of Proposal

Planning permission is sought for the following:

- Construction of 2No. stable buildings for private use, each providing stabling for two horses (4No. total) and a tack room in one stable and a feed store in the other. Each stable would measure 9 metres in length and 3.6 metres in depth, and 2.9 metre high dual pitched roof. The stables would be sited opposite each, separated by a 6.7 metre deep and 9.3 metre long concrete yard area. The stables would have timber clad elevations and black profiled sheet roof coverings.
- The formation of an open sided all-weather paddock measuring 40 metres by 20 metres and enclosed by a timber post and rail fence.
- A *circa* 30 metre lengthening of the existing stoned access track to connect with the stables and menage.
- Regrading of land to provide a level surface to the menage
- Erection of a 1.4 metre high timber 'post & rail' fence with gate opening to separate the stables from a 'grass turn-out paddock' area.

The application is retrospective in that one of the stable buildings has already been erected.

### Relevant Planning/Appeal History

None

### Parish/Town Council Observations

Parish/Town Council	Observations
TREALES, ROSEACRE & WHARLES PARISH COUNCIL	<p><u>Comments received on 04 August 2022</u></p> <p><i>The Parish Council objects to the above application and asks that the points below are considered.</i></p> <p><i>1. The proposed location of the new stable block is in a prominent isolated location, unnecessarily extending the built environment into the open countryside, out of character with the current compact form of the award winning development that sought to retain the local</i></p>



## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

	<p><i>agricultural character of the redundant farm site when viewed from Treales Road.</i></p> <p><i>2. FBC Local Plan policy GD4 a) requires that "development must be sensitive to its surroundings" and policy GD7 d) requires "Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context" and GD7 h) "Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area". For the reasons given above the proposed development is in conflict with these policies.</i></p> <p><i>3. The Design &amp; Access statement appears to omit to describe that access is understood to cross the parking/turning/access area shared with other residents of the Huntsman's Chase development, as well as along the shared field access pathway. It is not clear therefore how safety, amenity and health &amp; well-being of all users will be secured during the access, manoeuvring and parking as a result of:</i></p> <ul style="list-style-type: none"> <li><i>a) the introduction of development construction traffic through the shared residents' space, including in front of the existing stables</i></li> <li><i>b) the increased traffic that will arise to service this significantly increased capacity of equine activity out with the design of the original development</i></li> </ul> <p><i>This is required by policy GD7 j) which requires "Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised" and GD 7 k) "Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment".</i></p> <p><i>4. Highway Flooding Exacerbation Risk - it is noted that the highway on Treales Road to the north east of the site, is subject to frequent and - at times - enduring flooding. This impacts safe access for pedestrians, cyclists and on occasions motorised vehicles. What drainage that exists from the roadway appears to be towards this land and presumably supported by the field pond. It is important to establish that this development will not exacerbate this situation.</i></p> <p><i>The proposed 40m x 20m membrane covered arena will prospectively generate material surface water runoff and it is not clear how the contribution of this additional run-off will impact the rate of drainage from the highway.</i></p>
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## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

	<i>Nothing in the application addresses the flood risk impacts on the environment contribution to drainage from the highway, potentially in part to the field pond within the land ownership of this applicant in accord with policy CL1.</i>
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### **Statutory Consultees and Observations of Other Interested Parties**

<b>Consultee</b>	<b>Comments</b>
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed equestrian development comprising: 1) Erection of two buildings to provide four stables with associated tack room and feed/tool store; 2) Construction of all-weather horse exercise arena including associated land re-grading works and erection of perimeter fencing; 3) Formation of hardstanding access track and stable yard; and 4) Installation of associated fencing and soft landscaping and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>It is requested that early engagement with the users of the shared access for the residential and equine track are undertaken to minimise the impact of the construction works and maintain the operation and safety of the private and local highway network.</i></p>
Environmental Protection	<p><i>With reference to your memorandum dated 26/05/2022, there are no objections to the above proposals in principle, however I would add the following conditions:</i></p> <p><i>1. No external lighting shall be erected within or around the sand paddock / menage area without the prior written approval of the Local Planning Authority.</i></p> <p><i>2. Details of the storage and collection (including frequency) of animal waste must be submitted to the Local Planning Authority for approval.</i></p>
Greater Manchester Ecology Unit	No objections

### **Neighbour Observations**

**Neighbours notified:** 26 May 2022  
**Site Notice Date:** 10 June 2022  
**Number of Responses** Total number of comments 0

### **Relevant Planning Policy & Government Guidance**

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

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

Framework.

