



# Agenda

## Planning Committee

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

### Public Speaking at the Planning Committee

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

Please note that this meeting will be recorded and posted on the internet following the meeting. Please see our Privacy Notice [here](#) for committee speakers.

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the Committee held on <a href="#">11 January 2023</a> (previously circulated) as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	5-174
	<b>INFORMATION ITEMS:</b>	
5	<b>List of Appeals Decided</b>	175-176

Contact: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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

**© Fylde Council copyright 2023**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

# Planning Committee Agenda

## 1 February 2023

<b>Item No.</b>	<b>Appn No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Recommendation</b>	<b>Page No</b>
<b>1</b>	20/0094	LAND TO REAR OF FORMER LYTHAM POLICE STATION, BANNISTER STREET, LYTHAM ST ANNES, FY8 5HP	OUTLINE APPLICATION FOR THE ERECTION OF FOUR DWELLINGS (ACCESS, SCALE, APPEARANCE AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED) FOLLOWING REMOVAL OF EXISTING BUILDINGS	Delegate to Officers in consultation with Chairman and Vice Chairman	<b>5</b>
<b>2</b>	20/0306	THE COURT HOUSE ( FORMER LYTHAM POLICE STATION), BANNISTER STREET, LYTHAM ST ANNES, FY8 5HP	PARTIAL DEMOLITION OF EXISTING BUILDING TO CREATE A SINGLE DWELLING HOUSE IN THE FORMER POLICE STATION AND COURT HOUSE. CHANGE OF USE OF FORMER POLICE STATION TO 3NO RESIDENTIAL DWELLINGS (CLASS C3)	Delegate to Officers in consultation with Chairman and Vice Chairman	<b>23</b>
<b>3</b>	21/0487	WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 4XQ	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF LAYOUT, SCALE, APPEARANCE, ACCESS AND LANDSCAPING PURSUANT TO PLANNING PERMISSION 11/0221 RELATING TO ERECTION OF 1 NO. PUBLIC HOUSE INCLUDING ACCESS WORKS, PARKING FACILITIES AND LANDSCAPING TREATMENT	Grant	<b>41</b>
<b>4</b>	21/0904	LAND TO THE EAST OF PEEL ROAD LAWNS FARM, BALLAM ROAD, WESTBY WITH PLUMPTONS, PRESTON, FY8 4LE	INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE AND ACCESS VIA PEEL ROAD.	Grant	<b>56</b>
<b>5</b>	21/1053	120 MYTHOP ROAD, LYTHAM ST ANNES, FY8 4HQ	ERECTION OF DETACHED DORMER BUNGALOW FOLLOWING DEMOLITION OF EXISTING TRUE BUNGALOW (PART RETROSPECTIVE)	Grant	<b>107</b>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

6	22/0188	LAND SOUTH OF QUEENSWAY LYTHAM ST ANNES LANCASHIRE FY8 3FY	CONSTRUCTION OF SIGNAL CONTROLLED CROSSROADS AT JUNCTION OF KILNHOUSE LANE, QUEENSWAY AND THE PROPOSED HEYHOUSES BYPASS (THE 'T5' ROAD) TO PROVIDE INTERIM MEANS OF ACCESS TO THE RICHMOND POINT DEVELOPMENT INCLUDING ASSOCIATED HIGHWAY RECONFIGURATION WORKS AND CONSTRUCTION OF PART OF THE HEYHOUSES BYPASS UP TO AND INCLUDING THE FIRST VEHICULAR ENTRANCE TO THE RICHMOND POINT DEVELOPMENT	Approve Subject to 106	121
7	22/0874	10 THE BOULEVARD LYTHAM ST ANNES LANCASHIRE FY8 1EH	SINGLE STOREY REAR AND SIDE EXTENSION, FIRST FLOOR REAR EXTENSION AND REAR DORMER	Grant	167

### 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)

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 1

<b>Application No:</b>	20/0094	<b>Case Officer:</b>	Andrew Stell Area Team 1
<b>Applicant:</b>	Dr Ramsden	<b>Agent:</b>	David Hadwin
<b>Location:</b>	LAND TO REAR OF FORMER LYTHAM POLICE STATION, BANNISTER STREET, LYTHAM ST ANNES, FY8 5HP		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE ERECTION OF FOUR DWELLINGS (ACCESS, SCALE, APPEARANCE AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED) FOLLOWING REMOVAL OF EXISTING BUILDINGS		
<b>Ward:</b>	Clifton	<b>Parish:</b>	
<b>Statutory Expiry:</b>	20 April 2020	<b>Earliest Decision:</b>	20 June 2022
<b>Reason for any delay:</b>	Officers negotiating design improvements		<b>Online application file</b> <a href="#">here</a>

**Summary of Officer Recommendation:** Delegate to Officers in consultation with Chairman and Vice Chairman

#### Summary of Officer Assessment

The application site is a rectangular area of land located to the rear (east) of the former Court House and Police Station in Lytham. Whilst that building is Grade II listed and within the conservation area, this site is outside of that area and was formerly the yard area associated with the police station giving it an unattractive appearance.

The scheme proposes the erection of a terrace of 4 x 2 storey three bedroomed dwellings which are orientated to front onto George Street and so face the rear of properties on Westby Street. A single parking space in the rear yard area accessed off North Clifton Street is indicated for each property.

With the site being in a highly accessible settlement location the principle of the residential development of the site is an acceptable one. However, the constraints of the site being located close to neighbouring dwellings to both sides and accessed off a relatively narrow and heavily parked road network has resulted in some compromises being required to produce a suitable scheme for the development. The current application has been revised a number of times since first submission in 2020 with other options also discussed informally with officers alongside the schemes that have formally been presented for consideration.

The scheme that is currently with the council and under consideration here improves on some issues that resulted in earlier schemes being considered to be unacceptable. However, there remain areas where further work is required and as a result officers are requesting that the ultimate decision on the application be delegated to the Head of Planning. This authority is to allow officers to continue work on these matters with the confidence that committee are satisfied that the principle of the development of this site for this scale and nature of development.

The main unresolved aspect relates to whether it is feasible to achieve access to the parking spaces that are proposed given the narrow width of North Clifton Street and the further constraints on that width from the parked cars that line the side opposite to the site. The local highway authority requested a plan is submitted to clarify this, and so that will be sought from the agent. Clarification

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

over the visibility available to pedestrians will also be sought. If the highway authority's concerns cannot be addressed, the applicant will be asked to delete the parking spaces from the application and rely on public parking that is available in the area.

The other aspect is the drafting of a schedule of planning conditions that will be based on the list provided at the foot of this report, but will need to be refined dependent on the parking accessibility point and through further discussions over the implementation of the scheme.

The issues for consideration in the determination of this application are finely balanced, particularly with regards to the impacts on neighbouring residential amenity. However, should committee be satisfied that the principle of development is acceptable, the further details would be sought from and discussed with the applicant's agent to conclude the assessment by officers. A series of suitable conditions would also be drafted in line with the list at the foot of this report and others that may be appropriate to ensure compliance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) .

### **Reason for Decision Level**

As this application relates to a high-profile site in the centre of Lytham, the Head of Planning considers that it is appropriate for the application to be determined by the Planning Committee.

### **Site Description and Location**

This is one of two planning applications that are under consideration at the site, the other relating to the former Court House and Police Station buildings which are located with a frontage to Bannister Street, a side elevation to George Street to the north, and North Clifton Street to the south. That part of the site is occupied by a two-storey building that has evolved from its c1900 origins as the court house and police station to the town with some more modern, and unsympathetic additions, to the rear which are primarily associated with the former police station use. The main part of the building is constructed in an Edwardian style with a well-articulated frontage with a range of windows, turrets and other such features. The police station use ceased in 1996 and since then the building has been vacant.

This application relates to an area of land to the rear (east) of that building and is largely unused and seemingly formed the yard area associated with the adjacent police station use. This has a frontage to George Street to the north and to North Clifton Street to the south, and so is located within the settlement area of Lytham. The surrounding uses are largely residential although there is the Lytham Catholic Club to the east at the junction of the two streets.

The Court House and Police Station is within the Lytham Town Centre conservation area, but the land to the rear that comprises this application site is outside that designation, although its linkage and proximity to that building ensures it remains important in heritage terms. The Court House and Police Station are Grade II listed, with the United Reform Church and Sunday School on the opposite side of Bannister Street also listed at that grade and having been recently converted to a residential use as flats.

### **Details of Proposal**

Planning permission is sought in outline with all matters applied for other than the landscaping of the site. The proposal is for the clearance of the outbuildings on the site and the erection of a terrace of

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

four residential dwellings which are attached to the former police station to the west (the subject of application 20/0306 also on this agenda for consideration), and the dwelling at 50 North Clifton Street to the east. The proposed dwellings are orientated to front onto George Street (ie to the north) where they will face the rear elevation of properties on Westby Street. Their rear elevations are, therefore, opposite 43-49 North Clifton Street with a single parking space indicated to the rear of each dwelling in the rear yard area alongside a small area of amenity space. A pedestrian access to both frontages is provided, with their front elevation recessed by around 1m from the edge of the site boundary with George Street.

The properties provide accommodation over two floors with the ground floor featuring a front lounge and rear kitchen, and the first floor providing a double bedroom to the front and two single bedrooms.

The materials are indicated as being brick with windows and doors to the front elevation proportioned and arranged to reflect the architectural styling of the other properties in the area, particularly those on North Clifton Street. This includes the proposed dwellings within the former police station which are proposed as part of the other application submitted at a similar time to this one and which relate to that part of the wider site. That scheme is for consideration on this agenda and relates to the conversion of the court house element of the site to a single dwelling with residential annex, and the conversion of elements of the police station to 3 dwellings (application 20/0306).

When it was first submitted this application was for the erection of 6 dwellings, but has been revised to the 4 now proposed as a consequence of officer feedback regarding the unsuitability of the earlier, more intensive, scheme. The properties have also been reorientated in an attempt to address clear privacy concerns that were created with the proximity of a front elevation to North Clifton Street facing the properties directly opposite.

The format of the application has also been revised to include the reserved matter of 'scale' as this forms an important consideration of the scheme given its terraced arrangement and location alongside the conservation area. The only reserved matter that is not included in the application is landscaping and so should this application be approved there would be a need for a further application to be made to consider those details.

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

App	Scheme	Decision	Date
20/0306	PARTIAL DEMOLITION OF EXISTING BUILDING TO CREATE A SINGLE DWELLING HOUSE IN THE FORMER POLICE STATION AND COURT HOUSE. CHANGE OF USE OF FORMER POLICE STATION TO 3NO RESIDENTIAL DWELLINGS (CLASS C3)	For consideration on this agenda	
20/0307	LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION OF EXISTING BUILDING AND OTHER WORKS INCLUDING INTERNAL ALTERATIONS ASSOCIATED WITH CREATING A SINGLE DWELLING HOUSE IN THE FORMER POLICE STATION AND COURT HOUSE AND CHANGE OF USE OF FORMER POLICE STATION TO 3NO RESIDENTIAL DWELLINGS INCLUDING EXTERNAL AND INTERNAL ALTERATIONS (CLASS C3)	Pending determination	

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

08/0137	CONSERVATION AREA CONSENT FOR PROPOSED DEMOLITION OF EXTENSION TO REAR OF POLICE STATION & MAGISTRATES COURT & ALTERATIONS TO BOUNDARY WALLS	Granted	21 August 2008
08/0138	PROPOSED CHANGE OF USE OF FORMER POLICE STATION & MAGISTRATES COURT TO A BESPOKE RESTAURANT, TOGETHER WITH THE DEVELOPMENT OF 9 APARTMENTS TO THE REAR	Approve Subject to 106	21 August 2008
08/0139	LISTED BUILDING CONSENT FOR PROPOSED ALTERATIONS AND CHANGE OF USE OF THE FORMER POLICE STATION & MAGISTRATES COURT TO CREATE A BESPOKE RESTAURANT TOGETHER WITH THE DEVELOPMENT OF 9 APARTMENTS TO THE REAR	Granted	21 August 2008

### Parish/Town Council Observations

The application site is not in a parished area and so there are no comments to report.

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Local Highway Authority	<p>The scheme has been amended several times during its consideration to revise the number and then the orientation of the dwellings. As this has impacts on the highway arrangements LCC have been consulted on each iteration. Their comments on the scheme now under consideration are as follows:</p> <p><i>LCC Highways is of the opinion that the proposed outline application for the erection of four dwellings will have a detrimental impact on highway safety in the immediate vicinity of the site and also recommends the impact on highway amenity is considered, as detailed in this report.</i></p> <p><i>Drawing No AO17/194/P01 shows each plot with one off street car parking space which in this sustainable location is acceptable. The car parking spaces have been changed to be accessed from North Clifton Street. There is a concern that the car parking spaces cannot be accessed with the Residents Parking Bay opposite the driveways.</i></p> <p><i>It is requested that the applicant proves by swept path analysis car can enter and exit the site in a forward gear when the residents parking bays opposite are occupied. This is in the interests of road safety.</i></p> <p><i>It is also requested that 45° visibility splays are be provided between the highway boundary and points on either side of the proposed driveways measured 3m back from the nearside edge of the footway. This is to permit vehicles to have intervisibility between all road users.</i></p>



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p><i>It is requested that a minimum of two secure cycle spaces for each two to three bedroom property, to support social inclusion and promote sustainable forms of transport is provided.</i></p> <p><i>As the site is within the town centre with various parking and waiting restrictions there is concern that parking construction/ contractor vehicles may not be accommodated within the site. The applicant is requested contact Parking Services Dispensation to park in a restricted area.</i></p> <p><i>A Traffic Management Plan is requested to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network."</i></p> <p>They then suggest that if the application is to be approved conditions be imposed to relate to:</p> <ul style="list-style-type: none"> <li>• Provision of cycle parking facilities</li> <li>• The agreement of a Traffic Management Plan to assist during construction works</li> </ul>
FBC Environmental Protection Team	<p>Raise no objection to the development, but request that conditions are imposed to address:</p> <ul style="list-style-type: none"> <li>• The sound insulation of the properties be designed to ensure that World Health Organisation minimum levels of sound insulation be provided</li> <li>• That construction activities be restricted to daytime hours as normal in a built up area to protect the amenity of neighbours to the site.</li> </ul>
LCC Archaeology	<p><i>The proposed development lies within the possible medieval limits of the settlement of Lytham, as identified in the 2006 Lancashire Historic Towns Survey volume for Lytham St Annes. Lying to the rear of the street frontage there is a possibility for cut features such as rubbish pits and boundary plot ditches to be encountered by the proposals. Below-ground evidence for later 18th or 19th century development of the site may also be encountered by the proposals.</i></p> <p><i>A programme of archaeological works was made a condition (no. 8) of a 2008 (2008/0138) proposal to redevelop the Police Station and erect 9 apartments to the rear of the site.</i></p> <p><i>I therefore advise that should the local planning authority be minded to grant planning permission for this, or any similar, scheme that a similarly worded condition should be attached to any planning permission.</i></p>
Lytham St Annes Civic Society	<p>We are naturally concerned to witness the continuing dereliction and decay of Lytham Police Station and Magistrates Court. Previous</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>applications have involved the whole of the site. This one does not. This is disappointing as it had seemed that the development of the rear of the site could have been regarded as “enabling” development, to help facilitate the restoration of the historic structure.</p> <p>We still believe that no permissions should be granted to develop the rear area, as is suggested here, without concurrent proposals to restore the Police Station and Courtroom.</p> <p>The applicant’s heritage statement says:</p> <p><i>6.05 “The Building closed for Court and police use in 1998 and is now in private ownership. To secure the future of the Building a suitable new use is now needed; this will certainly require the Building to be adapted, whilst retaining its most significant features”.</i></p> <p>If the applicant has no interest in restoring the Listed structure then why have they included a heritage statement from 2007 and a copy of the Listing?</p> <p><i>6.06 “The proposed works will have no effect on the adjacent properties”.</i></p> <p>This is not a fair comment, as parking is very restricted in this area and turning space within the proposed development is very tight. If the Listed building were to be developed into housing then the only open space left for parking would be at the front. At that stage the whole site would be overdeveloped. Besides this, the design of the proposed houses has a considerable element of pastiche and any design needs to respect its proximity to the Listed building.</p> <p>We agree with the proposal to carry out archaeological investigations.</p>
United Utilities	<p>Raise no objection to the application, but make standard comments requesting that conditions be imposed on any planning permission to require that a scheme for foul and surface water drainage be approved prior to construction, and that details of how this is to be managed be included in that submission.</p>
Cadent Gas	<p>They highlight the presence of gas transmission infrastructure in the area and advise that the developer must be made aware of this and required to consult with them in advance of undertaking any works on the site to ensure that any safety measures that are needed are implemented.</p>

### Neighbour Observations

**Neighbours notified:**

26 February 2020

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

<b>Amended plans notified:</b>	6 June 2022
<b>Site Notice Date:</b>	26 February 2020
<b>Press Notice Date:</b>	5 March 2020
<b>Number of Responses</b>	Total number of comments      8 to original proposal and 2 to current

**Summary of Comments**      The comments received in respect of the original proposal can be summarised as:

- The proposal creates a loss of light to neighbours due to the scale and proximity of the dwellings on North Clifton Street.
- The proximity and layout will lead to significant privacy loss between the dwellings.
- The proximity and layout will lead to significant levels of noise nuisance between the dwellings.
- The level of parking provided is inadequate for the scale and number of dwellings proposed. It also seems likely that the proposed spaces will not be accessible due to the limited width of North Clifton Street.
- The narrow width of the road and additional obstructions that this will cause will prevent access by refuse and emergency vehicles.
- The additional vehicles required for construction will cause significant parking issues and inevitably obstruct access.
- The construction works will cause noise and other nuisances, including the potential for safety issues given the proximity to dwellings including the removal of fuel tanks within the site.
- This application is detached from any link to the Court House and so provides no assurance that that listed building will be preserved. This is essential to allow the development to be supported.

The comments received in respect of the current proposal can be summarised as:

- The revision reverses the properties and so ensures that the character of North Clifton Street is changed to that of a 'back alley'.
- The parking areas will not be used by residents and that will lead to increase pressure on parking in the area which is already incredibly restricted.
- The proposed parking levels are inadequate with a single space for a 3 bedroomed property.
- There is an AirBnB in the area that leads to parking issues and this development would exacerbate that.
- The extra vehicles visiting the site will create noise and light disturbance to residents.
- A resident requests that there should be a restriction imposed on the future residents of these dwellings that prevents them from applying for a resident parking permit.
- The occupier of the dwelling that stands adjacent to the eastern site boundary expresses concerns over the impact on the amenity available to their property through the position of the dwellings

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

that are proposed reducing the available light to rear windows and the rear yard area. They also refer to some construction matters that would be addressed through the Party Wall Act agreement that would be required under that legislation should permission be granted and the development proceed.

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

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

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

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

GD1 - Settlement Boundaries  
GD7 - Achieving Good Design in Development  
H2 - Density and Mix of New Residential Development:  
H4 - Affordable Housing  
ENV5 - Historic Environment

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 located in the settlement area of Lytham St Annes, which is a Strategic Location for Development as identified in Policy S1 and DLF1 of the Fylde Local Plan to 2032 (incorporating Partial Review). It is a scheme that relates to residential development and so the requirements of Policy H2 relating to housing provision are relevant, along with Policy GD7 which introduces obligations for the design of all new development.

The site is located in the designated town centre of Lytham and so it is necessary to consider the proposal against Policy EC5 which relates to uses in that area. Finally, with the site being immediately adjacent to a designated heritage asset in the conservation area and listed building it is necessary to assess the heritage implications of the development against the obligations of Policy ENV5. The assessment of the application against these policies is therefore undertaken in the remainder of this report.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

### **Principle of Residential Development**

With the site being located in the settlement area, and with residential properties being the predominant land use in the immediately surrounding area, then the principle of residential use of a site in that location would generally be acceptable. This site is no exception to that. The police station use has long since relocated elsewhere and this site has limited alternative potential uses given its constrained nature and the surrounding land uses.

The residential use that is proposed is not one of the main town centre uses that is specifically highlighted as being appropriate in a town centre in Policy EC5, but it is officer view that the encouragement of additional residential occupation on sites such as this can only be beneficial to the overall vitality and viability of the town centre by providing an additional population that will inevitably utilise it as a source of goods and services.

Accordingly, the proposal is acceptable in principle.

### **Design and Scale of Development**

The site is sandwiched between George Street and North Clifton Street. These are narrow streets where two storey terraced properties are located, along with the rear elevation of properties on Westby Street to the north. The styling of properties that front onto these streets is relatively uniform being two storey in height, brick/slate in construction, and traditional in its detailing with a single window and door at ground floor and two windows above.

The scheme as now under consideration in this application reflects that styling. It has a scale and materials that are consistent with its neighbours and so the general streetscene. The materials are shown as being brick and slate and can be conditioned accordingly as part of the decision on the application.

The main concern with this element of the application relates to the orientation of the properties. An earlier scheme proposed that they front onto the North Clifton Street frontage of the site, and whilst that was preferable in streetscene terms, it was unacceptable in residential amenity terms as it placed them around 6m from the existing properties on that road which currently have an open outlook over the site. As a consequence of this the properties have been 'reversed' in the current scheme so that they front onto George Street and have their rear elevations to North Clifton Street. In streetscene terms this is a less desirable arrangement, but is not entirely without precedent in the area given that the Court House building is immediately to the George Street frontage and there are other dwelling to the east of the site that also have their front elevation facing in that direction and so is an acceptable solution.

The impacts of this layout for neighbouring and occupier amenity will be considered in a later section of this report.

With regard to the frontage of the dwellings to George Street this will be acceptable in streetscene terms as they are of a scale and design that will make a positive contribution to that aspect over the existing arrangement which consists of a series of poorly conceived buildings and boundary treatments that dominate that aspect. The properties are set back slightly from the site boundary to give a small front garden area that will help further in providing a domestic appearance to the site.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The aspect to North Clifton Street is less straightforward. The site lies between the gable to properties that front immediately to that road to the east and the gable of former police accommodation that forms part of the police station to the west. There is a 2m high brick wall that currently fills this gap. Under this proposal the wall would be removed entirely and each of the four dwellings would be provided with a single parking space immediately off the carriageway, with each property also having a gated pedestrian access that will lead to the carriageway as there is no footway in this location. A boundary wall would be provided between each of these parking / yard areas to maintain separation between the dwellings.

In some respects this will open up the site through the loss of the slightly oppressive boundary wall that is currently in situ, but it will still remain as an intensively used area to the rear of the properties in contrast to the character of the rest of North Clifton Street which sees properties that front onto this road, albeit at a very close physical separation.

Despite these compromises about the North Clifton Street aspect there are clear benefits from the development of this under-utilised and well located site. A range of alternative layouts have been considered by the applicant's agent and officers, and this is the best solution that would deliver a viable development of the site. It is not considered that the site arrangement is so harmful that it conflicts with the requirements of Policy GD7.

As the scheme relates to new residential development it is also necessary to consider Policy H2 of the FLPPR which imposes a series of tests for new residential development relating to matters such as density, mix of uses, provision of specialist elderly accommodation. With the modest scale of this scheme the majority of these are not applicable to the development, although it is clear that the density of the development that is now proposed with a scheme for 4 dwellings is more appropriate than the original scheme with 6 dwellings as it allows a scale of development that is reflective of the terraced properties around. There is therefore no conflict with Policy H2.

### **Heritage Implications**

There are no buildings within this site that have any heritage value in their own right. However, as the site forms a part of the curtilage to the Grade II listed court house/police station the implications for the heritage value of that asset are to be considered. It is also outside of, but immediately adjacent to, the Lytham Town Centre Conservation Area and so the potential impacts on that designated heritage asset must also be considered.

The site provided a rear service yard area to the police station, and as such will have been used for parking and storage purposes associated with that use. This would have been operationally important to the functioning of the site, but as that use has long since ceased, the functional need for this area to be available to serve it has also been removed. Its loss as a consequence of this development therefore has no negative impacts on the operational elements of the heritage assets.

Its open nature ensures that it allows views of the rear of the listed building and into the conservation area. Whilst these will be lost as a part of this development, these views are not considered important views as they show the 'back office' elements of the police station and court house only. These areas are architecturally very subservient to the front elevations on Bannister Street and North Clifton Street, featuring a series of later additions and alterations that are of no positive value to the heritage assets.

The obstruction of views of these areas will not, therefore, lead to any heritage harm, and so there is no conflict with Policy ENV5 or the requirements of NPPF paragraph 202. This relates to the 'less than

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

significant harm' to a heritage asset and whilst it is not considered that there is even that level of harm caused by the development, the para allows it to occur where there are public benefits to outweigh any harm. In this case there are clear public benefits from the development in the redevelopment of the site, and the housing supply in an appropriate settlement location, and so there can be no conflict with the heritage protection policies and guidance.

### **Access and Parking**

The properties are provided with vehicle access via North Clifton Street and pedestrian access via both George Street to the front and North Clifton Street to the rear. There is a single parking space indicated for each dwelling from North Clifton Street.

The two roads are both adopted highways and so there are no legal restrictions on their use to access the properties, but George Street does have a Traffic Regulation Order that prevents any waiting at any time on the road, and includes some resident parking bays. North Clifton Street also has parking restrictions across the whole site frontage with double yellow lines. These are a reflection of the restricted width of the roads that would make them congested and difficult to negotiate if there were poorly parked vehicles. This is often the case on both roads, with North Clifton Street seeing a row of cars regularly parked on the opposite side of that road to the application site where there are a series of resident parking bays. The majority of resident comments highlight the pressures on parking in this area and express concerns over the potential for residents of this development to be eligible for such permits.

The comments on this scheme that have been provided by the local highway authority express concerns over the parking arrangement, and specifically associated with the accessibility of the parking spaces that are provided in the scheme given the restricted width of North Clifton Street that is available due to the parking opposite. They also refer to potential pedestrian visibility conflicts due to the separations between the properties and the absence of any footway on North Clifton Street to provide protection to pedestrians. These comments have been passed to the applicant's agent but there are no details available to provide confirmation that these aspects can be satisfied.

Considering the highway matters, it is accepted that the site is in an accessible location being within the town centre and has direct access to the wider highway network via well established and appropriate junctions.

The parking standards that the council applies suggest that a three bedroomed property should provide 2 parking spaces, although that can be reduced where the location is an accessible one or other circumstances apply. In this case the location is accessible and it is officer view that a reduction to a single space is acceptable as would a scheme with no dedicated off street parking. However as spaces are indicated, they do need to be achievable, and that is where the local highway authority have concerns.

Without the suggested 'vehicle tracking drawing' it is not possible to confirm that the parking arrangements are acceptable. As this is a key issue it is officer recommendation that they are delegated the authority to progress this further with the applicant's agent should members be satisfied with the general principle of the development that is proposed.

The local highway authority also express concerns over the pedestrian access. This is also a key accessibility issue that requires further assessment with the agent should the principle of the development be acceptable to the Committee.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

Other than these points, albeit important ones, the highway authority do not raise any objections to the development with their suggestions about cycle storage and construction management being matters that can readily be addressed by condition. The cycle storage is supported by policies of the FLPPR which promote alternatives to the private car for journeys and is appropriate in a location such as this where the majority of residential needs are available within a readily cyclable distance of the site. With regard to the construction of the dwellings, the site itself is limited in size and the surrounding roads are restricted in their width. These will combine to ensure that the construction of the dwellings will be challenging in highway congestion and general amenity grounds. The local highway authority request that a condition be imposed to secure the details of this prior to construction with respect to traffic management, but officers believe that this should be widened to ensure that the wider amenity considerations of the construction be addressed and so a standard condition to secure these details prior to construction is appropriate.

As a summary to this point, the proposal will increase the level of access to the site over the existing use and will require the use of the narrow and congested roads to do so. However, this is considered to be an acceptable compromise given the significant benefits of regenerating this town centre site and the contribution to housing supply that it brings. The level of harm can be addressed through relatively straight forward amendments to the scheme and so officers request that they are delegated the authority to progress this with the agent further in advance of any decision being made on the application. In the event that they are able to demonstrate that the spaces are accessible then a condition to require their provision and others to provide cycle storage, pedestrian views, etc would be imposed. That would then ensure that the scheme satisfied the requirements of Policy GD7 of the FLPPR with regards the access and parking, and will not lead to the 'severe' impact on the highway network that could justify a reason for refusal on this basis.

### **Neighbour Amenity**

The proposed dwellings are two storey in height with habitable rooms at both storeys to the front and rear. As such there is a potential impact from the dwellings on those properties to the front across George Street on Westby Street, and to the rear on North Clifton Street.

The separation of the dwellings to the rear of the Westby Street properties varies as those properties are designed with a staggered rear elevation featuring outriggers, and many of these have been extended with rear conservatories and other such extensions. At the closest point there is a direct relationship to an extended Westby Street properties of around 14m, although in other locations the separation to habitable windows is around 20m. These distances are all below the minimum standards that are sought for such relationships through the council's guidance where a 21m separation is sought, although they are similar to the separation provided elsewhere on George Street.

The separation from the rear elevation of the proposed dwellings to the existing properties on North Clifton Street is around 12m at ground floor and an extra 1m at first floor. These are also clearly some way short of the accepted minimum separation standards generally applied.

At these distances it is clear that there will be an adverse impact on the amenity of existing occupiers on both Westby Street and North Clifton Street. The occupiers on Westby Street will suffer from some massing impacts with the scale of the properties and potential overlooking from the first floor windows. The occupiers of the North Clifton Street would suffer less impact than under the earlier scheme that faced those properties, but would also suffer from massing and overlooking impacts at both ground and first floor.



## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

A further area of neighbour amenity to be considered is the impact on the dwellings to the east of the site which abut the site boundary on North Clifton Street. This is a terrace of two storey properties with their gable against the site boundary. Under the orientation of the development that is proposed the parking area of the proposed dwelling will sit alongside the gable of the main part of the house, with the proposed dwelling siting partly against its two storey rear outrigger but extending to the rear of that at two storey. This outrigger has a rear facing window at first floor level and so will suffer some compromise to the currently open aspect into the room it serves from the proposed dwelling. The occupiers of this property have highlighted that as a concern and also the potential construction implications for their property.

This is a further area where there are consequences resulting from the redevelopment of this site. The adjacent property has a constrained rear aspect as a consequence of its location with the outrigger impacting on other amenity and a store building directly to the rear already influencing the light that is achieved in the rear of the dwelling and its rear yard area. The further reduction of light that will be caused by this development is a negative factor from the development in the overall planning balance that needs to be considered in that overall decision.

Given the various options that have been sought on the site, both through formal submissions to the council as part of this application and options that have been discussed with the applicant's agent, it is clear that any residential development of this area will lead to an adverse impact on the amenity of neighbouring occupiers as set out above. Set against that is the benefit to their amenity that arises from the redevelopment of the site in that it removes the unattractive outlook that it currently presents, and replaces that with sympathetically designed and scaled buildings.

Officers accept that this balance is a fine one and note that the level of neighbour objection received on this basis is limited. Whilst in many cases such a sub-standard separation would justify a refusal of the application, in this case it is considered that a development that retains the tight knit character of this part of Lytham is of greater weight.

### **Occupier Amenity**

The proposed dwellings provide a single double bedroom and two small single bedrooms. Whilst this is a modest level and scale of accommodation, they are typical of those in the surrounding area and other residential areas that surround Lytham town centre and so are acceptable in that regard.

Unlike other properties in the area the proposed dwellings indicate a parking area, but this is at the compromise of any private amenity space as this parking occupies almost the whole of the external area to the dwelling. Furthermore, the restricted size of the area and available width of North Clifton Street is such that it is unlikely that any form of gate can be provided to the boundary with that road. This means that the rear yard area of the property will not be available as private space, and this will extend to the rear elevation of the dwelling itself as the bi-folding doors that are shown across the rear of the kitchen dining room will be similarly exposed to public view from North Clifton Street at a separation of 6.5m.

In many cases this would be an unacceptable situation as the level of future occupier amenity would be considered to fall below the standards required by Policy GD7 of the FLPPR. However, as with neighbour amenity, this is an area that has been explored through different formal and informal iterations of the proposal in an attempt to achieve an appropriate development scheme for the site, with this being the least harmful option that has been presented and smaller curtilages are not uncommon in tight urban situations such as this.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

As with the impact on neighbour amenity, officers consider that the level of harm that this impact causes is outweighed by the regeneration and housing delivery benefits of the development of the site in this manner.

### **Affordable Housing and other infrastructure Contributions**

Policy H4 requires that affordable housing is provided on all residential development schemes that are for 10 dwellings or more and includes a provision to account for where a scheme may be split across a number of applications. There are also provisions under other FLPPR policies for contributions towards open space, public realm, education, etc enhancements at this same development trigger.

As set out earlier in this report this particular application sits alongside 20/0306 which is for the use of the Court House and parts of the police station for 4 dwellings in total. The combination of that number of dwellings, and the 6 dwellings originally sought in this submission meant that the trigger for affordable housing and other contributions across the combined scheme was met. However, this application has since been reduced from 6 to 4 dwellings and so the scheme no longer meets that trigger. Accordingly, there is no policy basis for the development to provide any affordable housing or other infrastructure enhancements.

### **Link to development of Court House / Police Station**

The application site for this application abuts the buildings that provide the Court House and Police Station buildings, but does not include any of those areas within the site boundary. Instead, they are the subject of current applications 20/0306 for planning permission and 20/0307 for listed building consent relating to a scheme for residential development of that site. Likewise, the site boundary for those applications does not include any of the land that is the subject of this application. This therefore means that the two schemes are entirely separate and can be determined differently by the council. Equally, if both were approved there can be no obligation to require the developer of one scheme to undertake any works associated with the other.

This is a slightly unusual situation in circumstances such as this as it would be normal for an application involving development adjacent to a listed building that was in a state of some disrepair, as the Court House building seemingly is having been vacant for many years, to contain some provision that the listed building is suitably protected. Discussions over this matter have taken place with the applicants of both schemes (who are seemingly the same individuals represented by the same planning agent) but they advise that there are legal impediments that prevent a single application being submitted to cover the whole of the wider Court House and Police Station site. This is unfortunate and to a degree weakens the planning balance in favour of the development of this scheme as it cannot be considered to offer any 'enabling' value for the restoration and enhancement of the listed Court House building.

Despite clear reservations over this, officers are mindful that the application site under consideration here to the rear of the site is one that is suitable for residential development given its local plan designation and the nature of surrounding uses. Whilst there are clearly some issues to consider with the details of the scheme here relating to parking, access and amenity as set out above the fact remains that the site is one where residential development should be supported in principle. In turn this makes it difficult to resist a scheme for that development simply because the site does not extend to the adjacent listed building.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

### **Other Matters**

#### Archaeology Service

The site is one that has some historic interest given the listed status of the adjacent Court House building and the fact that this is one of the earlier parts of the town to be developed, potentially in medieval times. The County Archaeologists comments reported above highlight this and request that a condition is imposed on any planning permission that requires an investigation and recording of this as part of the development of the site. This is an appropriate request and is supported by local policy and national guidance so will be carried forward in any planning permission.

#### Gas Assets

In their comments on the application Cadent Gas have highlighted that there are gas transmission assets in the vicinity of the site under consideration. They refer to the need for these to be protected during construction works and that their presence is accurately highlighted in advance of that to ensure that there are no safety issues created by the works. From the map supplied with their consultation response there are two routes: one along North Clifton Street, and another that connects from that into the rear of the police station and presumably provided its supply.

The information regarding this has been made available to the applicant's agent who will be able to engage directly with Cadent on this matter. Irrespective of that a pre-commencement planning condition is appropriate to ensure that this infrastructure is identified and accommodated into the development scheme through protection, removal or relocation.

#### Drainage

The application site is in an area where there are well established sewer networks and involves the development of a site that is entirely hard surfaced or developed with buildings at present. As such it is not expected that there will be any issues relating to the drainage of the site, or the connections to the sewer network. However, there are no details of these connections or how the surface water run-off from the site will be controlled. As such it is appropriate that if planning permission is to be granted then a condition should be imposed to require that details of the drainage arrangements are submitted to the council for agreement prior to development.

#### Ecology

The site is not within or adjacent to any ecological designations and does not contain any obvious ecological habitat, with little vegetation and no buildings that could contain a bat habitat. As a result of that it was not considered necessary to require the submission of any ecological assessment with the application and it is highly unlikely that there will be any negative ecological impacts from the development. However, the development of a site such as this does provide an opportunity to enhance habitat for wildlife and so a condition will be imposed on any planning permission to require that a schedule of enhancements is presented and implemented, with this required to cover matters such as bat roosting opportunities, urban bird nest sites, native planting species to attract bees, etc.

### **Conclusions**

The application site is a rectangular area of land located to the rear (east) of the former Court House and Police Station in Lytham. Whilst that building is Grade II listed and within the conservation area, this site is outside of that area and was formerly the yard area associated with the police station giving it an unattractive appearance.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The scheme proposes the erection of a terrace of 4 x 2 storey three bedroomed dwellings which are orientated to front onto George Street and so face the rear of properties on Westby Street. A single parking space in the rear yard area accessed off North Clifton Street is indicated for each property.

With the site being in a highly accessible settlement location the principle of the residential development of the site is an acceptable one. However, the constraints of the site being located close to neighbouring dwellings to both sides and accessed off a relatively narrow and heavily parked road network has resulted in some compromises being required to produce a suitable scheme for the development. The current application has been revised a number of times since first submission in 2020 with other options also discussed informally with officers alongside the schemes that have formally been presented for consideration.

The scheme that is currently with the council and under consideration here improves on some issues that resulted in earlier schemes being considered to be unacceptable. However, there remain areas where further work is required and as a result officers are requesting that the ultimate decision on the application be delegated to the Head of Planning. This authority is to allow officers to continue work on these matters with the confidence that committee are satisfied that the principle of the development of this site for this scale and nature of development.

The main unresolved aspect relates to whether it is feasible to achieve access to the parking spaces that are proposed given the narrow width of North Clifton Street and the further constraints on that width from the parked cars that line the side opposite to the site. The local highway authority requested a plan is submitted to clarify this, and so that will be sought from the agent. Clarification over the visibility available to pedestrians will also be sought. If the highway authority's concerns cannot be addressed, the applicant will be asked to delete the parking spaces from the application and rely on public parking that is available in the area.

The other aspect is the drafting of a schedule of planning conditions that will be based on the list provided at the foot of this report, but will need to be refined dependent on the parking accessibility point and through further discussions over the implementation of the scheme.

The issues for consideration in the determination of this application are finely balanced, particularly with regards to the impacts on neighbouring residential amenity. However, should committee be satisfied that the principle of development is acceptable, the further details would be sought from and discussed with the applicant's agent to conclude the assessment by officers. A series of suitable conditions would also be drafted in line with the list at the foot of this report and others that may be appropriate to ensure compliance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) .

### **Recommendation**

That the decision to GRANT planning permission is delegated to the Head of Planning, in consultation with Chairman and Vice Chairman, subject to:

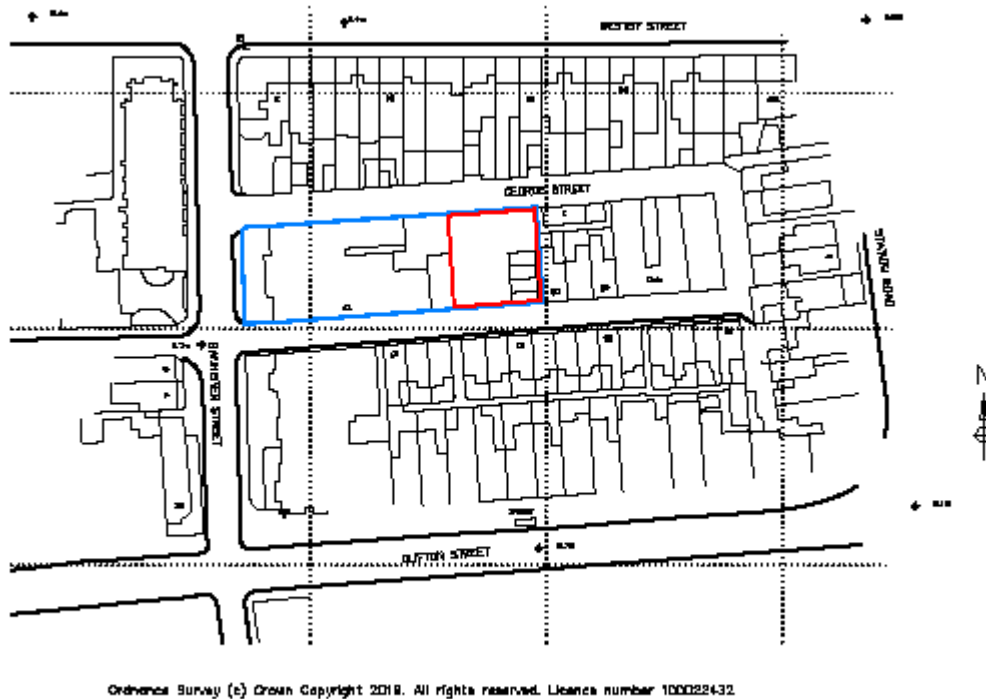
- 1) Receipt of further details concerning the access arrangements to provide satisfaction that safe access and egress from the site can be achieved for pedestrians and vehicles or the deletion of the parking spaces from the scheme
- 2) The drafting of a suitable schedule of planning conditions to ensure that the development accords with policy, with these including the following matters and any others that the Head of Planning considers necessary:

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

- a. Time for commencement
- b. Outline details
- c. Approved Plans
- d. Materials for dwellings to be brick and slate
- e. Materials for hard standing areas
- f. Remove PD rights
- g. Provide parking space to each dwelling and retain it available for parking
- h. No gates to enable use of parking areas
- i. Provide cycle parking details and then provide parking
- j. Provide details if refuse store and then provide it
- k. Archaeology recording
- l. Construction management scheme to be agreed, especially access and contractor parking
- m. Contamination examination and remediation
- n. Foul and Surface Water drainage
- o. Ecological enhancements
- p. Protection or relocation of gas assets

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Location Plan for 20/0094



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 2

<b>Application No:</b>	20/0306	<b>Case Officer:</b>	Andrew Stell Area Team 1
<b>Applicant:</b>	Mr Ramsden	<b>Agent:</b>	Mr Hadwin
<b>Location:</b>	THE COURT HOUSE ( FORMER LYTHAM POLICE STATION), BANNISTER STREET, LYTHAM ST ANNES, FY8 5HP		
<b>Proposal:</b>	PARTIAL DEMOLITION OF EXISTING BUILDING TO CREATE A SINGLE DWELLING HOUSE IN THE FORMER POLICE STATION AND COURT HOUSE. CHANGE OF USE OF FORMER POLICE STATION TO 3NO RESIDENTIAL DWELLINGS (CLASS C3)		
<b>Ward:</b>		<b>Parish:</b>	
<b>Statutory Expiry:</b>	12 August 2020	<b>Earliest Decision:</b>	6 August 2020
<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>

**Summary of Officer Recommendation:** Delegate to Officers in consultation with Chairman and Vice Chairman

#### Summary of Officer Assessment

The application site is a rectangular area of land on Bannister Street in Lytham town centre. It contains the Court House and Police Station building which is Grade II listed but has remained vacant and unused for over 20 years since those uses relocated. As a consequence, it is falling into some disrepair and developing an unattractive appearance. The site is bounded by North Clifton Street to the south and George Street to the north which both serve residential properties.

This application proposes the conversion of the Court House element of the building to a single dwelling with residential annex, the conversion of former police station accommodation to 3 dwellings, and the demolition of a relatively recent police building in order to facilitate the parking and garden areas for these dwellings. It is submitted alongside application 22/0307 which relates to the listed building consent consideration of those works and the internal alterations to the listed building and is to be considered under delegated powers. There is also a third application on the site which is before this Committee for consideration under reference 20/0094 which proposes the erection of a terrace of 4 dwellings on land to the rear of the building that has provided the yard area for the site in its former police use.

The application site is in a settlement location and so the principle of its residential use is appropriate. The scheme that is presented involves very minimal changes to the external appearance of the building with almost all window and door openings being utilised as existing, with no additional openings or extensions to the building. The scheme provides appropriate access and parking arrangements for the scale of the dwellings that are proposed and in recognition of the site being a highly accessible one in the town centre.

There are some concerns over the impact on neighbouring amenity due to the relatively close proximity of some elements of the building to dwellings on Westby Street and the extremely close proximity to dwellings on North Clifton Street. However, these are existing relationships using existing window openings that will have been used when the building was occupied, and so could be used again should it be reoccupied for its existing lawful use.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Notwithstanding these concerns the scheme involves a highly sympathetic conversion of the building to a productive use that will deliver an appropriate long-term future use for it and so is likely to guarantee that it is restored physically and preserved as a heritage asset for future generations. This is a significant benefit from the scheme and outweighs these neighbour relationship concerns in the overall planning balance.

The recommendation to Committee is therefore that the scheme should be supported, with the final decision to be delegated to the Head of Planning, in consultation with Chairman and Vice Chairman. This is to enable some further assessment and work to be undertaken on the listed building consent application which will allow greater clarity on the materials to be used internally and externally and so assist with the drafting of a more readily implementable planning permission. It will also allow the potential for bat and other ecological interests to be explored, and will allow for the drafting of an appropriate schedule of planning conditions.

