

# Agenda

## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 20 April 2016 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

### Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the meeting held on 16 March 2016 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	<b>DECISION ITEMS:</b>	
4	<b>Development Management Matters</b>	3 - 90
	<b>INFORMATION ITEMS:</b>	
5	<b>List of Appeals Decided</b>	91 - 99

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The code of conduct for members can be found in the council's constitution at

<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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### Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning) or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

# Development Management Committee Schedule 20 April 2016

**Item Number:** 1

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	13/0803	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr & Mrs Bland	<b>Agent :</b>	John Coward Architects Ltd
<b>Location:</b>	THE GRANGE, RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2PA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF FIVE DWELLINGS (ACCESS AND LAYOUT APPLIED FOR).		
<b>Parish:</b>	RIBBY WITH WREA	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	118	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Delay due to legal agreement		
<b>If viewing online this is a Google Maps link to the general site location:</b>			
<a href="https://www.google.co.uk/maps/@53.7798186,-2.8994091,280m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7798186,-2.8994091,280m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

This scheme proposes residential development in a countryside area which is contrary to Policy SP2 of the Fylde Borough Local Plan and so this would require a refusal of the application unless there were material considerations that outweigh the determination of the application in accordance with the development plan.

Members may recall the application was on the agenda of the 2 July 2014 meeting of Committee where the resolution was that planning permission be granted subject to the applicants entering into a Section 106 Agreement to secure contributions towards the provision of affordable housing and public open space.

Since that time the application has remained outstanding pending the completion of this agreement. However, this period has seen a revision in the threshold for contributions and progress on the Fylde Local Plan to the 'Revised Preferred Options' stage. These changes are addressed in this report, with the conclusion being that planning permission should now be granted without any need for a s106 agreement.

Accordingly the application is recommended for approval by Members.

### Reason for Reporting to Committee

The resolution of the previous Committee decision was specific in that it required a s106 agreement to be completed before planning permission could be granted. There has been a change in the material considerations pertaining to the application since that time and so it is necessary for Committee to re-consider the position with regard to the application.

### **Site Description and Location**

The application site is on land adjacent to The Grange, Ribby Road, Wrea Green. The site is to the north side of Ribby Road and is between The Grange (a large detached dwelling) and a row of terraced dwellings known as 'Ribby Cottages' situated opposite 'Ribby Hall Holiday Village'.

The site is roughly triangular in shape and is relatively flat with mature hedging to the roadside frontage, and open fields to the rear, with a site area of 2,280 sq. metres. Kirkham is approximately 2 miles to the east and Wrea Green 1.5 miles to the west.

The site is within an area designated as countryside on the Fylde Borough Local Plan, as altered (October 2005).

### **Details of Proposal**

This application seeks outline permission for five dwellings. Matters of access and layout are applied for at this stage.

The layout plan indicates a row of three terraced dwellings and a pair of semi-detached dwellings with access in between the two rows.

Each dwelling has its own curtilage with two parking spaces allocated for each dwelling, two each to the rear of plots 1 and 2 and three immediately to the rear of the row of three dwellings, Plots 3-5 with a further 3 spaces situated to the north eastern boundary of the site. A turning area and a 'play area' is indicated in the north west corner of the site.

The new access road provides visibility splays of 2.4 x 75 metre sight lines. Whilst indicative floor plans of the dwellings have been submitted all other matters are reserved.

The plans have been amended since initial submission to relocate the access point and car parking in response to comments from consultees.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
01/0045	RESUBMISSION OF APPLICATION 5/00/0321 FOR DOUBLE GARAGE AND STABLES EXTENSION	Granted	28/03/2001
00/0321	ERECTION OF GARAGE AND SWIMMING POOL BUILDING TOGETHER WITH THE RELOCATION AND EXTENSION OF EXISTING STABLE BLOCK	Refused	14/06/2000
99/0623	OUTDOOR HORSE RIDING AREA WITH POST & RAIL FENCING	Granted	01/12/1999
79/0442	OUTLINE - 1 DETACHED HOUSE.	Refused	22/08/1979

### **Relevant Planning Appeals History**

None.

### **Parish Council Observations**

Ribby with Wrea Parish Council notified on 14 January 2014 and state:

*"In normal circumstances this Council would oppose this application as the proposed development is in designated countryside. However, in the current planning climate and as the proposal is in real terms an infill of an existing ribbon development this council has no objection on the basis that the properties blend in with the existing streetscene."*

### **Statutory Consultees**

#### **Blackpool Airport**

Comments

none received

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

Comments

The access arrangements are not acceptable as the sight line to the east goes through the area bounded by railings in front of the cottages. If the access were to be moved to the west and sight lines with the same dimensions as those on the plan be provided then there would be no objections.

(Officer comments)

The above Highway comments are in conflict with pre-app. advice provided .....

"This is a 40 mph section of Ribby Road so Manual for Streets methodology would suggest minimum sight lines of 2.4m x 75m.