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

### **Fylde Local Plan to 2032 (incorporating Partial Review):**

GD4 - Development in the Countryside

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle**

The application site is located in the Countryside Area as defined on the FLPPR Policies Map. Policy GD4 of the FLPPR seeks to limit development within countryside areas to that which is most appropriate. Accordingly proposals for development within countryside must fall within one or more of seven criteria set out within the policy.

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

Equestrianism and the private stabling of horses is traditionally recognised as being a use appropriate to a rural area and thus the principle of the proposed development is acceptable, and there is no conflict with Policy GD4 in this regard.

However, the overarching aim of the policy is to ensure that the rural character of the area is preserved and it is therefore necessary to examine the appropriateness of the scale, location and highway arrangements associated with the development, as is undertaken in the following sections.

#### **Design and Appearance in Streetscene and Countryside**

The development would be sited between Treales Road to the north (*circa* 35 metres distant) and a rail track that runs east to west *circa* 170 metres to the south. A public footpath runs north to the south *circa* 200 metres to the southwest. Views of the site from Treales Road would be largely screened by the tall roadside hedgerow, but the development would likely be visible in views from the rail track and public footpath.

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The stables are appropriately designed for the use as private stabling of horses and their timber clad elevations and black profiled sheet roof coverings are sympathetic to, and appropriate for, the rural character of this locale. Similarly the all-weather menage would have a top surface of natural sand (laid atop a woven permeable membrane) and be enclosed by a 1.4 metre high timber 'post & rail' fence, all of which are appropriate to an equestrian use in a rural location.

The extension of the existing access track from 'Huntsmans Chase' would effectively double the track's length (from around 30 metres to 60 metres in total). The existing track is surfaced with stone and the extension would be similarly stoned up, seeded and left to naturally grass over. Whilst the track would be doubled in length it would still be relatively modest and have a similar appearance and visual impact to that of many short agricultural access tracks provided throughout the rural areas of the borough.

Having regard for all of the above it is considered that the development would be visually appropriate for the locale and not unduly harm the visual amenity of the locale, and thus accord with the relevant criteria of policy GD7 that relate to design, visual impact and area character.

### **Relationship to Neighbours**

The nearest dwellings to the site are those located within Huntsmans Chase, with the closest being No.2 Huntsmans Chase whose curtilage boundary would be *circa* 40 metres from the menage and 65 metres from the stable buildings. It is noted that there is an existing stable building and small yard that adjoins the curtilage of No.2 and which is jointly owned and used by several residents of Huntsmans Chase for the stabling of horses. There is no record of this existing stable yard causing amenity issues for nearby residents and the proposed development is unlikely to have any greater impact given its greater distance from residents. Furthermore the application specifically states there is no current intention to install external lighting and thus night-time operation of the stables and menage, and potential light pollution, would not be an issue.

Overall the development is considered to have an acceptable relationship with nearby dwellings and would not prejudice the amenity of residents. Accordingly the development accords with the criteria of policy GD7 that relates to residential amenity.

### **Access Arrangements**

Access to the site is via the existing stable yard associated with Huntsmans Chase, of which the applicant is part owner and where they currently park their horse transportation. This arrangement for parking would be retained by the applicant. The extended track down to the stables and menage would experience some horse related traffic but primarily for dropping off feed, tack, and the turning of vehicles within the paddock to allow vehicles to exit onto Huntsmans Chase in a forward gear.

LCC Highways have been consulted on the proposal and have raised no objections but have requested that should permission be granted then a condition should be attached to restrict the stables to domestic private use only. Having regard for Highways' comments it is considered the development would not compromise the existing access arrangements or highway safety and thus accords with criteria j) and q) of Policy GD7.

It is noted that the Parish Council refer to the potential highway conflict with vehicles routeing to the stables through the Huntsmans Chase development. In response to that concern, it is the case that the applicant lives within that development, and none of the other occupiers have made comment on the

## **AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE**

application to the council. With one of the stable buildings being in place and operational it seems likely therefore that the concerns of the Parish Council in this regard are unlikely to be realised.