Assuming that these matter are all resolved as is currently expected then the scheme will satisfy the requirements of Policy GD1, GD7, ENV2 and ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and associated NPPF guidance.

### **Reason for Decision Level**

As this application relates to a high-profile site in the centre of Lytham, the Head of Planning considers that it is appropriate for the application to be determined by the Planning Committee.

### **Site Description and Location**

This is one of three applications that are under consideration at the site. The other two relate to the listed building elements of this project which are under consideration as application 20/0307 for listed building consent at the property, and a separate application for planning permission for the erection of a terrace of four properties on land to the rear of the Court House / Police Station building. This latter application is to be determined under delegated powers.

The former Court House and Police Station is located with a frontage to Bannister Street, a side elevation to George Street to the north, and North Clifton Street to the south. It is occupied by a two storey building that has evolved from its c1900 origins as the court house and police station to the town with some more modern, and unsympathetic additions, to the rear which are primarily associated with the police station use. The main part of the building is constructed in an Edwardian style with a well-articulated frontage with a range of windows, turrets and other such features. The police station use ceased in 1996 and since then the building has been vacant.

The building is Grade II listed and the listing states:

*Police station and attached magistrates court. c1900, with late C20 alterations.*

*Bright red brick in stretcher bond with sandstone dressings and white-painted joinery, hipped slate roof. Rectangular plan. Edwardian Baroque style. Police station to front, magistrates court to rear. Two storeys and 4 irregular bays, the 2nd and 3rd breaking forwards, with a 2-stage turret to the 2nd bay and a wide segmental open pediment to the 3rd. Banded brick pilasters to the corners, 1st-floor band, and prominent modillioned cornice. The 2nd bay has an integral porch at ground floor, with a round headed doorway which has a cavetto surround and lion-mask keyblock, and an elaborate architrave including engaged Ionic columns and an open segmental pediment with a carved shield of arms; two*



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

*1-light windows at 1st floor; an oeil-de-boeuf at 2nd floor; and swan-neck broken pediments enclosing an octagonal turret which has a colonnade with engaged Ionic columns at the corners, keyed oculi in the cardinal sides, and an ogival cap with a finial. The 3rd bay is wider and has a tripartite window at ground floor flanked by one-light windows, and a banded blank arch at 1st floor containing a large Venetian window with a bowed stone balcony furnished with ornamental iron railings. Various windows to the other bays. All windows sashed with glazing bars.*

*To the rear of the police station, a plain block containing magistrates courts nos. 1 and 2. Court no. 2 has undergone refurbishment, but Court no. 1 retains good quality Edwardian courtroom C20 fittings, including magistrates entrance with heraldic cartouche to the pedimented doorcase, magistrates bench, prisoners' dock, fixed benching to the public seating areas, and pedimented doorcases to public entrances. Decorative plasterwork and large rectangular rooflights incorporating patterned coloured glass to coved ceiling.*

*Forms group with Public Library and Hewitt Lecture Room to south (q.v.), and with Lytham United Reformed Church and its former Sunday School opposite (q.v.).*

### **Details of Proposal**

The application is for full planning permission and relates to three main areas of work:

#### **Conversion of Court House**

This relates to the building on the front part of the site that is proposed to be converted to a single dwelling with a residential annex element. The main dwelling provides 3 bedrooms that wrap around the court area in the centre of the building at first floor with the reception rooms around the edge of the building at first floor and supporting residential uses such as utility room and pantry in the area underneath the court area.

The annex element provides two bedrooms and is situated on the corner of the building with Bannister Street and George Street, and whilst this is for separate accommodation it utilises the main door to the building and shares the same internal stairs between the floors.

Externally there are very limited changes to the building with all existing window openings utilised and just a door to the side to be bricked up to facilitate the annex works. Two parking spaces are provided to the front of the property with a pedestrian route to the existing entrance to the building. A small front garden area is to be provided to each side of the frontage.

#### **Conversion of Police Houses**

Along the North Clifton Street aspect the building extends to the rear with the police station element. This is to be converted to 3 x two storey properties with 2 of these having 2 bedrooms and the other having 3 bedrooms. These provide a traditional form of accommodation with reception rooms at ground floor and bedrooms to the front and rear at first floor, and also make use of the existing door and window openings into that part of the building.

Each of the dwellings is provided with a small garden area and single parking space that is to be located to the rear with access to the parking area off George Street and grouped together in a single parking court alongside a bin store area.

#### **Demolition of Outbuildings**

To facilitate the parking and garden areas for the dwellings that are proposed in this application a two storey building that is located to the rear of the original courthouse and alongside the George Street

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

elevation is to be removed. This is a flat roofed two storey structure that is clearly a more recent addition than the original courthouse building. A series of other ancillary buildings in this area are also to be cleared to allow access to the rear of the courthouse and that the windows on the rear of this building can be accessed.

With the listed status of the building there is a need for listed building consent for the works to this building and for the demolition elements. These are considered under application 22/0307 with that including both the external works and extensions, and the internal alterations to the layout of the building and alterations to its fixtures and fittings.

### Relevant Planning/Appeal History

App	Scheme	Decision	Date
20/0094	OUTLINE APPLICATION FOR THE ERECTION OF FOUR DWELLINGS (ACCESS, SCALE, APPEARANCE AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED) FOLLOWING REMOVAL OF EXISTING BUILDINGS	For consideration on this agenda	
20/0307	LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION OF EXISTING BUILDING AND OTHER WORKS INCLUDING INTERNAL ALTERATIONS ASSOCIATED WITH CREATING A SINGLE DWELLING HOUSE IN THE FORMER POLICE STATION AND COURT HOUSE AND CHANGE OF USE OF FORMER POLICE STATION TO 3NO RESIDENTIAL DWELLINGS INCLUDING EXTERNAL AND INTERNAL ALTERATIONS (CLASS C3)	Pending determination	
08/0137	CONSERVATION AREA CONSENT FOR PROPOSED DEMOLITION OF EXTENSION TO REAR OF POLICE STATION & MAGISTRATES COURT & ALTERATIONS TO BOUNDARY WALLS	Granted	21 August 2008
08/0138	PROPOSED CHANGE OF USE OF FORMER POLICE STATION & MAGISTRATES COURT TO A BESPOKE RESTAURANT, TOGETHER WITH THE DEVELOPMENT OF 9 APARTMENTS TO THE REAR	Approve Subject to 106	21 August 2008
08/0139	LISTED BUILDING CONSENT FOR PROPOSED ALTERATIONS AND CHANGE OF USE OF THE FORMER POLICE STATION & MAGISTRATES COURT TO CREATE A BESPOKE RESTAURANT TOGETHER WITH THE DEVELOPMENT OF 9 APARTMENTS TO THE REAR	Granted	21 August 2008

### Parish/Town Council Observations

The application site is not in a parished area and so there are no comments to report.

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Historic England	Confirm that they have no comments to make on the application.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

<p>Lytham St Annes Civic Society</p>	<p><i>“In our comments on application 20/0094 we stress that the whole of the police station site needs to be considered together. This is still important in spite of this being a separate application for the rest of the site.</i></p> <p><i>We consider this to be a suitable use of the site although parking may be a little cramped. It is preferable to previous plans for a restaurant and will be a welcome re-use of the listed building.</i></p> <p><i>Naturally we wish to see as much of the remaining period features of the property retained as possible.”</i></p>
<p>Ancient Monuments Society</p>	<p><i>“In many ways this is a model scheme – it keeps what Sir Nikolaus Pevsner credits in “The Buildings of England” as “some of the finest small magistrates court fixtures in Lancashire” ( in No 1 Courtroom ), it retains the cells and the Police Houses, despite the 2008 permission to demolish the latter, and it introduces a single residential unit into the listed building – thus reducing the need for subdivision and prompting the likelihood of a single integrated regime for maintenance, repair and decoration.</i></p> <p><i>The applicant is to be congratulated.</i></p> <p><i>However, in one key aspect, we are very concerned – at the proposal to introduce plastic (uPVC ) windows and doors. This is completely unacceptable and would be to the discredit of an otherwise exemplary scheme. We do urge retention of original windows on both the Court House and the Police Houses with, if necessary, carefully designed secondary glazing on the inner face. These should achieve the same insulation values as plastic double-glazing and would be sustainable where uPVC never can be.”</i></p>
<p>Victorian Society</p>	<p><i>“We broadly agree with the Ancient Monument Society: these proposals offer a good way of retaining the former Police Station and attached Magistrates Court as a single, coherent unit, and of preserving the significance of surviving court fittings. The proposals to retain the police houses behind are also positive, in terms of both the setting of the listed building and the wider environmental implications.</i></p> <p><i>We have some concerns, however:</i></p> <p><i>Firstly, we agree with the AMS that replacing the windows in white uPVC would be very harmful to the significance of the listed building. It seems to us that the proposals here are unclear: on some of the drawings the window material is stated as uPVC; in others as timber to match the existing. What exactly is proposed should be clarified. If uPVC is proposed we would object strongly, as it would let down what otherwise is a positive scheme.</i></p> <p><i>Secondly, the proposals involve considerable demolition of internal partitions. The plan form of a historic building almost always makes a</i></p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p><i>contribution to its significance, and disrupting it heavily hence almost always causes harm. There is a suggestion that the historic interiors of the building were thoroughly altered in the 1970s, and it may be that the partitions to be removed are late 20th century. This isn't made absolutely clear, however, and should be clarified. Do you have any more information on this point?</i></p> <p><i>Thirdly, we have a similar question about the staircases. The proposals involve the insertion of new staircases and the removal of existing. There is no information about the history of these staircases: are they part of the historic plan, or were they inserted in the 1970s? It is stated that the 'magistrates' staircase' was removed, but there is no information about where it was, or if any of the new staircases replace it. Staircases are a key aspect of any building; any surviving original staircases will inevitably make a contribution to significance, and removing them will cause harm. We'd be grateful if the status of the staircases could be clarified."</i></p>
LCC Highways	<p><i>"LCC Highways does not have any objections in principle to the proposed partial demolition of existing building to create a single dwelling house in the former police station and court house. Change of use of former police station to 3 no residential dwellings (class C3), providing the applicant can address the issues regarding the parking spaces, bin store and cycle store provision.</i></p> <p><i>It is requested that on the proposed ground floor plan drawing no AO17/194/P/01 the garden areas fronting Bannister Street are to the extent of the parking bays. This is to ensure there is no gap between the boundary walls and the adopted highway. It is also requested that the height of the wall and the planting is below 1m to allow for inter-visibility between the cars entering and exiting and other road users from the adjacent streets and pedestrians on Bannister Street.</i></p> <p><i>It is requested that the applicant enters into a s184 agreement for the partial reinstatement of the existing vehicle crossing area across the frontage on Bannister Street. It is also requested that tactile paving for pedestrians crossing movements is also installed.</i></p> <p><i>The site is within a sustainable location and the parking proposed is acceptable with secure and covered cycle storage areas for each dwelling. It is requested a minimum of two secure cycle spaces for each property, to support social inclusion and promote sustainable forms of transport.</i></p> <p><i>Where the parking bays are adjacent to walls and fences on one side, it is recommended that the drives to have a minimum clear width of 2.6m, to provide additional room to open the doors. It is noted that the parking bays are 2.4m wide by 5.0m long for the three proposed parking bays.</i></p> <p><i>With the reduced width for parking bay 3 bay it is requested that the swept path is shown for each bay in context with the parking bays and available road width with the parking bays on George Street occupied.</i></p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p><i>There is a concern that if a car is longer 5m the car will encroach into the pedestrian access for rear gardens and/or encroach into the highway. It is requested that the bays are 6m long and the rear accesses for the residents are protected by a physical structure such as a bollard, fencing or wall.</i></p> <p><i>The bin store door uses an existing door opening which has a stepped threshold. The large bins cannot be emptied with a step and there is a concern that the bins once empty would be left on the street or in the parking bays. A ramp in the highway is not acceptable. Please can the applicant show the bin size in relation to the door opening and how the step into the bin store can be overcome."</i></p> <p>They then request a single condition relating to the provision of cycle storage facilities, and an informative to remind the applicant of the need to undertake works to the highway under LCC's direction through a s184 agreement.</p>
--	--

### Neighbour Observations

<b>Neighbours notified:</b>	20 June 2020
<b>Site Notice Date:</b>	22 June 2020
<b>Press Notice Date:</b>	2 July 2020
<b>Number of Responses</b>	Total number of comments      4
<b>Summary of Comments</b>	The majority of the comments cover matters that are clearly related to the proposal to erect a new terrace on the site under 20/0094. As those are reported and considered in the report to that application they are omitted from the report here, which only includes those comments that relate to the works to the existing buildings.

The points raised are summarised as:

- The re-use of the building is welcomed as an improvement to the current eyesore.
- The removal of the unattractive office element will be welcomed as it is harmful to the area.
- The whole site is attracting vandalism and an 'embarrassment to the town' so providing a useful purpose for it is key.
- There is considerable parking pressure in the area and so any new development must provide sufficient accessible parking.
- Express concerns that residents of the new development could be eligible for parking permits from LCC which would put unacceptable pressure on the existing spaces in the area.
- Query whether the 3 parking spaces that are shown for the 3 dwellings on North Clifton Street are adequate for 2 / 3 bed dwellings.
- Refer to the cramped parking situation on that road as there are 20 houses at present and only space for 16 cars, with this

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

imbalance exacerbated by LCC issuing permits for up to 4 cars to some households.

- North Clifton Street sees additional vehicles as it takes deliveries to the club and commercial premises on Clifton Street. These add to the congestion.
- Construction traffic will struggle to access the site along narrow roads and there needs to be an arrangement for the contractor parking.
- There may be bats in the building as they are certainly present in the area.

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

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

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

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

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

H2 - Density and Mix of New Residential Development:

H4 - Affordable Housing

ENV5 - Historic Environment

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 located in the settlement area of Lytham St Annes, which is a Strategic Location for Development as identified in Policy S1 and DLF1 of the Fylde Local Plan to 2032 (incorporating Partial Review). It is a scheme that relates to residential development and so the requirements of Policy H2 relating to housing provision are relevant, along with Policy GD7 which introduces obligations for the design of all new development.

The site is located in the designated town centre of Lytham and so it is necessary to consider the proposal against Policy EC5 which relates to uses in that area. Finally, with the site containing a listed

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

building and being in a conservation area it is necessary to assess the heritage implications of the development against the obligations of Policy ENV5.

### **Principle of Residential Development**

The current lawful use of the site is as a courthouse and police station. The law court would be a Class F use, and the police station a Class E use in planning terms. Whilst these are both appropriate uses for a town centre location such as this there are no particular policies in the local plan that seeks to retain such uses in those locations. In this case both uses ceased over 20 years ago and have moved to alternative locations leaving the building unused and so increasingly susceptible to falling into disrepair.

This proposal is for a residential use to be established across the site through the conversion of the buildings. With the site being located in the settlement area, and with residential properties being the predominant land use in the immediately surrounding area including the converted church across Bannister Street, then the principle of residential use of a site in is acceptable. Furthermore, the time that the site has remained vacant confirms that the site has limited alternative potential uses given its constrained nature and the surrounding land uses.

The residential use that is proposed is not one of the main town centre uses that is specifically highlighted as being appropriate in a town centre in Policy EC5, but it is officer view that the encouragement of additional residential occupation on sites such as this can only be beneficial to the overall vitality and viability of the town centre by providing an additional population that will inevitably utilise it as a source of goods and services.

Accordingly, the proposal is acceptable in principle.

### **Design and Scale of Development**

The scheme utilises the majority of the existing two storey buildings without any additional external extensions, and with limited works being required.

The front elevation to Bannister Street is the grandest and most prominent elevation of the building and is unaltered from its existing state under this proposal. This is largely constructed from red brick but has a stone entrance and stone dressings around the windows, tower and the arched roof element. These are all to be retained, although there are likely to be some repairs needed to support the conversion. This may include replacement of the windows as is highlighted as a concern by the heritage bodies that have offered comments. However, a condition is an appropriate mechanism to ensure that further and appropriate clarity on this can be secured from the planning agent prior to the development taking place.

This frontage is to be changed externally. At present it is entirely hard surfaced and used for informal car parking. This proposal reduces the extent of hard surfacing to provide a pair of parking spaces and a pedestrian access path to the centre of the building and then a lawned area to either side of them. This gives an enhanced appearance to the front of the property that reflects the general symmetry and formality of the building and will add to the streetscene.

The side elevations are much more secondary to the front. The elevation to North Clifton Street continues at two storey for a distance of almost 40m along that street with a series of door and window openings along it with little conformity in their size or position. This is reflective of the buildings use changing from the courthouse to the front to police houses to the rear with the change

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

in the building evident on aerial images that shows the various roof constructions over this part of the building. As with the front elevation it is constructed mainly in brick with stone features around the doors. The front part of this elevation is the dwelling that is provided in the converted courthouse, and all window and door openings are retained in their current arrangement. The rear part provides the three dwellings in the former police house element of the building. This uses all the existing door and window openings as present except for one. This is a double width ground floor window that is to be reduced in width to a single window as it falls on the break point between two of the proposed dwellings so needs to be closed up.

To the other side onto George Street the building extends back from the front elevation by 30m with this also at 2 storey for that length. The front part is the courthouse and is constructed in brick with stone around the door opening on this side. The rear part is also brick but is a more recent two storey flat roofed element of the building.

Under the proposal the front part of the building is to provide the residential annex accommodation associated with the conversion of the courthouse to a dwelling. The only alteration to this element is that a door opening close to the front corner is to be sealed, but as the door is to be retained externally this does not alter the appearance of the building.

The rear part is to be demolished. This allows for the provision of a walled garden area for the converted courthouse dwelling, a rear pedestrian access point to that property, and an open parking area that contains the three parking spaces that are to the converted police house element of the scheme. These then allow access to the rear gate to the rear garden of these properties that front onto North Clifton Street. Whilst there are heritage asset and streetscene implications from the loss of this building, these are all positive as the building is an unsympathetic addition to the host building and its removal helps open up the rear elevation of that building which is helpful in supporting its function as a dwelling and is beneficial in allowing it to be appreciated in heritage asset terms.

Having considered these changes it is clear that with the exception of the removal of the unsympathetic two storey element to the building onto George Street the changes to the building that are required to facilitate the conversion to residential use are very limited. These have an inconsequential impact on the building overall, with those to the front being beneficial by enhancing the external area of the site. Accordingly, these works are all considered to be acceptable and to comply with the requirements of Policy GD7 of the FLPPR.

### Heritage Implications

The application property is Grade II listed and is located within the Town Centre Conservation Area. As such it is a designated heritage asset and the implications of the works need to be considered on that asset from a heritage perspective to ensure compliance with Policy ENV5 of the FLPPR and the NPPF guidance that this policy is heavily based on.

This policy and guidance starts off by advising that heritage assets are *'an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can continue to be enjoyed for their contribution to the quality of life of existing and future generations'*. Further guidance then directs the nature of works that can be accepted to various forms of heritage asset and how any harmful impacts should be considered. With this scheme involving a Grade II listed building it is one of the more significant forms of heritage asset and so should be given an appropriately high level of protection.



## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The current situation at the site is that the building has been vacant for over 20 years and so has begun to deteriorate. This scheme offers a sympathetic form of redevelopment that will provide it with an appropriate and long-term future use that should ensure that it has a productive purpose and so will be maintained in the future. The majority of the changes that are required externally to the building are extremely limited as set out in the preceding section of the report, and so in that respect the scheme brings only benefits rather than any harm. The removal of the two storey element on George Street is a significant change, but is a beneficial one given the poor appearance that modern element has and the benefits it brings in both opening up the rear aspect of the main building and in supporting the residential use that is proposed. Therefore, this element also brings a benefit rather than heritage harm.

This ensures that the proposal satisfies the requirements of Policy ENV5 and the NPPF guidance in respect of the new use that is proposed and the external changes that are needed to facilitate that use.

A series of internal changes to the building are also proposed such as the removal of some internal partitions that have been added to the building associated with its former use, and works that are associated with the repurposing of rooms from the former use to a residential use. The details of these internal changes are not for consideration as part of this application as a planning application does not consider internal works. Instead, they fall to be considered under application 20/0307 which is an application for listed building consent that was submitted alongside this application. That application can be determined under delegated authority if Committee are minded to support the planning principle of the residential use of the building. Accordingly, officers will progress with that assessment in due course as informed by the Committee view on this application.

This further progress will also cover the details of the conversion work including those matters relating to the materials to be used in the windows and other details of the internal conversion works that are raised as queries by the heritage societies in their comments on the application. Further progress on these with the applicant's agent and then enforcement of the appropriate material through planning condition will be an appropriate method to address this issue.

### **Access and Parking**

The two residential elements involved in this scheme have different access and parking arrangements and so need to be considered separately here. For context on these though Members will have noted the concerns over parking around the site that are expressed by residents in their comments on this application and that under reference 20/0094 for residential development of the back part of the site, although this scheme differs from that as the local highway authority do not raise any objections to this application subject to some relatively minor legal and logistical points.

The current arrangement with the Court House building is that the forecourt area to Bannister Street is entirely hard surfaced and used for informal parking. The proposal is to revise this to provide two parking spaces for the dwelling that is to be formed in that building, and use the remaining area as a separate pedestrian access and lawn areas. This will provide an appropriate level of parking for this large dwelling and will have a safe and convenient access to the highway network. The visual benefits of this are highlighted earlier, and the access arrangements fully satisfy Policy GD7 of the FLPPR.

The 3 properties to be formed in the converted police houses are each provided with a single parking space that is directly to the rear of those properties and so would be accessed from George Street. This is a relatively narrow 'back street' style road that serves the dwellings on Westby Street, many of which have garages that are accessed from it. There are double yellow lines to restrict parking along

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

the Westby Street side and a series of resident parking bays that allow for parallel parking along the majority of the application site side. These parking bays have a series of breaks in them where there are access points to the yard area to the rear of the Court House / Police Station, with these protected by double yellow lines.

The proposed access point to the 3 parking spaces would require the removal of some of the area of resident parking as it involves the formation of an 8m wide gap in the existing boundary wall of the building created by the demolition of the two storey part of the police building. It seems likely that the area that is lost to parking as a result of this can be compensated for by the provision of additional area where there are gaps in the parking provision to accommodate the site access points to the rear as these will be redundant with the redevelopment of that part of the site. This will require some legal work with the local highway authority to progress the changes to the Traffic Regulation Order through the highway legislation, and this can be the subject of a condition or informative to ensure it is put in place to allow access to the properties without compromising the availability of existing street parking in the area.

Assuming that this change is to be implemented it will allow for the new dwellings in the police houses element to have a single space each. Whilst this is below the number that the parking standards aim for in a two bedroomed property, it is considered acceptable in this highly accessible town centre location and is obviously more than that available to many of the surrounding terraced properties. The parking spaces are accessed from George Street which is narrow, but has sufficient width to permit their access as evidenced by the garages to the opposite side serving the Westby Street dwellings. It also has a suitable access point to Bannister Street and the wider highway network.

There are no concerns over pedestrian access to either part of the scheme as this is readily available along either North Clifton Street or George Street. A condition can be imposed to ensure that a part of the building, or the site is set aside for cycle storage facilities for the dwellings that are created by this application.

On that basis the application provides an appropriate level and arrangement of access and parking for the dwellings that are to be formed and so will comply with the requirements of Policy GD7 in that respect. A series of conditions are required to ensure that this is all effectively delivered in the final decision, and that these elements are retained.

### **Neighbour Amenity**

This is a further issue where the two parts of the scheme raise slightly different issues and so are best assessed separately. Unlike the assessment made of the new dwellings on North Clifton Street that are considered on this agenda under application 20/0094 where there is new built development and so massing impacts are created, the works here relate solely to the conversion of an existing building and so the assessment relates to the potential privacy impacts only.

The dwelling that is to be provided in the Court House building utilises all of the existing windows in that building. Where these are to the front elevation facing Bannister Street they are opposite the properties that have recently been formed in the former URC Church and associated Sunday School. The Church building has a series of ground and velux windows on the side facing which are around 17m distant from the Court House in some locations. This is below the 21m minimum separation normally sought, but is an acceptable relationship in this urban setting where those properties were only recently created, and is an acceptable compromise for delivering the new use for this Court House site. In other locations the Court House faces the car park area for that site and so there is no amenity impact.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

There are a series of windows in the North Clifton Street side elevation including bedroom windows at first floor, but as these face the Lytham Library building there is no impact on residential amenity from this change to the Court House building. To the George Street side the windows the windows will also be used for habitable rooms at ground and first floor. These face the garage to the dwellings on the end of Westby Street and the dwellings beyond at a separation of around 18m. This is also below the 21m distance generally sought, and so creates the potential for the development to create an adverse impact on the amenity of these long-established residents.

However in this case officers are satisfied that this is acceptable as a compromise given the lack of any massing impacts that are created by the proposal, the fact that these windows already exist and so will allow views out should the building have remained in a productive use over the past 20 years, the public benefits of repurposing the building, and the private benefit to these occupiers of the physical enhancement of the building when viewed from their property and garden.

On this basis it is not considered that the redevelopment of the Court House part of the scheme creates any unduly harmful amenity impacts to neighbouring occupiers.

The dwellings that are created in the former police houses will face directly onto North Clifton Street with their lounge to the front at ground floor and bedrooms at first floor. These are existing buildings and face the dwellings at Nos. 37, 39 and 41 on the opposite side of that road at a very close separation of around 6.5m. Those dwellings seem to have a similar layout with lounge and bedrooms at the front elevation and so there will be some direct privacy implications from this scheme to the occupiers of those dwellings, and the occupiers of the converted dwellings in the police house building.

In almost every scenario this would be entirely unacceptable due to the severe compromise to neighbour amenity that is created at such a close separation. However, in this case it is considered to be acceptable for the reasons set out above with regards the impact on the properties on Westby Street relating to the buildings being existing, the windows being existing, there being the potential for them to be reused without any planning application, and the benefits from the redevelopment of the site.

Any views from the rear elevation of these police houses is currently obstructed by the two storey police building. With the removal of that building forming a part of this scheme it will allow the rear elevations to view over the gardens to the properties on Westby Street. However, as the separation from their rear elevation is around 18m to their rear boundary with George Street and around an additional 10m to the dwellings themselves this separation is well above the minimum standards that are sought.

Accordingly, it is accepted that the relationships of this element of the scheme to its neighbours is also an acceptable one that complies with the requirements of Policy GD7.

### **Occupier Amenity**

The immediately preceding section sets out neighbour impacts, but applies equally to occupier amenity where there is a direct inter-visibility, and so the same conclusion is to be reached over these impacts being acceptable.

The property to be formed in the Court House building has a small private garden area to the rear alongside the boundary with George Street in the location of the building that is to be demolished. The dwellings to be formed in the former Police House section also each have small private garden

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

areas to the rear of each property which separate them from their parking spaces off George Street. These areas are all limited in size varying from around 25m<sup>2</sup> to 35m<sup>2</sup>, and whilst this would be too small for amenity space in a sub-urban setting it is comparable with the areas available in a tight urban location in a town centre such as this. It will be sufficient to allow an area for sitting out, drying washing, etc and so will provide an appropriate standard of outdoor amenity space for the occupiers.

It is therefore accepted that the proposal meets the requirements of Policy GD7 with regards the provision of appropriate levels of amenity for the future occupiers of the building.

### **Affordable Housing and other Infrastructure Contributions**

Policy H4 requires that affordable housing is provided on all residential development schemes that are for 10 dwellings or more and includes a provision to account for where a scheme may be split across a number of applications. There are also provisions under other FLPPR policies for contributions towards open space, public realm, education, etc enhancements at this same development trigger.

As set out earlier in this report this particular application sits alongside 20/0306 which is for the use of the Court House and parts of the police station for 4 dwellings in total. The combination of that number of dwellings, and the 6 dwellings originally sought in this submission meant that the trigger for affordable housing and other contributions across the combined scheme was met. However, this application has since been reduced from 6 to 4 dwellings and so the scheme no longer meets that trigger. Accordingly, there is no policy basis for the development to provide any affordable housing or other infrastructure enhancements.

### **Link to development of Court House / Police Station**

As set out in this report for application 20/0094 on this agenda relating to the new dwellings to the rear of the site there is no link between the two applications despite the common applicants. Whilst that is a slight concern with the other application it is not with this one as this application brings forward the repurposing and so enhancement of the listed building. Whilst the whole of this application site is listed, the key aspect of that is the Court House element as that is the element described in this listing. Accordingly, it is appropriate to include a planning condition that ensures that the works to this building are implemented collectively to ensure that there is cohesion to the building. This also has practical benefits given the shared use of access and garden space to the rear of the site where the police station building is to be demolished.

### **Other Matters**

#### Archaeology Service

The site is one that has some historic interest given the listed status of the adjacent Court House building and the fact that this is one of the earlier parts of the town to be developed, potentially in medieval times. The County Archaeologist has not commented on this application, but has done so on the one on the land to the rear. With the site's being adjacent and in the same use it is appropriate that a condition is imposed on this planning permission that ensures that the archaeological investigation extends to the parts of this site where there are external works.

#### Drainage

The application site is in an area where there are well established sewer networks and involves the development of a site that is entirely hard surfaced or developed with buildings at present. As such it

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

is not expected that there will be any issues relating to the drainage of the site, or the connections to the sewer network. However, there are no details of these connections or how the surface water run-off from the site will be controlled. As such it is appropriate that if planning permission is to be granted then a condition should be imposed to require that details of the drainage arrangements are submitted to the council for agreement prior to development.

### **Ecology**

The site is not within or adjacent to any ecological designations. However, the site does contain a series of buildings that are in a range of conditions and so it is possible that they could provide habitat that is in use by bats or by nesting birds. It is also noted that a resident references that bats are seen in the area. Bats are a protected species and so there are legislative requirements for the potential for development to impact on their nesting or roosting sites to be explored, and if they are present for appropriate mitigation for that to be integrated into the planning permission. Similarly, bird nesting sites are afforded protection by that legislation.

This application was submitted without any ecological survey or other assessment and so this is an aspect that needs to be undertaken in advance of any decision being made on this application. That would initially be in the form of a survey of the building to assess its suitability for bat use, and to examine if there is any evidence of bat activity within the building. If that is found to be the case then further survey work and mitigation proposals would be required.

This is therefore a matter that should be the subject of further work between officers and the applicant prior to a decision being made on the application, and so is referenced in the recommendation below. This further work is required to ensure compliance with Policy ENV2 and the national and internal legislation that protects these species.

### **Conclusions**

The application site is a rectangular area of land on Bannister Street in Lytham town centre. It contains the Court House and Police Station building which is Grade II listed but has remained vacant and unused for over 20 years since those uses relocated. As a consequence, it is falling into some disrepair and developing an unattractive appearance. The site is bounded by North Clifton Street to the south and George Street to the north which both serve residential properties.

This application proposes the conversion of the Courthouse element of the building to a single dwelling with residential annex, the conversion of former police station accommodation to 3 dwellings, and the demolition of a relatively recent police building to facilitate the parking and garden areas for these dwellings. It is submitted alongside application 22/0307 which relates to the listed building consent consideration of those works and the internal alterations to the listed building and is to be considered under delegated powers. There is also a third application on the site which is on the agenda of this Committee under reference 20/0094 which proposes the erection of a terrace of 04 dwellings on land to the rear of the building that has provided the yard area for the site in its former police use.

The application site is in a settlement location and so the principle of its residential use is appropriate. The scheme that is presented involves very minimal changes to the external appearance of the building with almost all window and door openings being utilised as existing, with no additional openings or extensions to the building. The scheme provides appropriate access and parking arrangements for the scale of the dwellings that are proposed and in recognition of the site being a highly accessible one in the town centre.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

There are some concerns over the impact on neighbouring amenity due to the relatively close proximity of some elements of the building to dwellings on Westby Street and the extremely close proximity to dwellings on North Clifton Street. However, these are existing relationships using existing window openings that will have been used when the building was occupied, and so could be used again should it be reoccupied for its existing lawful use.

Notwithstanding these concerns the scheme involves a highly sympathetic conversion of the building to a productive use that will deliver an appropriate long-term future use for it and so is likely to guarantee that it is restored physically and preserved as a heritage asset for future generations. This is a significant benefit from the scheme and outweighs these neighbour relationship concerns in the overall planning balance.

The recommendation to Committee is therefore that the scheme should be supported, with the final decision to be delegated to the Head of Planning, in consultation with Chairman and Vice Chairman. This is to enable some further assessment and work to be undertaken on the listed building consent application which will allow greater clarity on the materials to be used internally and externally and so assist with the drafting of a more readily implementable planning permission. It will also allow the potential for bat and other ecological interests to be explored, and will allow for the drafting of an appropriate schedule of planning conditions.

Assuming that these matter are all resolved as is currently expected then the scheme will satisfy the requirements of Policy GD1, GD7, ENV2 and ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and associated NPPF guidance.

### **Recommendation**

That the decision to GRANT planning permission is delegated to the Head of Planning, in consultation with Chairman and Vice Chairman, subject to:

- 1) The further consideration of the internal works to the court house element of the building with particular regard to the assessment of the internal details as are relevant to the listed building application, and to allow any consequential amendments to be incorporated into this decision through revised plans and additional information regarding the materials to be used in the conversion.
- 2) The submission of a suitable ecological survey of the building and site to determine the likelihood of it being used by bats or other protected species. If this survey, and the assessment of it by the council guided by its ecological consultees as appropriate, concludes that further surveys or mitigation is required as a result then this is to be progressed to ensure compliance with Policy ENV2 and the associated legislation.
- 3) The drafting of a suitable schedule of planning conditions to ensure that the development accords with policy, with those including the following matters and any others that the Head of Planning considers necessary:
  - a) Time for commencement
  - b) Approval of plans
  - c) Agreement of any phasing of the demolition and other development to ensure that this is undertaken in a logical way and delivers the repurposing of the Court House element at an early stage of the overall scheme

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

- d) Confirmation of the details for the conversion detail and any repairs, with this phased if needed
- e) Agreement of the materials to be used in the conversion with this to be phased if needed
- f) Agreement of the design and materials for any replacement windows with this to be phased if needed
- g) Provide parking to frontage
- h) Provide landscaping to frontage
- i) Provide parking to rear properties
- j) Secure revisions to highway to allow access to rear parking areas
- k) Provide any ecological mitigation and habitat enhancement measures that are needed
- l) Ensure provision of the bin store
- m) Secure details of the cycle store and its provision
- n) Secure details of any boundary treatments including their height and materials, and secure their implementation
- o) Undertake archaeological investigation and recording
- p) Submit and implement a suitable Construction Method Statement with particular regard to hours of work and contractor parking

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Location Plan for 20/0306



Ordnance Survey (c) Crown Copyright 2019. All rights reserved. Licence number 100022432



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 3

<b>Application No:</b>	21/0487	<b>Case Officer:</b>	Andrew Stell Area Team 1
<b>Applicant:</b>	Whyndyke	<b>Agent:</b>	Cassidy & Ashton Group Ltd
<b>Location:</b>	WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 4XQ		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF LAYOUT, SCALE, APPEARANCE, ACCESS AND LANDSCAPING PURSUANT TO PLANNING PERMISSION 11/0221 RELATING TO ERECTION OF 1 NO. PUBLIC HOUSE INCLUDING ACCESS WORKS, PARKING FACILITIES AND LANDSCAPING TREATMENT		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Westby with Plumptions
<b>Statutory Expiry:</b>	3 February 2023	<b>Earliest Decision:</b>	1 July 2021
<b>Reason for any delay:</b>	Delayed by available officer capacity		<b>Online application file</b> <a href="#">here</a>

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

This application relates to a reserved matters submission on the Whyndyke Farm development which is located alongside the M55 / Preston New Road / Chain Lane in the Blackpool Periphery Strategic Location for Development indicated on the Fylde Local Plan to 2032 (incorporating Partial Review). The Whyndyke Farm site has the benefit of an outline planning permission for mixed residential / employment community development granted in 2018, but which has not been developed since. This is the first reserved matters submission to be made on the site and relates to a plot on the corner of the existing access that serves 'The Harbour' mental health facility and Preston New Road.

The proposal is for the erection of a public house with associated landscaping and car parking areas to be accessed from the existing access point. This is a use that is specifically supported by the outline planning permission, and the location of this application reflects the parameters plans for the wider development, ensuring that the principle of this development in this location accords with the outline permission.

The building has a two / single storey scale and a traditional design with pitched roofs and brick / render finishes to the elevations. It is appropriately located to face onto Preston New Road yet is set back from that frontage so it is not dominating to that streetscene. The scheme provides an appropriate level, location and layout of parking for vehicles and cycles and will be landscaped to its permitter to reflect its location on the site frontage of the wider Whyndyke Farm development.

There are no issues of concern with respect to neighbour impacts or other matters and so the proposal is fully in accordance with the requirements of Policies DLF1 and SL2 relating to the principle of development in the Blackpool Periphery, and with Policy GD7 and others relating to the detail of the design. As such the application is recommended for approval by Committee.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### 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.

### Site Description and Location

The application site is a rectangular area of grassland located within the wider Whyndyke Farm development area. Specifically, it is located immediately to the south of 'The Harbour' development and to the east of Preston New Road, with its access to be taken from the existing access road constructed to serve 'The Harbour'. The part of the site that fronts to Preston New Road is within Blackpool Borough with the remainder, and majority of the area, within Fylde.

The site is designated for mixed use development as part of the Blackpool Periphery Strategic Location for Development under Policy SL1 and SL2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

### Details of Proposal

The site is part of the Whyndyke Farm development that benefits from an outline planning permission under reference 11/0221 which relates to 1,400 dwellings. 20 hectares of employment development, a primary school, and a series of supporting developments including neighbourhood centres. The range of supporting developments includes 'a Class A4 Drinking Establishment', with this application being presented as the reserved matters approval for that element. The outline decision reserves all matters for later approval, and so this submission is for all the reserved matters of access, layout, scale, appearance and landscaping.

The proposal is for a part two storey / part single storey building to provide a pub. This would be located to the west of the site so that it faced towards Preston New Road with access taken from the spur road that serves 'The Harbour' and leads to a 71 space car park area that is to the rear of the building from that main highway.

The building will extend to 683m<sup>2</sup> of floorspace. The ground floor totals 541m<sup>2</sup> of floorspace comprising a large dining area and bar, with ancillary facilities including a kitchen, toilets, refuse store, chilled cellar, bottle store and glass wash area. A staircase and accessible lift will be provided centrally, to access the mezzanine floor level. The first floor will total 141m<sup>2</sup> of floorspace.

The building is traditional in its design and materials with a pitched roof featuring a ridge running parallel to Preston New Road and a gable feature facing that aspect and more single storey accommodation to the rear. The materials are brick and tile with elements of render to the upper floors and to break up the elevations. The main customer entrance is to the front with a second door to the side from the car park, with associated serving areas and refuse stores on that rear aspect. A landscaping plan is provided with the application to confirm that there will be patio tables to the front and side and planting provided to the remaining external areas of the site.

### Relevant Planning/Appeal History

Ref.	Description	Decision	Date
20/0334	VARIATION OF CONDITIONS 5 (ACCESS AND OFF-SITE HIGHWAY WORKS), 6 (CONSTRUCTION OF INTERNAL DISTRIBUTOR ROAD) ,9 (MONITORING OF MYTHOP ROAD	Undetermined	

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	ACCESS) ,10 (ACCESS AT MYTHOP ROAD AND GRAHAMS COTTAGE LINKED BY DISTRIBUTOR ROAD PRIOR TO OCCUPATION OF FIRST DWELLING), 11 (DEVELOPMENT LIMITED TO 200 DWELLINGS OR 25 HECTARES OF EMPLOYMENT LAND UNTIL HIGHWAYS IMPROVEMENTS COMPLETE) AND 13 (DEVELOPMENT LIMITED TO 50 DWELLINGS UNTIL INTERIM HIGHWAY WORKS COMPLETE) OF APPLICATION 11/0221 IN ORDER TO VARY THE PHASING OF THE HIGHWAYS INFRASTRUCTURE PROVISION.		
21/0486	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 11/0221 - CONDITION 35 (FOUL AND SURFACE WATER DRAINAGE STRATEGY)	Undetermined	
21/0503	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 11/0221 - CONDITION 44 & 45 (NOISE ASSESSMENT AND MITIGATION). SUBMISSION RELATES TO SCHEME FOR PUBLIC HOUSE PROPOSED UNDER RESERVED MATTER APPLICATION 21/0487 ONLY	Undetermined	
11/0221	OUTLINE APPLICATION FOR DEVELOPMENT OF 1400 RESIDENTIAL DWELLINGS, 20 HA OF CLASS B2 GENERAL INDUSTRIAL / CLASS B8 STORAGE AND DISTRIBUTION, CLASS D1 PRIMARY SCHOOL, TWO LOCAL NEIGHBOURHOOD CENTRES (CLASSES A1/A2/A3/A5), CLASS A4 DRINKING ESTABLISHMENT, CLASS D1 HEALTH CENTRE, CLASS D1 COMMUNITY BUILDING, VEHICLE ACCESS ONTO PRESTON NEW ROAD AND MYTHOP ROAD WITH ASSOCIATED ROAD INFRASTRUCTURE, CAR PARKING, PUBLIC OPEN SPACE, SPORTS PITCHES, ALLOTMENTS, THE RETENTION AND IMPROVEMENT OF NATURAL HABITATS, WATERCOURSE, PONDS, REED BEDS HEDGEROWS AND LANDSCAPING FEATURES.	Approve Subject to 106	05 June 2018

### Parish/Town Council Observations

Parish/Town Council	Observations
Westby Parish Council	<p><u>Comments received on 14 June 2021</u></p> <p><i>It was resolved to recommend REFUSAL. The following points were raised:</i></p> <ul style="list-style-type: none"> <li>• <i>Access and egress is a genuine concern.</i></li> <li>• <i>No requirement for a further pub whilst there are no properties built and several facilities in the immediate vicinity.</i></li> </ul> <p><i>It was questioned whether this may be an exercise in order to extend the planning timescale for on-going works at the development.</i></p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
County Highway Authority	<p><i>Highways do not have any objections to the proposed Public House and are of the opinion the proposed development will not have a detrimental impact on highway safety, capacity or amenity on roads controlled by Lancashire County Council.</i></p> <p><i>Blackpool Borough Council should be contacted to determine the impact of the development on roads within their control.</i></p> <p><i>Regarding the sustainability of the site, LCC Highways recommend a 3m wide off-road shared surface cycle path is provided from Windmill Rise to serve the site and this route to be illuminated to ensure the link is safe a desirable to be used by all users. This link is then to tie in with the existing off-road cycle lane at the opposite side of Windmill Rise.</i></p>
LCC Archaeology	<p>They raise some concerns over the content of the Heritage Statement that is submitted with the application. These firstly advise that the document appears to use copyrighted information from LCC resources without authority or acknowledgement. They then make the following comments on the content of that document:</p> <p><i>Although section 5.17 of the Heritage Statement does outline a proposed evaluation methodology comprising the excavation of trial trenches and geophysical survey, it should rather be the other way round, with the location of the trial trenches being informed by the results of the geophysical survey.</i></p> <p><i>It might however have proved more useful to have consulted the Lancashire Historic Environment Record, where it would have been learnt that a late Neolithic flint scatter (PRN 11297) was recorded in the 1990s at NGR SD 35139 34098, (just beyond the southern boundary of the current application) and is considered to indicate an area of high archaeological potential that might contain sub-surface prehistoric archaeological features. Archaeological investigation of the adjacent site known as The Harbour found evidence for both Neolithic and Late Bronze Age activity, including a rare example of a 'burnt mound', found at the wetland/dryland interface rather than in the peat.</i></p> <p><i>Other recent excavations on the Fylde has shown that where the topography is favourable, i.e. on raised areas in the landscape, or in the lee of them, and close to a water source, that evidence for long-lived prehistoric occupation might reasonably be expected to be found in these locations.</i></p> <p><i>The HET would therefore advise the Council that applicant be requested to provide further details as how they intend to meet the requirements of condition no. 22 (11/0221), preferably supplied by a suitably qualified professional archaeological organisation, such as those that can be found on the web-pages for either the Chartered Institute for Archaeologists (see their list of Registered Organisations), or the British Archaeological Jobs Resource.</i></p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<i>It should also be noted that the presence of the features excavated at The Harbour has raised the need for further archaeological investigation potentially across the whole of the site red-line boundary of the 11/0221 planning application, and the HET will be advising the Council to this effect as and when those areas are put forward for development.</i>
Lancashire Fire and Rescue Service	They make standard comments to advise of the need to comply with the Building Regulation requirements for the site to be accessible to vehicles of the size of fire tenders.

### **Neighbour Observations**

<b>Neighbours notified:</b>	3 June 2021
<b>Site Notice Date:</b>	3 June 2021
<b>Press Notice Date:</b>	10 June 2021
<b>Number of Responses</b>	Total number of comments      0

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

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

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

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

S1 - The Proposed Settlement Hierarchy  
SL2 - The Fylde-Blackpool Periphery Strategic Location for Development  
EC1 - Overall Provision of Employment Land and Existing Employment Sites  
EC5 - Vibrant Town, District & Local Centres  
HW1 - Health and Wellbeing  
HW2 - Community Facilities  
ENV5 - Historic Environment  
GD7 - Achieving Good Design in Development  
T4 - Enhancing Sustainable Transport Choice:

NPPF – National Planning Policy Framework (July 2021)  
NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

The site is part of the wider Whyndyke Farm development that has the benefit of an outline planning permission. That outline application was EIA development and was supported with the appropriate Environmental Statement that was assessed as part of the determination of that application. It is considered that the Environmental Statement assessed as part of the determination of the outline planning permission was able to sufficiently identify the environmental impacts of this part of the proposed development and there is, therefore, no requirement for a further submission at this stage

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

to satisfy the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Comment and Analysis**

#### **Planning History**

As with any reserved matters submission the key to the determination is the outline planning permission. In this case the outline planning permission was for very extensive development that is set out in the planning history section of this report and includes a mixture of residential, employment and community based developments. These specifically include a 'drinking establishment' and so that is a key context for the decision on this application.