The access is shown approximately 50m from Ribby Cottages where there is an ornamental fence up to the carriageway which prevents the sightline from being achieved. However, if a line of sight was taken from 2.4 m back at the proposed access to the front of the fence and continued a further 25m it would be approximately 1.3m from the nearside edge of the carriageway. A consultant would argue that the possibility of a vehicle being with 1.3m of the nearside edge of carriageway and approaching the site is very small. Given the level of traffic I wouldn't argue against this and as such the sight lines would be acceptable.

There is no provision for pedestrians on the development side of Ribby Road and I would want to see a footway provided full length of the development site to improve accessibility. Also dropped kerbs would need to be provided at both ends and on the opposite site. This then provides safe pedestrian access to the bus stops at Ribby Hall and a safe walking link into Wrea Green.

The access would be a kerbed access and not a dropped kerb access. The above works would need to be carried out under a S278 Agreement.

#### **Lancashire County Ecology Service**

Comments were raised over the layout of the site and the proximity to an Ash tree (which were addressed) and then a series of standard ecological protection conditions were requested.

**United Utilities - Water**

Comments

No objection to the proposed development.

**Environment Agency**

Comments

No comment. It is not listed on the external consultation list or in the Development Management Procedure Order.

**Observations of Other Interested Parties**

CPRE: *“The Council is not currently able to show a 5-year supply of new housing as required by the NPPF. However, this development would make an insignificant contribution to the housing supply. Therefore in our opinion lack of a 5-year supply of housing land ought not to be given any weight in favour of approval of the application.*

*The NPPF confirms that decisions on future land use in the Borough should be plan-led via the Local Plan process. Approval of the application site for housing development would pre-empt the new Local Plan and should not be made on an ad-hoc basis. Any possible future allocation outside the settlement must be made in Fylde Local Plan Part 2: Site Allocations to 2030. ”*

**Neighbour Observations**

**Neighbours notified:** 14 January 2014

**No. Of Responses Received:** 2 letters received

**Nature of comments made:**

- close to banqueting centre which generates some noise, could affect dwellings so advisable that sound insulation values are increase
- site close to a bend and is a danger for vehicles additional traffic additional cumulative risk
- complaints of noise likely to increase from Ribby Hall
- site not sustainable in NPPF terms

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP11	Building design and landscape character
EP19	Protected species
EP14	Landscaping of new developments
EP25	Development and waste water

**Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
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## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

## **Comment and Analysis**

### Updated Position

This application seeks outline permission for five dwellings and was previously considered by Members on 2nd July 2014 and minded to approve subject to the applicant entering into a Section 106 legal agreement which required contributions for affordable housing and public open space. An extract from the minutes of that meeting is below:

*Outline Planning Permission be granted subject to the completion of a Section 106 agreement in order to secure:*

- *a financial contribution of £50,000 to be paid to the council to be used to assist in the provision of affordable housing in the vicinity of the site, with this to be paid within 28 days of the first occupation of any dwelling,*
- *a financial contribution of £8,000 towards securing improvements to public open space facilities in the vicinity of the site, with this to be paid within 28 days of the first occupation of any dwelling*

Since the committee decision the application has been pending the signing of the agreement. However, since that time there have been two changes which material affect the application: there has been a raising of the threshold at which a requirement for contributions from residential development schemes are required, and the progression of the Fylde Local Plan towards submission.

In regard to the requirement for contributions, the application was initially assessed against the Interim Housing Policy which sought contributions towards affordable housing and public open space from all rural schemes of 4 dwellings or more, and so as a scheme of 5 dwellings this was required to make such a contribution. That position changed in June 2015 with the adoption of Policy H4 of the Housing Chapter to the Fylde Local Plan to 2032 which raises the trigger threshold for contributions to schemes of more than 10 dwellings. As this application is for five dwellings, contributions are no longer necessary and there is no longer any legal basis for the council to require the applicant to enter into a s106 agreement to deliver such contributions.

It is also the case that the site is now within an Area of Separation under Policy GD3 of the Fylde Local Plan to 2032 Revised Preferred Option. However, unlike Policy H4 this has only limited weight in the determination of residential applications and so is outweighed by the previous Committee decision to support the development, and the position that the scheme continues to deliver sustainable residential development.

The remainder of this section is directly taken from the previous report and is presented to explain the matters that were assessed at that time. The conclusion to the report has however, been

re-drafted to reflect the changes in circumstances.

### The application

The development proposes a row of three terraced properties and a pair of semi-detached dwellings separated by a new access road with parking to the rear. A small garden area is to the front with further gardens to the side and rear. Indicative floor plans illustrate the properties are to be two storey however only, access and layout are applied for at this stage.

### The existing site

The application site is within the designated countryside area, situated between a row of properties, in use as holiday cottages in association with Ribby Hall Holiday Village on the opposite side of Ribby Road. 'The Grange' is situated to the west side and is a large detached dwelling with outbuildings and stables and paddock. The application area is the adjacent field to the east of 'The Grange' and is bounded by mature hedge to Ribby Road side, to east and to the north side. There are several mature trees along the boundaries.