### **Other Matters**

The parish council have raised the concern that the proposed menage would exacerbate an existing flood risk within the highway of Treales Road. The menage would be sited within an agricultural field and be sited circa 50 metres south of Treales Road with an intervening agricultural field between them. It would also feature a membrane surface to allow rainwater to permeate through the menage directly into the ground beneath. Given these circumstances it is improbable that the menage would have any exacerbating effects on any existing flooding issues on Treales Road, with its drainage by infiltration being the preferable form of drainage in the surface water drainage hierarchy.

### **Conclusions**

The application relates to the erection of 2 No. modest stable buildings for the private stabling of 4 No. horses, and the formation of a menage area, within an open field to the southeast of Treales Garage. The site would utilise an existing access track that runs to the rear of Treales garage from 'Huntsmans Chase'. Having viewed the site and assessed the proposal it is the officer view that the siting and design of the development, and its intended use, are all appropriate for this rural area and would cause no undue harm to the visual amenity and rural character, nor unduly impact on the amenity of nearby dwellings or the safe use of the local highway. Accordingly the proposal accords with policies GD4 and GD7 of the Fylde Local plan to 2032 and the objectives of the NPPF. The application is therefore recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

Location Plan - Drawing no. L100 Rev B  
Proposed Site Plan - Drawing no. L101 Rev B  
Proposed Stable Plans & Elevations - Drawing no. L104  
Proposed Site Sections & Details - Drawing no. L103 Rev A

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

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

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission, the submitted application form, and the email dated 15 July 2022 from Richard

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

McGonigal of the RPS Design Group.

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

3. The stables hereby approved shall be for private use only and shall not be used for any commercial purpose, including as a livery business.