In recognition of the extensive scale of the development site and matters covered by the outline planning permission, condition 1 of that decision requires that the first application for approval of reserved matters shall be made within 3 years of the date of the outline planning permission. It then requires that all subsequent reserved matters applications are made within 12 years of the outline decision date, and that all approved reserved matters be commenced within 2 years of the final approval.

This reserved matters application was validly submitted on 2 June 2021 and so was within the 3 years permitted by condition 1. No subsequent reserved matters submissions have been made, but the submission of this application does engage the opportunity for these to be made within 12 years of the outline approval. The Parish Council explain that they believe the submission may be a 'tactic' to enact the outline planning permission, and whilst that may be correct it is also the case that the proposed development is a legitimate part of the wider development and so should be determined as such.

The Whyndyke Farm site extends into both Fylde and Blackpool Boroughs, and so there are outline planning permission granted by both authorities. This particular application also extends into both boroughs with the building actually straddling the borough boundary. This means that the applicant was required to submit reserved matters application to Blackpool Council as well as to Fylde Council. That was done and Blackpool Council have now determined their application.

Alongside this reserved matters submission the applicant made submissions to discharge planning conditions relating to drainage and noise mitigation. These are listed as being undetermined in the planning history section of this report, but they are to be actively progressed to a decision and are likely to be determined by the date of Committee.

An earlier but as yet undetermined application (20/0334) is listed and relates to a variation of the trigger for the provision of other access points to the wider development. This has been delayed due to disagreements on this aspect between the three highway authorities (Blackpool Council, Lancashire County Council, National Highways) and is the subject of an on-going 'holding objection' from the latter whilst the applicant's highway consultants attempt to resolve matters. This does not impact on the application under consideration here which utilises an existing access to the wider highway network.

#### **Policy context**

The application site is within the allocation for Whyndyke Farm in the Fylde Local Plan to 2032 (incorporating Partial Review), with Policy DLF1 setting out the locations for strategic development to

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

include this area, and Policy SL2 setting out the level and nature of residential and employment development that is to come forward on the Whyndyke allocation.

These set the policy context for the development of the site, but with the site benefiting from an outline planning permission, and this scheme being a reserved matters application under that application, the policy context has already been assessed and found compliant. The more general policies of the plan such as GD7 relating to design and ENV1 relating to landscaping matters are more relevant and will be discussed in the following sections of this report as appropriate.

### **Principle of Development**

The outline planning permission is relevant for this in two ways.

Firstly, it specifically references the provision of a 'Class A4 Drinking Establishment' as being one of the elements of development that the outline planning permission permits. Since the decision on that outline planning permission was made the Use Classes Order legislation has changed so that there is no longer a Class A4 and drinking establishments are now identified in that legislation as being 'sui generis' so outside of the Use Classes. Nevertheless, the decision is clear that it includes a drinking establishment, and this submission is clearly for that form of development and so it is categorically the case that the development that is proposed in this reserved matters submission falls within the scope of the outline planning permission for the site.

Secondly, the outline planning permission includes a character area plan and parameters plan which define the uses that should be located in various parts of the site. These identify the area around the application site to be for development as a neighbourhood centre. The accompanying design principles and parameters statement makes provision for a 550sqm public house/restaurant within this centre. The building proposed is stated to be 551sqm in area and so would be consistent with the wider masterplan for the area and the intended uses on the site.

As such the proposal is considered to accord with the outline permission and be acceptable in principle.

The Parish Council refer to the fact that the development of this community facility is coming forward in advance of any other development on the Whyndyke site. This is not considered to be a justified concern as it is a form of development that could serve the existing community located in the area, and the provision of such facilities will only make the Whyndyke development more attractive to developers and so bring forward the investment into that site. Their comments that there are other similar establishments in the area may be factually correct, but this is not a material planning consideration.

### **Location and Scale of Building**

The building is positioned on the Preston New Road frontage of the wider Whyndyke Farm site and alongside 'The Harbour' mental health facility at the opposite side of its access road. It is set back from the Preston New Road frontage by a similar distance to 'The Harbour' buildings to add some coherence to the development in the area and is to be set in a well-landscaped plot.

The building would be part single-storey, part two-storey in scale, with the two storey elements to the Preston New Road frontage. The single storey elements would have an eaves height of 3m and a ridge height of 5m giving them domestic proportions. The two-storey element would be more substantial with an eaves height of 5.4m and a ridge height of 10.3m. The building would be viewed in the context

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

of 'The Harbour' to the north, the windmill on the opposite side of the road and the two-storey dwellings beyond. In time the building will be viewed against the wider Whyndyke Farm development. The scale of development proposed is consistent with that found elsewhere in the vicinity and the degree of set-back would prevent the building from appearing overbearing in the streetcene.

The site is designed with the car parking area to the rear to avoid it appearing unsightly in the road frontage, but to provide ready access from the highway to serve the needs of customers. The site also has separate pedestrian access points to ensure it has appropriate and attractive access to those visitors.

As such the layout and scale proposed are considered to satisfy the requirements of Policy GD7 in that regard and are acceptable.

### **Design of Building and Site**

The design of the scheme has been reworked extensively since first submission in response to officer comments and concerns over the excessively modern approach that was first presented. The result is a building that is largely traditional in design with dual-hipped roofs and gable features. The variation between single and two-storey elements would effectively break up the massing. The site is in a prominent position facing onto both Preston New Road and the access road into 'The Harbour'. As the surrounding land is open to the south, this elevation also needs to be sufficiently engaging.

Gable features are now proposed around the entrance points and on the corner nearest to the junction to provide legibility and visual focus. Large glazing features including patio doors are proposed as would be expected for a commercial use, but smaller windows of more residential scale would also be provided to give balance and relate the building to the wider surroundings. This would also be achieved through the choice of materials, namely red brick, white render, stone headers and sills and a slate/slate substitute roof. Details of exact materials and profiling will be secured through condition.

Overall, the building is now considered to be well-designed and visually balanced. A significant number of new trees are proposed and an angled planting technique would be employed to give a visual impression of a greater number. The scheme would effectively soften the appearance of the development whilst also providing biodiversity benefits through the use of native trees and meadow wildflower/grass planting. As such the landscaping proposed is considered to be acceptable.

On this basis the scheme satisfies the requirements of Policy GD7 relating to design, Policy ENV1 relating to landscaping, and Policy ENV2 relating to enhancing biodiversity options.

### **Access and Parking**

The access is a reserved matter under consideration, and is proposed to be taken from the access spur road that was constructed at the time of 'The Harbour' and will provide one of the main entrance routes into the Whyndyke Farm development. This features a signalised junction to Preston New Road and shared pedestrian / cycle paths to either side of the access road. The access to the proposed development will be taken off this at a point that is set suitably far back from the junction to allow its safe operation without impacting on that junction, and is also appropriately separated from the access point to 'The Harbour' which is also from this road. The vehicle movements will be minimal from this development but were a consideration for the outline application rather than this reserved matters submission.



## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The Parish Council express concerns regarding the access to the site with this seemingly related to the capacity of the highway network. This is not a relevant consideration with a reserved matters application as the decision to accept the principle of this scale of development was made in the determination of the outline application and the allocation in the FLP PR.

The development provides a single parking area to the rear with 78 parking spaces, which is appropriate for a development of this nature and location. It is a slightly higher figure than that which the current parking standards would suggest for a pub of this scale, but given that the plans indicate that the pub will be a largely food based destination it is anticipated that there will be a higher level of visits made by car than would typically be the case for a standalone drinking establishment. With the lack of any residential or other development on the site as yet this slight over-provision of parking is not an undue concern. The site provides a separate pedestrian / cycle connection to the spur road and so now satisfies the comments made by the county highway authority in that regard.

The site layout provides an indication for mobility spaces and cycle spaces but not EV charging points as are encouraged by Policy T4. The provision of these and the details of those elements can be secured by condition and so on that basis the scheme will satisfy the requirements of Policy GD7 and the transport policies of the FLPPR.

### **Neighbour Impacts**

There are no residential properties on the Whyndyke Farm development that could be impacted by the development, and with its location in the area designated as being for a neighbourhood centre in the parameters plan referenced above it will not be the case that any dwellings are to be located within its immediate vicinity at any time.

There are properties on the opposite side of Preston New Road within Blackpool borough. The nearest of these are recently constructed dwellings to the south of the windmill between that structure and the Glasdon industrial site. These are separated at the closest point by 75m with the majority being well above that distance, and all having the dual carriageway road between. This relationship is such that there will not be any massing or visual impacts from the development to these dwellings. Any potential for noise or other disturbances will also be very limited, and having discussed this with the council's Environmental Protection team they are satisfied that there is no need to impose any condition to control the hours of opening or deliveries.

As such there will not be any neighbour impacts that could influence the decision.

### **Heritage Aspects**

There are two elements where the scheme could have archaeological impacts.

The first of these is through the proximity to the Little Marton Windmill. This is a Grade II listed building that is located around 100m to the west of the site in Blackpool borough on the opposite side of Preston New Road. The development will be seen in the same view as this building from some vantage points and so has the potential to impact on its setting. However, that setting is already a mixed one with the range of residential dwellings that surround the windmill on the Blackpool side of Preston New Road, and the car park and 'The Harbour' facility on the Fylde side. The proposed building has a traditional form and landscaped perimeter and in the context of this mixed setting for the listed building the development of the site as is proposed in this submission will not have any adverse impact on the setting of the listed windmill.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The second relates to the potential for there to be matters of archaeological importance on the site. In their comments on the application LCC Archaeology Service highlight that there have been some archaeological finds of interest in the vicinity of the site, and that the location is one that shows potential for there to be further finds when it is developed. The application is supported with a Heritage Statement that has been revised to address the comments made in the initial section of the archaeology service comments, and which refers back to condition 22 of the outline planning permission in respect of the second point. That condition requires that a written schedule of archaeological investigation is submitted for approval prior to the development of any part of the Whyndyke site. That would apply to this scheme and would enable a suitable investigation of the site to be undertaken to establish if there is archaeological interest on the site, and then if there is that it is appropriately investigated and recorded. This will satisfy the concerns that are highlighted in the LCC Archaeology comments.

Policy ENV5 of the FLPPR refers to heritage aspects, including listed building and archaeology impacts, and from the above analysis it is considered that there are no conflicts with that Policy or the associated NPPF guidance on these issues.

### **Conclusions**

This application relates to a reserved matters submission on the Whyndyke Farm development which is located alongside the M55 / Preston New Road / Chain Lane in the Blackpool periphery on the Fylde Local Plan to 2032 (incorporating Partial Review). The Whyndyke Farm site has the benefit of an outline planning permission for mixed residential / employment community development that was granted in 2018, but which has not been developed since. This is the first reserved matters submission to be made on the site and relates to a plot on the corner of the existing access that serves 'The Harbour' mental health facility and Preston New Road.

The proposal is for the erection of a public house with associated landscaping and car parking areas to be accessed from the existing access point. This is a use that is specifically supported by the outline planning permission, and the location of this application reflects the parameters plans for the wider development, ensuring that the principle of this development in this location is acceptable under that outline permission.

The building has a two / single storey scale and a traditional design with pitched roofs and brick / render finishes to the elevations. It is appropriately located to face onto Preston New Road, yet is set back from that frontage so it is not dominating to that streetscene. The scheme provides an appropriate level, location and layout of parking for vehicles and cycles and will be landscaped to its perimeter to reflect its location on the site frontage of the wider Whyndyke Farm development.

There are no issues of concern with respect to neighbour impacts or other matters and so the proposal is fully in accordance with the requirements of Policies DLF1 and SL2 relating to the principle of development in the Blackpool Periphery, and with Policy GD7 and others relating to the detail of the design. As such the application is recommended for approval by Committee.

### **Recommendation**

That Approval of Reserved Matters be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun not later than two years from the date of approval of these reserved matters.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

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

2. This permission relates to the following plans:

- Location plan – Drawing 10879 WPH-CAA-XX-XX-DR-A-1004
- Proposed site layout plan – Drawing 10789 WPH-CAA-XX-XX-DR-A-1005 Rev P3
- Proposed ground floor layout plan – Drawing 10789 WPH-CAA-XX-XX-DR-A-2003 Rev P3
- Proposed first floor layout plan - Drawing 10789 WPH-CAA-XX-XX-DR-A-2004 Rev P3
- Proposed roof plan – Drawing 10789 WPH-CAA-XX-XX-DR-A-2005 Rev P3
- Proposed elevation drawings – Drawing 10789 WPH-CAA-XX-XX-DR-A-2006 Rev P3
- Proposed landscaping plan Drawing - 10789 WPH-CAA-XX-XX-DR-A-1006 Rev P3

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

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

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order revoking and re-enacting that Order with or without modification, the development hereby approved shall only be used as a public house (formerly Class A4 Drinking Establishment) as described as 'Sui Generis' item (p) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending or replacing that Order.

Reason: To ensure that the future use of the premises reflects the submitted use and the indicated use of this part of the Whyndyke site as shown on the parameters plan to outline planning permission 11/0221 which this application relates to. This is to ensure compliance with the requirements of policies SL2, EC5 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application and the requirements of condition 1 of this approval, no above ground works of development shall take place until samples or full details of all materials to be used on the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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

5. Unless any alternative details have subsequently been submitted to and approved in writing by the local planning authority the external surface areas of the site shall be surfaced, and the various means of enclosure erected, in accordance with the details shown on the Landscape Plan hereby Approved (drawing WPH-CAA-XX-XX-DR-A-1006. Rev P3) prior to the first trading of

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

the public house. These surfaces and means of enclosure shall be retained as shown on that plan at all times thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the locality 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.

6. The car parking spaces indicated on drawing WPH-CAA-XX-XX-DR-A-1005 Rev P3 shall all be marked out in accordance with the details shown on the approved plan and made available for use before first trading of the public house hereby approved, and shall be retained as such thereafter for the parking of vehicles.

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

7. The bicycle parking spaces indicated on drawing WPH-CAA-XX-XX-DR-A-1005 shall be constructed and made available for use in accordance with the duly approved scheme prior to the first trading of the public house hereby approved, and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

8. Prior to the first trading of the public house hereby approved a scheme for the provision of charging points for plug-in and other ultra-low emission vehicles within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number, siting and design of the charging points. All the charging points shall be provided and made available for use in accordance with the duly approved scheme before the first trading of the public house, and shall be retained as such thereafter.

Reason: To support the shift towards new technologies and fuels by promoting low carbon travel choices and to ensure that the development delivers suitable infrastructure which is designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy T4 i) and paragraphs 107 e) and 112 e) of the National Planning Policy Framework.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing WPH-CAA-XX-XX-DR-A-1006 Rev P3 shall be carried out during the first planting season that occurs following the first trading of the public house.

The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the local planning authority before the first trading of the public house. 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.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Reason: To secure appropriate landscaping of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

10. Prior to the first trading of the public house a scheme for the provision of a bin store for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) the size, siting, layout, design and materials of the bin store and any associated means of enclosure; and
- b) the number and size of bins that the bin store will accommodate.

The bin store shall be constructed in accordance with the duly approved scheme and made available for use before first trading of the public house, and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for the storage of refuse and recycling receptacles in the interests of the amenity of future occupiers and to achieve an appropriate appearance for these storage facilities in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

11. 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 site 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;
- i) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- j) the siting, luminance and design of any external lighting to be used during the construction period;
- k) the erection and maintenance of security hoarding;
- l) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

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

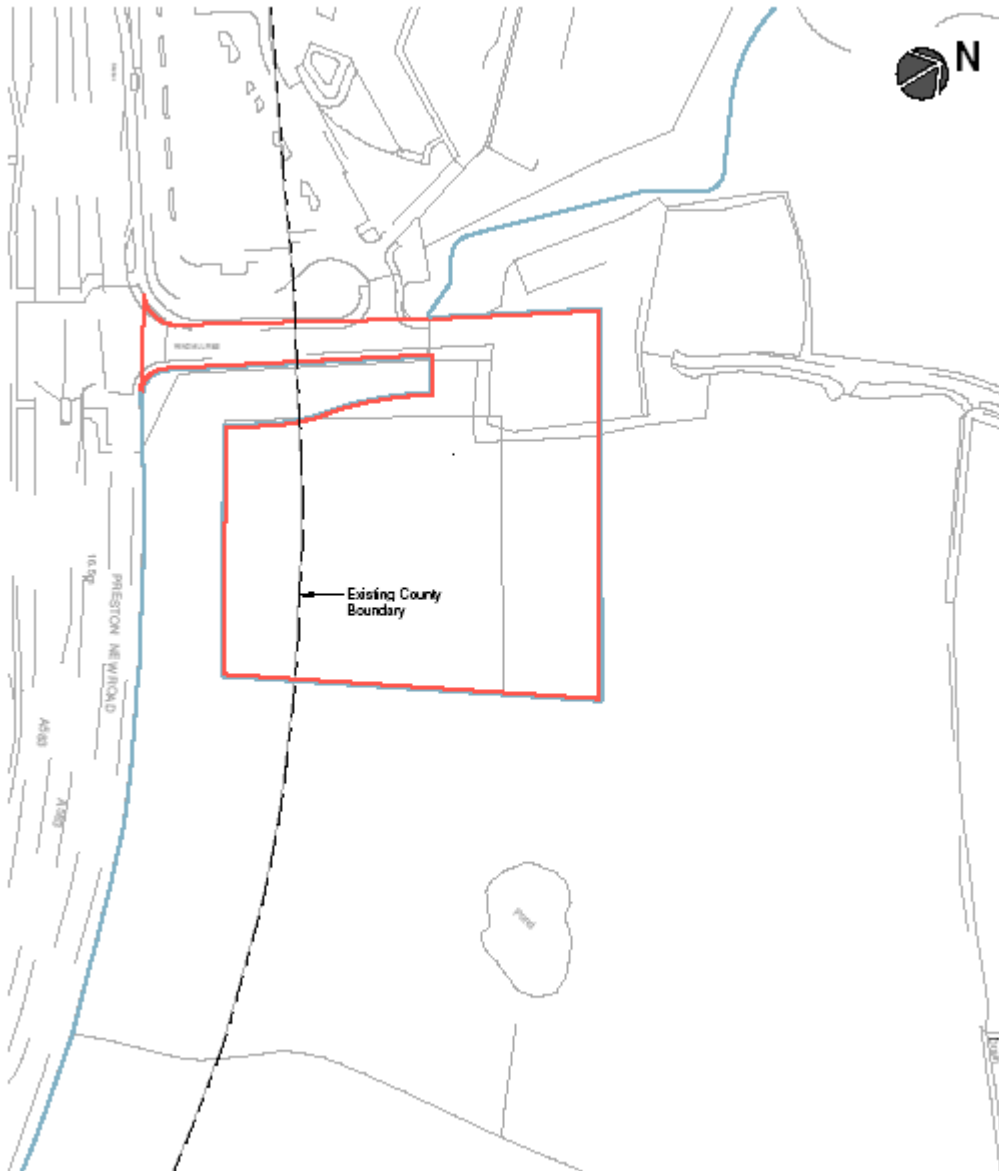
### **Informative(s)**

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 1 FEBRUARY 2023 PLANNING COMMITTEE

### Location Plan for 21/0487



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 4

<b>Application No:</b>	21/0904	<b>Case Officer:</b>	Rob Buffham Area Team 1
<b>Applicant:</b>	Turner	<b>Agent:</b>	Lewis
<b>Location:</b>	LAND TO THE EAST OF PEEL ROAD LAWNES FARM, BALLAM ROAD, WESTBY WITH PLUMPTONS, PRESTON, FY8 4LE		
<b>Proposal:</b>	INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE AND ACCESS VIA PEEL ROAD.		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Westby with Plumptons
<b>Statutory Expiry:</b>	13 January 2023	<b>Earliest Decision:</b>	26 December 2021
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent	<b>Online application file</b> <a href="#">here</a>	

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

The application proposes the development of a large scale solar farm with associated infrastructure that will generate up to 23.5 Mw of power. The development will enable a dual use of the site with grazing continuing beneath the solar panels. Existing hedgerow and tree field boundaries will be retained, with new planting proposed to plug gaps or where such boundaries are absent. A temporary period of 40 year is sought for the operation of the solar farm, following which the development will be decommissioned with all above and below ground infrastructure being removed and the land returned to agricultural use.

The application site is 30 hectares in size, encompassing 5 agricultural fields located to the east of Peel Road and north of Ballam Road. The site is designated as a Countryside area in the adopted Fylde Local Plan to 2032 (incorporating Partial Review) Proposals Map, and has no other landscape designation such as an Area of Outstanding Natural Beauty or green belt. The applicant has satisfied officers that there are no suitable or available alternative sites for the development on brownfield or non-agricultural land. The applicant has also demonstrated that the site is classified as Grade 3B (moderate quality) agricultural land and would therefore make use of poorer quality agricultural land, whilst safeguarding the best and most versatile land within the Borough. In addition, the applicant confirms that the land can continue to be used for grazing purposes throughout its operational life, and that biodiversity enhancements are provided. On this basis it is advised that the principle of development in this location is acceptable, in accordance with guidance for renewable energy development contained within NPPF21, PPG and Policies GD4 a) and CL3 of the adopted Fylde Local Plan to 2032 (incorporating partial review), subject to landscape and visual impact, and all other material planning considerations.

With regards to landscape impact, the site and surrounds are characterised by a low lying relatively flat landscape, interspersed by hedgerows boundaries to agricultural fields and blocks of woodland planting, through which overhead power lines are mounted on large scale pylons. The proposal retains the existing field pattern. The solar panels are not of an excessive size, supporting buildings are coloured green, with retained/ new landscaping acting to soften/ screen the development. Perimeter fencing and CCTV are a maximum of 2.5m in height and would therefore be largely hidden behind perimeter hedgerow that will be maintained at a minimum height of 3m.



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

It is inevitable that the development will alter the undeveloped agricultural nature of the site to one of a more industrial appearance, and so harm will therefore arise. However as landscaped boundaries will be retained, gaps will be plugged and new planting provided, which will soften/obscure the development in long and short distance views once matured this is appropriately minimised and mitigated. The presence of a pylon line and operational solar farm in the vicinity at Staining Wood, as well as parts of the local built form which includes a Business Village, also act to reduce sensitivity of this landscape to the development proposed.

In terms of visual impact, it is considered that any visual harm arising is restricted mainly to the site itself and within views from the immediate locality. External vantage points of the proposal are restricted to a couple of properties on Peel Road to the west and Lawns Farm, as well as transient views from vehicles using Peel Road and Ballam Road. There would be harm to the visual amenity of residents in those properties that have windows opposing the development, though it is acknowledged that impact would be restricted to several first floor windows only and in the short term whilst proposed landscaping matures. Road users on Peel Road and Ballam Road will experience a different visual appearance of the site, albeit these views are from a moving vehicle, glimpsed through breaks in field boundaries and often oblique to the direction of travel. Retention and new hedgerow planting, especially to the Peel Road boundary, will provide screening of the development when viewed at close quarters from the road network. The effect on more distant views, including those in combination with other solar farms in the landscape, would be minimal given the extent of screening formed by existing natural features in the landscape and topography, coupled with those man made features that will appear within such views.

It must also be noted that the development will only be in situ for a temporary period in time, and whilst that is over a 40 year period, the reported landscape and visual impacts are reversible and will be removed following decommissioning of the solar farm.

The landscape and visual harm of the development must be balanced against the benefits associated to the generation of renewable energy. Importantly, NPPF21 encourages the development of renewable energy, paragraph 152 states that 'the planning system should support renewable and low carbon energy and associated infrastructure' (emphasis added) and paragraph 158 advises that local planning authorities should 'approve the application if its impacts are (or can be made) acceptable' (emphasis added). In this circumstance, it is considered that the enhancement and mitigation measures proposed, in combination with the substantial benefits associated to renewable energy generation, are sufficient to outweigh any negative impacts that would arise as a result of the scheme.

It is not considered that the development will have an unacceptable impact on residential amenity, aviation or highway safety, heritage or archaeology, flood risk and drainage or ecology.

On this basis the development is considered to be in accordance with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21, the proposal should be approved without delay and the Officer recommendation is that Members support the application subject to a schedule of appropriate conditions.

### **Reason for Decision Level**

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

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

### **Site Description and Location**

The application site is located within the countryside, 3km north of Lytham and 2.6km due east of the main runway of Blackpool Airport. It comprises of agricultural land, is used for grazing purposes associated to Lawns Farm and is approximately 30 hectares in size. The site is flanked by Peel Road, which runs in a north-south direction, and Peel Hall Business Village to the west, open fields to the north, south and west that wrap around the group of farm buildings at Lawns Farm itself. Ballam Road runs in an east-west direction to the south, which serves as access to a small group of 3 dwellings located to the south west, one of which is a Grade II Listed Building (White House).

The site itself encompasses 5 farm fields that have boundaries formed by post and rail fencing combined with mature hedgerow and sporadic tree planting. There is a copse of pine trees located within the application site to the north which is associated to the farm's Xmas tree business and is excluded from the development. There are also several ponds (former pits) dispersed within the site boundaries.

Topography wise, the land rises in a gentle northerly direction from Ballam Road, before plateauing close to the Business Village and then falling away further toward the north and eastern margins of the site. The character of the wider area is predominantly rural, formed by undulating agricultural fields, interspersed by hedgerow and trees and small groups of woodland, albeit man made features exist in this landscape including tall pylon lines immediately to the east and large scale substation to the north. The site is isolated from the main settlement areas, though smaller groups of buildings, including residential, business and agricultural are frequently found along Ballam Road and Peel Road.

There is an operational solar farm, locally known as Staining Wood, located some 300m to the north east of the application site. This was granted consent in 2015 (ref: 15/0337) and is approximately 8.4 hectares in size.

The site is located within the designated open countryside as per the Fylde Local Plan to 2032 (incorporating partial review). There are no public rights of way on site or within the wider locality.

### **Details of Proposal**

Planning consent is sought for the installation of a 23.5MW solar farm for a period of 40 years, with an additional 6 month period to allow for decommissioning/ reinstatement of the land. It is confirmed that the land beneath the arrays is able to be grazed post installation of the solar farm.

Due to necessary revision throughout assessment of the application, the number of panels has reduced and this has consequently had a reduction in the overall energy generation capacity of the development from 25 megawatts peak (MWp) to 23.5MWp, equivalent to the energy needs of approximately 6528 homes in the UK. All of the energy generated will be directed to the National Grid. The applicant states that the proposal will result in a reduction in carbon emissions equating to approximately 6,171 tonnes of CO<sub>2</sub> per annum, equivalent to the removal of approximately 3,402 standard cars from the road each year.

The photovoltaic panels (arrays) are laid out in rows across each field, facing due south. The panels are set back from the boundary of each field by at least 10m in order to provide for access around the edge of each field and to ensure the continuing health of existing trees and hedgerows. The arrays will be mounted on a simple metal framework laid out in rows in an east west orientation, each row will have a 5.5m spacing, and panels are to an overall height of 3m above ground level – its lower lip being 1m above the ground so as to encourage grazing use. They will be installed at a gradient of

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

approximately 25 degrees from the horizontal. The panels will be fixed and will not track the movement of the sun.

In addition to the solar panels, additional equipment is necessary to enable transfer of electricity to the national grid network. This includes 4 groups of equipment areas that are spread throughout the site, with each group including:

- 2 fenced transformers (3.2m high x 5.5m long x 4.5m wide),
- 2 inverters (2.7m high x 8.2m long x 2.3m wide) and a,
- switchgear substation (3.2m high x 4.2m long x 2.6m wide).

The proposal will also require a District Network (DNO) substation (4.4m high x 5.5m long x 5m wide) that is located close to the entrance to the Business Village on Peel Road. From this point, an off-site connection will be made to the National Grid, located approximately 1.5km south of the application site adjacent to the eastern boundary of Cypress Point. No details with regards to linkage of the solar farm to the point of connection has been provided, including route or enabling works, though the applicant has confirmed that these works will be undertaken by the operator under their permitted development rights as statutory undertaker for electricity (Schedule 2, Part 15 (Power Related development), Class B (electricity undertakings) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)).

In addition, a customer substation (3.5m high x 7.7m long x 2.6m wide), monitoring house (3.3m high x 3.9m long x 3.2m wide, and includes a 5m weather station pole), fenced auxiliary transformer (3.2m high x 3.8m long x 3.8m wide) and storage container (12m x 2.4m x 2.8m in height) which are grouped together adjacent to the DNO substation on Peel Road.

All ancillary buildings/ structures and fencing are proposed to be coloured dark green.

A 2m high deer mesh fence will surround the arrays so as to prevent larger animals from entering and damaging the arrays. Security of the site will be from 2.5m high pole mounted CCTV at 40m intervals about the site perimeter.

An existing field entrance from Peel Road will serve as access for maintenance vehicles, and an access road will be formed to enable vehicles to move about the application site.

No artificial lighting is proposed at the site. It is proposed to screen views of the arrays by the retention of existing hedgerows to a minimum height of 3m, as well as the planting of new hedgerow and trees to the south and north-eastern boundaries, and the plugging of gaps to all boundaries. The new hedgerow to the south is to be maintained at a minimum height of 4.5m.

Whilst operational, the site would be accessed by maintenance vehicles directly from Peel Road using the existing field access point. Access for construction purposes would be from Lawns Farm via Ballam Road, with a temporary construction compound formed close to the entrance that would be completely removed from the site following completion.

The applicant has requested 6 months post expiry of the 40 year temporary consent to de-commission the development, and return the site back to its present agricultural state. This will involve removal of all above and below ground infrastructure, the land will be harrowed and seeded in grass where required.

The application has been accompanied by supporting documents as follows:

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- Planning Statement (prepared by Renplan)
- Design and Access Statement (prepared by Lightsource bp)
- Statement of Community Involvement (prepared by Lightsource bp)
- Landscape and Visual Assessment (prepared by Pegasus Group)
- Detailed Landscape Proposals (prepared by Pegasus Group)
- Agricultural Land Classification Assessment (prepared by Soil Environment Services)
- Glint and Glare Study (Neo Environmental)
- Flood Risk Assessment and SuDS (prepared by Nijhuis)
- Ecological Assessment (inclusive of Appendices that include Winter Bird, HRA, GCN reports, biodiversity plans and biodiversity net gain calculations) (prepared by Avian Ecology)
- Geophysical Survey Report (prepared by Landgage Heritage)
- Archaeology Desk Based Assessment inclusive of geophysical survey (prepared by Landgage Heritage)
- Heritage Settings Impact Assessment (prepared by Landgage Heritage)
- Noise Assessment (prepared by Inacoustic)
- Transport Statement (prepared by Miles White Transport)
- Construction Traffic Management Plan (prepared by Miles White Transport)
- Economic Impact Assessment (prepared by Lichfields)
- Construction, Decommissioning and Management Method Statement (prepared by Lightsource bp).

The applicant undertook a public consultation exercise prior to submission of the planning application. This involved a leaflet drop to local residents (230), as well as advertisement in the local press, Ward Councillors and Westby with Plumpton's Parish Council, informing interested parties of the proposal and advising of an on line consultation event that was held on 30/06/2021. The applicant confirms that there were 8 attendees of the virtual consultation event whom issues relating to construction traffic, lifespan of the solar farm and decommissioning, and community benefit.

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

Application Number: 20/0502

Decision: Not EIA development, issued on 04/11/2020.

Proposal: REQUEST FOR SCREENING OPINION PURSUANT TO THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF PROPOSED INSTALLATION OF A 15 MW SOLAR FARM TOGETHER WITH ANCILLARY EQUIPMENT AND INFRASTRUCTURE.

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

Parish/Town Council	Observations
Westby with Plumpton's Parish Council	Comments received on 22/11/2021 confirming No Objection.

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

Consultee	Comments
Blackpool Airport	No objection subject to condition requiring electro magnetic interference survey within 12 months of operation and

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	implementation of the submitted Bird Hazard Management Plan, and an informative advising of the Civil Aviation Authority/ Blackpool Airports powers to require cessation of the solar farm operation in the event of an EMI related incident.
British Aerospace Warton	No objection.
Environmental Protection (EP)	<p>No objection and no conditions suggested.</p> <p>Due to the high impact of glint/glare associated with the proposed development on residential dwellings, the proposed mitigation measures in section 9 of the attached report 'Glint and glare assessment, lawns solar farm New Environmental 2008' (hedgerows to be infilled and maintained to a height of 3m) must be implemented in full and maintained throughout the life of the development.</p>
Health & Safety Executive (HSE)	<p>No need for consultation since the application site does not lie within the consultation distance of a major hazard or major accident pipeline.</p> <p>Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.</p> <p>There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding.</p>
National Air Traffic Services (NATS)	No safeguarding objection to the proposal.
Environment Agency (EA)	<p>No objection.</p> <p>The application site lies within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning and the proposal is for a solar farm, which is considered to be 'essential infrastructure' development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change.</p> <p>The submitted FRA does not fully comply with the requirements set out in paragraph 030 of the Flood Risk and Coastal Change section of the PPG.</p> <p>However, based on the details as submitted, we remain satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposal flood risk mitigation measures are</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>implemented. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/ or the mitigation measures identified will require the submission of a revised FRA.</p> <p>Foul water guidance - Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020, reference ID: 34-020-20140306) sets out a hierarchy of drainage options that must be considered and discounted in the following order:</p> <ol style="list-style-type: none"> <li>1. Connection to the public sewer.</li> <li>2. Package sewage treatment plant.</li> <li>3. Septic Tank.</li> </ol>
Lead Local Flood Authority (LLFA)	<p>No objections subject to conditions:</p> <ul style="list-style-type: none"> <li>• Development to accord with the submitted Flood Risk Assessment.</li> <li>• Surface water drainage design.</li> <li>• Construction phase surface water design.</li> <li>• Operation, maintenance &amp; verification of surface water design.</li> </ul> <p>Comments:</p> <p>Solar farms may be considered to have a relatively low risk in relation to surface water flooding, however, this is only the case when there are surface water flood risk mitigation measures in place.</p> <p>Solar farms, just like any other development, have the potential to cover large areas, whereby they can interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.</p> <p>Significant ways that discharge rates and volumes are increased further is through the subsequent creation of drainage channels and/or poor land management.</p> <p>Potential for increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. This can be further exacerbated by lack of maintenance and further erosion/compaction from vehicles such as maintenance vehicles. Therefore, necessary mitigation is required to combat this effect and it should be demonstrated that whatever land management techniques are being used to ensure that the land maintains or improves its current infiltration potential include small amounts of storage too.</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>After construction the soil should be chisel ploughed, or similar, to mitigate soil compaction during construction. This will ensure that the site can infiltrate to its potential. Furthermore, during the first few years it is important to hold frequent inspections of the planting and soil to ensure it is growing properly, isn't bare and isn't compacted. Any remedial work should occur as soon as possible.</p> <p>Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means.</p> <p>The LLFA require an operation and maintenance manual to be submitted, to ensure appropriate maintenance of the drainage system is secured for the lifetime of the development.</p>
Electricity North West (ENW)	<p>No objection.</p> <p>We have considered the above pre planning application submitted on the 27th October 2021 and find it could have an impact on our infrastructure.</p> <p>Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.</p> <p>The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.</p>
Lancashire Fire & Rescue Service (LFRS)	<p>No objection and make specific recommendations with regards to Building regulation requirements.</p>
LCC Archaeology	<p>No objection subject to condition requiring carbon dating of human remains found on the site.</p> <p>Summary of Comments: The North West Wetlands Survey (1989-93) encountered a large number of flint artefacts and evidence for tool-making whilst fieldwalking across the site, which are listed in <i>The Wetlands of North West Lancashire</i> (Middleton R., Wells C. E. &amp; Huckerby E., Lancaster Imprints 4, 1995). This large database of finds has yet to be fully entered onto the Lancashire Historic Environment Record, but the relevant sites listed in the gazetteer are LA 40, LA 42, LA 43, LA 44 and LA 45. LA 40 records around 150 individual items including</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>preparation &amp; trimming flakes, waste, cores as well as scrapers, edged flakes and an arrowhead, dating to the Late Neolithic &amp; Early Bronze Age. There are a large number of other finds from surrounding fields, and LA41, located in the field immediately to the south of those found in LA40 (just outside the redline boundary of the development) comprised around another 70 objects.</p> <p>It is suggested in the Wetlands Survey volume (p. 231) that the fine artefacts from LA41 "could represent a ploughed-out ceremonial monument on the edge of the moss".</p> <p>LCC Archaeology comment that the site lies within an area of known archaeological potential to contain features of regional, possibly national significance. Though the extent, nature and significance of that potential was not un-earthed during the applicants initial assessment. Intrusive investigation was therefore requested so as to ascertain archaeological importance prior to determination of the application.</p> <p>Human remains were found in the form of 2 cremation burials during the site investigation.</p> <p>The applicant supplied an evaluation report of the investigation findings to which LCC Archaeology concluded that <i>'the results are such that we now do not consider the site likely to contain archaeological remains that might be a constraint on the development. Indeed, given the isolated nature of the finds and the limited extent of the works proposed in there vicinity, the HET now sees no need for the developers to be required to modify the location of the panels or to use a purely ground-based foundation..'</i></p> <p>A single outstanding matter remains in relation to the dating of the human remains found and a condition is suggested to that effect.</p>
Ecology (GMEU)	<p>No objection subject to condition.</p> <p><u>Great Crested Newts</u></p> <p>The survey found great crested newts to be present in the pond on site and one adjacent to it. These ponds should not be directly impacted by the proposals but protection measures will be needed to for both the ponds and any amphibians present on site. Reasonable avoidance measures to protect amphibians has been included with Appendix 4 of the report. However as these measures have not been incorporated into the submitted Construction Environmental Management Plan and it makes no reference to protecting the ponds, we would recommend that a construction environmental management plan (CEMP: biodiversity) is required by condition.</p> <p><u>Wintering birds</u></p>



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>Surveys for wintering birds have found there was no evidence of regular use of significant numbers for any Ribble and Alt Estuaries SPA qualifying species over two winters. This tallies with bird records the Ecology Unit has access to.</p> <p><u>Other species</u></p> <p>The ecology report also makes precautionary recommendations for other protected species such as nesting birds and bats. These should also be included within the CEMP for biodiversity.</p> <p><u>Biodiversity Enhancement</u></p> <p>The proposals include the creation of some 27ha of species rich grassland, with the vast majority of this being on the either arable land or agriculturally improved grassland. While this proposal is welcome as it could result in a significant net gain for biodiversity at the site, we have concerns that this grassland could not be successfully created as outlined in the submitted Biodiversity Management Plan. Given its current use the soils at the site are very likely to be of high fertility which is the wrong condition to support the type of species rich grassland suggested. Such high fertility would result in the wild flowers being outcompeted by coarse grassland species with the resulting grassland not achieving the condition stated in the BNG metric.</p> <p>More details on the habitat creation and long term management are therefore required.</p>
Natural England	<p>The proposed development will not have significant adverse impacts on the following designated sites, and has no objection:</p> <ul style="list-style-type: none"> <li>• Liverpool Bay / Bae Lerpwl Special Protection Area (SPA)</li> <li>• Morecambe Bay &amp; Duddon Estuaries SPA</li> <li>• Morecambe Bay Ramsar site;</li> <li>• Ribble &amp; Alt Estuaries SPA;</li> <li>• Ribble &amp; Alt Estuaries Ramsar site; and</li> <li>• Ribble Estuary Site of Special Scientific Interest (SSSI).</li> </ul> <p><u>Internationally designated sites</u></p> <p>The Application Site is within 3.5km of Ribble &amp; Alt Estuaries Ramsar site, and Ribble &amp; Alt Estuaries SPA; within 6.3km of Liverpool Bay / Bae Lerpwl SPA; and within 8.8km of Morecambe Bay &amp; Duddon Estuaries SPA and Morecambe Bay Ramsar site.</p> <p>In our response dated 02 December 2021, Natural England requested further information in order to determine the significance of potential impacts upon the above sites, and the scope for any mitigation required, in the form of a Habitats Regulations Assessment (HRA).</p> <p>Natural England have now reviewed the revised 'Information to Inform a Habitats Regulations Assessment' (hereafter referred to as the 'Shadow HRA') at Appendix 5 of the Ecological Assessment (dated</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>25 January 2022) prepared by Avian Ecology on behalf of your authority which has been submitted in support of the above planning application.</p> <p>Natural England notes that the HRA has not been produced by your authority, but by the Applicant. In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), as competent authority it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</p> <p>The screening within the Shadow HRA concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, Natural England advises that we concur with the assessment conclusions, and consider that the proposed development will not have likely significant effects on the above designated sites. We therefore have no objection to the proposed development.</p> <p>To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out, as per the justification provided within Section 4 of the Shadow HRA.</p> <p><u>Site of Special Scientific Interest</u></p> <p>The Application Site is within 3.5km of Ribble Estuary Site of Special Scientific Interest (SSSI). Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p>
Highway Authority	<p>No objections subject to condition (maintenance access, pre-construction road condition survey, construction traffic management plan)</p> <p><u>Introduction</u></p> <p>The proposed development is for a photovoltaic solar farm with access to the site during the construction phase via the existing Lawns Farm access off Ballam Road. Access during the operational lifetime of the solar farm is proposed via an existing field gate access off Peel Road. Both Ballam Road and Peel Road have speed limits of 60mph in the vicinity of the proposed development according to LCC's internal mapping system "mapzone". The nature of both roads is rural in this area and as such traffic volumes are expected to be low as a result but would mean the road would not be expected to handle the level of HGV movements outlined in the application in normal circumstances.</p> <p><u>Adopted highway works</u></p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>From the supporting documents submitted as part of the application, vehicles are likely to overrun the verges at some locations. As both Ballam Road and Peel Road are in a rural location it is unlikely that they are fully retained carriageways. The overrun areas therefore have the risk of severely degrading the condition of the carriageway and verges. In addition, this could result in loose material being brought onto the carriageway and thus impacting highway safety. To mitigate this, highway works will be required prior to the commencement of the construction phase so as to protect the publicly maintained highway and ensure the safe use of the public highway for all road users. Following the construction phase the verges would need to be reinstated to a condition in line with what is currently present.</p> <p>The proposed operational access will need to be appropriately paved in tarmacadam, concrete, block pavements or other approved materials prior to use for vehicular purposes. This would be required to prevent loose surface material from being carried onto the public highway. The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at <a href="http://www.lancashire.gov.uk">www.lancashire.gov.uk</a> and search for 278 agreement.</p> <p><u>Adopted Highway Condition</u></p> <p>As both Ballam Road and Peel Road are rural roads as previously outlined, LCC Highways have concerns about the impact on the existing highway condition by the proposals. To alleviate these concerns, joint condition surveys would need to be carried out between the developer and Local Planning Authority (in conjunction with the Highway Authority). These surveys would be needed prior to the commencement of the works to establish the existing condition of the highway and after works are completed. If it was established that the existing carriageway had been degraded due to the construction works, the developer would need to make good any damage. This survey would need to cover the proposed construction traffic route from Preston New Road (A583) to the proposed construction site access.</p> <p><u>Abnormal Indivisible Loads (AILs)</u></p> <p>Clarification of the nature of the single AILs delivery via email correspondence from the planning agent to the Local Planning Authority has satisfied LCC Highways concerns. As the AILs is below 44 tonnes in weight it is LCC Highways opinion that culvert inspections will not be necessary. The delivery of the AIL will need to be planned within a Traffic Management Plan (TMP) to be submitted</p>
--	--

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	to and approved by the Local Planning Authority (in conjunction with the Local Highway Authority).
National Farmers Union	<p>The development would respond directly to the state of climate emergency declared by the UK Government in May 2019, closely followed by L:egislation to achieve net zero by 2050.</p> <p>Fylde Council also recognised the need to support renewable energy in the 'Strategic Environmental Assessment' and 'Sustainability Appraisal of the Fylde Local Plan.'</p> <p>Policy CL3 of the Fylde Local Plan supports the installation of renewable and low carbon energy.</p> <p>The legislation compels rapid decarbonisation of the national grid through significant expansion of solar and wind energy.</p> <p>All local authorities must do more to generate it own clean energy needs – this proposal will make a significant contribution to Fylde's contribution to the climate emergency.</p> <p>The development will power circa 7500 homes with clean, green energy.</p> <p>The site is well screened from views, with few residential properties or public rights of way within the vicinity, and with the additional landscape planting will ensure that it has minimal visual impact.</p> <p>The proposal will lead bio-diversity enhancements with significant gain.</p> <p>The minimal harm that will be created by the solar farm is reversible and temporary.</p> <p>This is reflected by the fact that there have been no objections from local residents.</p> <p>This solar farm will not replace or reduce the farming productivity that is generated from this partnership, proven by the applicant bringing their son into the farm partnership so that it continues for generations to come.</p>
Mark Menzies MP	<p>I am writing in support of the new plans you have submitted, alongside Lightsource BP, to utilise some of Lawns Farm for a solar farm.</p> <p>I was very impressed with the scheme which you showed me, especially with the biodiversity of the land around the panels, and the fact the installation of panels will not mean the removal of grassland. I note the proposals have been further refined ahead of this latest submission.</p>

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	<p>I understand the scheme, for a 20-megawatt installation, will contribute towards the UK's 2050 Net Zero targets, saving 6,171 tonnes of carbon emissions per year, which is equivalent to taking more than 3,402 cars off the road.</p> <p>I know steps have been taken to ensure the installation is not visually intrusive to neighbours, and that other parts of the farm will remain in their more traditional use. The location of solar panels on lower grade agricultural land, with just a small area of mid-quality land needed to make the entire scheme viable, ensures the farm is able to diversify while at the same time continuing to carry out traditional agricultural work.</p> <p>Given the need to speed up our transition to a low carbon energy economy this revised scheme has the potential to make a significant positive impact. I look forward to seeing it progress through Fylde Borough Council's planning process.</p>
United Utilities	No comments received.
LCC Public Rights of Way	No comments received.
Fylde Ramblers	No comments received.
Network Rail	No comments received.