### Principle of the Development

The site within designated countryside, as such Policies SP2, HL2, EP11, EP19 and EP25 of the Fylde Borough Local Plan are applicable to this application.

Residential development on countryside land is contrary to Policy SP2 of the Fylde Borough Local Plan and so the application should be refused unless there are material considerations to outweigh this policy objection. A material consideration of importance in this assessment is the requirement of the National Planning Policy Framework that a local planning authority is able to demonstrate a five year supply (plus buffer) of deliverable housing, and Fylde is presently unable to do so. In such circumstances a proposal that delivers sustainable residential development will be difficult to resist given the significant weight that is attached to delivering this supply of housing.

This site is between the settlements of Wrea Green and Kirkham, both of which are of a scale that can provide for the basic needs of residents of the additional development proposed here, as has been demonstrated by appeal decisions in favour of development in both Kirkham, off the A583 Kirkham by-pass to the rear of this site and development sites in Wrea Green. In addition, the site is adjacent to Ribby Hall and whilst this is a holiday village it provides a convenience store, restaurants and sports facilities open to the public which could also serve the proposed dwellings. Bus stops are also present outside of the application providing a link into other areas of the borough. The centre of both Wrea Green and Kirkham are within easy walking distance of this site.

Development should be directed to the most appropriate location. This is explained throughout the NPPF with its 'presumption in favour of sustainable development' and whilst this site is not within a settlement it is considered to have a reasonable accessibility to a range of services and so be sustainable in that regard, so meeting the requirements of the NPPF.

### Appearance and impact on character of area

Policy HL2 is relevant for assessing the merits of new housing development together with the above policies of the Local Plan, these are commented on below.

The application is in outline form with layout for three terraced dwellings and a pair of semi detached dwellings indicated. The plan also indicates access into the site with parking spaces of two per dwelling shown to the rear of the site.

The dwellings are of a similar form to the four terraced dwellings to the east of the site, creating 'ribbon development' with The Grange and whilst details are not included in this application the indicative layout would appear to be comparable to its neighbours. Their development will clearly change the character of the area from its current greenfield nature, but the site sits between existing dwellings and opposite Ribby Hall where there is a significant scale of development. The site layout is sensitive to its neighbours in the density and layout sought and is considered to comply with criterion 1 and criterion 2 of Policy HL2 and the requirements of Policy EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 17 of the NPPF.

#### Relationship to neighbours

The proposed dwellings are well separated from the neighbours at 'Ribby Cottages' and 'The Grange'. Whilst those at 'Ribby Cottages' are the nearest these neighbours these would not experience any loss of light or other impacts at the separations involved. However, with the outline nature of the proposal no details of scale and design are submitted at this stage meaning issues such as overlooking cannot be assessed. Notwithstanding this, given the spacing indicated around the plots and the distance between neighbours it is anticipated that overlooking/loss of privacy can be avoided in the detailed design of the dwelling at any reserved matters stage. There are no neighbours to the front and rear of the site.

Accordingly the proposal complies with criterion 4 of Policy HL2 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 17 of the NPPF.

#### Biodiversity and protected species

Policy EP19 and criterion 5 of Policy HL2 refers to biodiversity and protected species.

Comments have been received from LCC Ecologists who advised the LPA that Ash trees on the northern and eastern boundaries of the site should be better respected than in the original layout with the proposed car parking area re-located. To this end the applicant has submitted revised plans to secure the retention of the trees referred to by moving the additional parking spaces for Plots 3,4 and 5 away from these boundaries.

The proposal did not raise any other issues in respect of protected species and biodiversity. The hedgerows around the site are indicated on the site that these are to be retained, with this secured by condition.

On this basis the proposal is considered to comply with Policy EP19 and Criterion 5 of Policy HL2 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 118 of the NPPF.

#### Access

This development includes a new access from Ribby Road to serve the site. The applicant submitted a pre-application enquiry which was assessed by LCC Highway Engineers and found to be generally acceptable. When the application was submitted and consultation reply received a concern was raised about the sight lines being reduced across the front of Ribby Cottages by an ornamental fence between the cottages and the highway. The scheme has been revised to

improve this, but LCC continue to express concern on this matter.

Your officers have assessed this and consider that the access arrangements are acceptable. This is due to the direction of the approaching traffic in relation to the breach in sight lines, the extent of the sight lines that are actually affected by the fencing, and the type of fencing in place which allows views through anyway.

The scheme provides for sufficient off street parking for the number of the proposed dwellings. Accordingly the proposal complies with Criterion 9 of Policy HL2 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 17, 32 and 35 of the NPPF.

#### Development and waste water

United Utilities have advised that there are no known public sewers in the vicinity of the proposed development. Drainage of the site will be a condition of this application to satisfy Policy EP25 of the local plan and so is likely to involve septic tank.

#### Landscaping

Policy EP14 of the local plan refers to planning applications for the construction of new housing or other developments, and states that "*development schemes must make suitable provision for landscape planting. Where appropriate, planning permission will be granted with conditions to ensure the proper implementation and maintenance of such and maintenance of such schemes*".