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

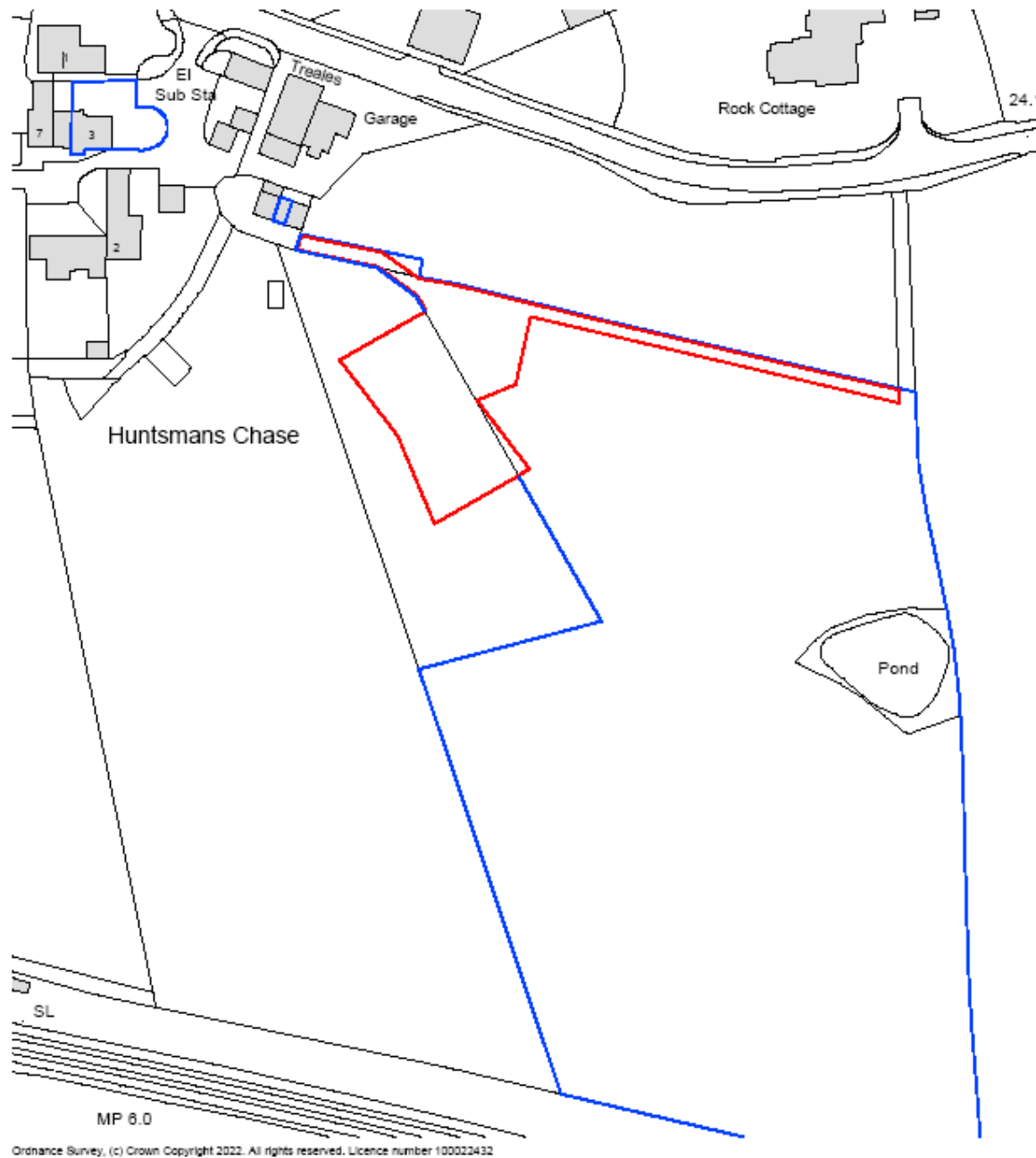
### **Informative(s)**

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

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

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

### Location Plan 22/0415



## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

### Item 5

<b>Application No:</b>	22/0469	<b>Case Officer:</b>	Jennifer Simpson Area Team 2
<b>Applicant:</b>	ALEXANDER BECKETT	<b>Agent:</b>	RICHARD TATHAM
<b>Location:</b>	ROSEBANK 12 MAINS LANE SINGLETON POULTON-LE-FYLDE LANCASHIRE FY6 7LF		
<b>Proposal:</b>	ERECTION OF SINGLE STOREY OUTBUILDING IN REAR GARDEN, FORMATION OF REAR FIRST FLOOR BALCONY WITH GLASS BALUSTRADE ABOVE FLAT ROOF AND ALTERATIONS TO SCHEME APPROVED BY PLANNING PERMISSION 21/0127 INCLUDING WIDENING OF EXTERNAL CHIMNEY STACKS, INSTALLATION OF ADDITIONAL FIRST FLOOR WINDOW IN EAST FACING SIDE ELEVATION, INSERTION OF TWO ADDITIONAL ROOF LIGHTS IN REAR ROOF SLOPE, INFILLING OF ROOF SPACE ABOVE GARAGE ON WEST SIDE TO CONTINUE RIDGELINE AND REPLACEMENT OF LEAN-TO ROOF ON PART OF EASTERN SIDE EXTENSION WITH HIPPED ROOF - PART RETROSPECTIVE APPLICATION		
<b>Ward:</b>	Singleton and Greenhalgh	<b>Parish:</b>	Singleton
<b>Statutory Expiry:</b>	2 September 2022	<b>Earliest Decision:</b>	15 July 2022
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request	<b>Online application file</b> <a href="#">here</a>	

**Officer Recommendation:** Grant

#### Summary of Officer Recommendation

The application site is a detached residential dwelling located in the Countryside at Little Singleton close to the junction of Mains Lane with Lodge Lane, Pool Foot Lane, and Garstang New Road. The property has been the subject of extensive rebuilding works under a previously approved scheme ref. 21/0127. The scheme under consideration relates to the erection of a single storey detached outbuilding, and the addition of a first floor balcony to the rear of the property, along with various other minor alterations to the previous approval.

The principle of residential extensions and alterations to a dwelling within a designated Countryside area is acceptable, subject to matters relating to the size, scale and design of an extension, as well as amenity and highway safety matters.