### Neighbour Observations

<b>Neighbours notified:</b>	27 October 2021						
<b>Site Notice Date:</b>	8 November 2021						
<b>Press Notice Date:</b>	4 November 2021						
<b>Number of Responses</b>	<table> <tr> <td>Total number of comments</td><td>2</td></tr> <tr> <td>Total Number Objecting</td><td>0</td></tr> <tr> <td>Total Number supporting</td><td>2</td></tr> </table>	Total number of comments	2	Total Number Objecting	0	Total Number supporting	2
Total number of comments	2						
Total Number Objecting	0						
Total Number supporting	2						
<b>Summary of Comments</b>	<p>The comments received in support of the application can be summarised as:</p> <ul style="list-style-type: none"> <li>• The development would respond directly to the state of climate emergency declared by the UK Government in May 2019, closely followed by Legislation to achieve net zero by 2050.</li> <li>• The legislation compels rapid decarbonisation of the national grid through significant expansion of solar and wind energy.</li> <li>• All local authorities must do more to generate its own clean energy needs – this proposal will make a significant contribution to Fylde's contribution to the climate emergency.</li> <li>• The development will power circa 7500 homes with clean, green energy.</li> <li>• The site is well screened from views, with few residential properties or public rights of way within the vicinity, and with the</li> </ul>						

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

additional landscape planting will ensure that it has minimal visual impact.

- The proposal will lead bio-diversity enhancements with significant gain.
- The minimal harm that will be created by the solar farm is reversible and temporary.
- This is reflected by the fact that there have been no objections from local residents.

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

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

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

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

GD4 - Development in the Countryside.

GD7 - Achieving Good Design in Development.

CL3 - Renewable & Low Carbon Energy Generation.

ENV1 - Landscape and Coastal Change Management Areas.

ENV2 – Biodiversity.

ENV5 - Historic Environment.

NPPF – National Planning Policy Framework (July 2021).

NPPG – Planning Practice Guidance (Renewable and Low Carbon Energy).

### **Environmental Impact Assessment**

The applicant has submitted an EIA Screening request prior to submission of this current planning application (planning application ref: 20/0502). Assessment of that screening request determined that the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A decision to that effect was issued on 4<sup>th</sup> November 2020.

### **Comment and Analysis**

The main issues to be considered when determining this application are:

- Principle of the development – including alternative site search and loss of most versatile agricultural land.
- Landscape and visual impact.
- Ecology.
- Heritage and archaeology.
- Resident amenity.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- Highway safety.
- Aviation safety, navigation and communication.
- Flooding and drainage.
- Community, economic and environmental benefits.
- Other issues

Taking each matter in turn.

### Principle of Development

Paragraph 152 of the NPPF21 states that *'the planning system should support the transition to a low carbon future.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'* (emphasis added).

Paragraph 158 of the NPPF21 advises that local planning authorities should not *'require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions'* and to *'approve the application if its impacts are (or can be made) acceptable.'* Paragraph 175 states that where significant development of agricultural land is necessary *'areas of poorer quality land should be preferred to those of a higher quality.'*

The Department for Levelling Up, Housing and Communities has produced a Planning Practice Guidance note for Renewable and Low Carbon Energy (PPG). The note reinforces the above paragraphs of NPPF21 and provides additional guidance to Local Planning Authorities in the assessment of large-scale solar proposals. With regards to principle, paragraph 13 of the PPG encourages:

- the effective use of land by focussing large scale solar farms on previously developed and non agricultural land provided that it is not of high environmental value.
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Glossary to the NPPF confirms 'Best and Most versatile Agricultural Land' to be Grades 1, 2 and 3a.

The application site is located within the countryside as per FLPPR proposals map. Policy GD4 of the FLPPR is of relevance and is a restrictive policy which seeks to safeguard the natural qualities of the countryside from inappropriate development. It does however provide support for development by exception, subject to certain criteria. Specific to this proposal, criteria a) affords support for uses *'where it is needed for the purposes of meeting local businesses need... or other uses appropriate to a rural area, including uses which would help diversify the rural economy.... The development must be sensitive to its surroundings, must not have an impact on local roads and should offer opportunities to make the location more sustainable.'*

Policy CL3 is highly supportive of renewable and low carbon development stating that *'development potential is significant within Fylde'* and that renewable development should be *'maximised, whilst ensuring that adverse impacts are addressed, including cumulative landscape and visual impacts.'*

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Development will be supported subject to 10 criteria (cumulative impact – cross boundary, landscape, townscape and visual, local residents, ecology, loss of most versatile agricultural land (Grades 1, 2 and 3a), heritage, benefits of the development (community, economic, environmental), aviation, highways, flood risk/ drainage).

The submission confirms that development will provide up to 23.5 megawatts peak (MWp) of energy, equivalent to the energy needs of approximately 6528 homes in the UK, which will be fed into the National Grid. The applicant states that this will result in a reduction in carbon emissions equating to approximately 6,171 tonnes of CO<sub>2</sub> per annum, equivalent to the removal of approximately 3,402 standard cars from the road each year.

The development is obviously a form of renewable energy that will contribute toward a low carbon future and help reduce greenhouse gas emissions. It is clear that there is national and local planning policy support for renewable energy development, affording general support for the proposal in principle, though the location of such requires careful consideration, with a need for the applicant to demonstrate acceptability with particular regards to use of greenfield land and lower grade agricultural land. To aid consideration of these matters, the applicant has undertaken Alternative Site and Agricultural Land Classification assessments and these are considered in more detail below.

### Alternative Site Assessment

For a large-scale solar farm to be acceptable in principle when assessed against local and national policy, it has to be demonstrated that it is necessary for the development to be provided in the countryside, and that it cannot be sited on previously developed or non-agricultural land.

It is logical to assume that solar farms need relatively flat land, free from buildings or landscape features that may cause overshadowing of the arrays, and in that regard a countryside location with open fields is ideal. In addition, the solar farm needs to be capable of connecting to the Electricity Network at a location where there is existing capacity and the applicant must have agreement from the Operator to connect into the grid at that specific location. Furthermore, the applicant claims that a connection point greater than 2km from the site would incur excessive connection costs and make the scheme unviable.

The applicant has submitted an Alternative Site Assessment Report (ASAR) based upon this criteria, which included Queensway Industrial Estate lying just outside of the 2km zone to the west. It included alternative sites of the same size (30 hectares) or greater, the availability of non-agricultural land/ previously developed land, and discounted those that are constrained. The ASAR did not identify any previously developed sites within the search area, and whilst 9 greenfield sites of an appropriate size were found, these were constrained by:

- Heritage assets, including Lytham Hall Grade I Listed Building and Grade II Park and Gardens.
- Green Belt land.
- Environment Agency Flood Zone 2 and 3.
- Ecology – presence of Biological Heritage Sites.

The land ownership review identified several sites of an equal or larger scale than the proposed development, however none were found to be suitable, indeed some are existing golf courses and as a consequence are not suitable or available for development. In addition, a number of Public Rights of Way dissect the site search area, providing a potential barrier to development for which the application site is not witness to.



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

The ASAR concludes that there are no suitable alternative sites of a similar scale to the proposed development within the site search area.

### Loss of agricultural land

National and local planning Policy guidance is clear that if greenfield sites are to be used for renewable energy proposals, then non-agricultural or lower grade agricultural land should be developed in the first instance, and proposals should not result in the loss of most versatile agricultural land – confirmed by Policy CL3 and NPPF21 to be Grades 1, 2 and 3a.

The Natural England Agricultural Land Classification Map (ALCM) confirms that the majority of Fylde Borough is classified as Grade 2 (47.5% very good) and Grade 3 (33.9% good to moderate), with the remainder of land being non-agricultural or urban. The application site, in its entirety, is classified as Grade 2 agricultural land by the ALCM. Notwithstanding, paragraph 5 of Natural England's 'Guide to assessing development proposals on agricultural land' acknowledges that the ALCM is not suitable or accurate for assessment of individual fields or sites and confirms that site specific survey work should be used to inform planning decisions.

In this regard, the planning application is accompanied by an Agricultural Land Classification report (ALC) that included a field survey of the site. The survey undertaken comprised 29 bore holes and a pit excavation to determine soil characteristics - samples were found to be either clay, sandy clay or fibrous peat. The ALC concludes that the application site is Grade 3b (moderate quality) agricultural land, which as per Policy CL3 and NPPF definition, confirms that the site is not the 'best and most versatile agricultural land'. The development would therefore be utilising poorer quality agricultural land, whilst safeguarding the best and most versatile land within the Borough, in accordance with Policy CL3, NPPF21 and PPG.

Members should note that Natural England (NE) are a statutory consultee on the application due to the size of the application site (>20 hectares) and potential loss of agricultural land of that scale. Notwithstanding the above assessment, NE have not raised any objection to the proposal with regards to this matter.

Various documents provided with the application state that the site could continue within agricultural use throughout the duration of the solar farm, through a grazing use of the land. The grazing of small livestock including sheep, geese and chickens is a viable proposition in the BRE good practice document titled '*Agricultural Practice Guidance for Solar Farms*', adding weight to this claim by the applicant. Grazing will encourage a dual use of the site for agriculture and solar energy production, contributing toward diversification of the farming enterprise and by that virtue, the rural economy also. This diversification provides further support for the principle of development proposed, in light of Policy GD4 a) and the incentive to diversify the rural economy. The dual use also ensures that the land would not be completely lost from productive agriculture, albeit consent is only sought for a temporary period in any event, after which time the solar farm will be decommissioned and returned back to agriculture. It is considered that the dual use could be conditioned to be implemented through the submission of a grazing management plan, to ensure the continuation of access to the land for the farmer and its continued use for agriculture. Such a condition is reasonable on grounds that the continued agricultural use forms part of the applicant's justification for the proposal in relation to rural diversification.

The applicant confirms that the solar farm has a life expectancy of 40 years, with the solar farm being decommissioned and returned back to agricultural use on expiry. The development is therefore temporary and the land will not be irreversibly developed. The temporary nature of the proposal

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

forms part of the applicants justification for the development and should be required by condition. This approach is consistent with the PPG which states *'that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.'* A condition is advised to that will grant a temporary 40 year operational life of the solar farm, and require a decommissioning method statement to be submitted 12 months prior to expiry of that period. The statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational (or upon expiry of the time period of the permission), along with the measures, and a timetable for their completion, to secure the removal of the panels, fencing and equipment, and restoration of the site, including how resources would be secured for decommissioning and restoration at a later date. This condition would ensure the sites restoration to agricultural land.

### Principle of the development - summary

Solar farms have to be accommodated in locations where the technology is viable, i.e. sites that are large enough, relatively flat and not overshadowed, therefore making the countryside a suitable location for the technology. However, Planning Practice Guidance directs such development toward previously developed and non-agricultural land in the first instance. Where use of agricultural land is necessary, then the development of poorer quality land is preferred in order to safeguard the loss of that most versatile – confirmed to be Grades 1, 2 and 3a by NPPF21 and Policy CL3.

The applicant has undertaken an Alternative Sites assessment which demonstrates that there is no brownfield or non-agricultural greenfield site availability within 2km of the National Grid connection point. The submitted Agricultural Land Classification confirms that the site is categorised as Grade 3b (moderate quality) agricultural land and the proposal allows for continued use for agricultural purposes. The lack of brownfield and non-agricultural sites highlights that the proposed use of the agricultural land is necessary, although continuation of agricultural use is also confirmed. It has also been demonstrated that the site is of poorer quality and would not result in the loss of the best and most versatile agricultural land. The development also provides for biodiversity improvements as discussed later in this report.

Taking the above into account, the principle of development in this location is considered to be acceptable, in accordance with Policy GD4 a) and CL3 of the FLPPR, NPPF and PPG. This however is subject to further assessment with regards to landscape and visual impact, and all other material planning considerations, which are considered in the proceeding paragraphs.

### **Landscape and Visual Impact.**

Policy GD4a) states that development within countryside areas must be sensitive to its surroundings. Policy CL3 refers also to landscape and visual impact relative to renewable energy development, stating that adverse impacts, including those that are cumulative, are satisfactorily addressed, in accordance with Policy ENV1. Policy ENV1 requires development to have regard to its visual impact within its landscape context and type it is situated, and will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is set. ENV1 also requires retention and enhancement of existing landscape features, such as hedgerows and trees.

Paragraph 174 of the NPPF21 requires planning decisions to protect and enhance valued landscapes in a manner commensurate to their statutory status or identified quality in the development plan, whilst recognising the intrinsic character and beauty of the countryside. Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Parks, the Broads and Areas of Outstanding Natural Beauty (AONB) which have the highest status of protection.

Solar farm development within rural locations has the potential to have a detrimental impact on the character and appearance of an area. Paragraph 13 of the PPG states *'the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.'*

Paragraph 13 of PPG refers to the particular planning considerations relative to large scale solar farms. With respect to landscape this includes the proposal's visual impact, effect on the landscape of glint and glare, the need for security measures such as light and fencing, as well as the potential to mitigate impact. Para 13 also states that the approach for assessing cumulative landscape and visual impacts is likely to be the same as assessing that of wind turbines. However in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Paragraph 22 of the PPG advises that cumulative landscape and cumulative visual impacts are best considered separately. *'The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. It should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.'*

Paragraph 23 confirms the considerations for landscape impacts to include *'direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change. Paragraph 23 also states that factors to consider with regards to visual amenity include establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.'*

The site has been classified as located within the Lancashire and Amounderness Plain by Natural England (National Character Area) its key characteristics being *'A rich patchwork of pasture, arable fields and drainage ditches, on a relatively flat to gently undulating coastal landscape', 'Medium-sized to large fields form an open, large-scale agricultural Landscape' and 'A complex network of wide meandering rivers, raised drainage ditches and dykes divide and drain the landscape.'*

More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy (2000). The development lies within the Mosslands (16), which is *'described as an extremely flat, low lying landscape comprised of peat deposits', 'now largely reclaimed for intensive crop production and dairying to a lesser extent', 'fields are typically large in size and geometric in shape, defined by straight drainage ditches and post and wire fence', 'Hawthorn*

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

*hedgerows are restricted to the straight, narrow roads.’ and ‘there are extremely long views across this open landscape and vertical elements, such as electricity pylons, are particularly visible.’*

The development is located within the South Fylde Mosses character area (16b), which the Lancashire Landscape Strategy describes as *‘It is typical of a mossland landscape in its underlying geology, landform, drainage and land use. The rows pylons which run from east to west across the landscape to Blackpool dominate the horizon however trees in small copses and shelterbelts are more pleasing vertical elements and help provide a backdrop and sense of scale in the landscape. Just north of Lytham, Lytham Hall is an important and established landscape feature as the 18th century landscaped grounds contain many trees. The proximity of Blackpool and Lytham is influential and the presence of golf courses, camp sites, new built development and industry erode the rural and tranquil character usually associated with this landscape type.’*

The application site itself is approximately 30.26 hectares in size, presently in use for agricultural purposes associated to Lawns farm, encompassing 5 fields. Mature trees and hedgerow form the majority of the site periphery, with the exception of the southern and north eastern boundaries that are presently formed by post and wire fencing. In terms of topography, the land rises gently in a north to south direction, before plateauing close to the Business Village and then falling away further toward the north and eastern margins of the site. The character of the wider area is predominantly rural, formed by undulating agricultural fields within which hedgerow and trees and small groups of woodland are prevalent, though is interspersed by man made features such as a tall pylon line to the east, a large scale substation to the north and small/ large scale buildings, including a Business Village to the west. The site is isolated from the main settlement areas, but smaller groups of buildings, including residential, business and agricultural structures are frequently found along Ballam Road and Peel Road. The application site can be viewed from Ballam Road and Peel Road though there are no footpaths to these roads, and there are no public rights of way (PROW) either on or within surrounding fields of the application site.

The proposal will introduce 3m high solar panels laid out in rows with a gap of 5.5m between each row, access tracks, and associated infrastructure (including transformers, inverters, substations) of which external surfaces will be coloured a dark green and grouped within 4 areas of the site. The arrays will be made secure by a 2m high deer fence and pole mounted CCTV (2.5m), positioned on the inside of the site boundary with hedgerow and tree planting on the outside. The site comprises open fields divided by boundary hedgerows and this current field pattern and mature landscaping will be retained within the development. New hedgerow and tree planting is proposed around the site to ‘plug gaps’ in the existing coverage and particularly to the southern and north eastern boundaries where there is presently no planting. In order to reduce the visual impact of the development, the application proposes to locate arrays 10m from the site boundary, maintaining existing and new hedgerow planting at a minimum of 3m in height. The proposed hedgerow to the southern boundary will be allowed to grow to a height of 4.5m so as to provide coverage of arrays that would be sited to a higher level due to changes in topography. The 4 infrastructure areas will not be screened, though their siting and external colour has been considered so as to minimise visibility, which would also be reduced by the landscape strategy for the development. The solar farm will be in situ for a temporary period of 40 years, after which it will be decommissioned and the land returned to agricultural use.

The planning application is accompanied by a Landscape and Visual Appraisal (Pegasus Group, P20-0878.002, August 2021) (LVA) which has considered the possible effects of the proposal development upon landscape character and visual amenity at significant stages in the life of the development. 13 different external viewpoints of the site have been considered, and has provided photomontages that reflect the existing and proposed scenarios at 1 and 5 year timeframes in order to demonstrate the

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

impact of screening to be introduced as part of the scheme. Findings of the LVA are summarised below:

Landscape character:

- **Medium to low sensitivity** - The site and its surrounding landscape within the LCA South Fylde Mosses Character Area (16b), does not incorporate any national or local landscape designations, its condition is influenced by farming practices which have removed field boundary hedgerows, overhead electrical infrastructure and the presence of other renewable development. Its condition is moderate. It is not rare and does not exhibit particular features or elements of landscape value or scenic quality. Public access is limited to nearby roads.
- Landscape susceptibility and sensitivity to the proposed development is **Medium to Low**.

To the South Fylde Mosses Character Area:

- Due to the predominantly flat landscape in which the proposals and wider parts of the LCA 16b are located, the development would have limited influence upon the surrounding landscape. It would bring a very low magnitude of change upon the characteristics of the LCA 16b, given it would bring about only very minor loss or alteration to existing landscape features and that it would introduce minor new features into the landscape of the LCA 16b as a whole. The combined medium - low sensitivity with a low magnitude of change is assessed to bring about a **Minor adverse level of effect** – that would reduce over time due to the landscape mitigation proposed.

Character and Sensitivity of the application site:

- **Medium to low sensitivity** - The fields within the site are generally defined by native hedgerows with occasional hedgerow trees, although it is noted that some of the site edges to the east are undefined. It is noted that hedgerows vary in their intactness, with those internally within the site, and occasionally at the site's boundaries, being gappy and not as well defined as other within the wider landscape. The site does not have any landscape designations, and the development proposed is temporary requiring minimal enabling works and infrastructure, whilst retaining existing landscape features.

Effects on the application site:

- The landscape character of the site will become influenced and characterised by the proposed development. The proposed development would introduce an identifiable new feature into the landscape, which although of only limited height (3m), it would incorporate most of the site area extending across a number of arable and pastoral fields and therefore adversely alter perceptual attributes of the site, although the fields and field pattern would remain beneath the solar panels, as well as retention of all valuable features within and surrounding the site.
- The magnitude of change to the character of the site itself is assessed as **medium – high**. When combined with a medium - low sensitivity, there would result in a **moderate** adverse level of effect upon the landscape character of the site during all phases of the development.
- Landscape mitigation proposals (restoration of arable land to pasture, retention and new tree and hedgerow planting, strengthening of field boundaries) will provide enhancements to the landscape, which in the long term (+5 years) will reduce the moderate adverse effect on the landscape to **moderate to minor adverse**.

Cumulative Character Effects:

- The LVA considered the presence of other large scale solar farms (> 1 hectare) within a 3km radius of the site (application stage, approved but not built and operational). 2 sites were

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

identified – Staining Wood approx. 256m to the north east, and Shepherd's Farm, Wrea Green, approx. 2.1km to the east.

- Shepherd's Farm – no cumulative landscape effects due to distance from the application site.
- Staining Wood – this solar farm forms a relatively small element of the landscape within which other distinct features (woodland planting and pylons) are found and of which solar development is not prominent. There would be an increase in solar development at the edges of the respective character areas, their low lying nature renders them indistinct elements within the landscape and the addition of the proposed development is not considered to bring about cumulative landscape effects.

With regards to visual impact, the LVA has considered the potential for changes in views and visual amenity from residential, business and recreational (footpaths and bridleways) receptors and the local road network.

### Residential Receptors:

Dwellings along Peel Road between Gillet Farm (north of application site) and Archers farm (west):

- Dwellings to west of Peel Road would not be able to view the development due to landscape screening.
- Several properties to the east of Peel Road have views toward the development with some having garden vegetation and outbuildings to interrupt views. Some views are reported from upper storey windows though this would be against the back drop of the existing solar farm and pylon line.
- Increased landscaping, including tree and hedge planting, will assist to soften/ screen views.
- The magnitude of change is assessed to be **Medium**, and sensitivity to the receptor is considered **Moderate** during construction and the first year 1 operation. Changing to **Low** and **Minor** after 5 years once landscaping has matured.

### Dwellings at Lower Ballam:

- White House farm is located to the south of Ballam Road. Views of the development are obscured by buildings and vegetation.
- Four other properties are located to the north of Ballam Road. Mature landscaping and topography act to restrict views of the application site.
- The magnitude of change is assessed to be **Low - Very Low**, and sensitivity to the receptor is considered **Minor - Moderate** during construction and the first year of operation. Maintaining **Low – Very Low** and changing to **Minor – Moderate** after 5 years once landscaping has matured.

### Dwellings at Lark Hall:

- The LVA identified a group of buildings approx. 860m east of the application site at Lark Hall, set both to the north and south of Ballam Road.
- Dwellings to the north of Ballam Road do not oppose the application site and also have mature tree and hedgerow planting on the site. Hedgerow and trees existing in the wider landscape. It is reported that views from these dwellings will not alter as a consequence of the proposal.
- Of the building group located to the south of Ballam Road, one dwelling has a northerly front facing aspect to the existing solar farm at Staining Wood and oblique views of the application site from upper storeys. A **Moderate Sensitivity** is reported due to affected rooms being bedrooms. These views extend over Ballam Road and farmland beyond in which the Staining Wood solar farm and pylon line are prominent. The eastern part of the development may be visible in these views and in-combination with the existing solar farm.
- The magnitude of change is assessed to be **Low** and sensitivity to the receptor is considered **Minor - Moderate** during construction and the first year of operation. The eastern edge of the

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

development will be lined with a hedgerow, reducing magnitude to **Low – Very Low** and a **Minor** sensitivity.

### Recreational Receptors:

- There are no public rights of way (PROW) within the application site.
- There are few PROW within 1km of the site. The LVA reports that these PROW routes are often defined by high hedgerow that offer screening, existing trees/ hedgerows in the landscape and distance from the PROW's to the application site, as well as pylon lines, existing solar farms (Staining Wood and Wrea Green) and Blackpool Tower combine so that the development would not be discernible from any of the PROW's.
- The magnitude of change for receptors using PROW's and bridleway's is considered to be **Very Low**, with the effect being **Negligible** at end of year 1.

### Local Road Network:

#### Peel Road –

- flanks the application site to the west, it has no footpath and is bound by a continual mature hedgerow which acts to channel views in the direction of travel and not toward the site, screening views of the application site during the summer and filtering views during the winter.
- Road users north of the site that travel in a southerly direction have glimpsed views of the application site through gaps in the hedgerow. The existing Staining Wood solar farm is visible though its dark appearance recedes into the landscape and blends well with the dark colour of hedgerow to field margins. Whilst the development will be partially obscured by existing hedgerow to the northern site boundary, there is potential of views to the north eastern area of the development and this would be in-combination with the existing solar farm. The LVA concludes that this would not bring about any greater visual effect as visibility is glimpsed and additional solar farm development would not be seen as unusual in this landscape.
- The development will introduce solar panels, fences and associated infrastructure into an agricultural landscape but within which the wider electrical infrastructure is evident in the form of tall pylons and overhead power cables. There is also an existing electrical substation which road users pass close to the southern edges of Peel Hill in the north. Glimpsed views towards the site are available where there are field gates gateways such as that at Viewpoint 1 to the north of the site and where there are gaps in the hedgerows, and at Viewpoint 3 and where the site access is proposed.
- The magnitude of change for road users on Peel Lane is considered **Low**, with effect measured to be **Moderate – Minor** for construction and Year 1.
- New planting to the northern and southern boundaries will reduce magnitude to **Low – Very Low** and effect to **Minor Adverse** by year 5.

#### Ballam Road –

- Is located south of the application site and flanked predominantly by hedgerow.
- Views of the application site can be gained from the junction with Peel Road, where there is a wider gap in hedgerow and views to the southern element of the development.
- Another view is available from Lower Ballam Bridge located on approach from the east, where open views extend over the landscape to the north west of the development.
- The magnitude of change is greatest at the junction of Ballam Rd/ Peel Rd and is considered to be **Medium**, though the overall route of Ballam Road is considered to be **Low**. The effect is considered to be **Moderate** at this junction and **Minor** for the overall route at Year 1, reducing

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

to **Very Low** and **Minor – Neutral** by Year 5 due to hedgerow planting to the southern and eastern boundaries.

### Preston New Road (A583) –

- Is located to the north of the application site, it is an A - classified road with footways and cycle lane, with much of the route flanked by hedgerows.
- Views of the application site are restricted by topography to the eastern portion of the A583.
- Oblique views to the direction of travel may be obtained from the western section of the A583 are possible near Peel Hill Bridge toward the north eastern part of the application site, though it is noted that the Staining Wood solar farm is not discernible from this vantage point. However the degree of change is limited by the distant nature of views and dominance of tall pylons within these views that are closer to the A583.
- The magnitude of change is reported to be **Low – Very Low** and overall effect during construction and Year 1 is classed as **Minor Adverse**. Reducing to **Very Low** with a residual effect of **Minor Adverse – No Effect** by Year 5 when proposed landscaping to the north eastern boundary has matured.

### Westby Road –

- Is located 1.8km east of the application site, it is single track and has no footways and is flanked by hedgerows with some gaps and field gateways allowing glimpsed views toward the application site. Such views are oblique to the direction of travel and are of agricultural fields bound by hedgerows, blocks of taller vegetation and tall pylons.
- Given that views are glimpsed, distance to the application site and context of the landscape that the development sits within the magnitude of change for users of Westby Road is considered to be **Low – Very Low**. The effect upon this receptor is classed as being **Minor Adverse** at Year 1. Proposed landscaping will not be visible at this distance thus the effect will remain the same for Year 5 also.

### Pegs Lane –

- Is located 1.4km south of the application site, it is single track and has no footways.
- Hedgerow adjacent to the lane and that intervening (hedgerow and woodland) limit visibility of the application site. Gaps in hedgerows allows views toward the application site though these views are oblique to the direction of travel.
- The southern element of the development will be visible from Pegs Lane, though this is only a small element within a large open landscape seen as part of a glimpsed and oblique view.
- Views of Staining Wood Solar Farm are also feasible from this vantage point and could be perceived to be as one with the development proposed. This is reported as a perceptual effect, and the introduction of the proposed development would not be unusual given the visibility of the existing solar development farm.
- Magnitude of change for users of Pegs Lane is considered to be **Very Low – Low**, with a **Minor Adverse** effect on users at Year 1 that will not alter by Year 5. New hedgerow planting to the southern boundary will be maintained at a minimum height of 3m, taking +5 year to mature, and is reported to further reduce the reported effects.

### Business Receptors:

#### Peel Hall Business Village –

- Is an existing commercial development immediately west of the application site. Buildings are located approx. 40m – 50m from the site boundary which comprises hedgerows and sloped grassed banks.
- The arrays will be site 10m from the boundary. Vegetation appears young and will provide moderate screening during the summer, but less in the winter and views of the upper section



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

of panels may be visible above.

- Existing views of the application site from the Business Village incorporate buildings, hardstanding and car parking. Given the existing vegetation and stand off distance of development the magnitude of change is considered to be **Low – Medium**, reducing to **Minor Adverse** by Year 5.
- Members should also note that approval has been granted to redevelop the business park, to include provision of additional units on the site that back on to the solar farm application site. In addition to this, the redevelopment includes the bolstering of landscaping to the boundary with this current application, thereby affording additional softening of the solar farm.

### Cumulative Visual Effects:

- The LVA identified 2 operational solar farms within a 3km search radius (Staining Wood to north west & Shepherds Farm east of Wrea Green).
- There are some instances when the development would be visible in combination with the Staining Wood solar farm. This visibility is not considered to be prominent due to wider landscape context being open and relatively flat, existing vegetation and built form, acting to contain views.
- No in combination effects associated to Shepherds Farm due to distance.

Whilst the site is located in the countryside it is not in an area designated for its landscape quality, (National Park, the Broads or AONB), neither is the site within the green belt. The site and surrounds are characterised by low lying relatively flat landscape, interspersed by hedgerows boundaries to agricultural fields and blocks of woodland planting, through which overhead power lines are mounted on large scale pylons. The solar panels are not of an excessive scale and will be situated within the existing field pattern, taking advantage of retained hedgerow/ tree boundaries and the new planting of same, to provide a green screen to the development. The equipment areas are located to less prominent locations of the site and sensitively coloured to reduce visibility. Perimeter fencing (2m) and CCTV (2.5m) will be hidden by the retained/ new hedgerow planting.

It is inevitable that the proposal will alter the undeveloped agricultural appearance of the site to one of a more industrial appearance. However, the proposed development would not alter the existing agricultural field pattern and the height of panels follow the existing topography of the land. Further, the landscape strategy will help assimilate the development into this existing pattern and will act to soften or obscure the development in short and long distance views once mature. It should also be noted that the presence of an existing solar farm (Staining Wood) and pylon lines reduce the sensitivity of the landscape that the proposal sits within. It is therefore concluded that the solar farm would not have a significant impact on the landscape character of the area.

In terms of visual impact, the surrounding topography means that the site would be barely visible from vantage points on Preston New Road to the north. Instead, the development would be most prominently in views from lower lying ground to the south on Ballam Road, and from within short and distant views along Peel Road to the west. The effect on more distant views would be minimal given the extent of screening formed by existing natural features in the landscape, coupled with those man made features that will appear within such views. It is considered that any visual harm arising is restricted mainly to the site itself and within views from the immediate locality. The landscape strategy will help reduce the visibility of the solar farm, especially at close quarters. Any harm arising will reduce over time once the landscape strategy has fully matured and on this basis it is not considered that the development would have a significant visual impact on the wider area.

The development nonetheless would be visible from the upper floors of dwellings. As reported in the LVA, this is however restricted to several dwellings and views from those properties are softened by

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

distance, intervening landscaping and topography, as well as pylons that would appear within these views. The LVA concludes that only 2 properties, located immediately west of the application site on Peel Road, would experience effects categorised as **Moderate Adverse** during construction and the first year of operation. Once landscaping has matured, this effect is reported to reduce to **Minor Adverse** by Year 5. On this basis, there would be harm to the visual amenity of residents in properties that are close to the site with windows facing the side of arrays. However, this impact would not be to all of the windows of these properties and short term whilst proposed landscaping matures.

The most frequent visibility of the site occurs from surrounding roads, most notably Peel Road and the junction of Peel Road/ Ballam Road, and it is considered that these highway users may experience a different visual appearance of the site than at present. However, permissible views are from within a moving vehicle, glimpsed through breaks in field boundaries and often oblique to the direction of travel. The applicant has proposed a hedge line to the southern boundary of the application site which will be allowed to grow to a height of 4.5m in order to screen the solar panels from the affected road junction. In addition, existing hedgerow, combined with the 10m set back of solar panels from the site boundary, assist in obscuring close up views of the development from Peel Road. There are no PROW's or Bridleways on the site, the nearest being 900m to the west. Distant views of the proposal may be obtained from PROW within the wider area, albeit such views are from breaks within hedgerows and within a panoramic view of the wider landscape that also contains woodland planting and hedgerows, an existing solar farm and pylon line.

In combination visual effects are reported with the proposal and Staining Wood solar farm which is located approximately 300 m to the east. These views are largely from vehicles travelling along Peel Road or Ballam Road, though are glimpsed and momentary through field gaps and not in a direct line of sight from the road. Where views are found, the full extent of the proposed solar farm is unlikely to appear in combination with Staining Wood solar farm, and is limited to the north east area of the application site only where the existing pylon line is also sited.

It is confirmed that the solar farm will be operational for a 40 year period. Following expiration of that period, the solar farm will be decommissioned and the land reinstated to agricultural use. This will result in a prolonged period of the reported impacts, such impacts nonetheless, are for a temporary period and the associated landscape and visual amenity impacts are therefore also temporary.

In summary, the extent of the development visual impact is limited by the following factors:

- The modest scale of the solar panels above ground level, their set back from the site boundary and height following the natural topography of the site.
- Siting of the equipment areas to less prominent locations on the site, and design being modest in height and coloured dark green.
- The siting of perimeter fencing behind retained/ new hedgerows and its design of timber post and wire being of rural character and relatively transparent.
- The siting of CCTV camera behind retained/ new hedgerows, combined with their modest height and slim profile of poles.
- New hedgerow and tree planting to provide additional screening to the site boundaries.
- The high hedgerow boundary to Peel Road that are retained at a minimum height of 3m, and the screening buffer this provides from these vantage points.
- The site's substantial separation from surrounding Public Rights of Way.
- The topography of surrounding land, particularly when viewed from Preston New Road to the north.
- The presence of man made structures within the landscape – existing solar farm, pylon line, large scale substation, small and large scale buildings.
- The reversibility of the development following its decommissioning after a period of up to 30

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

years.

The submitted LVIA concludes that any 'notable effects on landscape character would be confined to surrounding local area with visual effects reduced by proposed mitigation planting'. This conclusion is not disputed as discussed above. Whilst the proposal would result in encroachment into the countryside, sufficient mitigation would be provided as part of the development in order to ensure that the solar farm, by virtue of its size, scale, massing, layout, materials and design, would not have an unacceptably harmful impact on landscape character or visual amenity, either individually or in combination with other development. The reversibility of any impact after a period of up to 40 years and intent to reinstate the land to agricultural is also relevant in this assessment. Conditions are recommended that restrict the operational life of the development to 40 years, require decommissioning after that period (or if the solar farm fails to make electricity for a prolonged period), as well as implementation of the landscape strategy during the first available planting season after the commencement of development. Therefore, satisfactory measures can be put in place in order to mitigate the development's impact in accordance with the objectives of policies GD4, CL3 and ENV1 of the FLPPR, NPPF21 and guidance contained within the PPG.

### Ecology

Policy CL3 of the FLPPR is supportive of renewable energy development subject to a number of criteria. With regards to ecology, criteria d) is of relevance and requires compliance with Policy ENV2 including impact to mammals and birds on protected sites, migratory routes and functionally linked land.

Policy ENV2 is specific to biodiversity and provides further detail to Policy CL3. Importantly the strongest protection will be given to sites of international importance (predominantly the Ribble and Alt Estuaries Special Protection Area and Ramsar site), development affecting sites of local importance will be provided where it is necessary to meet an overriding local public need or where in relation to nature conservation purposes. Development within or affecting nature conservation or ecological networks must adhere to set criteria. Those relevant to the current proposal include proposals that enhance or conserve biodiversity will be supported, provision of mitigation measures where development is considered necessary. Planning permission will be refused in circumstances where significant harm cannot be avoided. Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.

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

The proposals seeks to retain all existing hedgerow and trees on the site, and includes the new planting of such within a landscape strategy. The Strategy also details replanting of arable land beneath the solar panels to encourage use for grazing. Due to the development location within countryside the planning application is accompanied by an Ecological Assessment (EA). In light of initial comments from Natural England, the EA was updated during assessment of the planning application to provide a Habitats Regulation Assessment (HRA).

The EA confirmed that the site is not located within any statutory or non statutory designated sites, though such sites do exist within the wider area. With regards to habitats, the EA recognised that the proposal seeks to retain the hedgerows and woodland parcels within and along site boundaries and immediately surrounding the site. Habitats which will be directly affected by the construction of the proposed development are arable and semi-improved grassland, though impact will be temporary as these habitats will be reinstated beneath the solar panels as part of the proposal. BRE Guidance (Biodiversity Guidance for Solar Developments, 2014) confirms that over 95% of a solar farm site area

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

is still accessible for plant growth and complementary agricultural activities, such as conservation grazing.

The planning application provides Biodiversity enhancement measures, calculated to be a biodiversity net gain of 85.21% in habitat units, plus 47.50% gain in hedgerow units. The enhancement measures include:

- The creation of approximately 26.72ha of species-rich grassland and an additional 0.44ha of wildflower meadow planting.
- The provision of approximately 0.39ha of native tree and shrub planting.
- Approximately 722m of new native species-rich hedgerows are proposed as part of the solar farm development's boundaries. In addition, there would be gapping up and enhancing existing native species hedgerows within the Site and within the wider landownership.
- The provision of two amphibian hibernacula adjacent to Pond 2.

With regards to protected species the EA considered great crested newts (GCN), badger, bats, birds, wintering birds, otter and water vole and reptiles. Of importance, GCN were found within 2 of 4 ponds on/ adjacent to the site and the application site itself is considered to be sub-optimal habitat for GCN. The development has been designed to retain and avoid impacts on ponds and nearby habitat. As a result amphibians (including GCN) will not experience any loss of habitat for refuge, foraging, breeding or dispersal. Furthermore, the landscape proposals are considered to enhance GCN habitat on the site. Reasonable avoidance measures to minimise harm to amphibians during construction are advised. The EA found that the site could support brown hare and comments that the habitat on site will be improved, whilst security fencing will allow for the movement of all animals between the application site and fields beyond. The EA included a wintering bird survey which found that there was no evidence of regular use of significant numbers (defined as >1% of the most recent 5 year mean SPA population) within the site over the course of two winters for any Ribble and Alt Estuaries SPA qualifying species. On this basis the EA concluded that there is no evidence to suggest that any part of the site is functionally linked to the Ribble and Alt Estuaries SPA and Ramsar, nor does it have high importance for wintering birds overall.

The HRA considered all Likely Significant Effects to five statutory designate wildlife sites of European importance (Morecombe Bay and Duddon Estuary SPA, Morecombe Bay Ramsar, Liverpool Bay SPA and Ribble & Alt Estuaries SPA/Ramsar) and included wintering bird surveys (2018/2019 and 2020/2021). The Assessment confirms that there is no evidence that the site is functionally to the Ribble and Alt Estuaries SPA and Ramsar, and that distance will safeguard impacts during the construction process. In conclusion the HRA does not predict any Likely Significant Effects to the European site, and that an Appropriate Assessment is not required prior to determination of the application.

The Council's ecological consultant (GMEU) agreed with the aforementioned report findings. With regards to GCN GMEU comment that *'These ponds should not be directly impacted by the proposals but protection measures will be needed to for both the ponds and any amphibians present on site during construction'*. GMEU also confirm the submitted wintering bird surveys to be accurate. Conditions are suggested in relation to protection of GCN during construction and a biodiversity management plan to ensure appropriate species are provided and maintained appropriately. In addition, Natural England concur with the findings of the HRA and raise no objection to the proposal, urging the Council to adopt the HRA under our duty as the competent authority. An informative referring to adoption of the HRAS by the Council is therefore advised.

The application site is of limited ecological value and it is has been demonstrated that the

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

development will have no Likely Significant Effect to any sites of nature conservation interest. The proposal seeks to retain all hedgerow and trees features and makes provision for increased planting of such within the landscape strategy, as well as reinstatement of grazing land beneath the solar panels. The landscape strategy will result in an enhancement of the sites biodiversity and would not impinge on any protected species that may inhabit or migrate through the site. Subject to the imposition of suggested conditions, the development will protect and enhance the boroughs biodiversity assets in accordance with Policies CL3 and ENV2.

### Heritage and Archaeology

The site is not located within a conservation area, though a Grade II Listed Building (The White House) is located approximately 450m at its closest point from the application site (north east section). The Historic England Official List Entry for the property confirms:

*Farmhouse, dated 1701 on lintel of doorway in porch, altered and extended, formerly 2 dwellings, now one. White-painted handmade brick in random bonding except top 9 courses of C19 brick, slate roof. Three-bay baffle-entry plan, with 4th bay added. Two storeys (but probably formerly 1½ storeys); gabled porch at junction of 1st and 2nd bays has doorway in left side with splayed brick head; all windows modern casements with diamond-leaded glazing, but close to the junction of the 2nd and 3rd bays is a blocked segmental-headed stairlight. Rear has a buttress to the centre and remains of 4 original windows, principally the hoodmoulds to a 2-light firewindow and housepart and 3rd bay windows of 3 or 4 and 3 lights respectively. Chimneys on ridge at junction of 1st and 2nd bays and towards right gable. Interior: very large inglenook fireplace with large bressumer and heck wall; 2 chamfered beams with cyma stops; partition wall removed, but former 3rd bay has 2 chamfered beams with run-out stops. In porch wooden lintel to original front door has incised lettering 1701 K : AK. Interior said to have had painted fresco of Clifton R E coat of arms, which may survive under plaster but position not known.*

Policy CL3 of the FLPPR is supportive of renewable energy development subject to a number of criteria. With regards to heritage, criteria f) is of relevance and supports renewable energy development that would not harm the significance of the heritage assets and their settings.

With regards to Listed Buildings Policy ENV5 states that development proposals should conserve, and where appropriate enhance their settings. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Where there is known or potential non-designated archaeology, developers will be expected to investigate the significance of any archaeology prior to the determination of an application for the site. Where this demonstrates that the significance is equivalent to that of designated archaeology, proposals which cause harm to or loss will not be supported.

The NPPF makes a similar stance to heritage assets such as Listed Buildings and archaeology:

Paragraph 199 states that ‘great weight should be given the assets conservation.’

Paragraph 200 states that ‘any harm to, or loss of the significance of a designated heritage should require clear and convincing justification.... Substantial harm to Grade II Listed Buildings should be exceptional.’

Paragraph 201 states that ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent,

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

*unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'*

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

The planning application was accompanied by a Setting Impact Assessment (SIA) that considered impact of the proposal on the significance of heritage assets that could be affected by the development. The assessment was informed by a site visit and Zone of Theoretical Visibility (ZTV) study which provides an estimate of the extent to which the proposal would be visible from the surrounding area. In conclusion the report found that the proposed development would not affect the significance of the grade II listed White House, despite its proximity to the study site (450m to the south). This is due to the extensive screening provided by the landscaped grounds of the house, an intervening hedgerow, and existing and planned vegetation along the boundary of the study site. The assessment also considered potential effects to other listed buildings, registered parks and gardens, and conservation areas in the wider area, and found that the proposed development would not harm the significance of any of the designated heritage assets due to distance.

The White House is located to the south of the application site, to the north side of Ballam Road. The dwelling is set within landscape grounds with mature tree belt to its eastern and northern boundaries that forms part of a larger row of trees to the rear garden boundary of neighbouring dwellings located to the west. It has a rear facing aspect toward the north eastern element of the application site some 450m 'as the crow flies' in distance. The application site is also positioned approximately 170m to the west of the White House. Topography beyond the White House to the north gently rises before falling away toward the application site, with trees and hedgerows intervening. Similarly, topography to the west rises then falls toward the application site.

As per the above Historic England listing, the significance of the house relates to its architectural and historic interest. The setting of the house is provided by the grounds in which it is situated, which are surrounded by considerable and mature vegetation and woodland. This immediate setting of the house provides the best appreciation of its heritage interest.

The SIA confirms that there are no views available of the White House from within the application site. Perimeter landscaping of the Listed Building acts to restrict external views of the house and this, with the exception of some views from the east, also screens the farmhouse from the surrounding rural landscape. The landscape strategy will ensure screening of the solar farm.

The Officer site visit also confirms a lack of intervisibility between the application site and Listed Building, due to intervening land levels and landscaping. On this basis it is considered that the development would not harm the significance or setting of the Listed Building. For the purposes of Policy ENV5, the development is considered to conserve the setting of the Listed Building and would result in 'less than substantial harm' with regards to paragraph 202 of the NPPF. What harm arises will be negligible and outweighed by the public benefit of renewable energy generation in any event.