Landscaping is not applied for in this outline application. Provision of landscaping is required to ensure the retention of the existing hedges and mature trees and will be conditioned to include this together with more appropriate species for the longevity of the area and overall environmental benefits for the area.

Accordingly the proposal is considered to comply with Policy EP14 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 109 of the NPPF - 'Conserving and enhancing the natural environment'.

#### Conclusions

As reported above, the scheme has previously been considered acceptable by Members and could potentially have been developed since the original submission. However, the requirement to pay contributions has prevented this site from coming forward as the applicant was unwilling to enter into the legal agreement. This has now changed and so this requirement for contributions, and so a s106 agreement, no longer exists and to require it would be unlawful under the CIL regulations.

In addition, the Fylde Local Plan has progressed, and the site is now within an 'Area of Separation' as defined in that Plan whereas at the time of the previous consideration the Area of Separation existed, but did not extend to this site. The relevant policy wording (in Policy GD3) explains that "*These areas are designed to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in a coalescent of two distinct and separate settlements*". In this instance this relates to an area between Kirkham and Wrea Green and this is a material consideration in determining the application.

However, the Fylde Local Plan remains in an 'emerging' state and so the weight given to its policies is limited. Of particular relevance here is that Policy H4 relating to affordable housing was within the

housing chapter that was given advanced status in June 2015 when the Local Plan was approved by Committee for consultation, whilst Policy GD3 is not, and so has less weight. This weight is less than that attached to the previous resolution to grant consent for this scheme, and that it is in itself a sustainable proposal that will bring residential development to assist the council's housing supply position without causing any demonstrable harm. Accordingly the recommendation remains for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - [a] The expiration of five years from the date of this permission;
  - or
  - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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

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

3. That prior to the commencement of any construction work on the dwellings hereby approved a schedule of the materials for the walls, roofs, windows and doors (supported by samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be constructed in accordance with the approved schedule of materials.

In order to secure a satisfactory appearance to the development as required by criteria 1 and 2 of Policy HL2 of the Fylde Borough Local Plan.

4. That prior to the commencement of construction on any of the dwellings a scheme that secures all necessary highway measures for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include the phasing of all necessary works and shall be implemented in line with the agreed phasing. The works shall include:

- a) the provision of a footway for the full length of the development site
- b) the provision of dropped kerbs at both ends of the footway
- c) kerbed access into the site.

To ensure the provision all necessary highway improvements in the interests of pedestrian and highway safety as required by Policy HL2 of the Fylde Borough Local Plan

5. Prior to the commencement of development a scheme for landscaping, including hard surface landscaping, shall be submitted to and approved in writing by the Local Planning Authority.

Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

6. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current sylvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

7. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved Construction Plan.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to neighbouring properties.

8. That development works shall not commence in the months of March - August inclusive, unless a walkover survey of the site and its boundary hedges has first been undertaken to establish the presence of any sites which could provide nesting opportunities to birds. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting site shall be submitted to the Local Planning Authority and approved in writing, with the development undertaken in accordance with this approved scheme.

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP19 of the Fylde Borough Local Plan.

9. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A to G (inclusive) of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwellings and the surrounding area.

10. Notwithstanding the provision of Classes A, B, C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A	Gates, walls, fences
B	New access
C	Exterior treatment]