The size and scale of the development and the remodelling of the dwelling as a whole has already been assessed and considered acceptable in terms of the countryside locality, visual and neighbouring impacts through a previously approved application ref. 21/0127. The current application seeks to regularise the construction of a part-retrospective single storey outbuilding, and the proposed addition of a first floor balcony to the rear of the property. The proposed balcony area would sit above the existing single storey rear extension. Both the outbuilding and balcony are not visible from a public vantage point due to their discreet positioning to the rear of the property.

The Parish Council object to this application on the grounds of size of the large outbuilding and the size of the windows. It has been noted that if these concerns can be mitigated, the Parish Council is prepared to withdraw its objection.



## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

It is acknowledged that the outbuilding is large in size and scale, however, the outbuilding is single storey in height and remains screened from views from within the street by the existing large single storey garage extension that extends beyond the west facing side elevation of the main dwelling. In addition, the outbuilding does not overwhelm or dominate the host property or site given the substantial size and scale of the dwelling and plot in general. In terms of neighbouring impacts, the outbuilding and associated windows would remain 25m from the shared boundary to those neighbours to the east of the site, no. 10 Mains Lane and 17m from the rear boundary insofar the rear facing window in the outbuilding would be distanced in excess of 17m from the neighbouring occupiers who reside at Riverside Chalet Park north (rear) of the application site. The separation distances from the outbuilding together with its associated windows, is considered more than sufficient from its neighbours, as well as bearing in mind that views towards the neighbouring land from the outbuilding will be interrupted and restricted from some screening that would be provided by the existing boundary treatments, insofar that there would be no adverse overlooking or privacy issues created that would jeopardise neighbouring amenity to an unacceptable degree.

Whilst the Parish Council concern for amenity is recognised, it is considered that the proposal would have an acceptable relationship to this neighbour and would not undermine amenity to an extent that refusal is justified.

Having viewed the proposal and assessed the issues raised, it is considered that the development would not significantly impact upon visual or residential amenity and therefore accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the NPPF and the objectives of the 'Extending Your Home' SPD. Accordingly, Officer recommendation is that Members support the application.

### **Reason for Decision Level**

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 relates to a large two storey detached property with additional accommodation in the roof, situated on a generous plot located on the north side of Mains Lane, Singleton. The site falls within a Countryside Area, as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

### **Details of Proposal**

Part-retrospective planning permission is sought for the following:

- 1) Work has commenced on the construction of a single storey detached outbuilding to the rear of the property. This is to be used for purposes that are incidental to the occupation of the application property as a single dwelling. It measures 14.6m in length by 5.6m in width, with a dual pitched roof that measures 2.6m to the eaves and 4.2m to the ridge to be covered in grey tiles. The outbuilding would have glazed sliding doors and a separate window to the east facing side elevation and a large window to the north elevation. The walls of the outbuilding would be finished in cedar cladding and white render as shown on the plans. The plans indicate that this will provide a gym and lounge facility.

## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

- 2) A first-floor rear balcony is formed over the flat roof of an existing single storey rear extension. The proposed rear balcony would occupy almost the entire flat roof to the existing single storey rear extension that has been constructed through the previously approved application 21/0127. The balcony would be enclosed by 0.9m high glazed balustrades to the front and sides. The balcony would be accessed from a set of first floor patio doors located on the rear elevation of the dwelling.
- 3) The application also proposes a series of minor alterations to a previous scheme approved through application ref. 21/0127 that includes the widening of the external chimney stacks, installation of an additional first floor window in the east facing side elevation, insertion of two additional roof lights in the rear roof slope, infilling of the roof space above the garage on the west side to continue the ridgeline and replacement of the lean-to roof on part of the eastern side extension with a hipped roof.

Since submission amended plans have been secured to address a minor discrepancy with the initially submitted elevational plans relating to a drawing inconsistency between elevations.

The current submission is a follow on application from recently approved applications ref.21/0127 and 21/0532 which sought and gained permission for various alterations and extensions to re-model the main dwelling and alterations to the existing front boundary treatment.