An Archaeological Desk Based Assessment (ADBA) was submitted with the planning application which found that the site has:

- A moderate potential to contain some buried remains from the early prehistoric period - such as flint tools, and ephemeral features.
- A general potential for the remnants of Medieval agricultural activity such as field boundaries

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

and drains.

- A known potential to contain buried remains associated with at least two structures which are present in mid-19th century historic mapping. While these buildings have been demolished, it is possible that footings and other elements may survive, as well as other associated features, such as pits.
- A known potential for the presence of Post-Medieval quarry features.

The ADBA categorises these remains as of local archaeological interest and/ or of limited interest, and that any disturbance of such through the construction process (array piled foundation, and cable trenches) would be negligible and of localised impact. The ADBA advises that this impact can be controlled by archaeological works during the construction process.

Notwithstanding the above findings of the ADBA, the County Archaeologist confirms that the application site is located within an of known archaeological potential that could contain features of regional or national significance, and on this basis insisted that investigative works were undertaken prior to the determination of the application. The results of that site investigation were provided within an evaluation report which confirmed the presence of human remains in the form of 2 cremation burials. The County Archaeologist confirms that *'the results are such that we now do not consider the site likely to contain archaeological remains that might be a constraint on the development.'* There is a single outstanding matter relating to the dating of the human remains and a condition is suggested to that effect.

### Resident amenity

Policy CL3 of the FLPPR is supportive of renewable energy development subject to a number of criteria. With regards to resident amenity, criteria c) requires assessment of impact on local residents.

The development has opportunity to impinge upon the amenity of neighbours by virtue of noise and reflected light.

With regards to noise, the submission confirms that the solar arrays will be fixed and will not move to track the suns path throughout the day. Noise associated to operation of the solar farm itself is therefore likely to be minimal, with majority of disturbance being related to the construction period.

Notwithstanding, the application is accompanied by an Acoustic Report (inacoustic, 21-004 version (2), 05/08/2021) that considers noise impacts at the nearest sensitive receptors. The report confirms the main noise source to be from the 4 inverter/ transformer stations spread throughout the development with the nearest dwelling being approximately 280m to the north west. The stations will operate, on a worst case basis, from 04.30 to approximately 1 hours after sunset. The assessment demonstrates that the Proposed Development will give rise to noise levels that are typically equal to or below the measured day and night-time background sound levels in the area, at the closest assessed residential receptors, thus giving rise to a Low Impact.

With regards to reflected light, the submitted Planning Statement (paragraph 5.11.10 – 5.11.12) refers to technological advances that can restrict the amount of glare from solar panels and confirms use of a non-glare/ non-reflective type within the development. The planning application is also accompanied by a Glint and Glare Assessment (neo environmental, 16/05/2022) which considers the potential of disturbance to a number of different receptors including residential properties within the vicinity. The assessment identified 12 properties that are potentially at risk, though determined that impact would be **'None'** except for 3 of the receptors (dwellings to the west on Peel Road and Lawns Farm itself), albeit impact would reduce to **'None'** once landscape mitigation was considered for these

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

3 receptors also. A more detailed assessment of these 3 properties has ascertained that the 2 storey rear elevation of the 2 receptors on Peel Road oppose mature tree planting within their back gardens, and would not oppose the south facing frontage of the solar panels. Reflected light escaping from the site would be filtered through mature trees and proposed hedgerow planting, though affected windows oppose the side elevation of panels in any event. Thus there would be little opportunity for reflected light to impinge upon residents located to the west. With regards to Lawns Farm, this farm house is located approximately 60m south east of the application site, being occupied by the farmer whom presently farms the land of the application site and who is effectively the applicants landlord. This close proximity does raise concern, though proposed landscaping to the southern boundary will assist to reduce impact. In addition, bearing in mind that the farmer is effectively landlord of the applicant and has supported submission of the planning application, it is considered that this presents an exceptional circumstance that allows for reduced levels of amenity to this property. It is noted that the Environmental Protection team have not objected to the proposal subject to implementation of mitigation contained within the Glint and Glare Assessment, namely the Landscape Strategy.

The visual impact of the development has been assessed earlier in this report, and concluded that due to a combination of existing/ proposed landscaping, topography and distance to the application site, the development would not significantly alter existing views from neighbouring dwellings. Whilst it is common knowledge that private residences do not have a right to a view, this assessment nonetheless confirms that the solar farm would not appear prominent or dominant in the outlook from neighbouring properties.

It is considered that with appropriate conditions in place that the amenity of surrounding dwellings can be protected, in accordance with Policy CL3.

### **Highways issues**

Criteria i) of Policy CL3 supports renewable energy development subject to consideration of highway safety impacts and capacity from vehicular movements associated with construction and decommissioning.

Once operational, the development is expected to generate low levels of traffic associated to the ongoing maintenance of the solar farm only. The applicant proposes a maintenance access from Peel Road which takes advantage of an access field entrance point used by the farmer. The expected trip generation is such that it would be equivalent to, or lower than that presently witnessed by the farm holding. On this basis, whilst the retained hedgerow height of 3m may impede visibility when exiting the site to Peel Road, the de-intensification of use of this junction presents justification in support of this access arrangement.

The applicant has submitted a draft Construction traffic Management Plan (CTMP) with their planning application. The CTMP indicates that construction access to the site will be via the existing track to Lawns farm, which in turn is accessed by a route from the north via Peel Road and Ballam Road respectively. The CTMP confirms that construction vehicles will not access the site from the south or east on Ballam Road. Swept path drawings have been provided which indicate that all construction vehicles can safely navigate the access route using the local road network, albeit some fencing to field boundaries and grass verge may require temporary removal. Construction is estimated to take up to 2 months with approximately 520 deliveries taking place over that period (approximately 15 HGV deliveries per day). One abnormal load delivery is needed for the substation, which is anticipated to be an 18.25m low loader. A construction compound which includes a hgv turning area and parking will be provided. Deliveries to site will take place during the hours of construction (8am-6pm Monday to Friday 8am-1pm Saturday). The CTMP confirms that decommissioning will be undertaken using a



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

similar strategy. Local residents will also be informed of construction vehicles routes and times of operation via a letter drop.

The Highway Authority (HA) were consulted on the planning application and do not raise objection to the proposal subject to condition (scheme of highway works associated to construction access, road survey, Traffic Management Plan). They do however comment that construction vehicles could degrade the condition of the road and grass verges if vehicles overrun the adopted carriageway and works are therefore required so as to protect any overrun area from damage during construction. Any required works are to be reinstated once construction is complete.

A road condition survey is also requested and would be used to monitor the extent of any damage to the road network resultant from construction, with the developer expected to make good any damage associated to their construction access. Notwithstanding, the proposed construction route (Peel Road and Ballam Road) is heavily trafficked on a daily basis, being used by both small and large scale vehicles, and is presently in a poor state of repair. The road condition survey report would certainly ascertain extent of damage during the construction period, however it would not be able to confirm that this was as a direct consequence of those construction vehicles, bearing in mind the amount of trips and the nature of vehicles on that particular part of the network. On this basis, the request by the HA for a road condition survey is not considered reasonable and it is advised that this should not be attached to any subsequent approval notice.

The submitted Glint and Glare Assessment (Neoenvironmental, 16/05/2022) considered the impact of light reflection on adjacent roads within a 1km distance of the application site. The assessment confirmed that any impacts reduced to **None** with the landscape mitigation proposed. It should also be noted that views of the solar farm, in most circumstances, are oblique from surrounding roads and there are only limited instances whereby solar panels will be viewed in the direction of travel. The main instance being views of the development from the junction of Ballam Road/ Peel Road, though this would be glimpsed when undertaking this manoeuvre and would be screened by hedgerow planting once mature.

Subject to the imposition of conditions suggested by the HA (excluding the road condition survey condition), it is not considered that this development would have an impact on highway safety or capacity in accordance with Policy CL3.

### **Aviation safety, navigation and communication.**

Criteria h) of Policy CL3 requires impacts on aviation and defence navigation systems and communications, particularly at Blackpool Airport and Warton Aerodrome, to be considered and states that avoidance of impacts should be given great weight in the decision making process.

British Aerospace Warton have raised no objection to the proposal, though Blackpool Airport (BA) have raised 3 matters of concern with regards to aviation safety resultant from glint and glare, bird hazard and electromagnetic interference (EMI).

The nearest runway at BA is that which runs on an east to west axis and is located some 2.68km west of the application site. It is understood that planes and helicopters may fly over, or within close proximity of the application site, on take-off or on approach to the various runways at BA.

The planning application was accompanied by a Glint and Glare assessment that considered aviation receptors at BA and BAE Warton, as well as a Bird Hazard Management Plan and EMI reports.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

The applicants Glint and Glare Assessment concluded that impact to BA aviation receptors to be low, due primarily to angle of the sun and existing reflections from the sea. Notwithstanding, dialogue with BA throughout the assessment period has resulted in minor alteration of the number and alignment of solar panels to overcome glint/ glare concern. BA raise no objection to this matter subject to the implementation of the revised scheme.

The applicant has also provided a Bird Hazard Management Plan (BHM) which outlines how habitats and wildlife on the application site will be managed throughout the lifetime of the development, in order to avoid any increase of bird strike with planes/ helicopters. The BHM includes measures such as provision of wildflower meadows which are a deterrent to goose and swan grazing, restriction of starling roosts to less than 500 birds and a monitoring regime. The BHM also confirms that a review process will be undertaken with BA and the Council if the BHM fails to control bird populations on the development. BA raise no objection to this matter subject to implementation of the submitted BHM.

With regards to EMI, it is not possible to submit an EMI Survey of the proposal since it has been advised that impacts cannot be predicted. The applicant has therefore undertaken EMI Survey of 2 operational solar farms that are comparable to that proposed. For these 2 particular sites it was concluded that *'there were no issues observed with radiated emissions'* and that these results could be extrapolated to another site of similar topography and design of the solar farm. The submission gave sufficient comfort for BA to conclude that associated EMI impact to aviation safety is likely to be low, enabling support for the development, though a condition is suggested for an EMI survey of the solar farm once operational. This will ascertain true impact of the development and inform any necessary mitigation.

Subject to the imposition of conditions suggested by BA (EMI survey within 12 months of operation and implementation of the submitted Bird Hazard Management Plan), it is considered that this development would not have an impact on aviation and defence navigation systems/ communications, in accordance with Policy CL3.

### **Flooding and drainage**

Policy CL3 supports renewable energy proposals subject to assessment of flood risk and drainage impacts, in accordance with Policies CL1 and CL2.

Policy CL1 requires all new development to minimise flood risk, and mitigate against the likely effects of climate change on present and future generations, suggesting a number of ways that this can be achieved including the use of sustainable urban drainage (SUDS) and directing development away from high flood risk area.

Policy CL2 relates to surface water drainage and encourages use of SUDS, providing a hierarchy of solutions which include storage for later use, infiltration, use of ponds and finally tanks for storage on site.

The north eastern portion of the application site, adjacent to the existing pylon line, is located within Flood Zone 3 (FZ3) and a Flood Risk Assessment (FRA) has been therefore been submitted with the planning application. The presence of the FZ3 has influenced the layout proposed, with only solar panels being located within this area, and the 4 equipment areas located to other areas of the site within FZ1. This layout reduces the need to access the FZ3 area in an extreme flood event and risk is therefore determined to be negligible. Whilst the EA criticises the applicants FRA for not being in accordance with Planning Practice Guidance, they are satisfied that the information provided demonstrates the development would be safe without increasing flood risk elsewhere, subject to the proposed flood risk measures being implemented.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Since a portion of the site is located within FZ3 there is a requirement on the Local Authority to undertake a flood risk sequential test. Paragraph 162 of the NPPF states that *'the main aim of such is to steer new development to areas with the lowest risk of flooding from any source'*.

The applicant has submitted a flood risk sequential and exception test. With regards to sequential testing, the FRA confirms that there are strict requirements for siting of a solar farm (distance from point of connection – 2km+ is considered unviable, visual impact, agricultural land classification, brownfield land availability, neighbouring uses, deliverability, accessibility and viability etc..) that collectively impinge upon finding alternative sites. The sequential test considered sites within a 2km radius of the point of connection and found no land of comparable size for sale or rent, it also considered the Councils own Business and Industrial Land Schedule as well as the Housing Land Availability Assessment and also found no site availability.

On balance, the site is considered to meet the requirements of the Sequential Test and as no alternative sites have been identified which are more suitable and available, the application site is considered to have passed the sequential test.

Paragraph 163 of the NPPF states that *'if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.'* As per Annex 3 of the NPPF, a solar farm is classified as being *essential infrastructure* and is therefore required to undertake Exceptions Testing.

Paragraph 164 of the NPPF requires that the exception test should be *'informed by a specific flood risk assessment'*, and to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Paragraph 165 of NPPF21 requires that *'Both elements of the exception test should be satisfied for development to be allocated or permitted.'*

With regards to point a), it is clear that the increased production of renewable energy associated to the solar farm will have wider sustainability benefits to the community. In addition, the drainage strategy claims that provision of SWALE's will reduce the existing run off rate and thereby reduce the potential flood risk beyond the application site which would also be of localised benefit. In relation to b), the layout of the development ensures that the more sensitive elements of the proposal are located within FZ1, with only the solar panels being sited within FZ3. The need for access to these areas, such as maintenance, being reduced as a consequence which in turn will improve safety of those responsible for maintaining the development. Indeed the EA comment that the development would be safe without increasing flood risk elsewhere. Both elements of the exceptions test are therefore considered to have been met.

The surface water drainage strategy for the development is also confirmed within the FRA which is reliant primarily on the current infiltration regime of the agricultural fields. The amount of impermeable area is formed by the piled foundation of the arrays, hardstanding of the equipment areas and maintenance tracks around the site. The FRA confirms that no formal drainage is needed, albeit a number of SWALE's will be created that will help intercept and distribute flows, create storage,

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

attenuate run off and help infiltration. These measures are reported to reduce the runoff rate to less than that existing and thereby improve the potential flood risk created by the site.

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

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding, that a satisfactory drainage solution is feasible which accords with the drainage hierarchy, and that the development also passes the flood risk sequential and exception tests. Accordingly the proposal is consistent with the development plan and NPPF.

### **Community, economic and environmental benefits.**

Policy CL3 states that proposed renewable energy development will be assessed in relation to criteria g) community, economic and environmental benefits. It is noted that Criteria g) requires assessment of these benefits, but does not outline the circumstances in which refusal would be forthcoming.

The applicant has provided an Economic Impact Assessment (Lichfields, 18/08/2021). The Assessment reports a number of economic and environmental benefits of the proposal which are summarised below:

#### **Economic:**

- £15 million of capital investment;
- Creating up to 100 FTE on-site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services during the peak of the construction phase;
- Delivering an uplift in Gross Value Added (GVA) (economic output) of £2.8 million during the construction period (4 months);
- Generating 2 permanent FTE jobs during the operational phase, producing an uplift of approximately £85,000 in wages to the local community with the potential to deliver further employment opportunities in the agricultural sector;
- Creating a further 3 FTE 'spin-off' jobs in the supply chain and wider economy during operation;
- Supporting an additional £235,000 GVA per annum during the operation of the proposed development;

#### **Environmental:**

- Providing 23.5 megawatts peak (MWp) of energy.
- A reduction in carbon emissions associated with energy generation equating to saving approximately 6,754 tonnes of CO2 per annum, or the removal of approximately 3,724 standard cars from the road each year.
- renewable energy for 6,528 homes – 17% of all homes in Fylde – each year and offsetting 7,185 tonnes of carbon per annum to support UK government's 'net zero' ambitions.
- Retention of existing natural features on the site, and planting of new hedgerows and trees.

There are no direct community benefits of the development since all electricity generated will be fed directly into the National Grid and would not therefore be directly available to local residents. Notwithstanding, there are in-direct benefits in that solar is a clean power that is pollution-free, is available every day of the year and causes no greenhouse gases to be emitted after installation, and

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

will reduce reliance on foreign oil and fossil fuels. The proposed landscaping arrangements will also provide some natural improvements that would be of benefit to the local community.

The applicant has also confirmed that a Community Benefit Fund has been offered to Westby-with-Plumpton Parish Council of £1,000 per MW of installed capacity – £23.5k based on a 23.5MWp installation. Members should note that this payment to the Parish Council must carry no influence on the outcome of the planning application and is not a material planning consideration, it is reported as background information only.

It is clear therefore that there are tangible economic and environmental benefits relative to the solar farm proposal, albeit those environmental benefits must also be balanced against the visual harm of development within this countryside location as reported above. Indirectly the development will also benefit the community. The proposal is therefore considered to accord with this element of Policy CL3 on the basis that community, economic and environmental benefits have been found.

### **Other issues**

The submitted Glint and Glare Assessment has also considered potential impact to the rail network, in particular that which provides a link between St Annes and Kirkham, located approximately 1.8km to the east. The Assessment did not refer to any safety impact to users of the rail network.

The solar farm may be visible in long distance views from the east when leaving the village of Wrea Green. At this point, separation from the rail corridor is over 2km from the application site. This separation distance, as well as land level changes and landscaping that intervene will act to reduce visibility of the solar farm from this receptor. Network Rail have been consulted on the application, though no comments have been received.

### **Conclusions**

The application proposes the development of a large scale solar farm on agricultural land located east of Peel Road and north of Ballam Road. It is considered that the principle of the development is acceptable in light of NPPF support for renewable energy development and that the applicant has justified a greenfield location through demonstration that there are no suitable sites for the development on brownfield land or non-agricultural land. The application confirms that the land can continue to be used for grazing during the operation period of the development and provides for biodiversity enhancement. This is in accordance with PPG.

The relationship of the solar farm to neighbouring dwellings is considered acceptable with regards to light reflection, noise and general disturbance. Existing trees and hedgerows will be retained and protected in conjunction with the development which act as a mature landscape screen for the development. With the mitigation measures proposed in the ecological assessment, the development is capable of being accommodated without adverse effect on ecology and enhancement measures proposed within the landscape strategy will be of benefit to biodiversity. The application would not pose an unacceptable flood risk either on site or off site. It is considered that the development will not undermine highway or aviation safety. The development is considered to conserve the setting of a Grade II Listed Building located to the south.

Visually, it has been assessed that the development would have a significant impact on the site itself and to a lesser extent within the immediate locality. The application site and surrounding countryside is not designated for its special landscape quality. It is considered that there would not be a significant

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

visual or landscape impact on the wider area given the lack of vantage points from footpaths and roads, topography of the site and surrounding, intervening hedgerow/ tree planting as well as that proposed, to warrant refusal of the application. There would be some harm to the visual amenity of residents within properties located to the west, on Peel Road, where views of the development may be possible. However, these views are restricted by existing landscaping and proposed landscaping would further reduce impact over time.

The reported visual harm must be balanced against the benefit of renewable energy provision. NPPF encourages the development of renewable energy and aims to increase its use and supply. This development would generate 23.5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 40 years and reinstatement to agricultural means.

On balance, it is considered that the renewable benefits of the development outweigh the visual impact to the local landscape and residential properties, subject to the mitigation measures proposed. 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 Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Site Location Plan Drawing no. UK\_LWN\_AD-SLP\_00
- Basic Design Layout Drawing no. GBR\_LWN\_LP3-BDL rev 01
- Solar Panel Elevations Drawing no. PNL\_4L-25-6665
- Detailed Landscape Proposals Drawing no. P20-20878.007 rev D
- Road Cross Section Drawing no. UK\_EPD\_RCS
- Spare Parts Storage Container Drawing no. UK\_EPD\_S40
- Transformer Drawing no. UK\_EPD\_TFM
- Inverter Drawing no. K\_EPD\_INV
- Switchgear/production substation/LV&MV Kiosk Drawing no. UK\_EPD\_SWG
- Customer Substation Drawing no. UK\_EPD\_CSS
- Substation Drawing no. UK\_EPD\_DNO
- Auxiliary Transformer Drawing no. UK\_EPD\_AUX
- Monitoring House/ Communication Building Drawing no. UK\_EPD\_MH/CB
- GRP Cabinet DNO Meter Drawing no. UK\_EPD\_MTR
- Pole Mounted CCTV Camera Drawing no. UK\_EPD\_CAM
- Toilet Drawing no. UK\_EPD\_TLT
- Deer Fence Drawing no. UK\_EPD\_FNC
- Deer Fence Gate Drawing no. UK\_EPD\_GTD
- Wild Mesh Fence Drawing no. UK\_EPD\_WMF

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- Wild Mesh Gate Drawing no. UK\_EPD\_WMG

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. Within five days of the solar farm first becoming operational, the site operator shall issue written confirmation notifying the Local Planning Authority of the date upon which that use commenced.

The solar arrays and all associated above and below ground infrastructure hereby approved shall be removed from the site on or before the expiration of 40 years from the date that the solar farm first became operational and the land restored to its former appearance, in accordance with a restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The restoration scheme shall be submitted no later than 12 months prior to the expiration of the 40 year period and shall include:

- a) Details and a schedule for the dismantling of all apparatus (including hardstandings) associated with the solar farm.
- b) Details and a schedule of all surface treatment and landscaping works required to return the site to its former agricultural use.
- c) A timetable for implementation.

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

Reason: The solar farm has a limited life expectancy and will need to be recommissioned at the end of its period of this period of use. The site falls within the Countryside Area and is currently in agricultural use (including being designated as best and most versatile land). Therefore, the land should be restored to its former use/appearance in the interests of visual amenity, landscape character and to ensure its future productivity for agricultural purposes in accordance with Policies CL3 and ENV1 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. Notwithstanding the requirements of condition 3 of this permission, if the solar farm hereby approved fails to produce electricity to the grid for a continuous period of 12 months the solar arrays and all associated above and below ground infrastructure shall be removed from the site within a period of 6 months from the end of that 12 month period and the land restored to its former appearance in accordance with a restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The restoration scheme shall include:

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- a) Details and a schedule for the dismantling of all apparatus (including hardstandings) associated with the solar farm.
- b) Details and a schedule of all surface treatment and landscaping works required to return the site to its former agricultural use.
- c) areas designated for the loading, unloading and storage of plant and materials;
- d) 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;
- e) arrangements for the parking of vehicles for site operatives and visitors;
- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- i) off site highway works to facilitate access to the site by all vehicles;
- j) measures to control the emission of dust and dirt during the construction period;
- k) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- l) the siting, luminance and design of any external lighting to be used during the construction period;
- m) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.
- n) A timetable for implementation.

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

Reason: The solar farm's function is to generate renewable energy which would contribute to government targets by transferring a proportion of this energy to the National Grid. The benefits arising from this function provide the principal justification for the development's siting within the Countryside Area. If the solar farm ceases to fulfil this function it will no longer be fit for purpose and this justification will not exist. In such an instance, the land should be restored to its

former appearance/use in the interests of preserving visual amenity, landscape character and a productive agricultural use, in accordance with Policies CL3 and ENV1 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

5. 5a) Prior to first operation of the development hereby approved, a methodology and timetable to determine the nature and extent of any electro magnetic interference (EMI) from the development shall be submitted to and approved in writing by the local planning authority.

5b) Within 12 months of the first operation of the development hereby approved, a site-specific report based upon the agreed methodology and timetable that contains details of the nature and extent of any EMI resultant from the operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) a survey of the extent, scale and nature of EMI;
- ii) an assessment of the potential risks to flight safety



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

iii) where necessary, a remediation strategy to mitigate any reported risks to EMI resultant from the development.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report confirming its implementation shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the remediation strategy being approved.

Reason: In order that appropriate investigations are undertaken to determine the nature and extent of EMI from the development, to ensure that airport safety at Blackpool Airport is not prejudiced in accordance with Policy DLF1 of the Fylde Local Plan to 2032 (Incorporating Partial review) and the National Planning Policy Framework.

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

Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, none of the structures or ancillary buildings shown on the following drawings:

- a) Solar Panel Elevations Drawing no. PNL\_4L-25-6665
- b) Inverter Drawing no. K\_EPD\_INV
- c) Toilet Drawing no. UK\_EPD\_TLT
- d) Substation Drawing no. UK\_EPD\_DNO
- e) GRP Cabinet DNO Meter Drawing no. UK\_EPD\_MTR

shall be erected until details of the materials to be used on their external surfaces have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, texture, colour and finish of the materials. With regards to the solar panel details, provision shall be made for the use of non-glare and non-reflective solar panels, unless otherwise agreed in writing with the Local Planning Authority.

The development shall be constructed in accordance with the duly approved materials, and retained as such for the lifetime of the development.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the site and its surroundings, in accordance with Policies CL3 and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

7. The development hereby approved shall be constructed in complete accordance with the submitted Flood Risk Assessment (Ref: Nijhuis Industries, L-15018 edition 01, dated August 2021). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

8. Prior to commencement of the development hereby approved, a surface water sustainable drainage strategy for the site shall be submitted to and approved in writing by the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment (Ref: Nijhuis Industries, L-15018 edition 01, dated August 2021) and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:
- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with an allowance for urban creep.
  - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
    - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
    - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
    - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
    - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
    - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of any buildings and utility plants to confirm minimum 150mm+ difference for FFL;
    - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
    - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
  - c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

Prior to the first operation of the solar farm hereby approved, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

9. No part of the development hereby approved shall be commenced until a scheme for the management of surface water and pollution prevention during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:
- a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

10. Prior to first use of the development hereby approved, a Surface Water Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

11. Prior to first use of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

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

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

12. Notwithstanding the details indicated on the drawing titled 'Road Cross Section drawing no. UK\_EPD\_RCS', unless otherwise agreed in writing by the Local Planning Authority the top surface of the road shall be constructed of stone.

Reason: To ensure satisfactory treatment of hard surfaced areas in the interests of visual amenity, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

13. No development shall take place until a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:2012) has been formed around the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained and/ or newly planted.

The construction exclusion zone shall be present on site for the period of construction works.

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

14. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, prior to commencement of the development hereby approved a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) details of trees, hedges and shrubs to be retained.
- b) provision of a suitable species rich grassland that will facilitate use of the land for grazing purposes.
- c) 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 commencement of development and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

15. All existing and newly planted hedgerows shall be allowed to grow to and be maintained at a minimum height of 3m. The newly planted hedgerow located to the southern boundary of the south western portion of the site shall be allowed to grow to and be maintained at a minimum height of 4.5m.

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

16. No part of the development hereby approved shall be commenced until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) A risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) 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 duly approved CEMP shall be implemented concurrently with the construction of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

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

17. Prior to commencement of the development hereby approved, a Biodiversity Enhancement Plan (BEP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The BEP shall include, but is not limited to, 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 introduction of a suitable species rich grassland that will facilitate use of the land for grazing purposes.
  - b) The introduction of native tree and hedgerow planting as part of the soft landscaping scheme required by condition 14 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 the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

18. Within 6 months of commencement of the development hereby approved, carbon dating of the human remains found on the site shall be undertaken and a final report on the significance of

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

the archaeological interest shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable programme of scientific dating of the human remains recovered from the site is completed, in order to advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

19. No part of the development hereby approved shall be commenced until all the temporary highway works within the adopted highway, required to facilitate construction access to the application site, have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

The highway improvement works shall be implemented in full accordance with the duly approved scheme and made available for use prior to any works on the site commencing, or within any other timescale that has first been approved in writing by the Local Planning Authority.

The approved temporary works within the adopted highway shall be removed and the land reinstated to its former appearance within 3 months of completion of the development.

Reason: In order to achieve a safe and suitable means of construction access to the site in the interests of highway safety, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy CL3 and the National Planning Policy Framework.

20. No part of the development hereby approved shall be commenced 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) areas designated for the loading, unloading and storage of plant and materials;
- b) 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;
- c) arrangements for the parking of vehicles for site operatives and visitors;
- d) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- e) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- f) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- g) measures to control the emission of dust and dirt during the construction period;
- h) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- i) the siting, luminance and design of any external lighting to be used during the construction period;
- j) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

The development shall thereafter be constructed in complete 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 nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

21. No later than 12 months prior to the expiration of the 40 year period required by condition 3 of this consent, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall include the following details:

- a) areas designated for the loading, unloading and storage of plant and materials;
- b) 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;
- c) arrangements for the parking of vehicles for site operatives and visitors;
- d) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- e) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- f) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- g) measures to control the emission of dust and dirt during the construction period;
- h) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- i) the siting, luminance and design of any external lighting to be used during the construction period;
- j) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.
- k) off site highway works required to facilitate vehicular access to the site.

The development shall thereafter be decommissioned in complete accordance with the duly approved DMS.

Reason: In order to ensure that appropriate measures are put in place before any decommissioning commences to limit the potential for nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy CL3 and the National Planning Policy Framework.

22. Prior to the first operation of the development hereby approved, a Grazing Management Plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall outline how the site will be made available for grazing purposes throughout the operational life of the development.

The development shall operate in accordance with the approved GMP.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Reason: Part of the applicants justification for the principle of development is reliant on a continuation of agricultural use of the application site for grazing purposes, as well as diversification of the existing farming enterprise. The condition is therefore necessary to ensure that the land remains in agricultural use, in accordance with Policies GD4 and CL3 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

23. The development hereby approved shall operate in strict accordance with those requirements and activities set out in the submitted Bird Strike Hazard Management Plan (avianecology, ref: Light-068-1087 issue V2, dated 03/11/2022) shall be implemented, operated and complied with as such thereafter.

Reason: To ensure that appropriate measures are put in place to minimise the potential to provide a habitat desirable to hazardous large and/or flocking birds which have the potential to pose a considerable hazard to aviation safety in order to limit the risk of bird strike to aircraft operating in the area in the interests of aviation safeguarding for Blackpool Airport in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy T2 and the National Planning Policy Framework.

24. Construction and decommissioning works shall only take place between the following hours:-

08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays, with no site work on Sundays or bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties, in accordance with CL3 of the adopted Fylde Local Plan to 2032 (Incorporating Partial Review).

### Informative(s)

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

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

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



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

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

### 3. Blackpool Airport Informative:

a) If any EMI related effects are experienced by aircraft overflying the development which:

- (i) cause reason for the captain to be concerned for the safety of the aircraft, or
- (ii) cause a negative effect on the aircraft's navigational aids or the representation of associated data, or
- (iii) cause issues with any other aircraft functions that could normally be expected to be carried out on approach into Blackpool Airport,

then Blackpool Airport Operations Ltd and/or the Civil Aviation Authority reserve the right to compel the operators of Lawns Farm solar farm to cease operations immediately until such time that the factors causing the EMI issues have been addressed to their mutual satisfaction.

b) If any incident occurs for which the emission of EMI may be a contributory factor, the operators of Lawns Farm solar farm are to cease operations immediately upon instructions from Blackpool Airport Operations Ltd and/or the Civil Aviation Authority until such time that permission is granted by Blackpool Airport or the CAA to resume solar farm operations.

Note:

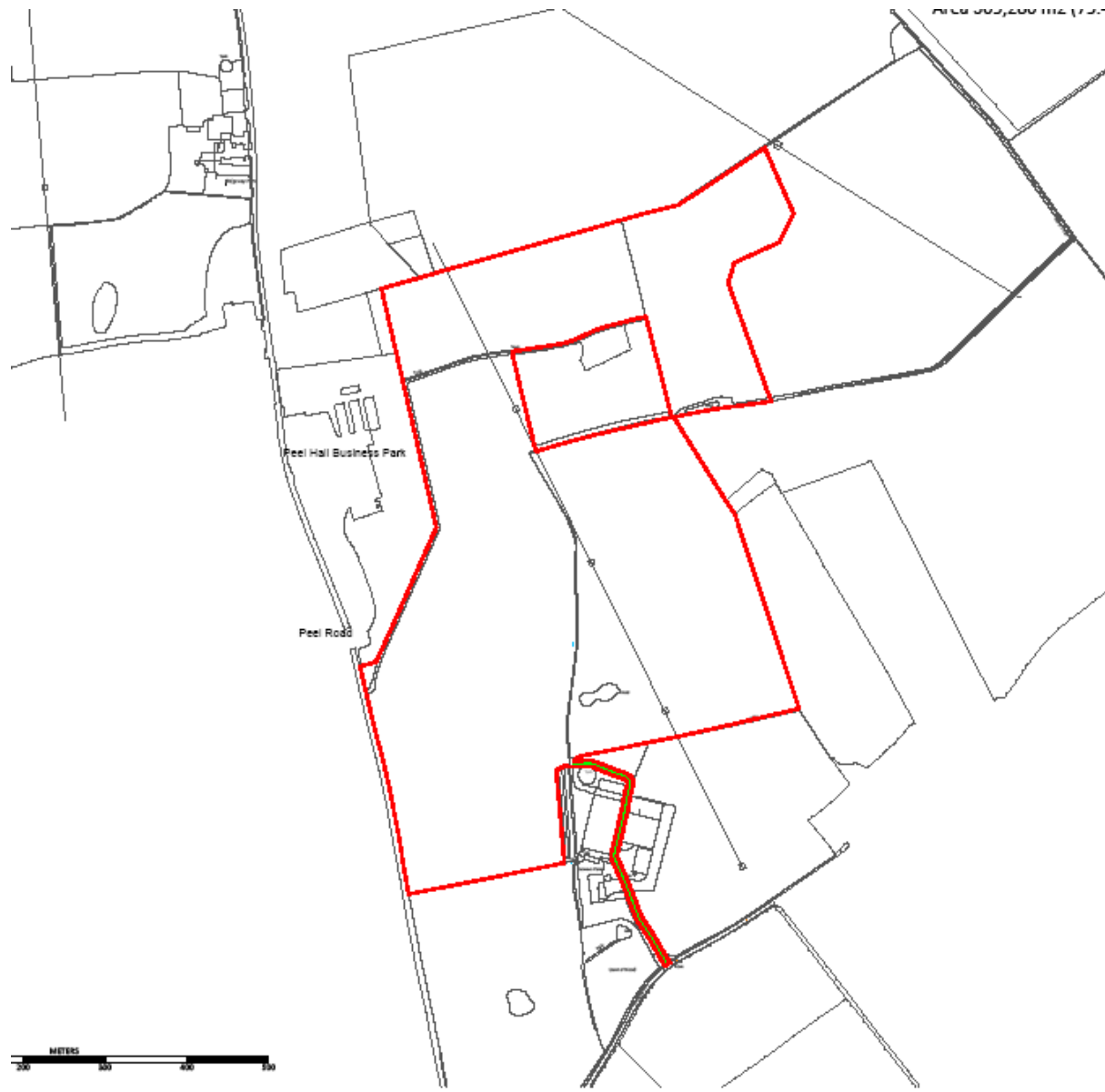
(1) For the avoidance of doubt, 'ceasing operations' means putting the site into such a condition that reduces EMI generated by the DC/AC converting equipment to zero.

(2) Mitigation may require amendment of the original planning approval and it is advised that any alteration of the approved scheme is first discussed with the Local Planning Authority.

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Location Plan for 21/0904



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 5

<b>Application No:</b>	21/1053	<b>Case Officer:</b>	Ruth Thow Area Team 1
<b>Applicant:</b>	Mrs Duckworth	<b>Agent:</b>	Mrs Duckworth
<b>Location:</b>	120 MYTHOP ROAD, LYTHAM ST ANNES, FY8 4HQ		
<b>Proposal:</b>	ERECTION OF DETACHED DORMER BUNGALOW FOLLOWING DEMOLITION OF EXISTING TRUE BUNGALOW (PART RETROSPECTIVE)		
<b>Ward:</b>	St Johns	<b>Parish:</b>	
<b>Statutory Expiry:</b>	11 July 2022	<b>Earliest Decision:</b>	28 December 2021
<b>Reason for any delay:</b>	Delayed by available officer capacity		<b>Online application file</b> <a href="#">here</a>

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

This application relates to a detached bungalow located on a corner plot in the settlement area of Lytham. The application proposes the erection of a replacement dwelling and is now retrospective as the property is built and occupied, although there are some elements that remain to be completed. The application is presented to Committee for a decision as the Head of Planning believes that there is merit in this decision being made in a public forum as a consequence of the planning history of the site.

This planning history is a key factor in the determination of this application. The property was the subject of an application to erect an extension under reference 21/0364. That was approved by officers under delegated powers and involved the erection of extensions to the rear and side of the property, the formation of dormers to both main roof slopes and the provision of a two-storey porch feature to the Mythop Road elevation.

In the implementation of that planning permission the property was entirely demolished, thereby preventing the implementation of a planning permission to extend it. The application before members is, therefore, for the erection of a replacement dwelling, with that property being in the same location and largely to the same height, design, appearance, materials, etc as the property that would have resulted from the implementation of the original permission for an extension.

The works do create some impacts to the streetscene, and to neighbours. The neighbour to the side has raised objection to the proposal due to the loss of light to the garden area, a loss of privacy to the garden area from the various windows that are introduced, and in particular to a loss of light to the side facing kitchen window to the property. The majority of these impacts are no different to those that would have occurred under the implementation of the planning permission to extend the original property and so have been adjudged to be acceptable in planning terms or capable of mitigation by the use of obscured glazing.

This application includes some subtle changes to the scheme compared to that approved previously, but these are not considered to be of such significance to alter the planning balance to a refusal of the application. Therefore, the officer conclusion is that the scheme accords with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) with

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

regards the design and potential neighbour impacts of the replacement dwelling. As such the officer recommendation is that the application be approved.

### **Reason for Decision Level**

As the determination of the previous application to extend the property has been the subject of an investigation by the Local Government and Social Care Ombudsman, the Head of Planning considers that the determination of this application should be made by the Planning Committee so that the decision is made in a public forum.

### **Site Description and Location**

The application property is 120 Mythop Road, Lytham St. Annes. In particular the application relates to a corner plot at the junction of Mythop Road with Fairsnape Road. The plot previously contained a detached bungalow which has subsequently been demolished and is currently being re-developed through the erection of a replacement dwelling.

The plot is provided with gardens to Mythop Road and Fairsnape Road frontages bounded by a low wall with some soft landscaping within. The character of Mythop Road is provided by residential properties that are a mix of bungalows and two storey dwellings. This mix is repeated on both Mythop Road and Fairsnape Road.

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

### **Details of Proposal**

This application seeks permission for the erection of a detached, dormer bungalow as a replacement for the bungalow previously situated on this plot.

The new dwelling fronts to Mythop Road, has an overall length of 15.25 metres with the attached garage adding a further 3.97 metres to the length. The overall width of the dwelling is 8.62 metres. The dwelling is set off from the side boundary with Fairsnape Road by 7.2 metres and from the front boundary with Mythop Road by 8.1 metres at the nearest point and is set off the boundary with neighbours at no. 122 Mythop by 1.2 metres, although this is reduced at the point of the garage to around 350mm. There is also an overhanging roof element to this and the other boundaries,

The eaves of the dwelling are at 2.6 metres high above the final ground level with the overall ridge height at 6.63 metres. The dwelling is designed to replicate the styling of a recently approved extensions to the previous bungalow on the plot which added dormers to the east and west side roof slopes. The dormer to the east side is a single mono-pitched roof dormer measuring 5 metres in overall width and is 2.76 metres in height and projecting from the roof slope by 2 metres at the widest point.

To west side are three pitched roof dormers, a central dormer measuring 3 metres in overall width with the two outer dormers each measuring 1.8 metres in width. The centre dormer is 2.7 metres in height with the outer dormers at 2.3 metres. The dormers project from the roof slope by 2.3 metres.

The dwelling is designed with a glazed gable to the front elevation measuring 2.96 metres in width and designed with a pitched roof to a height of 5.27 metres.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

To the ground floor the dwelling provides a combined kitchen/dining/living room, study, bedroom, utility, hall and a separate living room. To the first floor are two further bedrooms both provided with en-suite bathrooms and one with a walk-in wardrobe.

The dwelling is constructed using a render finish with grey upvc window frames under a grey tiled roof. Externally there is sufficient space for parking of two vehicles in front of the garage and space within the garage for one vehicle.

Planning permission has previously been approved for extensions to the dwelling granted under application no. 21/0364. It is understood that the original dwelling was subsequently demolished and work commenced on the replacement in August 2021. Planning permission is, therefore, applied for retrospectively.

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

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
21/0364	ALTERATIONS TO DWELLING INCLUDING RAISING OF ROOF HEIGHT TO PROVIDE FIRST FLOOR ACCOMMODATION WITH DORMERS TO BOTH SIDES, EXTENSIONS TO SIDE AND REAR AT GROUND AND FIRST FLOOR, TWO STOREY EXTENSION TO FRONT, ATTACHED GARAGE TO REAR WITH WIDENED DRIVEWAY TO FAIRSNAP ROAD, AND REVISED WINDOW/DOOR ARRANGEMENT AROUND PROPERTY	Granted	29/07/2021

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

The application site is not in a parished area and so there are no comments to report.

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

There are no consultee comments to report.

### **Neighbour Observations**

<b>Neighbours notified:</b>	30 November 2021
<b>Site Notice Date:</b>	7 December 2021
<b>Number of Responses</b>	Total number of comments 2 properties with one sending several letters
<b>Summary of Comments</b>	<p>The comments received in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"><li>• sunlight and daylight blocked in kitchen and lounge</li><li>• consuming more energy due to lack of natural light</li><li>• over shadowing to rear garden</li><li>• water consumption go up to clean paving stones</li><li>• windows on ground and dormer windows are overlooking 122</li></ul>

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

Mythop property and garden

- invasion of human rights
- scale, design and external appearance not in keeping with original true bungalow
- should be set back 1 metre from party wall
- no dormer windows in 126, 124 or 122 Mythop Road
- will need use excessive amounts of energy to clean
- property construction has created significant levels of disturbance
- there is a degree of noise transference between the properties
- there is a flue to the rear of the garage which vents directly to the neighbour's garden
- the drainage arrangements are not connected and so the development is causing flooding to the neighbour
- there are internal alarms that are creating a noise nuisance

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

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

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

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

GD1 - Settlement Boundaries

H2 - Density and Mix of New Residential Development

GD7 - Achieving Good Design in Development

ENV1 - Landscape

CL2 - Surface Water Run-Off and Sustainable Drainage

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**

#### **Application Background**

This application seeks permission for a replacement dwelling on the site, but there is a recent and relevant planning history to this application which is set out here to assist the determination of this application.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Planning permission was granted in 2021 (21/0364 refers) for a series of extensions to the property that previously existed on the site. That property was a true bungalow that reflected the scale and design of others in the area. The proposal under application 21/0364 added a first floor to the property with dormers to both side facing elevations. It also extended the property to the side so that it was closer to the boundary with the neighbour at 122, Mythop Road, and extended it to the rear so that it was closer to the neighbouring dwelling in that direction, 1, Fairsnape Road. The scheme that ultimately received planning permission was a revision to the original proposal which proposed a much larger extent of first floor accommodation in a less appropriate design.

That application was approved under delegated powers following consultation with neighbours on the original scheme, and on the revised scheme that was submitted for consideration following negotiations between officers and the applicant's agent to reduce the scale of the originally proposed extension. These revisions were sought to ensure that the resultant extensions to the dwelling had an acceptable appearance in design terms for the dwelling, ensured that it made an appropriate contribution to the streetscene in this prominent location, had an acceptable relationship to its neighbours, and provided acceptable levels of amenity to the occupiers. A series of standard and bespoke conditions were imposed as part of the decision to ensure these matters were delivered in the implementation of the scheme, and so that it satisfied the requirements of Policy GD7.

However, at the commencement of the works the applicant decided to demolish the property, thereby preventing the implementation of the planning permission for its extension. Work then commenced on the erection of a replacement dwelling which is similar to the previously approved extensions. That work has continued and the property is now largely complete and is occupied. This application was submitted in an attempt to regularise this situation and is therefore now made retrospectively for the erection of the dwelling.

The determination of this application has clearly been protracted as it was submitted in November 2021. At that time the construction of the dwelling had advanced to the point of the ground floor walls being erected. The decision has been delayed for several reasons. Firstly, there were some discrepancies between the scheme that was under construction on site and the plans that had been presented, and so revised plans were sought to clarify these. Secondly, there was a need to undertake a careful consideration of the impacts of the dwelling on the streetscene and the amenity of neighbours, with that consideration including a number of visits to the internal and external areas of the dwelling at 122 Mythop Road. Latterly a complaint was made regarding the council's determination of the earlier application for the extension and the response to the unauthorised work on its replacement. That complaint has been investigated at both stages of the council's complaint process, and is now under investigation by the Local Government and Social Care Ombudsman.

Those investigations have involved the investigator entering into a dialogue with officers and the complainant. One suggestion he has made in discussions with officers is to present this application for a replacement dwelling to the Planning Committee for determination in a public forum. As a consequence this report is on the agenda here.

Irrespective of that, the fact that planning permission was recently granted for a scheme that, had it been properly implemented, would have resulted in a very similar development to that proposed under this application for a replacement dwelling is a key material consideration to be factored into the decision on this application. The scheme is very similar in scale, design, layout, etc. There are no changes to the physical circumstances around the site. The policy basis for the assessment is also the same with the design aspects of Policy GD7 applying equally to an application for an extension as they do to an application for a replacement dwelling. Accordingly, the earlier planning permission for an

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

extension is a material consideration of some significant weight in the determination of this application.

### **Policy Background**

The application site falls within the settlement of Lytham St. Annes, one of the main settlement areas in the borough and a Key Service Centre as defined in Fylde Local Plan to 2032 (incorporating Partial Review) Policy S1. The site has previously contained a single dwelling and is in an area of other residential properties. As such the proposed erection of a dwelling must be considered in the context of that previous and surrounding character. The site is in the settlement as identified by Policy GD1, and will need to satisfy the key design characteristics of new development as set out in Policy GD7.