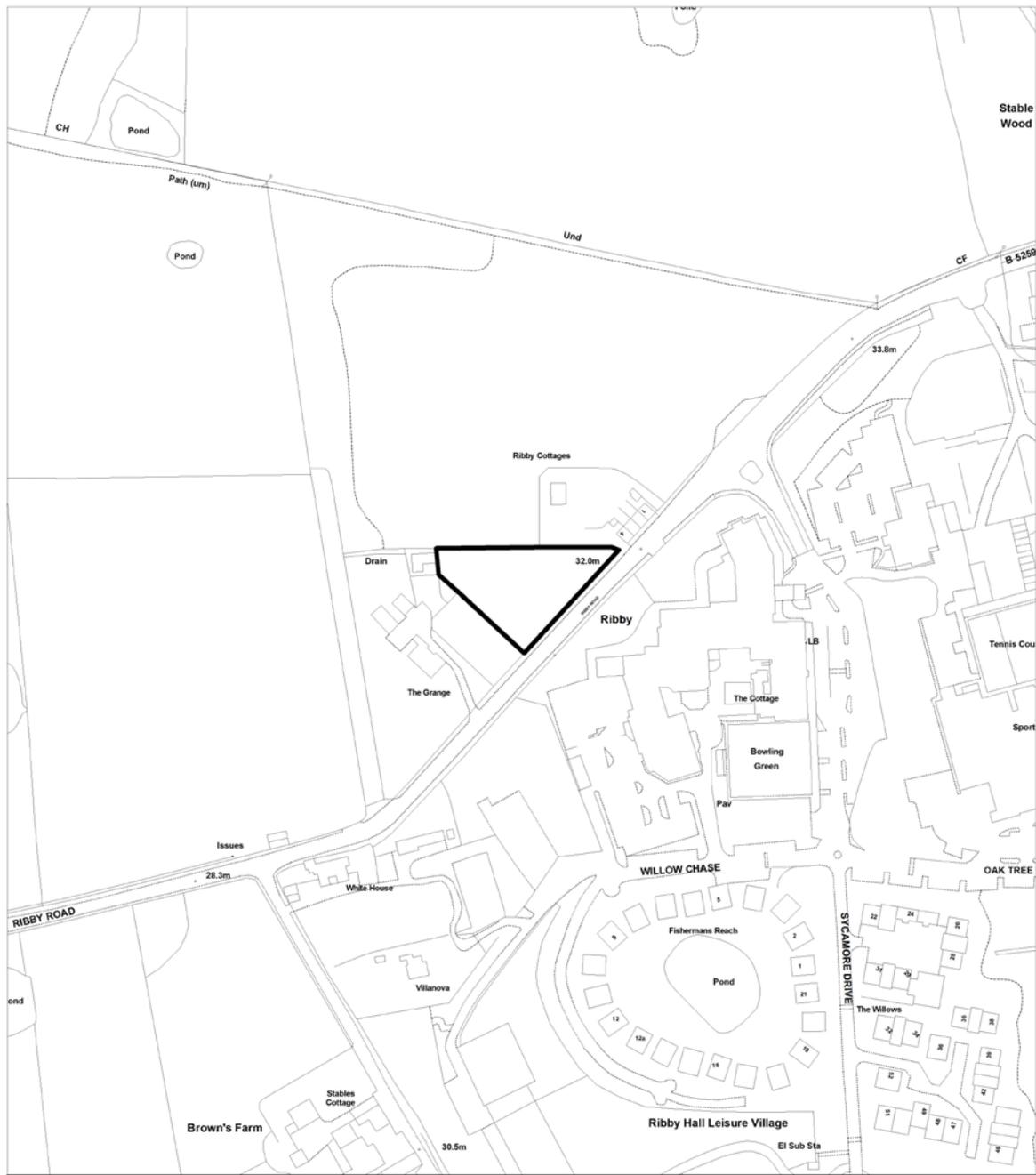
To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

11. Prior to the commencement of the development full details of the means of foul sewerage and surface water treatment and disposal shall be submitted to and approved in writing by the Local Planning Authority the facilities shall be fully installed on site to satisfactory working order prior to the occupation of the first dwelling on the development.

To ensure satisfactory sewage treatment and surface water disposal on the development site in accordance with Policy EP25 of the Fylde Borough Local Plan, as altered (October 2005).

12. That the landscaping details submitted as part of the 'Reserved Matters' to this outline planning permission shall include a plan to indicate any works that are to be undertaken to the existing trees on the site, and to indicate any trees that are to be removed. This plan shall be supported with details of the phasing of these works and the protection measures to be implemented which shall accord with existing guidelines in BS5837:2012.

To ensure the development is undertaken in a manner that respects the general character of the area and retains trees that provide an opportunity to enhance biodiversity in the area.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/13/0803	Address The Grange, Ribby Road, Wrea Green	Grid Ref. E.3408 : N.4318	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 20 April 2016

<b>Application Reference:</b> 15/0795	<b>Type of Application:</b> Full Planning Permission
<b>Applicant:</b> BAe Systems	<b>Agent :</b> Wilson Mason LLP
<b>Location:</b> BAe SYSTEMS, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AX	
<b>Proposal:</b> PROPOSED ERECTION OF DETACHED TWO STOREY BUILDING TO PROVIDE ENGINEERING CENTRE TO SOUTHERN SIDE OF RUNWAY	
<b>Parish:</b>	<b>Area Team:</b> Area Team 1
<b>Weeks on Hand:</b> 23	<b>Case Officer:</b> Rob Clewes
<b>Reason for Delay:</b> Negotiations to resolve difficulties	
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7402827,-2.8820916,1120m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7402827,-2.8820916,1120m/data=!3m1!1e3?hl=en</a>	

**Summary of Recommended Decision:** Grant

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

The proposal involves the erection of a new building within the BAe site at Warton, in the area that is to the southern side of the runway and so more remote from the village. This is a two storey structure providing some office accommodation and high-bay manufacturing / research space associated with the core aircraft business. The site is allocated for employment purposes where the erection of a new building is acceptable in principle. It is sited on a section of brownfield land within the complex and adjacent an existing cluster of buildings and hangars. Its design is of a modern appearance which will not appear out of keeping and it will therefore not have a detrimental impact to the character of the area.

There will be no detrimental impact to the highway network as the development will not result in any additional vehicular movements as the proposal is to replace a series of existing buildings which are to be decommissioned due to their age, and the staff redeployed to the new building. The LCC highways surveyor has confirmed that this will ensure that the development does not result in additional pressures on the capacity of the road network, and so he raises no objection to the proposal.

Taking the above into account it is considered that the proposal is acceptable and that it complies with the NPPF and Policies EMP2, EP11 and EP17 and is recommended for approval.