### **Relevant Planning History**

There is various planning history associated with the site ranging from 1986-2021. The most relevant planning history to this application relates to:

Reference	Description	Decision	Date
21/0127	RE-MODELLING AND EXTENSION OF EXISTING DWELLING INCLUDING: 1) RAISING OF RIDGE HEIGHT AND MODIFICATION TO ROOF PROFILE TO CREATE LIVING ACCOMMODATION AT SECOND FLOOR LEVEL; 2) THREE STOREY FRONT EXTENSIONS; 3) SINGLE, TWO AND THREE STOREY REAR EXTENSIONS; 4) SINGLE STOREY SIDE EXTENSIONS	Granted	May 2021
21/0532	ERECTION OF REPLACEMENT FRONT BOUNDARY WALL AND RAILINGS UP TO 1.5 METRES IN HEIGHT AND INSTALLATION OF PEDESTRIAN AND VEHICLE ACCESS GATES UP TO 2.1 METRES IN HEIGHT.	Granted	August 2021

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

Parish/Town Council	Observations
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## AGENDA FOR 31 AUGUST 2022 PLANNING COMMITTEE

Singleton Parish Council	<p><u>Comments received on 01/07/22 &amp; 27/07/22</u></p> <p>The initial comments received by the Parish Council are as follows:</p> <p><i>“The Parish Council had previously asked the Enforcement Officer to have a look at this development as it seemed considerably larger than first envisaged. The Parish Council remains concerned about the size of the extension and the number of changes that have been made to the original plans and also to the retrospective nature of the application. Concern was also felt about the fact that the large side windows would be overlooking a much smaller neighbouring house”.</i></p> <p>The case officer requested some clarity on the initial response and the Parish Council were asked to confirm whether the concerns raised should be taken as observations or considered as an objection. In response, the Parish Council confirmed:</p> <p><i>“The Parish Council does object to this retrospective application on the grounds of size of the large out-building and the size of the windows. However, if these concerns can be mitigated, the Parish Council is prepared to withdraw its objection”.</i></p>
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### **Statutory Consultees and Observations of Other Interested Parties**

There are no consultee comments to report.

### **Neighbour Observations**

<b>Neighbours notified:</b>	24 June 2022
<b>Site Notice Date:</b>	21 July 2022
<b>Number of Responses</b>	Total number of comments      2
<b>Summary of Comments</b>	There have been two objections submitted towards the application by the neighbouring occupiers to the rear of the site who reside at Riverside Chalet Park. The objections can be summarised as:

- The proposed balcony and glazed balustrade would allow views into the garden area and living accommodation to the neighbours to the rear, resulting in adverse overlooking issues.
- The proposed balcony would create unacceptable noise disturbance if parties were to be held on the balcony.
- Concerns are raised towards the property being used as an air B&B which would result in generated noise disturbance.

The material planning considerations raised in relation to overlooking and noise impacts on neighbours will be discussed and analysed within the comment and analysis section of this report.

The concerns raised towards the property being used as an AirBnB is not relevant to the assessment of this application given the

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application type which is for a domestic outbuilding and various alterations to the main dwelling. If the applicant intends on using the outbuilding as an AirBnB style accommodation separate to the residential use of the property then this would be a material change of use needing planning permission.

### **Relevant Planning Policy & Government Guidance**

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

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

### **Fylde Local Plan to 2032 (incorporating Partial Review) and other relevant Guidance:**

GD4 - Countryside

GD7 - Achieving Good Design in Development

H7 - Replacements of, and Extensions to, Existing Homes in the Countryside

SPD1 - Extending Your Home - November 2007

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Comment and Analysis**

#### **Principle**

The application site is located in the Countryside Area as identified on the FLPPR Policies Map. In these areas the principle of residential extensions is acceptable subject to the development’s design and impact on the amenity of surrounding occupiers as examined below with reference to policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by policies GD4 c) and H7 of the FLPPR.

#### **Scale of Extension in Countryside**

Policy H7 imposes strict restrictions on the scale and design of extensions (and replacement dwellings) compared to the original dwelling on the site with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this Policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many of these smaller rural dwellings been lost in recent years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two-pronged approach to assessing applications such as this, by requiring firstly that the extensions are no more than a 33% increase in the footprint of the property compared to its original scale (criterion a)), and secondly that the appearance of the extended home respects the character of

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the original building and the surrounding rural area (criterion b)).

As this application relates to a detached outbuilding and various minor alterations to a previously approved dwelling only, without any further extension to the footprint of the dwelling the requirements of FLP Policy H7 a) are not relevant to its assessment. The appearance of the dwelling in the countryside, as referenced in Policy H7 b) is a planning consideration, and is assessed in the following section as part of the general visual impact of the proposals.