### **Principle of Development**

With the established character of the area and the planning history of the site the proposed erection of a single dwelling must accord with the requirements of Policy GD1 and the housing delivery policies of the FLPPR and so be acceptable. The key issues for consideration in this application are those relating to the scale, design and arrangement of the property and so are assessed in the remainder of this report.

### **Character and appearance in streetscene**

As previously reported the development has arisen following commencement of works on the permission approved under 21/0364 which allowed extensions and alterations to the original bungalow. The demolition of the property prevents that application for extensions from being considered as a 'fall back' but it sets a useful context.

The current scheme is very similar in scale and design to that previously approved with slight variations which include:

- An increase in eaves height from that approved at 2.39m to 2.6m, although the ridge height remains the same at 6.63 metres.
- Garage slightly moved away from the boundary with the neighbour at no. 122 in the current proposal
- A reduction in the width of the dormer facing the neighbour (east side) at no. 122 albeit this is slightly deeper
- An increase in the width and projection of the two smaller dormers facing out over Fairsnape Road
- A relocation of a 'back door' in the side elevation facing 122 Mythop Road to move that door along the elevation (away from Mythop Road) from its previously approved position
- A slight increase in the height of the two storey porch feature to the front elevation.

The application site is on an corner plot at the junction of Mythop Road with Fairsnape Road and is within an area where there is a mix of bungalow properties and two storey dwellings along both of these roads. The proposed replacement dwelling is very similar to the development approved under application 21/0364 with the dwelling having the same design and location as that now proposed, and with modest changes in scale and other alterations. Whilst these considerably alter the appearance of the property from the bungalow that previously occupied this site, they are of limited difference to the previously approved scheme. The changes to the previously existing dwelling are more considerable and relate to the increase in the overall height of the new dwelling, the addition of dormers and the contemporary glazed gable feature to the front elevation, albeit the planning history for the extension is the key factor in the assessment of this application.



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Whilst there are numerous bungalows in the surrounding area, several of these have been altered and extended including through the addition of dormer extensions with a double height glazed feature similar to that proposed for the front elevation of this property being evident on a property across the road. Such features are not, therefore, isolated in the street scene.

The proposed dwelling occupies the same general footprint of the original dwelling on the plot with the approved extensions. Given the variations in the house types in this area and the scale of those properties the scale and design and siting on the plot the proposed new dwelling will not result in an obtrusive property in the street scene that would result in a detriment to the visual amenity, given variations that exist in the design, scale and materials of neighbouring properties.

Taken together the design and scale of the extension accord with the requirements of criteria b), d), h) and i) of Policy GD7.

### **Relationship to Neighbours**

As reported, the application plot is a corner plot with immediate neighbours situated at no. 1 Fairsnape Road (to the rear, south side) and at no. 122 Mythop Road (to the east side).

#### 1 Fairsnape Road

In regard to the neighbours to the south, at no. 1 Fairsnape Road the nearest part of the development to this property is the proposed single storey garage which will abut the garage on the neighbouring property and the driveway to the front. This current application varies from that previously approved in that the garage has a slightly higher roof that brings it to the eaves of the new dwelling. Whilst this will increase the massing to this area it is not a key amenity space being the driveway to the property and the windows on the side elevation are either to non-habitable rooms or are secondary windows. With this arrangement and the separation involved the occupiers of no. 1, Fairsnape Road will not suffer any loss of amenity as a result of this development.

#### 122 Mythop Road

In regard to the occupiers of no. 122 Mythop Road multiple emails have been received from the occupiers of this property objecting to the current application, and they also raised objection to the earlier application to extend the property. These objections cover a host of material and non-material matters. The principle planning issues that require assessment in considering the relationship to this neighbour are the potential for the increased scale and proximity of the dwelling to unduly impact on the light available into the adjacent kitchen, and the potential for overlooking and privacy loss in their garden from the first floor windows to be inserted to dormers in the new dwelling.

The non-planning matters that are raised include the quality of the construction, the hours that the construction takes/took place, the fact that works have continued without planning permission, allegations of safety issues arising during construction, and the position of a boiler flue. The comments are reported in the above section of this report and have been considered by the case officer and others involved in determining the application as normal.

To assist with the assessment of the application visits have been made to the application property to check compliance with the submitted plans for this application given the issues with the demolition of the dwelling to be extended, and to the neighbouring property at 122 to assess the impacts.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

The proposed dwelling is taller than the bungalow that it replaced, is closer to the dwelling at 122 and has first floor accommodation. As such it is important the impacts of massing, loss of light and loss of privacy are carefully assessed.

With regard to the loss of light there are two rooms that could be affected: the kitchen which is sited centrally on the property and has its only window facing the application property at a separation of around 1m from the boundary, and the lounge which is set to the front and has secondary windows in the side elevation at the same 1m separation as well as windows to the front.

Having viewed the proposal in a well-advanced state of construction it is clear that there are considerable impacts on the light available to these rooms as a consequence of the development, with these created by its closer proximity, and with the height and overhanging eaves style to the building.

The impact to the lounge is offset by the front facing bay window to that room and it is considered that this impact is acceptable as a result.

There is no such mitigation available to the kitchen at 122, Mythop Road. The impact on the light available in this habitable room is significant, and will detract from the amenity available to the occupiers of the property when compared to the situation prior to the commencement of development when the side-to-side separation between the dwellings was a little over 3m compared to the 2m separation now, and the property had eaves with a more traditional level of overhang. However, the council has already considered the impact on this room in its assessment, and approval, of the application to extend the property in a similar manner to the scheme now being considered. Whilst that decision cannot be a fallback, as the demolition of the property prevents it from being implemented, the impact of the current scheme are very similar to those created by that earlier decision.

The design of this neighbouring dwelling places the only window to its kitchen mid-way on the side facing elevation and around 1m inside the boundary with the application property. As such it relies on an open aspect over that property to provide light into this room. Whilst that light had previously been reduced to a degree by the construction of a porch over the external door to the kitchen, the window remained relatively open due to the true bungalow design of the application property as it original stood. The approved extension to that property brought the dwelling 1m nearer this kitchen window and with its roof and overhang would have compromised the light into that room and the aspect from it. The changes in the current proposal raise the eaves by 150mm but do not materially change the relationship, and so having concluded that the impact on the light to this side facing kitchen were previously acceptable as an extension, officers believe that the impact remains acceptable. It is also the case that permitted development rights would have previously allowed a far greater impact on this property through an extension to the application property to be immediately alongside the boundary and so 1m from this window.

The proximity of the proposed development to the kitchen window in the neighbouring property is approximately 2m, and so is considerably closer than would normally be expected in the council's Residential Extension Supplementary Planning Document (SPD). However, this situation is created in part by the window at 122 Mythop Road being only 1m from the site boundary. The SPD sets out that there will be circumstances where the standards contained within the document will not be applied and it is considered that this is one such circumstance as the distances set out in the SPD were already compromised due to the close proximity of the properties as originally constructed.

There is also a massing impact to consider from the increased scale of the dwelling and particularly its height and rearward projection. This will have an impact on the amenity available in the garden area,

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

but there was again an impact on this area from the approved scheme. The replacement dwelling now under consideration is no nearer to this boundary than the previous approval and its depth is also as was approved. The change in the design will have a marginally greater impact than previously, as the eaves change from 2.45m to 2.6m, however the roof is hipped so the bulk of the roof is angled away from the boundary allowing light into the neighbouring rear garden area. This change in design is not considered to be unduly overbearing for the occupiers of no. 122 Mythop Road.

There is also a privacy impact to consider. The design of the new dwelling includes dormers in the side roof slope facing no. 122 and also has windows at ground floor facing these neighbours. The neighbour has understandably commented that these windows will result in a loss of their privacy. This was the case with the proposal to extend the dwelling, and was addressed by the use of planning conditions to ensure that they were non-opening and obscurely glazed. This application brings the dormers slightly nearer to the boundary with the neighbours but they are still set back within the roof slope to avoid being unduly dominating. They would, however, allow clear views into the neighbouring garden and so a condition to require that they be non-opening and obscurely glazed remains necessary. The site has been visited when these windows were in situ and it is noted that this glazing was in place at that time so the condition is to require that this is retained.

The use of such glazing in habitable rooms is generally avoided due to the reduced amenity it provides to occupiers, but is possible in this case as the rooms in the ground floor serve the entrance hall, bedroom and study and a door is proposed to the utility room. Whilst these include bedrooms these are to be the secondary guest bedrooms to the dwelling and so adequate amenity is retained for the occupiers, with this repeating the situation that was established with the planning permission to extend the property.

One area where the extension scheme and replacement dwelling scheme differ is in the position of a 'back' door which is on the elevation directly facing this neighbouring property. Under the approved scheme this is set (essentially) opposite the neighbouring property's kitchen window, whereas the 'as built' situation now under consideration places it slightly to one side so it is essentially opposite the neighbouring property's kitchen door. The occupier raises concerns over the loss of privacy that this creates. The door in question is largely solid with a strip of obscured glass windows running vertically down one side, and as such there is no direct privacy opportunity other than when the door is open. This door leads to a 1m wide path that runs along this elevation of the application property, but is only accessible from the front garden. As such officers believe it is unlikely that this door will be open sufficiently frequently that any privacy issues will occur to a degree that leads to an unacceptable reduction in residential amenity for this neighbour and is in a location where any interaction between the two doors would be to a lesser degree than would have been the case with the previously approved scheme.

The proposed garage attached to the new dwelling will be along the side boundary with no. 122, Mythop Road. This is to be provided with a flat roof of a lower height than the previously existing garage and therefore this element minimises the impact and the potential for loss of light for the occupiers of the adjacent property.

Overall, the balanced view is that subject to the imposition of appropriate conditions the scale and design of the extension is such that it will not be overly harmful to the amenity of this neighbour given the planning history of the site so that a refusal could be justified.

### Other Neighbours

With the property being located in a corner location there are potential impacts on the properties on the opposite side of Fairsnape Road to the side, and Mythop Road to the front. These relationships

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

were considered at the time of the decision on the extension application and were considered to be acceptable and have not changed materially. The separations involved are 25m to the side and 35m to the front, and so are sufficient to avoid any concerns.

### Summary

When compared to the previous true bungalow on the site the replacement dwelling has a scale and design that does bring greater impacts to neighbours, particularly at 122 Mythop Road. These have been carefully considered in the assessment of this application, alongside the planning history and so the recent assessment that has been made of these relationships. Having done that it is accepted that the increased harm created by the replacement dwelling, particularly on the kitchen to this neighbour, is not so great that it can justify a refusal of the application.

Having reached this conclusion, it is considered that the proposal complies with criteria c), d) and h) of Policy GD7 with conditions needed to control the glazing to be obscure and non-opening windows.

### **Occupier Amenity**

The proposal does create some concerns over occupier amenity in the following three areas:

#### Bed 2

This is in the extended loft space and is served by the dormer which is on the side facing 122. To ensure that there is no undue overlooking of this property there is a need for this window to be obscurely glazed to prevent views into the dwelling and garden areas of that neighbour. This means that there is no clear views out of the room and so it offers a reduced amenity for the occupiers. This is a matter that was highlighted to the applicant with the previous permission and who has confirmed that they are aware of this and the plans indicate obscure glazing is to be fitted. On balance it is not considered that the concerns over this aspect are sufficient to warrant a refusal of the application given the availability of other rooms with clear views and the stated preference of the occupiers given the known restrictions on this room

#### Ground floor windows

these serve the entrance hall, a study and a bedroom, the utility room is provided with an external door, it is not clear from the plans whether this is to be provide with glazing. Notwithstanding this, the plans indicate that all these windows are to fitted with obscure glazing. Those in the hall face the windows in the side elevation of no. 122 and should be obscure glazed to protect the neighbour's privacy. The utility room and the ground floor bedroom face the side elevation of the neighbour's porch and will not result in loss of privacy for the neighbours and so can be provided with clear and opening windows to provide ventilation to protect the amenity of the occupiers of the new dwelling. At the point where the windows for the study window is situated will wall on the applicant's side and the close boarded fence on the neighbours side and as a consequence of this arrangement the amenity of both the occupiers of the neighbouring dwelling and the amenity of the proposed dwelling is protected.

#### Outdoor Amenity Space

the new dwelling extends the built development on the plot into an area that was to the rear of the original bungalow and the garage which previously provided some outdoor amenity space and so this will be lost as a consequence of the length of new dwelling.

The property is on a corner plot so does have extensive areas to the front and side, but these are not private by virtue of the low wall around the perimeter. The application plans indicate that bi-folding doors are to be installed to the side and so will lead to the use of the area outside for amenity

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

purposes. This is sufficient in size, but is not private. The application plans indicate that a hedge is to be established inside the boundary wall to protect that privacy, and details have been provided of the intended species for this. The scheme involves a replacement wall to 1m in height with the plants to be located within in. This wall under construction at the time of officer site visit immediately prior to determination, and whilst there will be some 'lead time' for the hedge to become established where privacy will be very limited, the applicant is aware of this and accepted this compromise for the dwelling.

Clearly this is not an ideal scenario, but is an appropriate arrangement given the applicant is clearly aware of the compromise to their amenity that the scheme brings. The erection of a fence or a boundary wall above 1m in height in this location would require planning permission and would clearly be unacceptable, but as the applicant is aware of, and comfortable with, this arrangement it is not considered that a reason for refusal can be justified on this basis.

Accordingly the concerns raised in respect of compliance with criteria o) of Policy GD7 to the Fylde Local Plan to 2032.

### **Parking and Access Arrangements**

The proposal includes an increase in the width of the access off Fairsnape Road and provides of a single garage for the parking of one vehicle with two further spaces for vehicles to the front of the garage, as such it is considered that 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.

### **Flood Risk**

The site is within Flood Zone 3 and as such a site specific Flood Risk Assessment (FRA) is required to be submitted for development in these areas.

The applicant's plans indicate that the proposed floor levels will be no lower than the existing floor levels and flood protection measures will be incorporated into the build.

Land and property in this flood zone would have a high probability of flooding without the local flood defences. These protect the area against a river flood with a 1% chance of happening each year, or a flood from the sea with a 0.5% chance of happening each year.

Given that the development relates to an existing residential property and the minor nature of the development, the chance of flooding and the flood defences in place it is considered that the information submitted in respect of flood risk is acceptable, in this instance.

Accordingly Policies CL1 and CL2 of the Local Plan are satisfied in this instance.

### **Other Matters**

With the relationship to neighbours and the scale of the development now on the available plot there are likely to be significant concerns should further extensions or alterations to the property be proposed. The limited screening to the private amenity space of the property and the harm to the streetscene that would be caused by any fixed screen such as a wall or fence would cause, are further areas of concern. In such circumstances the permitted development rights that would allow certain works to be undertaken without planning permission can be withdrawn to provide effective control

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

over any future planned works. This is a justified step in this case and so a condition to withdraw those rights is part of this recommendation.

The neighbour has highlighted a number of issues with regards the safety, quality and other aspects of the construction. These are not matters that the planning system addresses and so the neighbour has been advised to liaise with the council's health and safety and building regulations team. It is understood that the council's building inspectors have been visiting the site to check compliance with that legislation and so it is assumed that any issues identified have been addressed. Similarly, the neighbour's concerns over the boiler flue to the rear of the garage have been raised with the council's environmental protection and building regulations teams and will be dealt with outside of any decision on this planning application.

### Conclusions

The application relates to the erection of a replacement dwelling in the settlement of Lytham St. Annes. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with the requirements of the Fylde Local Plan to 2032 (incorporating Partial Review) and other relevant development plan policies, and the guidance in the National Planning Policy Framework. Accordingly the application is recommended for approval.

### Recommendation

That planning permission be GRANTED for the development subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Drawing no. LA630828
- Proposed Site, floor and elevation plans - Drawing no. FBC-1112-21-11-001 REV. C

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

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

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 1 to this planning permission.

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

3. Prior to the first occupation of the dwelling hereby approved all the windows at ground floor and first floor to the east facing elevation as are indicated as being fitted with obscured glazing 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) and shall be non-opening unless the parts of the window

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of adjoining occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved the hedge that is shown to be planted on part of the western elevation of the site with Fairsnape Road shall be planted as shown on that plan to provide an element of screening to the amenity space of the property without the need for the construction of any fixed boundary treatment. This hedge shall be retained as the only fixed boundary treatment to any part of the or northern site boundaries thereafter,

Reason: To provide an element of screening to protect the residential amenity of the occupiers of the property without creating any undue harm to the open character of the streetscene in the surrounding areas. This is to accord with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

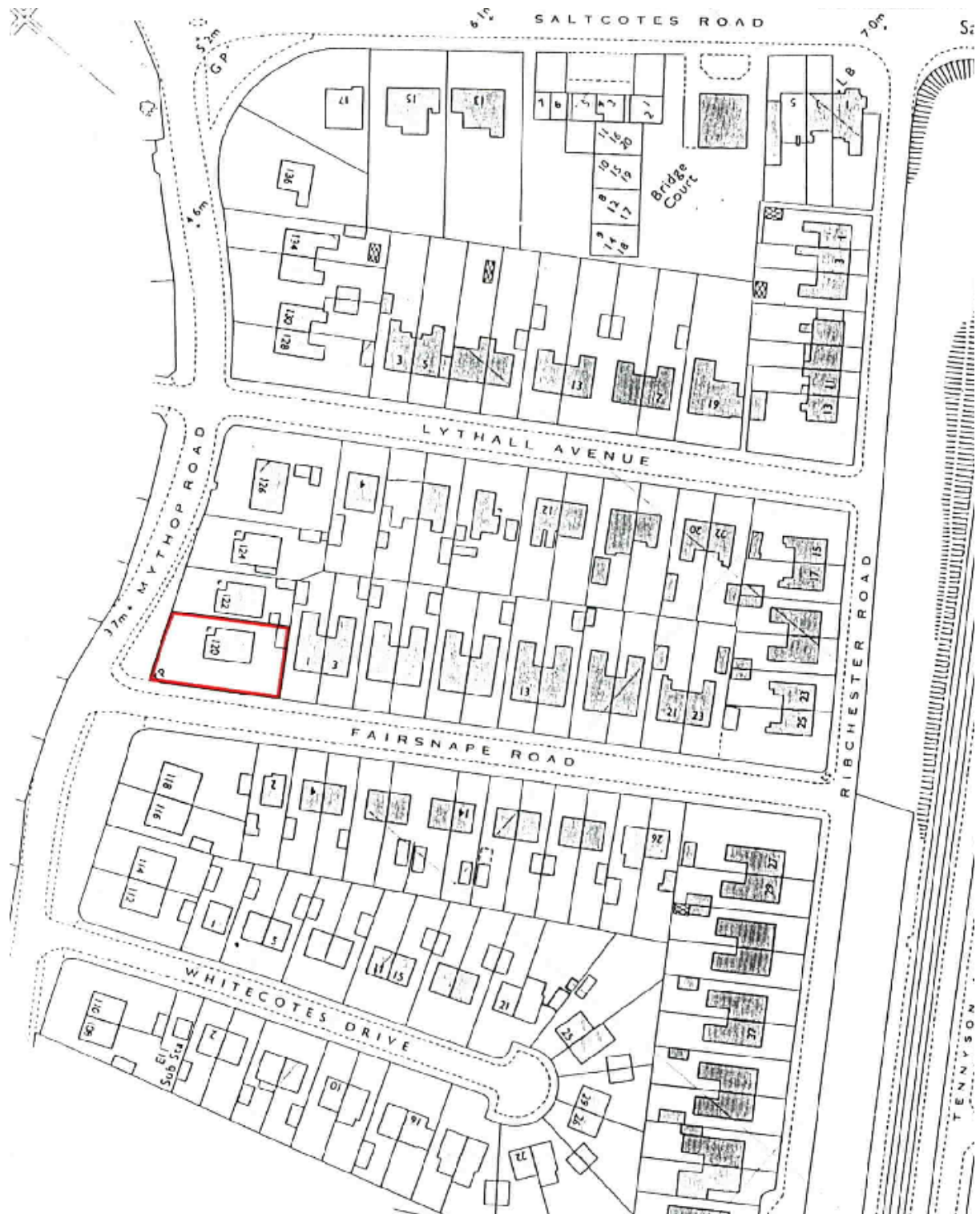
Reason: To prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for future occupiers of the dwelling is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

6. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no gates, fences, walls or other means of enclosure shall be erected, constructed, improved or altered within the area of the application site as identified by the land outlined in red on the location plan listed in condition 1 of this planning permission.

Reason: To ensure that any boundary treatments provided to enclose the garden area are of an appropriate design that is sympathetic to the character and appearance of the site and its surroundings 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.

# AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

## Location Plan for 21/1053





## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 6

<b>Application No:</b>	22/0188	<b>Case Officer:</b>	Matthew Taylor Area Team 2
<b>Applicant:</b>	Rowland Homes Limited	<b>Agent:</b>	Mr Alexis De Pol
<b>Location:</b>	LAND SOUTH OF QUEENSWAY LYTHAM ST ANNES LANCASHIRE FY8 3FY		
<b>Proposal:</b>	CONSTRUCTION OF SIGNAL CONTROLLED CROSSROADS AT JUNCTION OF KILNHOUSE LANE, QUEENSWAY AND THE PROPOSED HEYHOUSES BYPASS (THE 'T5' ROAD) TO PROVIDE INTERIM MEANS OF ACCESS TO THE RICHMOND POINT DEVELOPMENT INCLUDING ASSOCIATED HIGHWAY RECONFIGURATION WORKS AND CONSTRUCTION OF PART OF THE HEYHOUSES BYPASS UP TO AND INCLUDING THE FIRST VEHICULAR ENTRANCE TO THE RICHMOND POINT DEVELOPMENT		
<b>Ward:</b>	Kilnhouse	<b>Parish:</b>	St Anne's on the Sea
<b>Statutory Expiry:</b>	10 August 2022	<b>Earliest Decision:</b>	30 December 2022
<b>Reason for any delay:</b>	Awaiting consultation reply from key consultee		<b>Online application file</b> <a href="#">here</a>

**Summary of Officer Recommendation:** Approve Subject to 106

#### Summary of Officer Assessment

The application relates to a *circa* 1.58 hectare area of land enveloping and surrounding the signalised junction of the B5261 (Queensway) with Kilnhouse Lane, Lytham St Annes. The north-eastern part of the site, including the northeast arm of the junction and part of the proposed Richmond Point access road, fall within an area of Green Belt as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. The remainder of the site is within the settlement boundary of Lytham St Annes and also includes the northwestern periphery of the Richmond Point development located on the east side of the B5261 which forms a strategic housing site (reference 'HSS1') and has extant permissions for a development of between 898 and 948 dwellings (depending on which of those permissions the developer opts to implement).

The original outline planning permission for Richmond Point (08/0058) includes the construction of a roundabout at the junction of Queensway and Kilnhouse Lane to form the means of access to the housing development, along with the formation of an east-west arterial road along the northern edge of the development (the 'T5 road' or 'Heyhouses Bypass') to connect this roundabout junction with a new north-south link road between Cypress Point and the School Road/Cropper Road/Whitehill Road roundabout (the 'T6 road' or 'M55 link road'). The majority of this highway infrastructure falls within the Green Belt and was granted by appeal reference 2103453 on 21.06.12. While development of the T6 road is underway, construction of the roundabout and T5 road has been delayed. Consequently, housing on the Richmond Point development is currently accessed via a priority (give way) junction onto Queensway to the south of the signalised junction with Kilnhouse Lane. This provides a temporary access to the development, with conditions attached to planning permissions 18/0544 and 18/0546 (supplemented by a planning obligation) requiring this temporary access to be blocked up and replaced by the roundabout junction and first section of the T5 road up to and including the junction with Parkinson Boulevard (the 'first vehicular entrance into the development') prior to the construction of the 166<sup>th</sup> dwelling. As of November 2022, a total of 116 dwellings have been completed across Richmond Point and construction had commenced on a

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

further 12 plots (equating to commencement on a total of 128 dwellings across the site) granted by the extant permissions.

The current application seeks to replace the roundabout junction and western stretch of the T5 road up to the junction with Parkinson Boulevard approved by outline permission 08/0058 with a means of access via an interim junction (pending the construction of the T5 Road) comprising a four-arm signalised crossroad junction between Kilnhouse Lane, Queensway and the opening stretch of an alternative, *circa* 223m long access road into the Richmond Point development which lies within the area of the T5 road. The application also includes a suite of associated highway reconfiguration and infrastructure works within and around the existing junction. Taken together, the proposed works are to provide the 'Interim Queensway Junction' defined in the planning obligation (as amended) for the development.

The north-eastern arm of the proposed signalised junction and part of the Richmond Point access road fall within the Green Belt. The highway works associated with the modifications to the northeast arm of the junction and the construction of the Richmond Point access road are engineering operations or local transport infrastructure which, through a combination of extant permissions and site allocations, can demonstrate a requirement for a Green Belt location. The modest extent and nature of the works proposed within the Green Belt would preserve its openness and will not conflict with the purposes of including land within it. Accordingly, those aspects of the scheme located within the Green Belt meet the exceptions in paragraph 150 b) and c) of the National Planning Policy Framework and so are not inappropriate development in the Green Belt.

The proposed development, by reason of its scale, layout and design, provides a suitable interim junction arrangement in advance of the delivery of the T5 road and junction, with sufficient capacity to cater for the level of traffic arising from the Richmond Point development, existing and predicted background traffic utilising the surrounding highway network and that likely to be added to the network as a result of other schemes coming forward on nearby sites which are also allocated for development in the local plan. In addition, the applicant has satisfactorily demonstrated that the proposed interim junction arrangement would not prejudice the provision of a safe and suitable means of access (including the delivery of that granted by planning permission 18/0723) to the land located on the north side of the junction which is allocated for employment uses in the local plan (site reference 'ES1') and, in turn, would not stymie development coming forward on that site. The proposal would achieve a safe and suitable interim means of access for the Richmond Point development for all users, would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. The proposed junction arrangement would also ensure that appropriate opportunities to promote sustainable transport modes are implemented and mitigate any significant impacts from the development on the transport network. In turn, the proposed development would meet the requirements of the 'Interim Queensway Junction' defined in the planning obligation (as amended) for the development.

In addition to successfully addressing the transport impacts of the development, the proposed design of the junction would assimilate sympathetically with the surrounding area and uses by avoiding an unduly complicated and over engineered highway layout, and through the introduction of appropriate landscaping and street furniture to be secured by condition. The land required to deliver the development is located wholly within flood zone 1 and suitable measures can be put in place to ensure that surface water is disposed of effectively without increasing the risk of flooding within the development itself or to surrounding land elsewhere. As demonstrated through the applicant's shadow Habitat Regulations Assessment the proposed junction arrangement, when compared to that granted by the extant permission, would have no greater environmental effects

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

that would require the provision of additional mitigation above and beyond that already implemented for the Richmond Point development as a whole. With this mitigation already in place, there will be no additional impact on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

Accordingly, the proposal is considered to represent sustainable development which accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the National Planning Policy Framework.

### **Reason for Decision Level**

The application involves 'major development' and the officer recommendation is for approval. Therefore, the application is referred to the Planning Committee in accordance with the requirements of paragraph 5.1 (2)(d) of the Council's constitution.

### **Site Description and Location**

The application relates to a *circa* 1.58 hectare area of land enveloping and surrounding the signalised junction of the B5261 (Queensway) with Kilnhouse Lane, Lytham St Annes. The north-eastern part of the site, including the northeast arm of the junction and part of the proposed Richmond Point access road, fall within an area of Green Belt as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. The remainder of the site is within the settlement boundary of Lytham St Annes and also includes the northwestern periphery of the Richmond Point development located on the east side of the B5261 which forms a strategic housing site allocated under reference 'HSS1' and has extant permissions for a development of between 898 and 948 dwellings (depending on which of those permissions the developer opts to implement).

To its northern portion, the application site includes the carriageways, footways, verges and associated infrastructure of the existing highway network of Kilnhouse Lane, Queensway and the junction of the access road to Queensway Park Farm onto the B5261, all of which form part of the Local Highway Authority's (LHA) adopted network. In contrast, the southern portion of the site includes land falling within the approved boundary of the Richmond Point development which comprises:

1. **Western end** – Amenity open space and drainage ditches flanking the development's frontage onto Queensway and a pedestrian footpath connection between the footway of the B5261 and Salisbury Avenue, all of which are marked by *circa* 1m high railings.
2. **Eastern end** – An area of short-swathe grassland, the top layer of which has recently been scraped off, which runs alongside the site's frontage onto Queensway before curving in a south-easterly direction away from the B5261 to flank a group of dwellings located along the northern edge of Richmond Point. This land is presently enclosed by Herras fencing and accommodates the main construction vehicle access from Queensway which straddles the northern edge of the curve.

The original outline planning permission for Richmond Point (08/0058) includes the construction of a roundabout at the junction of Queensway and Kilnhouse Lane to form the means of access to the housing development, along with the formation of an east-west arterial road flanking the northern edge of the development (the 'T5 road' or 'Heyhouses Bypass') to connect this roundabout junction with a new north-south link road between Cypress Point and the School Road/Cropper Road/Whitehill Road roundabout (the 'T6 road'). The majority of this highway infrastructure falls within the Green

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Belt and was granted by appeal references 2103453 and 2157314 on 21.06.12. However, while development of the T6 road is underway, construction of the roundabout and T5 road has been delayed. Consequently, housing on the Richmond Point development is currently accessed via a priority (give way) 'T' junction onto Queensway to the south of the signalised junction with Kilnhouse Lane. This provides a temporary access to the development, with conditions attached to planning permissions 18/0544 and 18/0546 requiring this temporary access to be blocked up and replaced by the T5 road junction up to and including the first development access (the junction with Parkinson Boulevard) prior to the construction of the 166<sup>th</sup> dwelling on the development. At present, construction has commenced on approximately 128 of the dwellings granted by the extant permissions.

Existing land uses surrounding the site are mainly residential in character, including dwellings on Richmond Point itself, along with those on Kilnhouse Lane and Queensway Court to the west side of the existing signalised junction. A collection of industrial units located within the Green Belt at Queensway Park Farm take access from the B5261 via a separate priority (give way) junction to the north of the signalised junction. In addition, a *circa* 3.8 hectare parcel of land on the north side of the junction is allocated for employment use within classes B1 (now replaced by class E(g)), B2 and B8 in the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – site reference 'ES1'.

Planning permission was granted for the formation of an access into site ES1 from Queensway on 06.09.19 by application 18/0723 and initial works have taken place on part of that site in an attempt to implement that permission prior to its expiry on 06.09.22. A certificate of lawful development (22/0888) has been submitted which seeks to confirm that these works have triggered the implementation of the permission granted by 18/0723, though that permission is, in itself, limited solely to the operational development and off-site highway works associated with the construction of an access into site ES1 from the B5261. In particular, planning permission 18/0723 does not allow any other development (including any use of the land) to be carried out in conjunction with the provision of that access and so it is, in essence, a permission allowing the creation of an access into the field which presently forms site ES1.

### **Proposal**

The application seeks full planning permission for the construction of a four-arm signalised crossroad junction between Kilnhouse Lane, Queensway and the opening stretch of an access road into Richmond Point which will serve as the principal access to the development following the closure of the existing temporary priority junction to the south. The overarching intention of the application is to provide the 'Interim Queensway Junction' defined in the planning obligation (as amended) for the development, which is to be delivered in advance of the T5 road and associated T5 junction. In this respect, the proposed 'Interim Queensway Junction' would provide an alternative 'interim' means of access to the Richmond Point development which replaces the roundabout junction approved by outline planning permission 08/0058 until the T5 road and T5 junction are constructed (the permission for which remains extant and unaltered by this application).

The application also includes the construction of a *circa* 223m long access road into Richmond Point travelling in a south-easterly direction away from the B5261 up to and including its junction with Parkinson Boulevard (the 'first vehicular entrance into the development') within the line of the approved T5 road and a suite of associated highway reconfiguration and infrastructure improvement works within and around the existing junction. In summary, and taking each arm of the junction in turn, these highway works include:

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

**Northeast arm (Queensway)** The widening of the existing carriageway into a landscaped grass verge on the south side of the B5261 for a total length of *circa* 115m between the Richmond Point junction and a proposed Pegasus crossing to allow the provision of:

- i) two lanes for westbound traffic, including a dedicated right turn filter lane onto Kilnhouse Lane and a separate combined 'straight ahead' (onto Queensway) and left turn (into Richmond Point) lane;
- ii) two lanes for eastbound traffic up to the edge of the existing shared footway/cycleway on the north side of Queensway (with these merging into a single lane past the westbound right hand filter lane);
- iii) a hatched, central ghost island approach to the right hand filter lane for westbound traffic and 'keep clear' markings around the junction with the Queensway Park Farm access;
- iv) a new footway on the south side of the B5261 between the Richmond Point junction and the end of a Pegasus crossing, including a crossing point over the Queensway Park Farm access marked by tactile paving; and
- v) a Pegasus crossing over the B5261 to connect the new southern footway in iv) with the existing shared footway/cycleway on the north side of Queensway and bridleway 5-2-BW11 which lies beyond.

**Southeast arm (Richmond Point access):** The creation of an additional *circa* 50m wide junction on the south side of Queensway with the new access road into Richmond Point comprising:

- i) a single lane for traffic entering the site and two lanes for traffic exiting, which include a dedicated left hand filter lane onto the westbound carriageway of Queensway and a separate combined 'straight ahead' (onto Kilnhouse Lane) and right hand (onto the eastbound carriageway of Queensway) lane;
- ii) a Toucan crossing over the new junction including the provision of a central pedestrian refuge and associated tactile paving;
- iii) the provision of a dedicated signal maintenance parking bay on the north side of the access road shortly after the site entrance;
- iv) the construction of a *circa* 223m long access road into Richmond Point travelling in a south-easterly direction away from the B5261 up to and including its junction with Parkinson Boulevard (the 'first vehicular entrance into the development'). The south-easterly termination point beyond the junction with Parkinson Boulevard would provide a turning head and footways up to 3.5m wide would surround both sides of the road.

**Southwest arm (Queensway):** The widening of the existing carriageway into a grass verge on the south side of the B5261 (within the boundaries of Richmond Point) for a total length of *circa* 130m between the existing temporary priority junction (Salisbury Avenue) and the proposed access road into Richmond Point to allow the provision of:

- i) two lanes for eastbound traffic on the north side of Queensway including separate combined 'straight ahead' with left (onto Kilnhouse Lane) and right (onto the Richmond Point access road) turning lanes, and a single 'straight ahead' lane for westbound traffic;
- ii) the provision of a pedestrian refuge with tactile paving and ghost island approach to provide a new crossing point over the B5261 beyond the re-positioned junction signal heads. This would replace and be to the southeast of the existing refuge in the centre of the carriageway which is presently located in advance of the traffic signals and is to be removed.
- iii) beyond the proposed pedestrian refuge in ii), a dedicated right hand filter lane for eastbound traffic onto the Richmond Point access road. The filter lane will abut the opposing right hand filter lane for westbound traffic onto Kilnhouse Lane;
- iv) a new footway on the south side of the B5261 between the temporary access and the Richmond Point junction; and

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- v) the realignment and shortening of the existing footpath into Richmond Point from Queensway (via Salisbury Avenue) to merge with the new footway in iv).

**Northwest arm (Kilnhouse Lane):** Minor modifications to the existing junction design, but without any change to its geometry, comprising:

- i) Re-positioning of tactile paving and extension of ghost island hatching to provide a modified pedestrian crossing over the retained central refuge;
- ii) Re-location of existing signal heads and cycle bay further back from the current junction edge; and
- iii) Re-positioning of left and right turn lane ground markings on the eastbound carriageway of Kilnhouse Lane to account for ii), including the left turn lane also acting as a combined 'straight ahead' lane onto the Richmond Point access road.

New road markings, signage and street furniture (including the re-positioning of existing signal heads) are required in connection with the delivery of each component of the interim junction described above. In addition, various elements of soft landscaping including trees, shrubs and grass seeding are proposed around the junction.

### Relevant Planning/Appeal History

#### **Planning Applications:**

Application no.	Description	Date determined	Outcome
08/0058	Outline for: (1) 1150 dwellings; (2) 1.1 ha school site; and (3) 34 ha parkland	21.06.12	Allowed at appeal
13/0257	Reserved matters for 110 dwellings pursuant to 08/0058.	02.04.15	Granted
13/0259	Application for site and ecology preparation works associated with enabling the future construction of the queensway roundabout, phase one of the TR5 bypass, and phase one of the queensway residential development. The scope of the works to include the formation of a temporary access to queensway, the erection of 2m high hoardings to queensway frontage, the provision of a temporary site compound, removal and storage of topsoil, and surcharging of site.	N/A	Withdrawn
13/0261	Proposed change of use and creation of an ornamental garden	N/A	Withdrawn
15/0400	Reserved matters approval (layout, scale, appearance & landscaping) pursuant to 08/0058 for 882 dwellings.	13.10.17	Granted
17/0861	S73 application to vary conditions 16 and 18 of 08/0058 to delay construction of Queensway junction until occupation of 66 <sup>th</sup> dwelling.	12.12.17	Granted
17/0862	Full application for 66 dwellings.	12.12.17	Granted
18/0544	S73 application to vary conditions 18 and 19 of planning permission 17/0861 to: (1) allow up to 165 dwellings to be occupied prior to the completion of a programme of highway works (condition 18); and (2) delay the blocking up of the temporary vehicle access to queensway until	26.10.18	Granted

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	the construction of the 166th dwelling (condition 19).		
18/0546	S73 application to vary condition 23 of planning permission 17/0862 to delay the blocking up of the temporary vehicle access to Queensway until the construction of the 166th dwelling commences.	26.10.18	Granted
21/0646	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on/adjacent to plots 167- 180.	23.08.21	Granted
21/0986	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on plots 168, 176-177, 179-187, 192, 208-213, 218, 219, 221 and 223-225 including: 1) minor re-positioning of buildings and/or reconfiguration of garden areas; 2) substitution of mayfair b house type on plots 181, 184, 187, 192, 208, 209, 219 and 221 with mayfair house type; and 3) addition of orangeries to planning layout for dwellings on plots 168, 176, 177, 179, 180, 218, 223 and 224 to correspond with approved drawings for baltimore, louisiana and portland house types.	10.12.21	Granted
21/1143	Application to vary conditions 1 (approved plans) and 2 (phasing plan) of reserved matters approval 15/0400 to allow: 1) alterations to the appearance, landscaping, layout and scale of the development approved on parcel 4 of the site including a reduction in the number of dwellings from 180 to 130, the substitution of all approved house types with new house types and associated modifications to internal roads, landscaping and associated infrastructure on this part of the site; and 2) associated alterations to the approved phasing plan.	17.11.22	Granted
22/0188	Construction of signal controlled crossroads at junction of Kilnhouse Lane, Queensway and the proposed Heyhouses Bypass (the 'T5' road) to provide interim means of access to the Richmond Point development including associated highway reconfiguration works and construction of part of the Heyhouses Bypass up to and including the first vehicular entrance to the Richmond Point development.	Pending	Pending
22/0426	Non material amendment to reserved matters approval 15/0400 for: 1) relocation of garages on plots 189-191, 218 and 224 and; 2) replacement of detached double garage on plot 193 with a detached single garage.	13.06.22	Granted
22/0938	Application to vary conditions 1 (approved plans), 30 (ecological mitigation documents), 32 (boundary treatments) and 33 (soft landscaping) of reserved matters approval 21/1143 to allow: 1) alterations to the appearance, landscaping, layout and scale of the development approved	Pending	Pending

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	on parcel 3 of the site including a reduction in the number of dwellings from 105 to 63, the substitution of all approved house types with new house types and associated modifications to internal roads, landscaping and associated infrastructure on this part of the site; 2) the introduction of a pumping station to the east of the land reserved for a school; 3) the addition of the habitat regulations assessment and construction environmental management plan submitted with this application to the list of approved ecological mitigation documents in condition 30; and 4) the inclusion of the boundary treatment and soft landscaping details for parcel 3 within conditions 32 and 33 respectively		
--	--	--	--

### ***Condition discharge applications:***

<b>Application no.</b>	<b>Description</b>	<b>Date determined</b>	<b>Outcome</b>
13/0275	Application to discharge conditions 4, 7, 8, 9, & 16 of outline planning permission 08/0058	15.10.15	Issued
16/0511	Application to discharge conditions 10, 11, 13, 14, 15, 17, 23, 24, 26, 27 and 29 of planning permission 08/0058	29.09.16	Issued
16/0513	Application to discharge condition 13 of 13/0257	22.09.16	Issued
18/0241	Application to discharge conditions 3 (materials), 4 (dual aspect dwellings), 5 (levels), 6 (boundary treatments), 7 (landscaping), 10 (street lighting), 11 (open space maintenance), 13 (radar impact), 14 (energy efficiency), 15 (surface water drainage), 16 (suds management and maintenance), 19 (piling of pipework and peat), 20 (flood storage works), 21 (highway works), 22 (construction phasing plan) and 33 (water vole survey) of planning permission 17/0862	14.12.18	Issued
18/0243	Application to discharge conditions 2 (phasing plan), 3 (levels), 4 (materials), 7 (boundary treatments), 8 (landscaping scheme), 12 (radar impact), 13 (street lighting), 14 (open space maintenance), 15 (tree protection), 16 (arboricultural method statement), 19 (control of noise, dust and vibration), 22 (estate road phasing and completion plan), 24 (estate road management and maintenance), 25 (streets for adoption), 28 (cycling facilities) and 31 (ecological mitigation) of planning permission 15/400	13.12.18	Issued
18/0961	Application to discharge condition 24 (Travel Plan) of 17/0862	22.01.19	Issued
18/0962	Application to discharge condition 21 (Travel Plan) of 08/0058	22.01.19	Issued
22/0933	Application to discharge conditions 3 (finished levels), 13 (street lighting design), 25 (estate	Pending	Pending



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

	road construction details) and 34 (scheme for diversion and/or culverting of watercourse) of reserved matters approval 21/1143 in relation to development parcel 4		
--	--	--	--

### ***Applications to vary the planning obligation:***

<b>Application no.</b>	<b>Description</b>	<b>Date determined</b>	<b>Outcome</b>
13/0767	Alteration to the definition of “Guaranteed Affordable Provision” for a period of 3 years from the date of determination.	24.12.13	Granted
17/1026	1) Definition of Planning Permission modified to include reference to 17/0862 & 17/0861; 2) Definition of Queensway Roundabout amended to “the Queensway/TR5 highway junction shown on drawing number 2400/206(D) or any alternative junction arrangement which has been granted planning permission”; and 3) No more than 65 dwellings to be occupied until the construction of the Queensway Roundabout and part of T5.	12.12.17	Granted
18/0824	1) Definition of “Planning Permission” updated to include reference to 18/0544 & 18/0546; 2) Trigger for Queensway Roundabout and T5 road delayed until after phases 1 & 2; 3) Completion of T5 road up to T6 prior to 451 <sup>st</sup> occupation; 4) Bus service contribution and indexation redefined; and 5) Education contribution and indexation redefined and triggers for payment deferred for later phases (commencing on 300 <sup>th</sup> dwelling).	26.10.18	Granted
20/0818	1) To replace the obligation for the developer to build the full T5/Queensway/Kilnhouse Lane junction with a requirement to construct an interim junction to serve the Queensway development and to transfer the land required for the full junction to the highway authority at nil cost; 2) To replace the requirement to build the T5 element of the link road with a requirement to transfer the land required to build this part of the link road to the highway authority at nil cost; and 3) To require access to be provided through the proposed development between Queensway and a new junction on the T6 element of the link road.	17.03.21	Granted
22/0845	Modifications including changes to: 1) Definitions of “Phase 2”, “Phase 3”, “Education Contribution” and “Education Index Figure”; and 2) Substitute Paragraphs 14A to 16 of Schedule 2; and Paragraphs 18.10 to 18.12 of Schedule 2.	17.11.22	Granted

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

***St Annes on the Sea Town Council*** – Notified of the application on 17.05.22 and for a second time on 16.12.22 following the receipt of amended plans. At the time of preparing the report the only

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

comments received from the Town Council are those dated 21.06.22 which state that they have “no specific observations” to make on the application. Any further comments received in response to the publication of amended plans will be reported in the late observations.

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

*Blackpool Council (Planning and Highways)* – Comments dated 20.05.22 advise that they have “no objections or comments to raise”.