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

The proposal involves major development and so the Scheme of Delegation requires that the application be determined at Committee given that the recommendation is to grant planning permission.

### **Site Description and Location**

The application site is part of the BAe systems complex at the Warton Aerodrome. The site specific to this application is located in the south eastern side of the complex, to the south of the runway and to the west of the existing hangars and associated buildings located at this part of the complex. The overall complex consists of various size buildings used for differing purposes including as hangars and office use. The BAe site is surrounded by varying classes of land as designated by the adopted local plan with Green Belt to the west, Warton settlement to the north and open countryside to the east with the River Ribble estuary to the south.

### **Details of Proposal**

The proposal is for the erection of a new office/engineering/lab space to be used in conjunction with the operations on the BAe site. The foot print of the building is 64.4m by 40m and its height at the highest point is 10.6m. The building consists of several elements which are of single storey and two-storey height and the overall appearance of the building is a contemporary one with the use of varying external finishes.

### **Relevant Planning History**

There is an extensive planning history at this site, but none of the previous applications relates to this particular area, and so none are considered to be of relevance to this application.

### **Relevant Planning Appeals History**

None to report.

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

**Bryning with Warton Parish Council** notified on 18 November 2015 and comment that they have no objections.

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

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

Comments - No objections

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

Comments - LCC are satisfied that the development proposal will have no impact on the highway network and as such I can confirm that there are no highway objections to the proposal and do not consider it necessary for any highway planning conditions to be imposed.

#### **Natural England**

Comments - No objections

#### **Explosives Inspectorate**

Comments - No objections

### **Neighbour Observations**

**Neighbours notified:** 7 December 2015  
**Site Notice Date:** 24 November 2015  
**No. Of Responses Received:** None

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EMP2	Existing business & industrial uses
EP17	Devt in or near Biological & Geological Heritage Sites
EP11	Building design & landscape character

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

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

The main issues regarding this application are:

- The principle of the development
- Design and impact to visual amenity of the area
- Impact to residential amenity
- Impact to highway safety
- Impact to the nearby Biological Heritage Site (BHS)

#### **The principle of the development**

The proposed building is within the existing boundary of the BAe Systems site of which the entirety is classed as existing employment land as defined under Policy EMP2 of the Fylde Borough Local Plan. Therefore as the proposal is to be used in connection with an existing well established enterprise on the site the principle of the development is considered acceptable. That Policy is particularly supportive of employment development in such locations and so confirms the acceptability of such development in principle.

#### **Design and Impact to visual amenity of the area**

The building has a contemporary appearance which aids in helping to reduce the perception of its mass and bulk with the use of contrasting materials. It is located on previously developed land within the site and it is comparable in size with some of the other buildings that form part of the cluster of buildings in this section of the BAe site, and smaller than some of the nearby hangers. It will therefore not appear incongruous or out of keeping in the landscape.

#### Impact to residential amenity

Due to its position within a cluster of buildings and separation distance of 800m from the nearest residential properties, which are on Pool Lane to the east, there will be no impact to the amenity of these properties.

#### Impact to highway safety

The application has been assessed by the Lancashire County Council highways surveyor who initially raised concerns over the impact to the existing highway network in particular along Lytham Road in the belief that the development would bring additional employees to the site. Following discussions with the applicant over this, they have been able to clarify that the proposal is to replace buildings elsewhere on the site that are being decommissioned as part of a rolling upgrade of buildings. The effect is that existing staff currently employed within the Warton site are to be relocated to this facility. As no new staff are to be employed as a consequence of the development there will be no increase in traffic movements and therefore no additional pressure on the capacity of the road network. Accordingly no highway objection is raised to the development.

#### Impact to the nearby Biological Heritage Site (BHS)

The southernmost part of the BAe site is within and adjacent a BHS and therefore an assessment as to the impact of the BHS is required. The proposed building is approximately 180m away from the nearest part of the BHS boundary. This separation distance added with the fact that there are existing buildings closer to the boundary and that this site is previously developed ensures that there will be no detrimental impact to the BHS or any protected species. The proposal is therefore considered to comply with Policy EP17 of the Fylde Borough Local Plan.

#### Conclusions

The proposal involves the erection of a new building within the BAe site at Warton, in the area that is to the southern side of the runway and so more remote from the village. This is a two storey structure providing some office accommodation and high-bay manufacturing / research space associated with the core aircraft business. The site is allocated for employment purposes where the erection of a new building is acceptable in principle. It is sited on a section of brownfield land within the complex and adjacent an existing cluster of buildings and hangars. Its design is of a modern appearance which will not appear out of keeping and it will therefore not have a detrimental impact to the character of the area.

There will be no detrimental impact to the highway network as the development will not result in any additional vehicular movements as the proposal is to replace a series of existing buildings which are to be decommissioned due to their age, and the staff redeployed to the new building. The LCC highways surveyor has confirmed that this will ensure that the development does not result in additional pressures on the capacity of the road network, and so he raises no objection to the proposal.