### **Design and Appearance of Development**

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

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

The application dwelling is a large, detached property which sits on a spacious plot and benefits from a generous garden area to the front and rear. The dwelling sits in a staggered line of residential properties which vary in size, scale and external appearance.

The application proposes a detached outbuilding to the rear of the property and a first floor rear balcony feature that would sit above the existing single storey rear extension. Both these elements of the development are not visible from a public vantage point due to their positioning to the rear of the property. Whilst large in size and scale, the outbuilding is screened from views from within the street by the existing large single storey side garage extension that extends beyond the west facing side elevation of the main dwelling. Furthermore, it is considered that the outbuilding does not overwhelm or dominate the host property or site given the large size and scale of the dwelling and plot in general.

The remodelling of the dwelling has given it a contemporary appearance with three largely glazed gable features to the front to provide a very vertical emphasis to the building. The rear elevation also features extensive glazing but has a horizontal feature in the flat roof of the single storey element that runs across the whole rear width of the main part of the property. This flat roofed element lends itself to use as a balcony, and so this feature is introduced without compromising the design of the building.

The outbuilding has a very simple design in comparison to the dwelling with a simple dual pitched roof and largely rendered and clad elevations. There are areas of glazing that serve to break up the cladding and ensure its design is inoffensive in the context of the site.

The other minor works such as the widening of the chimney stacks, infilling of the roof space above the garage on the west side to continue the ridgeline and replacement of the lean-to roof on part of the eastern side extension with a hipped roof would be the most noticeable alterations to the dwelling from that previously approved. However, all these alterations are minor in scale and have negligible impact upon the appearance of the property to that previously approved through application ref.

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21/0127.

In view of the above, it is considered that the development in this application would not adversely impact upon the character and appearance of the host property or harm visual amenity within the street scene in general. Accordingly, the design and scale of the proposals accord with the requirements of criteria d), h) and i) of Policy GD7.

### **Relationship to Neighbours**

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

#### Proposed outbuilding:

The application includes a part-retrospective detached single storey outbuilding which has been constructed in the rear garden of the site. The building sits to the west side of the plot away from the nearest adjacent property no. 10 Mains Lane that is to the east of the site. The outbuilding proposes large, glazed sliding doors and a window within its east facing elevation which would face towards the shared boundary and part of the neighbouring garden at no. 10. However, the outbuilding is positioned 25m from the shared boundary with no 10 which is considered sufficient and ensures that the development does not appear overbearing or dominant from the neighbouring garden.

In addition, it is considered that the separation distance from the large doors and windows located on the east facing elevation which would face towards the neighbouring garden, as well as bearing in mind views from the outbuilding would be restricted when looking towards no. 10 by the screening that would be provided by the existing shared boundary fence, is adequate and would not lead to unacceptable overlooking or privacy issues that could jeopardise the private outdoor amenities of those who reside at no. 10 Mains Lane.

No. 18 Mains Lane sits detached and to the west of the site. There is an open field which separates the two properties and there is a mature line of hedge rows and trees that run along the western boundary which fully screens views of the development from no. 18. Regardless of this screening, the outbuilding proposes no windows or doors to its west facing elevation and it is substantially distanced from this neighbouring occupier. As such, it is considered that the outbuilding has negligible impact upon the occupiers at no. 18 Mains Lane.

The outbuilding proposes a window to its north facing elevation which faces towards the rear of the plot and the Chalet Park north of the site. The outbuilding is distanced 17m from the rear boundary of the plot. Views of the outbuilding from the rear of the site would be restricted from the rear boundary treatment and it is considered that the single storey nature, separation distance and positioning of the outbuilding in relation to the chalets to the rear of the site is such that there would be no adverse impact to those neighbours through the outbuilding appearing overly dominant or resulting in privacy issues.

#### Proposed first floor rear balcony:

The application proposes a first-floor rear balcony feature that would be created above the existing single storey rear extension which was approved through application ref. 21/0127. The balcony area would be enclosed by glazed balustrades. It is noted that there have been two neighbouring objections

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towards the application from the occupiers of residential properties on Riverside Chalet Park. These neighbouring occupiers are to the rear of the site and the objections primarily relate to loss of privacy and increased noise disturbance through the creation of the balcony, particularly if the occupiers of the application site were to host parties from this elevated external area.