*Greater Manchester Ecology Unit (GMEU)* – Combined comments dated 31.05.22 and 08.06.22 as follows:

- **Summary** – Whilst the ecological report is technically due a review, dating from September 2020, having checked aerial images, the only changes are for some of the bare areas shown in the report to be sown with grass. I am therefore happy to accept the findings of the report given the minor nature of the works and minimal ecological interest associated with the site.
- **Invasive species** – Japanese rose was located on the site. This is a schedule 9, part 2 species, but unlike Japanese knotweed and Himalayan balsam is easier to eradicate. I recommend a condition be applied to any permission requiring the submission of a method statement detailing eradication, control and/or avoidance measures for Japanese Rose should be supplied to and agreed in writing with the LPA.
- **Protected species** – Water voles were recorded in the past from ditches in the wider area, though more recent survey failed to detect them. It does not appear that the proposed development will result in any further loss of ditch habitat, though this is not 100% clear, but any losses would appear to be negligible. I am therefore satisfied that this issue can be dealt with via an informative note. No other protected species issues are likely.
- **Nesting birds** – There are no significant areas of trees or scrub within the development footprint but scrub is present adjacent to the development and some road widening is proposed that may impact on this. As a precaution I therefore recommend a condition be imposed to limit vegetation clearance during the bird nesting season (1 March to 31 August) unless a bird nesting survey which identifies the absence of active bird nest and/or their protection.
- **Contributing to and enhancing the natural environment** – Section 174 of NPPF 2021 states that planning policies and decisions should contribute to and enhance the natural and local environment. As previously noted the habitat losses are minor with soft landscaping proposed. If it is likely that any such planting would be permanent, I would recommend that the planting schedule shown on the soft landscaping scheme be amended to consist of native and wildlife attracting species.

*Lead Local Flood Authority (LLFA)* – Comments dated 07.06.22 as follows:

- The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring: i) the development to be carried out in accordance with the principles set out in the flood risk assessment; ii) the submission of a final surface water sustainable drainage strategy; iii) the submission of a construction phase surface water management plan; iv) a manual for the operation and maintenance of the sustainable drainage system; and v) a verification report for the constructed sustainable drainage system.

*Local Highway Authority (LHA)* – Comments dated 08.12.22 as follows:

- **Summary** – The proposal is considered to be acceptable and it connects appropriately into the existing network. The access has regard to the adjoining Queensway Industrial access. I am satisfied that the two access schemes can be implemented separately to allow the developments to proceed at different times and at different rates. This access scheme is

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

therefore not reliant on the Queensway Industrial access scheme coming forward first. On the basis of an appropriate access to the local highway network in principle, I support the access strategy proposed. The access does not alter any triggers or other requirements as per existing legal agreements.

- **Background** – The site has been subject to previous applications and originally was for the development of 1,150 dwellings, provision of a 1.1ha school site, 34ha parkland and internal highway which included the T5 east-west road, linking the Queensway junction to the Heyhouses Link Road (T6) currently under construction. The reserved matters application pursuant to the outline planning permission for the layout, scale, appearance, landscaping and associated infrastructure for a reduced 882 dwellings was submitted and approved in 2017. The originally approved access strategy for the site was via a five-arm roundabout, located at the existing B5261 Queensway / Kilnhouse Lane signal-controlled junction.
- Post the 2012 planning decision, LCC has looked at the original access strategy having regard to more up to date traffic flows, vehicle composition, swept paths (lane discipline for all circulating vehicle types), sustainable needs of pedestrians, cyclist and equestrians and current design guidance. This resulted in a signal-controlled layout being produced (by LCC working with the previous landowner KDL). The LCC updated layout satisfies the access needs of Queensway/Richmond Point residential development and the Queensway industrial, as highlighted on drawing no. 6938-0100-02. Two further drawings (6938-0100-01 and 8551-0100-01A) were produced separating the access needs for the residential and employment components. This allows either to be delivered independent of each other (both include common elements such as the Pegasus crossing). This application takes the 6938-0100-01 layout devised with KDL and includes a number of changes in-line with the residential development which excludes the completion the T5 east-west road (this change was accepted and agreed with KDL). For the avoidance of doubt, the residential site still requires 2 accesses, the first being on Queensway as proposed in this application, with a second access onto T6 and should be available for use prior to the 451st dwelling being occupied. As presented, this application does not alter any legal agreement that is in place, or the delivery of other provision agreed as part of the original application or contained within the Fylde Council s106A decision notice of 2021, nor does it prevent T5 being delivered in the future.
- **Proposed layout** – The proposed layout as highlighted by SCP in Drg No SCP210287/D03 Rev L does link suitably into the access strategy for the Queensway employment site as per application number 18/0723. However, it must be noted that layouts are accepted in principle, and both are subject to detail design and technical approval (required as part of the S278 legal agreement under the Highways Act).
- The Richmond point (residential) access layout includes a two lane approach for each of the 4 arms of the junction, together with sustainable provision around the junction. A Pegasus crossing is located to the north of the junction, crossing Queensway on the route of Bridleway 5-2-BW11. Toucan crossings to be provided over the Richmond Point (western arm) access as well as over Queensway (southern arm). A pedestrian crossing is provided over Kilnhouse Lane.
- The junction has been modelled using industry standard propriety software, to consider the network in a future year (2033) and includes the influence of development at Whyndyke Farm, Land East of Cropper Rd, Old Houses Lane and that considered as per the Queensway industrial site. However, it is noted that Blackpool EZ was excluded from the modelling and whilst it will have some impact on junction operation the associated traffic flows are not estimated to be significant. At the request of the LHA, an ask was made to increase traffic flows to/from the residential access to take account of a low-risk redistribution using the Richmond point internal estate roads. Whilst this scenario is unlikely, this assessment was necessary to pressure test the layout. Overall, the theoretical results indicate that the junction layout in principle is capable of satisfying future demand (including the impacts of Blackpool

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

EZ), having a level of operational flexibility and a small residual level of practical reserve capacity. Notwithstanding these modelling conclusions, it does not remove or negate that previously agreed with KDL/Rowland Homes (or future successor in title) of additional land to be made available (as per previous agreements) in the event that additional change is progressed in the future, in line with new opportunities for the funding/delivery of additional infrastructure at the junction or to extend the road to complete T5.

- Whilst the junction principles are accepted as described, for the avoidance of doubt, as part of detail design, some aspects will likely be changed/updated before S278 technical approval is given. Any updates/changes will be in line with LCC (Highways and Signal Team's) requirements, design standards, safety audit and best practice (at time of design). Regard will also be had to the Queensway industrial site (and their timeline for delivery minimising abortive works) and the original LCC scheme.
- **Scheme delivery** – Assuming approval is granted, an important element for the LHA is that the delivery of these works and the works at the Blackpool EZ do not cause unreasonable disruption on the B5261 corridor. This is an important programming matter that would need to be agreed post decision between each developer, Fylde Council, Blackpool Council and LCC as Local Highway Authority.
- **Conditions** – Are recommended requiring: i) full details of the scheme for the construction of the site access and off-site highway works and the construction of the works in accordance with this scheme; ii) the submission of a construction method statement; and iii) a restriction on the planting of hedges, trees and shrubs over 1m above the road level within any visibility splays.

*Natural England* – Comments dated 01.06.22 requested the submission of a Habitat Regulations Assessment (HRA). Following the provision of a shadow HRA by the applicant their latest comments dated 20.09.22 advise as follows:

- **Summary** – Based on the additional information and plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
- **Internationally and nationally designated sites** – The application site is within 2.7km of Ribble & Alt Estuaries SPA, Ribble & Alt Estuaries Ramsar and Ribble Estuary SSSI and 3.9km of Liverpool Bay SPA. It is also within 17.4km of Martin Mere SPA, Martin Mere Ramsar and Martin Mere, Burscough SSSI.
- **Habitat Regulations Assessment** – Natural England has reviewed the Ecology Technical Information Note (The Environmental Partnership, August 2022) which includes a Shadow Habitat Regulations Assessment (sHRA) in Appendix A. We note the sHRA was not produced for this proposal, but for Parcel 4 of the wider scheme which includes the construction of 130 residential units. The Information Note states that the assessment and conclusions of the sHRA can be equally applied to this proposal, as this proposal is part of the wider phase 4 scheme with minor changes. Overall, having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.
- **Mitigation** – This application is part of a wider scheme for the development at Land at Queensway, Lytham St Annes. Previous applications for the wider scheme included measures secured to mitigate the loss of functionally linked land. These measures were secured via a Section 106 agreement, which secured mitigation land for the SPA birds impacted by the wider scheme, known as the Farmland Conservation Area (FCA). Therefore we are content that

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site have been notified.

### **Neighbour Observations**

<b>Neighbours notified:</b>	17 May 2022
<b>Site notice posted:</b>	31 May 2022
<b>Press notice:</b>	9 June 2022
<b>Amended plans notified:</b>	16 December 2022
<b>No. Of Responses Received:</b>	Two
<b>Nature of comments made:</b>	Two letters of objection

The appropriate neighbouring properties were notified of the application by letter on 17.05.22 and for a second time on 16.12.22 following the receipt of amended plans. In addition, as the application involves major development notices were posted on site and in the local press. At the time of preparing the report a total of 2 representations have been received in response to this publicity. Both representations are made by and/or on behalf of the current owner of allocated employment site ES1. The points made in those representations are summarised below. Any additional comments received in respect of the amended plans prior to the committee meeting will be reported in the late observations.

### ***Conflict with access arrangement into site ES1 approved by 18/0723***

- Whilst progression of a scheme to deliver the junction is welcomed, it appears to prejudice the delivery of the access into site ES1 granted by planning permission 18/0723. It is a major concern that key obligations may not be delivered and add to costs and complications of delivering the employment land access.
- The proposals for the alternative signalised junction should full account for the access to the allocated employment site permitted by 18/0723, and do not prejudice its delivery or affect the viability of delivering development on the site.
- The Transport Assessment prepared by SCP (May 2022) does acknowledge the permission that exists for access to the allocated employment site, but there is a lack of detail provided as to how the junctions can be delivered independently, how the interface can be coordinated or how the two junctions would operate together (i.e. modelling results). The application documents also seem to assume that the Rowland Homes works would be delivered in advance of permitted site access to the Gillett Environmental Ltd site, but this may not necessarily be the case. This information is essential to allow for the full consideration of the proposals, and currently, the submitted information lacks the required level of detail to allow a suitable judgement to be made.

### ***Lack of detail relating to interface between proposed junction and access approved by 18/0723:***

- Appendix E to the Transport Assessment attempts to show how the revised Rowland Homes junction could interface with the permitted access for 18/0723. However, the information submitted does not provide sufficient detail to explore how the two junctions interface and there are a number of notable differences between the latest scheme and the scheme designed by Lancashire County Council. As one example, the latest Rowland Homes plan shows an alternative access location to Queensway Park Farm which is not consistent with the permitted access previously designed by Lancashire County Council. In addition, the latest Rowland Homes plan retains more of the existing infrastructure, specifically in relation to kerb lines on the western side of Queensway. This has the knock on effect of additional

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

infrastructure changes subsequently being attributed to site ES1 which could adversely affect overall development viability.

### ***Lack of master planning approach:***

- In all of the planning history, dating back to the original residential application, which was allowed on appeal in 2012, access to both the residential land to the east and employment land to the west of Queensway have been considered collectively. This included the originally proposed 5-arm roundabout which provided access to both sites from a single junction (when both sites were under the same ownership), to the linked signalised junctions designed by Lancashire County Council that would allow both sites to come forward independently but ultimately work as a single junction. The current application submitted by Rowland Homes is the first time that an access design for either site has been progressed for just one junction rather than a design being considered for the whole which is then broken down to its component parts.
- The permitted access to site ES1 was designed by Lancashire County Council. It is understood that the process involved the design of an overall linked signal junction which was then split so that the two separate components could be delivered independently. For example, if one junction were to come along in advance of the other, the majority of kerb lines and associated infrastructure either side of the carriageway would remain with minimal abortive works. The latest proposals submitted by Rowland Homes could increase the potential for abortive works and therefore additional costs. This, again, has the potential to affect the overall viability of the allocated employment site.

### ***Lack of sufficient modelling data:***

- Although junction modelling has been presented in the Transport Assessment for a variety of development scenarios, the model is assessed in isolation and does not account for the permitted access to site ES1. As such, it is not currently possible to ascertain what the impact would be in terms of overall linked junction and network operation. This information is essential, in addition to further design considerations, to allow a suitable informed judgement to be made as to the impact the proposals would have on the characteristics of the local network.
- It is the position of the owner of site ES1 that the application as submitted cannot be determined at this stage without the provision of additional information and clarity regarding the permitted site access to allocated employment site ES1.

### **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 Council 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. In addition, as the site also falls within the boundaries of the St Annes on the Sea Neighbourhood Development Plan (the ‘SANDP’), the Neighbourhood Plan is also part of the statutory Development Plan in this case. Therefore, the FLPPR and SANDP 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.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### National Policy:

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

S1 - The Proposed Settlement Hierarchy  
DLF1 - Development Locations for Fylde  
M1 - Masterplanning the Strategic Locations for Development  
SL1 - Lytham and St Annes Strategic Locations for Development  
GD1 - Settlement Boundaries  
GD2 - Greenbelt  
GD7 - Achieving Good Design in Development  
H1 - Housing Delivery and the Allocation of Housing Land  
T4 - Enhancing Sustainable Transport Choice  
CL1 - Flood Alleviation, Water Quality and Water Efficiency  
CL2 - Surface Water Run-Off and Sustainable Drainage  
ENV1 - Landscape and Coastal Change Management Areas  
ENV2 – Biodiversity

### St Annes on the Sea Neighbourhood Development Plan:

GP1 – Settlement boundary  
EN1 – Sites of biological and geological importance  
EN2 – Green Infrastructure  
DH1 – Creating a distinctive St Annes  
DH2 – Corridors and Gateways  
TR1 – Accessibility for all  
SU1 – Incorporate sustainable urban drainage into new development  
Design Guide Supplementary Neighbourhood Plan Document & Companion Prospectus: Access corridors and gateways

### Environmental Impact Assessment

The development is of a type listed within the table to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) – specifically category 10(f) relating to “construction of roads (unless included in Schedule 1)”. As the overall site area is *circa* 1.58 hectares, it exceeds the 1 hectare threshold in the second column of the table. In turn, the proposal is Schedule 2 development for the purposes of the EIA Regulations.

Indicative screening thresholds for Schedule 2 developments are provided in a table at paragraph 057 (ID:4-057-2070720) of the “Environmental Impact Assessment” chapter to the PPG. The following indicative criteria and threshold are given for category 10(f) developments in column 3 of the table:

- “New development over 2km in length.”

The supporting text to the same paragraph of the PPG advises that “the figures in column 3 are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development. In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. It follows, therefore, that the thresholds below should

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

only be used in conjunction with the general guidance on determining whether Environmental Impact Assessment is required and, in particular, the guidance on environmentally sensitive areas.”

In addition, paragraph 018 (ID 4-018-20170728) of the same chapter to the PPG identifies that “only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. [...] The table also gives an indication of the types of impact that are most likely to be significant for particular types of development. However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

As observed in the response from Natural England, the closest designated nature conservation site (the Ribble and Alt Estuaries Ramsar, SPA and SSSI – a “sensitive area” for the purposes of the definition in the EIA Regulations) is *circa* 2.7km from the site. Therefore, the development site itself is not within or adjacent to a “sensitive area”. In addition, the new access Road into Richmond Point measures approximately 223m in length, some 1.7km short of the indicative threshold given for category 10(f) developments in column 3 of the table in the PPG. Furthermore, whilst the overall site area is 1.58 hectares, much of this includes the existing highway infrastructure within the junction which is to be modified as part of the scheme (rather than the “new development” referred to in the indicative criteria and threshold in column 3 of the table).

Given the above, it is considered that the location and characteristics of the development, and the characteristics of the potential impact, are such that the project is not likely to have significant effects on the environment which would warrant its classification as EIA development. In turn, the application does not need to be accompanied by an Environmental Statement.

### **Comment and Analysis**

#### **Background and main issues:**

#### ***Site history & background:***

Outline planning permission 08/0058 (allowed by appeal reference APP/M2325/A/09/2103453 on 21.06.12) grants permission for a development of 1150 dwellings, provision of a 1.1ha school site and 34ha of parkland. In addition, it establishes the access strategy for the Queensway development which is summarised in paragraph 33 of the Inspector’s Report (IR) as follows:

- “The construction of a new roundabout at the junction of Queensway and Kilnhouse Lane and the provision of a road, referred to as T5, from Queensway to the Link Road, which would provide access to the development and act as a by-pass for Heyhouses Lane. This would provide the only vehicular access to the development but pedestrian, cycleway and bridleway links would be provided both into the built-up area of St Annes to the south and the countryside to the north and east.”

Following this, a separate full planning permission (17/0862) was granted which allowed the erection of 66 dwellings on the site and the construction of a temporary access from Queensway via a priority



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

(‘give way’) junction located to the south of the Queensway/Kilnhouse Lane junction, rather than through the roundabout junction approved by 08/0058. Planning permission 17/0862 and an associated S73 application submitted pursuant to the original outline permission (17/0861) required the stopping up of this temporary access and the subsequent construction of the “new Queensway/TR5 junction (including all pedestrian, cycling and equestrian provision), all other pedestrian, cycling and equestrian provision on the B5261, the western section of the east-west access road (TR5) up to and including the second (development) access” prior to the construction of the 66<sup>th</sup> dwelling on the development. Subsequently, further planning permissions were granted by S73 applications 18/0544 and 18/0546 to delay the trigger for the delivery of the Queensway roundabout and western section of the T5 road until the construction of the 166<sup>th</sup> dwelling.

Separately to the planning conditions attached to permissions 18/0544 and 18/0546, a variation to the planning obligation granted by S106A application 20/0818 inserted new definitions for the “Interim Queensway Junction” and “T5 Land” as follows:

- “Interim Queensway Junction” means a junction that is acceptable to the local highway authority, satisfies the full Queensway development requirements in a future year as well as providing suitable controlled sustainable provision for pedestrians, cyclists and equestrians extending north on Queensway and to include bridleways 11 and 12 together with works to support and complement the Final Queensway junction (and having appropriate connectivity to T5, which becomes the primary route to T6).
- “T5 Land” means all land to construct, operate and maintain including all drainage requirements the T5 road and its connection from the Queensway Roundabout to the T6 intermediate roundabout.

In addition, the modification to the planning obligation granted by S106A application 20/0818 provides, in summary, that:

- **Paragraphs 23 and 23.3-23.6** – Collectively provide for the transfer of the T5 land (being the land required to construct the T5) to the County Council as highway authority for nil consideration.
- **Paragraph 23.1.1** – No more than 165 dwellings on parcels 1 and 2 of the development will be occupied until the Interim Queensway Junction is constructed and open for use (including provisions for pedestrians, cyclists and equestrians and the provision of a Pegasus crossing for horse riders where bridleways 11 and 12 meet).
- **Paragraph 23.1.2** – The Interim Queensway Junction will be clearly designated in any subsequent planning application as an initial phase of the Queensway Roundabout.
- **Paragraph 23.2** – Not to allow the Occupation of more than 450 Dwellings until the Interim Queensway Junction and the T6 Junction have been constructed and are both open for use and connected by internal estate roads on the Development (including provisions for pedestrians, cyclists and equestrians).

Given the above context, the purpose of this application is to gain approval for a junction arrangement which satisfies the requirements contained in the definition of the “Interim Queensway Junction” within the planning obligation (as modified by S106A application 20/0818). Under the provisions of the planning obligation, the Interim Queensway Junction must include “works to support and complement the Final Queensway junction (and having appropriate connectivity to T5, which becomes the primary route to T6)”, but is not required to deliver “the western section of the east-west access road (TR5) up to and including the first (development) access” referred to in condition 16 of S73 permission 18/0544, in the form granted by outline planning permission 08/0058. That is because the planning obligation provides, instead, for that to be delivered by the County Council following the transfer of the T5 land to them (albeit that a form of connection between the Interim

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Queensway Junction and the T6 junction leading on to the M55 link road must be provided by the developer before more than 450 dwellings are occupied).

### **Main issues:**

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

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

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the background referred to above, the type and nature of the development applied for, and the responses received in respect of it, the main issues in this case are:

1. Whether the elements of the proposal located within the Green Belt would be inappropriate development in the Green Belt, having regard to the Framework, relevant development plan policies and the effect of the proposal on the openness and purposes of the Green Belt.
2. If the development would be inappropriate, whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
3. The development’s effects on highway safety and network capacity, including its impact on other consented highway schemes.
4. The development’s effects on the character and appearance of the area.
5. Other matters relevant to the decision, including those relating to amenity impacts on surrounding land uses, flood risk, ecology and the consequential amendments required to the planning obligation.

### Whether the proposal is inappropriate development in the Green Belt and effects on the openness and purposes of the Green Belt:

FLPPR policy SL1 allocates the Queensway site as a strategic housing site (reference HSS1). The whole of site HSS1 (which includes the south-eastern arm of the proposed junction) is within the settlement boundary of Lytham St Annes as defined on the FLPPR and SANDP Policies Maps where the principle of development is supported by FLPPR policy GD1 and SANDP policy GP1.

In contrast, the north-eastern arm of the Queensway/Kilnhouse Lane junction (which is to be modified as part of this application) and a significant part (approximately 50%) of the *circa* 223m long proposed

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Richmond Point access road are located within an adjoining area of Green Belt which straddles the northern boundary of site HSS1.

FLPPR policy GD2 relates to development within the Green Belt and states that “national policy for development in the Green Belt will be applied” in these areas. Accordingly, the principal considerations relating to development’s impact on the Green Belt are those set out in chapter 13 of the NPPF.

Paragraph 137 of the NPPF indicates that “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 138 of the NPPF identifies that Green Belt serves five purposes as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 147 and 148 of the Framework state that:

- “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

As the proposal involves carrying out operational development in connection with the highway modifications and construction of the Richmond Point access road within the Green Belt, the main tests against Green Belt policy are those set out in paragraph 150 of the NPPF which states that “certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.” These include:

- b) engineering operations; and
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location.

With reference to the allowance in paragraph 150 of the NPPF, the relevant tests to establish whether the proposal is inappropriate development in the Green Belt in this case are:

1. Whether the development falls properly within the categories identified in subparagraphs b) and c); and
2. If so, whether the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

If the development satisfies the two tests above, then it is not inappropriate development in the Green Belt and, in turn, does not require the presence of very special circumstances to allow it. Taking each of these tests in turn:

### ***Whether the development falls within subparagraphs b) and c) of paragraph 150:***

The application involves two main elements which fall within the Green Belt. The first is the suite of highway works proposed within the north-eastern arm of the modified junction which fall wholly within the Green Belt. The second is the construction of the *circa* 223m long Richmond Point access

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

road between the new junction with Queensway and Parkinson Boulevard. While each of these junctions themselves fall within the settlement boundary, the northern part of the access road which runs between them (equating to around 50% of its total area) is within the Green Belt.

The highway works proposed within the north-eastern arm of the junction include the southerly widening of the existing carriageway into a grass verge (together with associated changes to existing road markings and signage), the provision a new *circa* 115m long stretch of footway alongside the southern edge of the re-aligned carriageway, and the provision of a Pegasus crossing. These modifications to the existing highway are “engineering operations” which fall within paragraph 150 b) of the NPPF.

The construction of the *circa* 223m long Richmond Point access road off the south-eastern arm of the development’s new junction with Queensway would follow the same route as the T5 road allowed by appeal 2157314 (pursuant to 08/0058). Accordingly, although the proposed Richmond Point access road is not to form part of the approved T5 road and does not have the same geometry and configuration (the T5 would be wider on its southern side), its siting is within the T5 land (effectively marking the northern periphery of the T5 road) and the route would be incorporated into the T5 road should that be constructed in the future.

The full (*circa* 1.06km) length of the T5 road between the Queensway junction and the T6 junction (with the M55 link road) was allowed as part of appeal reference 2103453 on the basis that, although it would result in a loss of openness and conflict with the purposes of including land within the Green Belt, there were ‘very special circumstances’ to permit its construction within the Green Belt. This is summarised in paragraphs 19 and of the Secretary of State’s decision letter accompanying that appeal which read as follows:

- “In considering the Green Belt issue, the Secretary of State has had regard to the guidance in the NPPF that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purpose of including land in the Green Belt. However, as the Secretary of State agrees with the Inspector (IR453) that, for the reasons given at IR448-452, both the T5 road (which forms part of the Queensway appeal scheme) and the M55 Link Road scheme would reduce the openness of the Green Belt and, in the case of T5, would reduce, to a limited degree, the separation of St Annes and Blackpool, he also agrees that both road schemes would be inappropriate Green Belt development. He therefore further agrees with the Inspector that it is necessary to consider whether the substantial harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify these road proposals.
- In concluding on that matter, the Secretary of State has had regard to the Inspector’s overall conclusions and assessment of the planning balance at IR472-486. In particular, he agrees with the Inspector (IR486) that the ability of the Queensway appeal scheme to fund the provision of the Link Road (whose provision would itself result in considerable planning benefits) and to make a positive contribution to housing provision are very significant and weighty considerations in favour of both schemes. He therefore agrees with the Inspector that they clearly outweigh the totality of harm of inappropriate Green Belt development together with the other harm identified, and he is satisfied that very special circumstances exist to justify the use of Green Belt land for the construction of the road schemes.”

Since that appeal, Fylde Council adopted the SANDP on 24.05.17 and the FLP in October 2018 (with a subsequent partial review adopted in December 2021). Both the local and neighbourhood plans identify Richmond Point as an allocated housing site within the settlement boundary. In addition, the

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Policies Map of the neighbourhood plan identifies the route of the T5 road (referred to as the “Heyhouses (east-west) link road”) running through the Green Belt.

While the proposed Richmond Point access road is not the T5 road, it follows the T5’s basic alignment and falls within the T5 land. Importantly, although the 1.06km long T5 road allowed by appeal reference 2103453 was a much larger road scheme than the 223m long Richmond Point access road proposed by this application, that appeal decision establishes the principle that the delivery of the Richmond Point development necessitates the provision of a dedicated access road along its northern periphery in order to provide a safe and suitable means of access to it. This is also acknowledged by the inclusion of the “Heyhouses (east-west) link road” on the SANDP Policies Map. Accordingly, as the provision of the proposed Richmond Point access road is intrinsically linked to the delivery of strategic housing site HSS1 (which could not come forward without it), the *circa* 50% of the 223m long access road proposed by this application which falls within the Green Belt is considered to be “local transport infrastructure which can demonstrate a requirement for a Green Belt location” for the purposes of paragraph 150 c) of the NPPF.

For the reasons set out above, the elements of the development which are within the Green Belt are either “engineering operations” or “local transport infrastructure which can demonstrate a requirement for a Green Belt location” and so fall within the categories in paragraph 150 b) and c) of the NPPF.

### ***Impacts on the openness and purposes of including land within the Green Belt:***

The five purposes of including land within the Green Belt are set out in paragraph 138 of the NPPF. It has been established through various appeals and case law that, in the context of the Green Belt, the term “openness” is a three-dimensional concept which effectively denotes an absence of buildings and development. As has also been established through case law and is set out in paragraph 001 (ID 64-001-20190722) of the “Green Belt” chapter to the PPG, “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”. This paragraph also provides the following additional examples of matters which may need to be taken into account when assessing a proposal’s impact on the openness of the Green Belt:

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Although the term “openness” is equated with an absence of built form, it does not follow that all development within the Green Belt will automatically fail to preserve openness. Indeed, if that were the case then the provisions of paragraph 150 of the NPPF which allows certain forms of development within the Green Belt would be immediately nullified. Instead, the test is whether the degree of impact arising from the loss of openness to the Green Belt as a result of the development would be such that it fails to preserve its openness and/or conflicts with the purposes of including land within it.

In this case, the assessment of the development’s impact on Green Belt openness must also have regard to the effects of the fallback position provided by extant planning permission 08/0058 – which allows the construction of a roundabout junction at the convergence of Kilnhouse Lane/Queensway/the T5 and the *circa* 1.06km long T5 road between the roundabout junctions of T5 and T6. In this respect, the proposed development’s impact on the openness of the Green Belt cannot be divorced from the wider site context and the fallback position established by the extant permission.

The part of the site which falls within the Green Belt is located immediately beyond, but straddles, the north-eastern periphery of the settlement boundary. Accordingly, this part of the site is seen against

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

the backdrop of urbanisation which forms the periphery of St Annes settlement. In particular, the northeast arm of the junction, though within the Green Belt, is seen in conjunction with and as a continuation of the other highway paraphernalia which comprises existing signalised junction and so is not immediately distinguishable from it by virtue of its Green Belt location. Similarly, the proposed *circa* 223m long Richmond Point access road would be positioned immediately adjacent to existing dwellings which mark the northern periphery of Richmond Point, with the area of the proposed road being split broadly evenly across land within the settlement boundary (on its south side) and the Green Belt (on its north side).

The engineering operations within the northeast arm of the junction associated with the modest southerly widening of the existing carriageway of the B5261, the provision of a new *circa* 115m long footway along its southern edge and the installation of the Pegasus crossing (including all associated street furniture and signage), when considered in the wider context of urbanisation within and surrounding the existing junction to which these works would form an integral part would, in both spatial and visual terms, preserve the openness of the Green Belt. Moreover, any encroachment into the grass verge on the south side of the B5261 required to provide the widened carriageway and footway would be of such limited extent that it would not conflict with any of the purposes of including land within the Green Belt identified in paragraph 138 of the Framework (having particular regard to the purpose in subparagraph c)).

In addition to the above, it is noted that the fallback position established by planning permission 08/0058 allows the construction of a roundabout junction in broadly the same location which would have a much larger overall land take and, in turn, involves a greater degree of encroachment into the countryside and a greater impact on openness in comparison to the scheme now proposed. In this respect, the scheme proposed in this application also has a lesser impact on the openness and purposes of the Green Belt than the fallback position.

The opening section of the *circa* 223m long Richmond Point access road which includes its 50m wide junction with Queensway (and associated street furniture) is located wholly within the settlement boundary. Conversely, the northern part of the road which narrows into two separate lanes further to the southeast away from the Queensway junction (including its northern footway) and towards the junction with Parkinson Boulevard is within the Green Belt. Accordingly, the section of the access road which falls within the Green Belt omits the widest part of the road and the highway paraphernalia surrounding the Queensway junction. Instead, the part of the road within the Green Belt includes its two-lane carriageway (though to varying widths) and the whole of its northern footway extending away from the Queensway junction. In this respect, it is the case that the parts of the access road which are within the Green Belt are those which also have the least potential to cause harm to openness in spatial and visual terms. It is also the case that those parts of the road within the Green Belt would be seen in conjunction with both the southern part of the same road which is outside the Green Belt and the backdrop of two storey dwellings forming the Richmond Point development to the south.

In this case, the theoretical distinction between the Green Belt and the settlement boundary depicted on the FLPPR and SANDP Policies Maps is indistinguishable 'on the ground' and both parts of the Richmond Point access road would be constructed on land that is present devoid of any other development. It is also the case that the access road would sit within the area of land required to deliver the western section of the T5 road granted by planning permission 08/0058 and that it would be subsumed by T5 in the event of that consented highway scheme provided by the fallback position being brought forward by the County Council in the future.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Having regard to these circumstances, the road's split siting across the settlement and Green Belt boundaries, the fact that the part of the road within the Green Belt would be of a modest length, area and would not contain the vertical highway paraphernalia around the new junction, and the urbanised backdrop of its setting along the northern edge of site HSS1, it is considered that there would be a very limited loss of openness arising from the road's construction which would not reach the threshold of failing to preserve the openness of the Green Belt. For the same reasons, the limited degree of encroachment into the countryside along the northern edge of the access road would not conflict with the purposes of including land within the Green Belt in paragraph 138 of the NPPF (having particular regard to the purpose in subparagraph c)).

### **Summary:**

For the reasons set out above, the highway works associated with the modifications to the north-eastern arm of the junction and the construction of the Richmond Point access road are either engineering operations or local transport infrastructure which, through a combination of extant permissions and site allocations, can demonstrate a requirement for a Green Belt location. The modest extent and nature of the works proposed within the Green Belt would preserve its openness and will not conflict with the purposes of including land within it. Accordingly, those aspects of the scheme meet the exceptions in paragraph 150 b) and c) of the NPPF and so are not inappropriate development in the Green Belt.

### Very special circumstances:

Paragraph 147 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". In turn, paragraph 148 indicates that "'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

The analysis in the section above concludes that the proposal meets the exceptions in paragraph 150 b) and c) of the NPPF where "other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it." Accordingly, it is not inappropriate development in the Green Belt and so the definitional harm referred to in paragraph 147 would not arise in this case. In turn, there is no requirement for the scheme to demonstrate the existence of 'very special circumstances' which would otherwise be required to allow inappropriate development in the Green Belt to proceed.

Although this conclusion is different to that set out in the Secretary of State's decision letter and the accompanying IR for appeal reference 2103453 (which permitted the road scheme due to the existence of 'very special circumstances'), it is also the case that the development proposed by this application takes a very different and much more condensed form in contrast to the roundabout junction and larger (both in width and length) T5 road that extended away from the residential development across open Green Belt land up to the junction with the M55 link road. In this respect, the impact of the proposed development on the Green Belt is markedly different and much reduced in comparison to the fallback position granted by 08/0058.

### Impact on highway network:

Criterion h) and i) of FLPPR policy M1 require developments on Strategic Sites to ensure:

- Appropriate highways access and a comprehensive approach to planning the highway network within and linking the sites which make up the Strategic Locations for Development.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- Access to well-designed, separate but overlooked cycleways (both on-road and off-road), walking routes and bridleways serving the local facilities and linking to services and amenities. Opportunities should be sought for the development of a network of walking, cycling and bridleway routes with access to and from adjacent settlements and the nearest town centres and schools.

Criteria q), r) and s) of FLPPR policy GD7 state that developments should avoid prejudicing highway safety by satisfying the following principles:

- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLPPR policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes, including by “improv[ing] community health and wellbeing by providing alternative means of transport such as walking and cycling. This will be achieved through protecting and enhancing the existing public rights of way network; the provision of additional footpaths, cycleways and bridleways, where appropriate; and safeguarding land for the provision of a continuous footpath, cycleway and bridleway network along Fylde’s coastline” (criterion a)).

SANDP policy TR1 indicates that proposals that improve the accessibility of St. Anne’s for all sectors of society, including the elderly and disabled, will be supported subject to other development plan policies.”

Paragraph 104 c) of the NPPF states that “transport issues should be considered from the earliest stages of plan-making and development proposals, so that: opportunities to promote walking, cycling and public transport use are identified and pursued”.

Paragraph 110 of the NPPF indicates that, in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the Framework stipulates 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.” Paragraph 112 of the Framework indicates that, within this context, applications for development should:



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

### ***Access and capacity:***

The means of access granted by planning permission 08/0058 included a five-arm roundabout junction between Queensway/Common Edge Road, Kilnhouse Lane, site ES1 and the T5 road. The fifth arm into site ES1 was, however, labelled “potential future access by 3<sup>rd</sup> party” and so shown indicatively on the approved plan for the roundabout contained within the planning obligation (drawing no. 2400/206 Rev D) and cross referenced in the definition of “Queensway Roundabout”. The approved roundabout junction was designed to take traffic through the existing junction (as modified), from the Richmond Point development (on the basis of 1150 dwellings being constructed) and that travelling along the T5 road (which acts as a bypass for Heyhouses Lane).

There have been several changes in circumstances since the roundabout junction was allowed by appeal 2157314. In particular:

- Planning permissions have been granted allowing access to the first 165 dwellings on Richmond Point from a priority junction onto Queensway (via Salisbury Avenue) as a temporary measure in advance of the construction of the roundabout junction.
- Subsequent planning applications on the site (both full and reserved matters) have reduced the overall number of dwellings to be constructed from 1150 to between 948 and 898 (depending on which of the extant permissions the developer opts to implement). This is between 202 and 252 fewer dwellings than the approved roundabout junction would serve.
- Modifications to the planning obligation mean that the T5 road will no longer be constructed by the developer of Richmond Point. Instead, the land required to construct the T5 road is to be transferred to the Local Highway Authority (the County Council) to enable them to construct the T5 independently in the future.
- The County Council have designed an alternative layout for the Queensway/Kilnhouse Lane/T5 road junction which takes the form of a signalised junction rather than the roundabout approved by 08/0058. Preliminary details of this proposed junction were provided by the County Council as part of application 18/0723 (which involved the creation of an access into site ES1), though that alternative junction arrangement which incorporates the T5 road does not have planning permission.

In addition, various modifications to the planning obligation have been made since planning permission 08/0058 was granted. The changes of greatest relevance to this application are as follows:

- A new definition of “Queensway Roundabout” was inserted by S106A application 17/1026 and reads as follows: “the Queensway/TR5 highway junction shown on drawing number 2400/206(D) or any alternative junction arrangement which has been granted planning permission”.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- A new definition of “interim Queensway Junction” was inserted by S106A application 20/0818 and reads as follows: “means a junction that is acceptable to the local highway authority, satisfies the full Queensway development requirements in a future year as well as providing suitable controlled sustainable provision for pedestrians, cyclists and equestrians extending north on Queensway and to include bridleways 11 and 12 together with works to support and complement the Final Queensway junction (and having appropriate connectivity to T5, which becomes the primary route to T6)”.
- Paragraph 23.2 prevents the occupation of more than 450 dwellings until the Interim Queensway Junction and the T6 Junction have been constructed and are both open for use and connected by internal estate roads on the development, rather than necessitating a connection via the T5 road (though this alternative internal estate road connecting the two does not yet have planning permission).

The purpose of the current application is to gain permission for the “Interim Queensway Junction” (IQJ) defined in the planning obligation. As set out in that definition, the IQJ must:

1. Be acceptable to the local highway authority.
2. Satisfy the full Queensway (Richmond Point) development requirements in a future year.
3. Provide suitable controlled sustainable provision for pedestrians, cyclists and equestrians extending north on Queensway and to include bridleways 11 and 12 together with works to support and complement the Final Queensway junction (and having appropriate connectivity to T5, which becomes the primary route to T6)”.

The outcome of the circumstances above are that the design of the proposed IQJ is required to deal only with traffic travelling through the junction, along with that which would be generated by the Richmond Point development itself (including in a future year). Traffic travelling along the T5 road would be dealt with by an alternative junction arrangement which would either need to comprise the roundabout approved by 08/0058 or an alternative junction arrangement which is subsequently granted planning permission, and then constructed by the County Council.

With respect to the three tests above, the response from the LHA dated 08.12.22 confirms that the proposed junction arrangement is acceptable to them and concludes that they “support the access strategy proposed”. Accordingly, the first test is passed.

In terms of the second test, the LHA’s response dated 08.12.22 advises that “the junction has been modelled using industry standard propriety software, to consider the network in a future year (2033) and includes the influence of development at Whyndyke Farm, Land East of Cropper Rd, Old Houses Lane and that considered as per the Queensway industrial site. However, it is noted that Blackpool EZ was excluded from the modelling and whilst it will have some impact on junction operation the associated traffic flows are not estimated to be significant. At the request of the LHA, an ask was made to increase traffic flows to/from the residential access to take account of a low-risk redistribution using the Richmond point internal estate roads. Whilst this scenario is unlikely, this assessment was necessary to pressure test the layout. Overall, the theoretical results indicate that the junction layout in principle is capable of satisfying future demand (including the impacts of Blackpool EZ), having a level of operational flexibility and a small residual level of Practical reserve Capacity.” The LHA’s response confirms that the proposed junction arrangement will “satisfy the full Queensway (Richmond Point) development requirements in a future year [(2033)]” and so the second test is passed.

With respect to the third test, the LHA’s response of 08.12.22 confirms that “the Richmond point (residential) access layout includes a two lane approach for each of the 4 arms of the junction, together with sustainable provision around the junction. A Pegasus crossing is located to the north of the

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

junction, crossing Queensway on the route of Bridleway 5-2-BW11. Toucan crossings to be provided over the Richmond Point (western arm) access as well as over Queensway (southern arm). A pedestrian crossing is provided over Kilnhouse Lane.” In addition, the LHA’s response advises that “it [the proposed IQJ] does not remove or negate [...] new opportunities for the funding/delivery of additional infrastructure at the junction or to extend the road to complete T5.” Accordingly, the requirements in the third test relating to sustainable transport provision for all users, connections with bridleways and maintaining appropriate connectivity to T5 (which would be achieved by the routing of the Richmond Point access road within the land required for the T5 road) are satisfied by the proposed junction layout.

### ***Impact on other consented highway schemes:***

Objections have been submitted by and on behalf (by Vectos) of the owner of site ES1 which lies to the north of the proposed junction and is allocated for employment development within the FLPPR. Planning permission was granted under application 18/0723 for the creation of an access into site ES1 from Queensway on 06.09.19. A certificate of lawfulness has been submitted (22/0888) to confirm that this permission has been implemented prior to its expiry. Although that certificate has not yet been issued, this application has been assessed on the basis that planning permission 18/0723 has been lawfully implemented and so remains extant.

In summary, the objections opine that the proposed junction arrangement has the potential to prejudice the delivery of the access into site ES1 as granted by planning permission 18/0723 due to a lack of detail relating to: i) how/whether the two junctions can be delivered independently, including the need to avoid the cost of abortive works being incurred by the owner of site ES1 in the event that further modifications to the junction beyond those identified in 18/0723 are required as a result of the proposed Richmond Point junction arrangement; ii) how the interface between the two junctions can be coordinated; and iii) how the two junctions would operate together from a traffic modelling perspective.

The applicant’s transport consultant (SCP) provided a separate response to the Vectos objection on 13.12.22. In terms of points i) and ii) above, and in combination with the details in the original Transport Assessment (TA), this demonstrates that the IQJ proposed by this application and that permitted by 18/0723 could be brought forward independently (or simultaneously) through minor changes to the north-eastern arm of the proposed IQJ involving amendments to white line road markings to incorporate the access arrangement approved by 18/0723 into this arm of the junction. The extent of the changes which would be required to allow for the two junctions to interface successfully are shown on drawing no. SCP/210287/D05 Rev D (which is to be read in conjunction with the overlay in Appendix E of the TA). Importantly, aside from the minor changes to road markings and footway realignments around the Queensway Park Farm Access, the introduction of the proposed IQJ would not require any deviation from the scheme shown on the approved plans for 18/0723 or the carrying out of additional highway infrastructure works above and beyond those required by that permission which would undermine its deliverability or viability. This conclusion is supported by the LHA’s response dated 08.12.22 which advises that “the proposed layout [for the IQJ] does link suitably into the access strategy for the Queensway employment site as per application number 18/0723” and “the two access schemes can be implemented separately to allow the developments to proceed at different times and at different rates. This access scheme is therefore not reliant on the Queensway Industrial access scheme coming forward first.”

With respect to the matter raised in iii), the response from SCP highlights the fact that planning permission 18/0723 does not allow any other development beyond the formation of the proposed access and associated highway works to take place within site ES1 (with planning permission 18/0723

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

being limited to permitting the works required to construct the access into the existing field only, without allowing any other development to be served by that access).

Nevertheless, SCP has utilised the traffic generation figures contained in the Transport Statement submitted with 18/0723 (which indicated that the access proposed by that application was designed to serve a hypothetical development involving 15,200 sqm of employment uses within classes B1, B2 and B8) to provide an updated capacity assessment for the IQJ which includes this quantum of development coming forward on site ES1. The updated capacity assessment also provides for 'sensitivity testing' requested separately by the LHA to take into account the potential for redistribution of traffic from Queensway through the development site once a connection is made between the IQJ and the T6 road (with the trigger for this being the occupation of the 451<sup>st</sup> dwelling). It is also the case that the capacity assessment is based on a scenario where 948 dwellings are constructed across the site, whereas Rowland Homes have recently secured a separate permission – 21/1143 – which would reduce the overall total to 898 and have another pending application – 22/0938 – to reduce this again to 856 dwellings. Accordingly, the updated junction capacity assessment contained in the response from SCP dated 13.12.22 is considered to be robust.

The updated junction capacity assessment by SCP demonstrates that the proposed IQJ is predicted to operate within capacity, and with a Practical Reserve Capacity of at least 8.3% in 2033, when allowing for robust sensitivity testing. This conclusion is supported by the LHA who conclude that "overall, the theoretical results indicate that the junction layout in principle is capable of satisfying future demand (including the impacts of Blackpool EZ), having a level of operational flexibility and a small residual level of Practical reserve Capacity." Accordingly, there is no reason to conclude that the capacity of the proposed IQJ is incapable of accommodating the traffic arising from the hypothetical development scenario within site ES1 put forward as part of application 18/0723, along with other committed developments in the area as previously accounted for within the TS.

### **Summary:**

The proposed junction arrangement would achieve a safe and suitable means of access for all users and includes appropriate and proportionate mitigation for any significant impacts arising from the development on the transport network, together with improvements to sustainable transport modes in order that its design meets the definition of the 'Interim Queensway Junction' contained in the planning obligation. Accordingly, the development would not have an unacceptable impact on highway safety, nor would its residual cumulative impacts on the road network be severe. Moreover, it would not undermine or stymie the delivery of any other consented developments and/or highway schemes in the vicinity of the junction.

### **Character and appearance:**

FLPPR policy M1 sets out a master planning approach for the development of strategic sites (those involving 100 or more homes) within the strategic locations for development named in policy DLF1 (one of which is "Lytham and St Annes"). The policy identifies 24 criteria (a) – x)) that masterplans for developments in these locations should achieve. As the proposal relates to the provision of the main access to strategic housing site HSS1 (which has extant permissions for up to 948 dwellings), it is considered that policy M1 is applicable to the proposed scheme as it will form an integral part of the overall development. The design principles set out in criteria d), h), i), n) and t) of the policy are of particular relevance in this case as follows:

- High quality design should be included and development should be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- Appropriate highways access and a comprehensive approach to planning the highway network within and linking the sites which make up the Strategic Locations for Development.
- Access to well-designed, separate but overlooked cycleways (both on-road and off-road), walking routes and bridleways serving the local facilities and linking to services and amenities. Opportunities should be sought for the development of a network of walking, cycling and bridleway routes with access to and from adjacent settlements and the nearest town centres and schools.
- Measures to deliver a shift to public transport, away from car use over the plan period. Opportunities should be sought to improve access to public transport and minimise the need to travel by private car.
- Development respects the environmental character of its surroundings. Particular attention should be given to the creation of a well-designed and defined edge to development and a sensitive transition to adjoining areas in the countryside. Proposals will need to include plans for the long term use and management of these areas.