Taking the above into account it is considered that the proposal is acceptable and that it complies with the NPPF and Policies EMP2, EP11 and EP17 and is recommended for approval.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 11 November 2015, including the following plans:

6290 L(2-) 05 Rev 02 - Elevations  
6290 L(1-) 10 - Ground floor plan  
6290 L(1-) 11- First floor plan  
6290 L(00) 03 - Site location plan  
6290 L(00) 02-1 - Site plan sheet 1  
6290 L(00) 02-2 - Site plan sheet 2  
6290 L(00) 02-3 - Site plan sheet 3  
215/34/05 Rev P1 - Schematic foul & surface water drainage layout  
Extended phase 1 habitat survey - Prepared by Pennine Ecological (Dated Oct 2015)

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

4. The access arrangements and parking areas shall be provided in accordance with the approved details shown on submitted plan ref: 6290 L(00) 02-3 prior to the first occupation of the building hereby approved, with those areas thereafter retained available for the parking of motor vehicles.

In order to ensure the provision of adequate car parking within the site.

5. The building, hereby approved, shall be used for Use Class B1 or B8 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The use of the premises for any other purpose would require further consideration by the local planning authority.



**Item Number:** 3

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	15/0885	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Peter Whiteley	<b>Agent :</b>	
<b>Location:</b>	WESTBROOK NURSERIES, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EB		
<b>Proposal:</b>	RETENTION OF MOBILE HOME FOR USE AS HOLIDAY ACCOMMODATION WITH ANCILLARY DEVELOPMENT OF DECKING TO SIDE, ROOF STRUCTURE TO MOBILE HOME, AND SURROUNDING LAND TO SUPPORT HOLIDAY USE		
<b>Parish:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Held in abeyance at applicant's request		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7740547,-2.9971665,560m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7740547,-2.9971665,560m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Refuse

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

This application site is a former plant nursery located in the green belt between St Annes and Blackpool. The site has seen various proposals in recent years, with this one seeking permission to retain an unauthorised 'chalet' on the site for use as a holiday cottage. This use is a retrospective one and the property is marketed as an 'Eco property' offering 'back to nature opportunities'.

Whilst the property has been altered to provide some renewable energy features, and this may attract visitors to the area, this is only a small number, and any financial benefits to the borough do not outweigh the unacceptable impact on the openness and the visual amenity of the Green Belt caused by the 'chalet' due to its scale and appearance.

The proposal does not represent one of the exceptions to Green Belt policy and there are no other material considerations therefore, the development is contrary to Policies SP3 and TREC6 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National Planning Policy Framework. Accordingly the proposal is recommended for refusal by Members.

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

The Chairman has asked that the application be considered by Committee due to the complex planning history and circumstances at the site, and that previous applications have been considered by Committee.

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

The application site is 'Westbrook Nurseries', Division Lane, St. Annes. In particular the application relates to an existing timber 'chalet' structure under a pitched tiled roof with decking to

the front elevation. The remainder of the site consists of several greenhouses, in various states of repair, a garage/store building, and a static caravan.

The site is adjacent to the former RSPCA animal care facility at the eastern end of Division Lane with residential properties located further west on both sides of that road. Other than the RSPCA site and an agricultural store building there are open fields on all sides around the site.

The site has a gated and recessed vehicular access from the highway and is screened to its roadside frontage by established trees and a high hedge. The site is designated as Green Belt on the Fylde Borough Local Plan, As Altered, October 2005.

### **Details of Proposal**

This application seeks permission for the retention of the 'chalet' structure on the site for use as a single unit of holiday accommodation, with some land around providing parking, garden area, etc. associated with that use. The 'chalet' provides two bedroom accommodation with kitchen/dining, lounge and bathroom facilities which measures 6.5 metres in width by 11 metres in length (not including the roof overhang).

The property has been rented out as holiday accommodation since August 2014 and therefore the application is applied for retrospectively.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0040	PROPOSED REPLACEMENT ROOF TO EXISTING GARAGE / WORKSHOP AND ERECTION OF GREENHOUSE WITH SOLAR PANELS.	Granted	26/03/2015
13/0757	VARIATION OF CONDITION 1 OF PLANNING PERMISSION 11/0532 TO ALLOW PERMANENT RETENTION AND RESIDENTIAL OCCUPATION OF MOBILE HOME	Refused	12/05/2014
11/0532	VARIATION OF CONDITION 1 ON APPLICATION NUMBER 95/0796 TO ALLOW OCCUPATION OF MOBILE HOME OTHER THAN BY MR & MRS WEBSTER AND CONSTRUCTION OF REPLACEMENT GLASSHOUSES (AS AMENDED)	Granted	22/12/2011
08/0667	NEW DWELLING TO REPLACE EXISTING MOBILE HOME	Refused	10/09/2008
02/0118	ERECTION OF AGRICULTURAL BUILDING FOR STORAGE OF STRAW	Granted	15/05/2002
99/0058	REMOVAL OF CONDITION NO.1 ON APPLICATION NO. 5/95/0796 RELATING TO TEMPORARY CONSENT	Granted	24/03/1999
95/0796	RENEWAL OF TEMPORARY CONSENT RE: APP. NO. 5/89/83 & 5/92/772 FOR MOBILE HOME	Granted	28/02/1996
92/0772	RENEWAL OF APPLICATION 5/89/0083 FOR A MOBILE HOME	Granted	21/12/1992
90/0076	SITING OF MOBILE HOME	Refused	25/04/1990
89/0083	SITING OF MOBILE HOME	Granted	17/05/1989
87/0664	SITING OF CARAVAN.	Granted	27/01/1988