Whilst the neighbouring objections have been considered, the proposed balcony would be distanced 34.5m from the rear boundary of the application site and in excess of 35m from the neighbouring dwellings and neighbouring gardens to the rear of the site. This separation distance is more than adequate to ensure that the balcony would not lead to any adverse overlooking/ privacy issues to an unacceptable degree to those neighbours.

In terms of unacceptable noise disturbance being generated from the use of the balcony area, the property is occupied as a single dwelling and therefore the primary users of the balcony will be the occupiers of the site. It is acknowledged that the balcony area could be used by the occupier's friends and family, however, this is considered no different to friends and family visiting the site and sitting in the rear garden area which could accommodate a significant amount of people above and beyond what could be accommodated by the proposed balcony. Given the domestic nature of this application and the separation distance between the proposed balcony and the neighbouring occupiers, there is no reasonable justification in this scheme to impose a restriction on the users of the proposed balcony area. Notwithstanding, should there be any unacceptable noise disturbance generated from the use of the balcony, particularly at unsociable hours, then the council's environmental protection team would be able to investigate this as with any potential noise nuisance.

No. 10 Mains Lane is the nearest neighbouring property that sits detached and to the east side of the site. The proposed balcony would create some overlooking towards this neighbouring garden, however, there would be no direct views from the balcony area towards this neighbour and views are heavily restricted by the large roof massing of the single storey side and rear extension to the east side of the main dwelling. In addition, the neighbouring site also benefits from a large and generous plot and the in-direct views from the balcony towards no. 10 would be towards the very rear part of the garden and not upon the main useable area towards the rear of the dwelling. With that in mind, it is considered that the development would not significantly impact upon these neighbouring occupiers through any direct overlooking or privacy issues.

### Other alterations:

The application proposes various part-retrospective alterations to the main dwelling from that previously approved as listed above. The only alteration that could potentially impact upon neighbouring amenity is the additional first floor side window that has been shown on the east facing side elevation on the main dwelling that faces towards no. 10 Mains Lane. However, there is an annotation of the proposed plans which confirms that this window would be installed with obscure glazing and it would be top opening as shown on the plan. Subject to a condition to ensure that the window is installed with obscure glazing, it is considered that the additional first floor side window would not lead to overlooking or privacy issues to the neighbouring property directly to the east of the site.

It is considered that all other elements of the alterations to the main dwelling as shown on the submitted plan, is suitably distanced and minor to that already approved at the site insofar it would not impact on neighbouring amenity. Accordingly, the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7.

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### Parking and Access Arrangements

This application does not propose any alterations to the on-site parking or highway access. Therefore, the proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

### Conclusions

The application relates to the erection of a detached outbuilding and various alterations to a previously approved scheme to re-model a dwelling in a designated Countryside Area. Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the NPPF and the objectives of the 'Extending Your Home' SPD. Accordingly, the application is recommended for approval.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Scaled at 1:1250
- Proposed Ground, First and Second Floor Plans - Drawing no. 22-55-1
- Proposed Elevations - Drawing no. 22-55-2 Rev. A
- Proposed Site Plan and Outbuilding Elevations and Floor Plan - Drawing no. 22-55-3

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

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

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

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

3. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the three first floor windows shown on the east facing side elevation of the dwellinghouse shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the development hereby approved is first occupied, and shall be retained as such thereafter.



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Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

4. The detached rear outbuilding hereby approved shall only be used to provide accommodation that is ancillary to the main residential use of the dwelling known as 12 Mains Lane, Singleton, Poulton-Le-Fylde, FY6 7LF and shall not be sold, sublet or otherwise occupied independently of that dwelling.

Reason: To preserve the character and appearance of the area, to ensure that the curtilage of the dwelling is not overdeveloped or subdivided inappropriately and to achieve a high standard of amenity for existing and future occupiers of the area in accordance with the requirements of policies GD7 and H2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

### **Informative(s)**

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

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

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### Location Plan 22/0469