FLPPR policy GD7 states that development proposals should 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), g), h), i), k), l) and m) 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.
- Applying Secured by Design principles.
- 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.
- 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.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.
- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

FLPPR policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. In addition, criteria b) – e) of the policy indicate that:

- Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting.
- In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features including

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features.

- Suitable landscape planting of native species, appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off.
- Details of the ongoing maintenance of all landscaping areas will be presented for approval by the Council.

SANDP policy DH1 relates to the design of new development and states that “all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods. [In addition] development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards.”

SANDP policy DH2 relates to the corridors and gateways that are defined on the Neighbourhood Plan Policies Map. In this case, the highway of Queensway is identified as a “corridor” and a nodal point (numbered ‘1’ on the Policies Map) is shown at the Kilnhouse Lane/Queensway junction as a “proposed gateway in association with M55 link road and Queensway urban extension”.

SANDP policy DH2 states that “development proposals adjoining these corridors and gateways must respond in design terms and have regard to the principles and detailed guidance set out in the St. Anne’s Design Guide SPD and the accompanying Corridors and Gateways Companion Document. All development will be required to make a positive contribution towards the implementation of the strategy and improvement of the access corridors and gateways.” The Design Guide SPD of the SANDP refers to a document titled “Companion Prospectus: Access corridors and gateways”. Pages 14 and 16 of the Companion Prospectus, in turn, identifies the part of the Queensway corridor within which the site is located as a combination of “C1 – Queensway B5261 (semi rural) – The green belt gap” and “C2 – Hey Houses Lane (edge of settlement). In particular, the companion guide identifies the following “key design solutions/requirements” for developments along these corridors and gateways:

- Prominent gateway feature and signage.
- Countryside urban fringe character to be enhanced by street and structural landscaping (including approach proposed Queensway urban extension).
- Open up access to Lytham moss countryside area and proposed nature areas including well designed interpretation and sign posts (subject to ecological consideration).
- Corridor now largely developed so opportunities for architectural intervention likely to be by future redevelopment/refurbishment of individual properties. Encourage innovative design solutions to reflect part of edge of seaside garden town.
- Any future potential changes to Queensway urban extension to be based on “West Coast Garden Neighbourhood” concept and consider corridor context.

In addition, SANDP policy EN2 identifies four principles (a) -d)) for achieving “a high quality and connected network of Green Infrastructure for St. Anne’s”.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f)) and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [contained in the National Design Guide and National Model Design Code].”

In addition, paragraph 131 of the NPPF indicates that “trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Planning policies and decisions should ensure that new streets are tree-lined [unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate], that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

The principal purpose of the proposed IQJ is to provide a safe and suitable means of access to the Richmond Point development while also catering for traffic travelling through the existing junction (including allowances for growth in background traffic levels and other committed developments nearby). Accordingly, this necessitates a level of highway engineering works which are unavoidably utilitarian in their design in order to deliver appropriate capacity, safety measures and to meet the standards required by the LHA. Accordingly, the main opportunities for achieving a high standard of design relate to the appearance of street furniture associated with the junction and the provision of hard and soft landscaping within and around it.

At this stage, the junction’s design follows a functional concept intended to address the LHA’s requirements. It is apparent that, beyond the provision of carriageways, footways, road surfaces and markings, the delivery of the junction will also require various pieces of street furniture to be incorporated (e.g. lighting columns, pedestrian guard rails, signal heads etc.). The design of this street furniture will, however, only become known as part of the procedure which the applicant is required to enter into with the LHA under S278 of the Highways Act 1980 where the parameters of this will be established as part of the scheme’s detailed design. Accordingly, a condition has been imposed requiring precise details of all street furniture to be provided to the LPA in order that it can input into the S278 process with recommendations for appropriate design and public realm enhancements where necessary.

The application is accompanied by an indicative landscaping scheme identifying areas surrounding the junction that are to be enhanced through the provision of new landscaping. As much of the site includes the existing adopted highway which forms the functional parts of junction itself, opportunities for new landscaping are largely limited to the land surrounding the south-eastern arm of the junction which falls within the boundaries of site HSS1 (though the indicative landscaping scheme also includes shrub planting within a grass verge between the northeast and northwest arms of the junction).

The indicative landscaping scheme identifies the provision of a linear belt of tree planting on the south side of Queensway between the southwest side of the junction to the Richmond Point access and the end of the widened carriageway on the south side of the B5261. This would be supplemented by lower-level shrub planting. Although this concept would deliver a stretch of the “tree-lined” street referred to in paragraph 131 of the NPPF alongside the Queensway frontage, it is considered that this concept needs to be extended along other parts of the Richmond Point access road in order to provide a cohesive and comprehensive gateway feature into the site in accordance with the aspirations of the SANDP, the relevant policies of the FLPPR and paragraph 131 of the NPPF. In particular, there are opportunities within the area of the red line boundary to extend the linear belt of tree planting shown on the indicative landscaping plan along both the north and south sides of the Richmond Point access road up to and around its junction with Parkinson Boulevard. An appropriate condition has been imposed requiring the submission of a soft landscaping scheme which meets these objectives. This condition also incorporates the recommendations of GMEU that any planting should include native and wildlife attracting species.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

It is apparent that the provision of some of the improvement works within the current highway will require the removal of existing vegetation within roadside verges. In particular, the southerly widening of the carriageway and provision of a new footway along the northeast arm of the junction up to the Pegasus crossing will require the removal of existing roadside hedging. The pre-commencement landscaping condition requires the submission of a detailed plan which identifies the extent of this vegetation removal and a requirement to ensure that appropriate compensatory planting is then incorporated into the scheme.

It is noted that the roundabout junction approved by 08/0058 involved a notably larger land take in comparison to the proposed signalised junction. In this respect, the condensed area of the proposed IQJ would avoid an unduly complicated and overengineered highway layout and appropriate conditions can be imposed in relation to landscaping and street furniture to ensure that the design of the junction would assimilate sympathetically into its surroundings and deliver the gateway feature referred to within the SANDP. Accordingly, and with appropriate conditions in place, the proposed development, by reason of its appearance, landscaping, layout and scale, would achieve a high standard of design in accordance with the objectives of the SANDP, FLPPR policies M1, GD7 and ENV1, and the NPPF.

### Other matters:

#### ***Amenity impacts:***

Criterion d) of FLPPR policy M1 indicates that developments should “be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.”

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”.

Furthermore, paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Neighbouring uses surrounding the site are mainly residential in character, including dwellings on Richmond Point itself, along with those on Kilnhouse Lane and Queensway Court to the west side of the existing signalised junction. A collection of industrial units located within the Green Belt at Queensway Park Farm take access from the B5261 via a separate priority (give way) junction to the north of the signalised junction. In addition, a *circa* 3.8 hectare parcel of land on the north side of the junction is allocated for employment uses in the local plan – site reference ‘ES1’.

The areas of carriageway widening proposed within the existing junction are located along its southern flank where it borders either Richmond Point or the Queensway Park Farm access. Similarly, the additional arm of the junction and Richmond Point access road would extend in a south-easterly direction away from the B5261 to border the front elevations of dwellings on the northern periphery of the housing development. Having regard to the nature of surrounding uses and their spatial relationship with the proposed IQJ, the main amenity impacts on neighbouring uses likely to arise from the development are on the occupiers of the dwellings on Richmond Point, particularly those who would front on to the new Richmond Point Access Road.

At present, dwellings on the Queensway Periphery of Richmond Point are orientated with their front elevations facing onto the B5261, including the junction with Kilnhouse Lane. These are, however,



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

separated from the roadside by a buffer of open space which varies in width and contains a series of swales which form part of the sustainable drainage network for the development. A similar buffer of open space (including landscaping) would be provided between dwellings on the northern periphery of Richmond Point and the new access road which runs up to the junction with Parkinson Boulevard, as a continuation of this feature. Accordingly, while occupiers of these dwellings would experience a degree of added noise disturbance from passing road traffic as a result of the introduction of the Richmond Point access road, this would be commensurate with that already experienced by the occupiers of other dwellings on the periphery of Richmond Point fronting onto the B5261 and the Kilnhouse Lane junction, including the provision of a suitable separating buffer between the new road and dwellings on the site's northern periphery to avoid the road appearing as an unduly imposing feature in their outlook.

It is also the case that the reduced length and width of the Richmond Point access road in comparison to the T5 road approved as part of planning permission 08/0058 in the same location would ensure that the proposed development has no greater impact on the amenity of existing occupiers on Richmond Point in comparison to the established fallback position.

Other uses surround the site, by virtue of their separation from and/or orientation in relation to the IQJ, would not be adversely affected by reason of the development's scale, layout, design or any effects associated with its operation including lighting and noise. Therefore, there would be no conflict with the requirements of FLPPR policies M1 and GD7, or the NPPF in this regard.

### ***Flood risk and drainage:***

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 161). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

FLPPR policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible.

Policy SU1 of the SANDP states that "new developments must incorporate sustainable urban drainage systems (SuDS) to reduce the run off of surface water to the maximum stipulated in DEFRA's Non-Statutory Technical Standards for SuDS unless agreed otherwise with Fylde Council and, where applicable, the Lead Local Flood Authority.

Although the route of the T5 road approved by planning permission 08/0058 crosses land within flood zones 2 and 3, all of the land required to deliver the IQJ is located wholly within flood zone 1. Nevertheless, as the site is over 1 hectare in area, it is accompanied by a site-specific flood risk assessment (FRA). The FRA includes the following conclusions and recommendations:

- As the site is located in flood zone 1, all development (including 'more vulnerable') is deemed appropriate according to NPPF and NPPG, therefore the development is appropriately situated and the sequential and exception tests are not required.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- The site-wide drainage strategy indicates that for this first section of the T5 road, a flow rate of 3l/s has been allocated as a portion of Area A2. The drainage proposals for the road and junction will therefore follow the principles of the previous phases with attenuation provided in oversized underground pipes as there is not sufficient space for a swale alongside the link road due to the existing drainage features.
- The outfall location for surface water from the interim junction and first section of the Heyhouses Link Road will be the existing ditch at the point it crosses the line of the link road. As detailed previously, a flow rate of 3l/s has been allocated to this section of the road and the hydraulic calculations will include an allowance for future climate change of 40%. The discharge of 3l/s results in a very small diameter of flow control that could be prone to increased risk of blockage and additional maintenance requirements; the orifice has therefore been set at 80mm dia. which results in a flow of 3.5l/s. The additional 0.5l/s will be reduced on future phases of the overall development to ensure the overall discharge rate is not exceeded.
- A preliminary drainage layout and hydraulic calculations within the FRA demonstrate the discharge from the junction and first section of road is limited to 3.5l/s maximum in all events up to and including the 100 year event plus 40% climate change allowance.
- Finished levels on the proposed road and junction site will be between 4.1m to 6.0m to ensure they are above the flood level of 4.05m.
- Compensation storage is not required for this portion of the T5 Link Road as it is in Flood Zone 1.

The LLFA are a statutory consultee on the application and have advised that they have no objection to the proposed development subject to this being carried out in accordance with the principles identified within the FRA and the imposition of a series of conditions relating to the provision, verification and future maintenance of a surface water drainage scheme, along with the requirement for a construction surface water management plan. Accordingly, with appropriate conditions in place, and given that the whole of the site falls within flood zone 1, there is no reason to conclude that the development would itself be at an unacceptable risk of flooding or that it would increase flood risk elsewhere. Therefore, the requirements of SANDP policy SU1, FLPPR policies CL1 and CL2, and the NPPF will be met with respect to flood risk and drainage.

### ***Ecology (including Habitat Regulations Assessment):***

Section 1 of FLPPR policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Subsection b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Subsection c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species.

The application site is within 2.7km of the Ribble and Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI). These sites are classified for rare and vulnerable birds, including mobile species that may also rely on supporting habitats outside the site boundary (functionally linked land). These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

A shadow Habitat Regulations Assessment (sHRA) prepared by TEP has been submitted following a request from Natural England in their initial response dated 01.06.22. The sHRA matches that submitted with S73 application 21/1143 where permission was granted to make alterations to parcel

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

4 of the development, with an accompanying technical note indicating that its assessment and conclusions can be applied equally to the current proposal on the basis that it forms an integral component of the wider development as a whole. Natural England do not dispute this rationale or the conclusions in the sHRA, with their response of 20.09.22 advising that “having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, [...] we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.”

The conclusion of the sHRA and the mitigation measures identified within it are consistent with those established (and secured by condition and/or planning obligation) at the outline stage. As there will be a need to link any planning permission for the IQJ to the extant planning obligation for 08/0058 (as modified), there is no need to impose additional conditions or for a separate planning obligation to be entered into as part of this application. Instead, the only actions required in this regard are for the LPA to confirm its adoption of the sHRA prepared by TEP.

The application is also accompanied by a site-specific ecology survey which includes the following conclusions and recommendations:

- The proposed signalised junction is within 500m of the south east of Lytham Moss Biological Heritage Site and within a Sensitive Bird Area. It is not anticipated that the installation of the junction will have an impact on the integrity of the BHS or SBA or the wintering birds it supports and therefore no additional mitigation recommendations are made.
- The habitats within the survey area are of low ecological value and loss or damage to these habitats are unlikely to have a significant impact on local ecology. Best practice pollution and siltation prevention measures have been recommended to minimise impacts to nearby habitats.
- Non-native Japanese rose (Wildlife and Countryside Act Schedule 9) was recorded during the survey and an invasive species management plan will be required to prevent the further spread of this species during construction.
- Vegetation clearance should be undertaken outside of the nesting bird season (March to August). Where this is not possible a nesting bird check will be required within 24 hours prior to works commencing.
- The ditch adjacent to the site is not suitable to support water voles and no impacts to any other protected species are anticipated.

The ecology survey has been assessed by GMEU who do not dispute its conclusions and advise that the development's impacts can be appropriately mitigated through the imposition of conditions relating to: i) the submission of a method statement detailing eradication, control and/or avoidance measures for Japanese Rose; ii) limiting vegetation clearance during the bird nesting season (1 March to 31 August) unless a bird nesting survey which identifies the absence of active bird nest and/or their protection; and iii) the need for any soft landscaping scheme to consist of native and wildlife attracting species.

With the above provisions in place, the LPA's obligations as a competent authority under regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) will have been discharged. Moreover, the above provisions ensure that there is no conflict with the requirements of FLPPR policy ENV2 and chapter 15 of the NPPF.

### ***Planning obligation:***

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

A planning obligation, in the form of a Unilateral Undertaking – UU – dated 09.01.12, was entered into as part of the original outline planning permission (08/0058). This obligation has since been modified on five separate occasions pursuant to application references 13/0767, 17/1026, 18/0824, 20/0818 and 22/0845. Several of these modifications have altered the definition of “Planning Permission” contained within the original UU in order to link subsequent planning permissions on the site to the obligations contained within the UU. As a result, the definition of “Planning Permission” now reads as follows:

- “an application for planning permission for the Development submitted to the Council on 23/1/2008 and given the reference number 08/0058 and an application for planning permission for the Development submitted to the Council on 6/10/17 and given the reference number 17/0862 and an application for planning permission for the Development submitted to the Council on 6/10/17 and given the reference number 17/0861 and an application for planning permission for the Development submitted to the Council on 02/07/18 and given the reference number 18/0544 and an application for planning permission for the Development submitted to the Council on 02/07/18 and given the reference number 18/0546”.

As the signalised junction proposed by this application will form the principal means of access to the development, it must also be added to the definition of “Planning Permission” set out in the UU in order that the obligations within the UU will apply equally to any planning permission to be granted by this application (22/0188).

As the purpose of this application is to provide the “Interim Queensway Junction” defined within the UU, it is also considered that it would be beneficial, for the avoidance of any doubt, to modify the current definition of “Interim Queensway Junction” to include explicit reference to any planning permission which is granted pursuant to this application.

As with the variations to the original UU permitted by applications 17/1026, 18/0824, 20/0818 and 22/0845, the above amendments to the UU can be secured through an application submitted pursuant to the provisions of S106A of the TCPA, rather than via a deed of modification. This is because the original obligation is more than 5 years old. As the above modifications to the UU are required due to the scheme proposed by this application, the resolution below sets out the need for the modifications to be secured through the granting of an application made under S106A of the TCPA before this application is granted.

### **Conclusion**

The application relates to a *circa* 1.58 hectare area of land enveloping and surrounding the signalised junction of the B5261 (Queensway) with Kilnhouse Lane, Lytham St Annes. The north-eastern part of the site, including the northeast arm of the junction and part of the proposed Richmond Point access road, fall within an area of Green Belt as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. The remainder of the site is within the settlement boundary of Lytham St Annes and also includes the northwestern periphery of the Richmond Point development located on the east side of the B5261 which forms a strategic housing site (reference ‘HSS1’) and has extant permissions for a development of between 898 and 948 dwellings (depending on which of those permissions the developer opts to implement).

The original outline planning permission for Richmond Point (08/0058) includes the construction of a roundabout at the junction of Queensway and Kilnhouse Lane to form the means of access to the housing development, along with the formation of an east-west arterial road along the northern edge of the development (the ‘T5 road’ or ‘Heyhouses Bypass’) to connect this roundabout junction with a new north-south link road between Cypress Point and the School Road/Cropper Road/Whitehill Road

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

roundabout (the 'T6 road' or 'M55 link road'). The majority of this highway infrastructure falls within the Green Belt and was granted by appeal reference 2103453 on 21.06.12. While development of the T6 road is underway, construction of the roundabout and T5 road has been delayed. Consequently, housing on the Richmond Point development is currently accessed via a priority (give way) junction onto Queensway to the south of the signalised junction with Kilnhouse Lane. This provides a temporary access to the development, with conditions attached to planning permissions 18/0544 and 18/0546 (supplemented by a planning obligation) requiring this temporary access to be blocked up and replaced by the roundabout junction and first section of the T5 road up to and including the junction with Parkinson Boulevard (the 'first vehicular entrance into the development') prior to the construction of the 166<sup>th</sup> dwelling. As of November 2022, a total of 116 dwellings have been completed across Richmond Point and construction had commenced on a further 12 plots (equating to commencement on a total of 128 dwellings across the site) granted by the extant permissions.

The current application seeks to replace the roundabout junction and western stretch of the T5 road up to the junction with Parkinson Boulevard approved by outline permission 08/0058 with an interim means of access comprising a four-arm signalised crossroad junction between Kilnhouse Lane, Queensway and the opening stretch of an alternative, *circa* 223m long access road into the Richmond Point development which lies within the area of the T5 road. The application also includes a suite of associated highway reconfiguration and infrastructure works within and around the existing junction. Taken together, the proposed works are to provide the 'Interim Queensway Junction' defined in the planning obligation (as amended) for the development.

The north-eastern arm of the proposed signalised junction and part of the Richmond Point access road fall within the Green Belt. The highway works associated with the modifications to the northeast arm of the junction and the construction of the Richmond Point access road are engineering operations or local transport infrastructure which, through a combination of extant permissions and site allocations, can demonstrate a requirement for a Green Belt location. The modest extent and nature of the works proposed within the Green Belt would preserve its openness and will not conflict with the purposes of including land within it. Accordingly, those aspects of the scheme located within the Green Belt meet the exceptions in paragraph 150 b) and c) of the National Planning Policy Framework and so are not inappropriate development in the Green Belt.

The proposed development, by reason of its scale, layout and design, provides a suitable interim junction arrangement in advance of the delivery of the T5 road and junction, with sufficient capacity to cater for the level of traffic arising from the Richmond Point development, existing and predicted background traffic utilising the surrounding highway network and that likely to be added to the network as a result of other schemes coming forward on nearby sites which are also allocated for development in the local plan. In addition, the applicant has satisfactorily demonstrated that the proposed interim junction arrangement would not prejudice the provision of a safe and suitable means of access (including the delivery of that granted by planning permission 18/0723) to the land located on the north side of the junction which is allocated for employment uses in the local plan (site reference 'ES1') and, in turn, would not stymie development coming forward on that site. The proposal would achieve a safe and suitable interim means of access for the Richmond Point development for all users, would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. The proposed junction arrangement would also ensure that appropriate opportunities to promote sustainable transport modes are implemented and mitigate any significant impacts from the development on the transport network. In turn, the proposed development would meet the requirements of the 'Interim Queensway Junction' defined in the planning obligation (as amended) for the development.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

In addition to successfully addressing the transport impacts of the development, the proposed design of the junction would assimilate sympathetically with the surrounding area and uses by avoiding an unduly complicated and over engineered highway layout, and through the introduction of appropriate landscaping and street furniture to be secured by condition. The land required to deliver the development is located wholly within flood zone 1 and suitable measures can be put in place to ensure that surface water is disposed of effectively without increasing the risk of flooding within the development itself or to surrounding land elsewhere. As demonstrated through the applicant's shadow Habitat Regulations Assessment the proposed junction arrangement, when compared to that granted by the extant permission, would have no greater environmental effects which would require the provision of additional mitigation above and beyond that already implemented for the Richmond Point development as a whole. With this mitigation already in place, there will be no additional impacts on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

Accordingly, the proposal is considered to represent sustainable development which accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the National Planning Policy Framework.

### **Recommendation**

That authority be delegated to the Head of Planning to GRANT planning permission subject to stipulations 1 and 2 below being satisfied and the conditions in stipulation 3 (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable), or otherwise to refuse permission:

#### **Stipulation 1:**

The Council's approval of an application made under Section 106A of the Town and Country Planning Act 1990 which provides for modifications to the definitions of "Planning Permission" and "Interim Queensway Junction" contained in the Queensway Unilateral Undertaking dated 09.01.12 (as amended) to include reference to the permission to be granted pursuant to this application (reference 22/0188).

#### **Stipulation 2:**

The local planning authority adopting the document titled "Habitat Regulations Assessment Update September 2021" prepared by 'The Environment Partnership' (TEP) which forms Appendix A of the document titled "Ecology Technical Note" (reference 8862.008, version 2.0, dated 16.08.22) as part of its decision in order to discharge the obligations contained in regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended).

#### **Stipulation 3:**

The following conditions (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable):

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

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

2. This permission relates to the following plans:

Drawing no. R108/1000/3 Rev A – Location plan.

Drawing no. SCP/210287/D03 Rev M – Signalised junction arrangement.

Drawing no. SCP/210287/ATR01 Rev G – Swept path analysis – 16.5m long articulated HGV.

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. No development shall take place until a scheme for the design and construction of the following works (the layout and extent of which are shown on drawing no. SCP/210287/D03 Rev M) has been submitted to and approved in writing by the Local Planning Authority:
- i) the formation of the new access on the southeast side of the B5261;
  - ii) the modification works to the existing highway within and surrounding the junction of the B5261 with Kilnhouse Lane and the new access in i); and
  - iii) the construction of the new road extending from the access in i) up to and surrounding the junction with Parkinson Boulevard.

The scheme shall include, but not be limited to, the following details:

- a) full engineering, drainage, street lighting and constructional details of carriageways and footways;
- b) details of the visibility splays to be provided in both directions at the junction of the new access in i) with the B5261;
- c) the installation of traffic signal heads;
- d) the provision of pedestrian refuges and traffic islands;
- e) the provision of Toucan and Pegasus crossings;
- f) signing and carriageway marking details;
- g) the provision of tactile paving and dropped kerbs.

All of the works described in i), ii) and iii) shall be constructed and made available for use in full accordance with the duly approved scheme before the new road in iii) is first opened to traffic (other than construction traffic). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splays in b) shall thereafter be kept free of any obstructions (including buildings, walls, gates, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a safe and suitable means of access for all users, to secure the delivery of a comprehensive package of highway improvements to mitigate the development's effects on network capacity, to support the enhancement of sustainable travel modes and to achieve a satisfactory standard of engineering works in the interests of highway safety and capacity, and because matters concerning the scheme's detailed design have not been provided as part of

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

the application, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1, GD7 and T4, and the National Planning Policy Framework.

4. 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:
  - a) hours and days of work for site preparation, delivery of materials and construction;
  - b) arrangements for the parking of vehicles for site operatives and visitors;
  - c) details of areas designated for the loading, unloading and storage of plant and materials;
  - d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
  - e) routes to be used by construction vehicles and deliveries to the site;
  - f) a construction strategy that ensures the impacts on the B5261 and side roads are minimised during construction of the approved access;
  - g) a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
  - h) a scheme to control noise during the construction phase;
  - i) the erection and maintenance of security hoarding;
  - j) measures to control the emission of dust and dirt during construction; and
  - k) a scheme for recycling/disposing of waste resulting from construction work (which shall avoid any burning of waste on the site).

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

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

5. No development shall take place until a hard landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include the following details:
  - a) Carriageway, footway and cycleway surfacing materials.
  - b) The layout, scale, design, materials and colour treatment of all highway appurtenances and other street furniture associated with the construction of the works described in i), ii) and iii) of condition 3 of this permission.

All hard landscaping works shall be carried out in accordance with the duly approved scheme before the new road described in iii) of condition 3 of this permission is first opened to traffic (other than construction traffic).

Reason: To ensure that elements of hard landscaping associated with the development achieve a high standard of design in order to achieve a sympathetic treatment and successful integration of the junction into to the corridor of the B5261 which forms one of the main thoroughfares into St Annes and a gateway to the Queensway urban extension in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

(incorporating Partial Review) policies M1 and GD7, Saint Anne's on the Sea Neighbourhood Development Plan policies DH1 and DH2, and the National Planning Policy Framework.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no development shall take place until a soft landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the local planning authority, the soft landscaping scheme shall include the following details:
  - a) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
  - b) all trees, hedgerows and any other vegetation on/overhanging the site to be removed;
  - c) compensatory planting to replace any trees or hedgerows to be removed under b);
  - d) the introduction of landscaping to provide suitably tree-lined streets in the following locations: 1) alongside the site's south-eastern frontage with the B5261 in the area indicated on drawing no. 4178/IJ/01 Rev B; and 2) alongside the north and south sides of the new road described in iii) of condition 3 of this permission for its full length between its junctions with the B5261 and Parkinson Boulevard;
  - e) the introduction of additional planting within the site which does not fall within a), c) or d);
  - f) the number, size, species (which shall include native and wildlife attracting species), siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season that occurs after the access road described in iii) of condition 3 of this permission is first opened to traffic (other than construction traffic). The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the Local Planning Authority before the access road described in iii) of condition 3 of this permission is first opened to traffic (other than construction traffic). 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 achieve appropriate soft landscaping of the development which secures a high standard of design, to ensure that the new access road into the Richmond Point residential development is tree-lined and to achieve a sympathetic integration of the development into to the corridor of the B5261 which forms one of the main thoroughfares into St Annes and a gateway to the Queensway urban extension in the interests of visual amenity, and to provide appropriate biodiversity enhancements and green infrastructure networks in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1, GD7, ENV1 and ENV2, Saint Anne's on the Sea Neighbourhood Development Plan policies EN2, DH1 and DH2, and the National Planning Policy Framework.

7. 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.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

8. No development shall take place until a method statement for the containment, control and/or removal of Japanese Rose within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
  - a) Measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
  - b) A timetable for implementation (including any phasing for removal/control on different parts of the site).

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

Reason: To ensure the satisfactory treatment and disposal of invasive plant species which have been identified at the site before any development commences on affected areas of the site in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

9. No development shall take place until a scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the principles contained within the document titled "Flood Risk & Drainage Assessment" by Ironside Farrar Limited dated April 2022 (report reference 30511/SRG) and be based on the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and shall include:
  - a) Sustainable drainage calculations for peak flow control and volume control (1 in 1 year, 1 in 30 year +40% climate change event, and 1 in 100 year +50% climate change event).
  - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
    - i. A plan identifying areas contributing to the drainage network, including surface water flows from outside the site as necessary.
    - ii. The sustainable drainage system layout showing all pipe and structure references, dimensions and design levels.
    - iii. Details of all sustainable drainage components, including drawings showing their topography and slope gradient as appropriate.
    - iv. A plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
    - v. Finished levels for the development in AOD with adjacent ground levels on all sides of the development and connecting cover levels to confirm a minimum 150mm+ difference for finished levels.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.
- c) Evidence of an agreement in principle with any third party landowners to connect to the off-site surface water drain (where applicable).

The duly approved scheme shall be implemented before the new road described in iii) of condition 3 of this permission is first opened to traffic (other than construction traffic).

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 sustainable disposal of surface water in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

10. The new road described in iii) of condition 3 of this permission shall not be first opened to traffic (other than construction traffic) until an Operation and Maintenance Scheme for the lifetime of the surface water drainage system to be installed pursuant to condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Operation and Maintenance Scheme shall include:

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

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved Operation and Maintenance Scheme.

Reason: To ensure that flood risks from the development to the future users 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 suitable measures are put in place for the future management and maintenance of the surface water drainage system in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

11. No development shall take place until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the local planning authority. The CSWMP shall set out how surface water and stormwater will be managed on the site to prevent pollution during the construction period (including site clearance operations) and shall include the following details:

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

- a) Measures taken to ensure surface water flows are retained on-site during the construction period (including temporary drainage systems) and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate that does not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

12. The new road described in iii) of condition 3 of this permission shall not be first opened to traffic (other than construction traffic) unless and until a Verification Report for the construction of the surface water drainage system to be installed pursuant to condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall: i) demonstrate that the surface water drainage system installed pursuant to condition 9 of this permission has been constructed in accordance with the duly approved scheme (or detail any variations) and is fit for purpose; and ii) contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures). The surface water drainage system shall thereafter be retained in accordance with the details in the duly approved Verification Report.

Reason: To ensure that flood risks from the development to the future users 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 in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

### **Informatives:**

#### **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 1 FEBRUARY 2023 PLANNING COMMITTEE

### Highways:

The applicant's attention is drawing to the following informative notes contained within the Local Highway Authority's comments on the application dated 08.12.22:

- The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
- Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

### Adoption of Habitat Regulations Assessment:

In issuing this decision the local planning authority has had regard to the document titled "Habitat Regulations Assessment Update September 2021" prepared by 'The Environment Partnership' (TEP) which forms Appendix A of the document titled "Ecology Technical Note" (reference 8862.008, version 2.0, dated 16.08.22) and the comments from Natural England in their letter dated 20.09.22 confirming that they are in agreement with the conclusions in the Habitat Regulations Assessment that, with appropriate mitigation in place (as is secured through an extant planning obligation to which this permission is linked), the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

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

### Water voles:

Whilst there is only a low risk of water vole being present, the applicant is reminded that under schedule 5 of the Wildlife & Countryside Act 1981 (as amended) it is an offence kill or recklessly damage, destroy or obstruct habitat utilised by water vole. If a water vole is found during the development all work should cease immediately and a suitably licensed ecologist employed to assess how best to safeguard the water voles(s). Natural England should also be informed.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Location plan for 22/0188



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Item 7

<b>Application No:</b>	22/0874	<b>Case Officer:</b>	Ruth Thow Area Team 2
<b>Applicant:</b>	Mrs K Dykes	<b>Agent:</b>	Abbot Hull Associates
<b>Location:</b>	10 THE BOULEVARD LYTHAM ST ANNES LANCASHIRE FY8 1EH		
<b>Proposal:</b>	SINGLE STOREY REAR AND SIDE EXTENSION, FIRST FLOOR REAR EXTENSION AND REAR DORMER		
<b>Ward:</b>	Fairhaven	<b>Parish:</b>	St Anne's on the Sea
<b>Statutory Expiry:</b>	6 February 2023	<b>Earliest Decision:</b>	20 December 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>	

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

The application site is a semi detached two storey dwelling located in an area of St Annes that is typified by other such properties, and is located within the settlement area as designated by the Fylde Local Plan to 2032 (incorporating Partial Review) and the St Annes Neighbourhood Plan.

The proposal relates to a series of extensions to the rear of the property. A ground floor extension with flat roof is to provide a kitchen / dining room / snug across the rear of the property and its attached side garage, a first floor canted bay window is to be revised to a squared bay, and a dormer is to be added to the rear roof slope to facilitate an extra bedroom. These works are generally contemporary in styling in materials with a use of render to the ground floor and timber cladding to the upper floors.

The application is presented to Committee as the Town Council raise objection to it based on their view that the works to the upper floors will adversely impact on neighbours and appear incongruous in the streetscene.

Having assessed these points and the other material considerations raised by the development the officer view is that the scheme is acceptable. The scale and location of the extensions will not create any adverse impact on neighbouring amenity, with the windows to the dormer separated by over 20m to the nearest properties to the rear. These properties will effectively screen any clear views of the works from the streetscene, and so any glimpsed views could not create a level of harm that would justify a refusal of the application. Notwithstanding this, the officer view is that the works are appropriately designed and use materials that add interest to the property by providing a modernisation of its rear aspect.

On this basis it is considered that the proposals satisfy the requirements of the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the St Annes Neighbourhood Plan. Therefore, the recommendation to committee is that planning permission be granted subject to a series of standard conditions.

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

### **Reason for Decision Level**

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

### **Site Description and Location**

The application site is 10 The Boulevard, Lytham St. Annes. In particular the proposal relates to a semi-detached, red bricked, two storey dwelling with two storey bay window to the front elevation which has a single storey outrigger and a garage attached to the side elevation.

The property is located within a streetscene comprising residential properties of similar style and design.

The site falls within the settlement of Lytham St. Annes as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

### **Details of Proposal**

Planning permission is sought for a single storey rear and side extension, a first floor rear extension and a rear dormer.

The ground floor extensions result in an addition 1.1 metres added to the length of the existing kitchen situated along the boundary with the neighbours at 12 The Boulevard with an additional 2 metres added to the rear of the existing garage situated on the boundary with 8 The Boulevard. The area between these two extensions is to be filled in to provide a dining room at 4.7 metres in width.

The extension is designed with a flat roof with three 'lantern style' roof lights with an overall height of 3.4 metres.

To the first floor the existing bow window is proposed to be 'squared off' to form a square bay projecting for 0.5 metres and extending for 2.8 metres in width.

A rear dormer is also being proposed which extends for 6.7 metres in width across the rear roof slope by 2.4 metres in height and projecting from the roof slope for 3.5 metres (28 cubic metres).

The extensions provide a combined kitchen/dining/snug on the ground floor with an enlarged bedroom on the first floor and a bedroom with a bathroom in the roof space.

The ground floor extension is to be finished in white render. The bay window extensions at first floor is proposed is to be clad in timber. The dormer cheeks are to be tile hung with the front of the dormer clad in timber.

### **Relevant Planning History**

None.



## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

### Parish/Town Council Observations

Parish/Town Council	Observations
St. Annes on Sea Town Council	<p><u>Comments received on 20 December 2022</u></p> <p><i>Councillors Lanyon and J Harrison gave a split decision recommendation noting no objection to the proposed single storey rear and side extension but objecting to the first-floor rear extension and rear dormer. With the reason that they felt the proposal is of overbearing size and massing, dominating the outlook for the properties on Newbury Rd. (Numbers 7 and 9 especially). The proposal does not sit well in the surrounding street scene of 2 storey semi-detached houses and will result in an incongruous appearance with adjoining house (Number 12). Making it therefore in conflict with Neighbourhood Plan Design Guide Policy DH1 – Creating a distinctive St. Anne's.</i></p> <p><i>The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible, and to meet with the aspirations for quality living accommodation of the Neighbourhood Plan Design Guide by maximising the opportunity for natural light and ventilation.</i></p>

### Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

### Neighbour Observations

<b>Neighbours notified:</b>	29 November 2022
<b>Number of Responses</b>	Total number of comments      1
<b>Summary of Comments</b>	<p>The comments received in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"> <li>• Comments on materials for the garage</li> <li>• Concerns how rain water will be dealt with</li> <li>• Concerns over lantern roof lights and lighting</li> <li>• Shame to remove large stone bay windows</li> <li>• Concerns over scale of the dormer</li> </ul>

### 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

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

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:**

GD1 - Settlement Boundaries Lytham St Annes  
GD7 - Achieving Good Design in Development  
SPD1 - Extending Your Home - November 2007  
STANP - St Annes on the Sea Neighbourhood Plan

NPPF – National Planning Policy Framework (July 2021)  
NPPG – Planning Practice Guidance

### **Comment and Analysis**

#### **Principle**

The application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of residential extensions within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

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

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

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

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

STANP policy DH1 states that "all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods." Additionally, the policy requires that "development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards."

## **AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE**

The property is a semi-detached, two storey dwelling which has an existing single storey outrigger situated on the boundary with the adjoining neighbour providing a kitchen, and a single storey garage attached to the side elevation of the property which extends beyond the rear elevation of the host property. The proposed ground and upper floor extensions are to the rear elevation of the dwelling and as such are screened from direct views from the street and consequently have no impact on the character and appearance of the area.

The Town Council have commented on the scale and massing of the extensions, in particular the bay projection and the dormer.

The bay window at first floor level replaces an existing bow fronted bay with a square bay and projects only marginally more from the rear elevation than the existing bay window. The dormer sits within the rear roof slope and is set up from the eaves, down from the ridge and set in from the side elevation of the dwelling. The dormer would be 'Permitted Development' having regard to its scale and has only been included in this application due to the applicant's preferred use of vertical timber cladding for the front face of the dormer, the dormer cheeks being clad in slate to match the existing roof covering.

Having regard to the scale of extensions being proposed and the requirements of 'Permitted Development Regulations' it is considered that the development is not over-large. The use of timber cladding is a more contemporary finish for the bay and the dormer but is not incongruous in this setting and neither result harm to the visual amenity of the street scene. The dormer is to the rear and so is not visible in views from The Boulevard. Some views would be available between neighbouring dwellings on Newbury Road and across gardens from Kintbury Road to the site. However, these are well screened by the dwellings that front onto those roads and so any views would be glimpses only and from Newbury Road would be over 60m from that streetscene. In these circumstances there is no material harm to the streetscene.

Taken together the design and scale of the extensions 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".

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

As reported the application property is a semi-detached dwelling attached to neighbours at 12 The Boulevard. These properties have a single storey outrigger abutting one another, the application proposes to extend this by the addition of a small 1.1 metre extension. On the opposite side, along the boundary with 8 The Boulevard, the existing garage is to be extended by 2 metres. Both of these extensions comply with the requirements of the council's adopted SPD for house extensions that advises that extensions on the boundary do not project for more than 3 metres. The area between these two extensions is to be infilled to provide a combined kitchen/dining/snug area. Given the scale, design and location of these extensions there would be no loss amenity for the occupiers of the above named properties.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

To the upper floors the application includes a bay window and a dormer which face towards no. 7 and 9 Newbury Road. The dormer introduces additional windows at height which have the potential to result in a loss of privacy for the occupiers of these properties. However, with separation distances at 33 metres and 35 metres respectively between neighbours and the application property, there would not be any undue loss of privacy as a result of the proposed development for the neighbours to the rear of the application site.

In regards to the neighbours either side the existing windows on the rear elevation will afford some views into neighbouring properties and a level of mutual overlooking between properties will currently exist. The additional dormer window will therefore not significantly increase overlooking to a level which would warrant a refusal of the application.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7.

### **Parking and Access Arrangements**

The proposal does not propose any change to the existing parking arrangements and therefore, 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 extensions at a dwelling in the settlement of Lytham St. Annes. 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. The development must be begun not later than the expiration of three years from the date of this permission.

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

2. This permission relates to the following plans:

- Location plan - Drawing no. 22070\_LOC
- Proposed site plan - Drawing no. 22070\_11S REV. C
- Proposed floor & elevation plans - Drawing no. 22070\_110 REV. C

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

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

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 the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

### Informative(s)

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

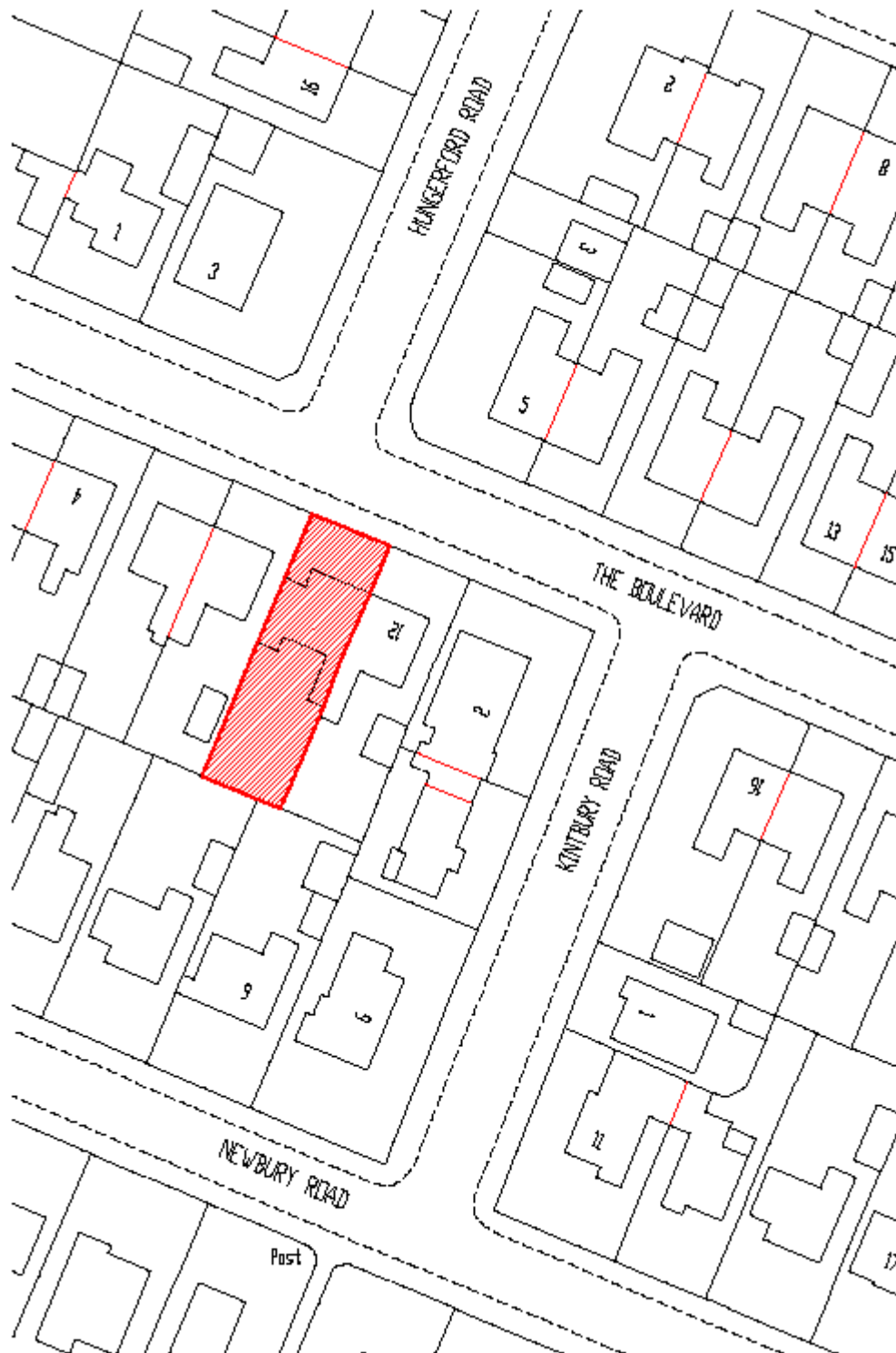
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

2. St Annes Neighbourhood Plan

The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible to reflect the aspirations of St Annes Town Council as set out in Policy HOU4 of the St Annes Neighbourhood Plan. Plus, the use of high standard insulation, frosted glazing on ground floor, roof lights, light wells, double glazing and trickle ventilators, to meet with the aspirations for quality living accommodation of the Neighbourhood Plan Design Guide by maximising the opportunity for natural light and ventilation.

## AGENDA FOR 1 FEBRUARY 2023 PLANNING COMMITTEE

Location Plan for 22/0874



## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	1 February 2023	5

### LIST OF APPEALS DECIDED

#### PUBLIC ITEM

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

#### SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 3 January and 20 January 2023.

For a copy of the decision letter click on the decision in the tables below and follow the link to the Appeal where you will find the decision letter and other appeal documents.

#### SOURCE OF INFORMATION

Development Services

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

To inform members on appeals that have been decided.

#### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## Index of Appeal Decisions

Appeal decisions received between 3 January 2023 and 20 January 2023.

For a copy of the decision letter click on the decision in the tables below and follow the link to the Appeal where you will find the decision letter and other appeal documents.

<b>App. No.</b>	21/0932	<b>FBC Decision:</b>	Refusal	<b>Level:</b>	Delegated
<b>Location:</b>	WILLOW VIEW COTTAGE, KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU				
<b>Description:</b>	ERECTION OF AN AGRICULTURAL STORAGE BUILDING AND A GREEN HOUSE FOLLOWING DEMOLITION OF UNAUTHORISED STRUCTURES, BLOCKING UP OF ACCESS.				
<b>PINS Decision</b>	<a href="#">Dismissed</a>	<b>Date:</b>	6 January 2023	<b>Costs:</b>	N/A