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
EN/14/0324	VARIATION OF CONDITION 1 OF PLANNING PERMISSION 11/0532 TO ALLOW PERMANENT RETENTION AND RESIDENTIAL OCCUPATION OF MOBILE HOME	Dismiss	20/08/2015
08/0667	NEW DWELLING TO REPLACE EXISTING MOBILE HOME	Dismiss	06/03/2009

### Parish/Town Council Observations

**St Anne's on the Sea Town Council** notified on 11 January 2016 and comment:

No specific observations.

### Statutory Consultees and Observations of Other Interested Parties

#### **Blackpool Borough Council**

No comments received at time of writing report.

#### **Tourism Officer**

No comments received at time of writing report.

#### **Planning Policy Team**

##### ***“National Planning Policy Framework (Framework)***

*The proposed development site is located within an area designated as both countryside and Green Belt, and as such the Framework clearly states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall within one of the exceptions listed within the Framework, for which this development does not fall into, and as such is contrary to national policy, with no very special circumstances put forward to outweigh the harm this development would clearly have on the Green Belt.*

*Paragraph 28 of the Framework looks at supporting a prosperous rural economy and states that planning policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, including support for the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. The application site is not considered to be an appropriate location and existing facilities have been identified and are being met in more appropriate sustainable areas.*

##### ***Fylde Borough Local Plan (As Altered: October 2005)***

*In addition to national policies, policy SP2, SP3, TREC3 and TREC6 of the Local Plan are applicable in the determination of this application.*

*Policy SP2 operates so as to resist development proposals in the countryside, except where it falls within one of five identified categories. The proposed development does*

*not represent one of these exceptions and so is contrary to policy SP2.*

*Policy SP3 refers specifically to Green Belts and states that planning permission will not be given except in very special circumstances for new buildings other than for the purposes mentioned in policy SP2. Forms of development other than those referred to above will not be permitted unless they maintain the openness of the Green Belt and do not injure the visual amenities of the Green Belt, it is considered that the proposal fails to maintain the openness of the Green Belt and as such is contrary to policy SP3.*

*Policy TREC3 relates to tourism outside Lytham St Annes and states that in Green Belts, small scale appropriate tourist accommodation by conversion from existing buildings may be permitted. However, it is my considered opinion that as the proposed mobile home is of a temporary structure, without the benefit of planning permission, it does not fall within this category and is therefore inappropriate development, contrary to policy TREC3.*

*Policy TREC6 controls policy relating to static holiday caravans and holiday chalet sites and lists a number of measures that proposals have to concur with or planning permission will not be forthcoming. This site and this proposal does not adhere to all the measures set out and as such is contrary to policy TREC6.*

#### **Emerging Local Plan**

*The Revised Preferred Options (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 17 June 2015 and approved to go out for consultation at Development Management (Policy) Committee on 16 September 2015. The consultation process ran for seven weeks, and the results of this exercise are due for publication in March 2016.*

*Policy GD2 of the emerging Local Plan relates to development in the Green Belt and states that national guidance for development in Green Belt will be applied. Inappropriate development in the Green Belt will be resisted unless there are special circumstances which justify exception. The council will not be undertaking a strategic review of the current Green Belt boundary, as part of the emerging Local Plan process and as such the property will continue to be situated within Green Belt, and as such is considered to be contrary to policy GD2.*

*Policy GD4 of the emerging Local Plan operates to control development in the countryside and sets out a number of types of development which are acceptable in the countryside in appropriate circumstances, however this proposal subject to this application does not fall within any of the types listed and as such is considered contrary to policy.*

#### **Summary**

*The proposal is contrary to national, local and emerging policy and based on the supporting information submitted by the applicants no very special circumstances have been put forward that would justify or outweigh the harm to the Green Belt. It is therefore my considered opinion that the application cannot be supported by the Planning Policy team."*

#### **Blackpool Airport**

No comments received at time of writing report.

**Lancashire County Council - Highway Authority**

*“There are no highway objections to the application. As submitted the current holiday use of the home is considered not to have a severe impact upon the highway network. Any further expansion to support the land as holiday use would be dependent on the size of the expansion.”*

**Neighbour Observations**

**Neighbours notified:** 11 January 2016  
**Site Notice Date:** 21 January 2016  
**No. Of Responses Received:** None received

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SPO3	Development in green belt
TREC03	Tourist Accommodation Outside Lytham St Annes
TREC06	Static Caravans and Chalets

**Other Relevant Policy:**

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

**Site Constraints**

Within Green Belt

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis**

This application seeks permission for the retention of a 'chalet' on a site, allocated as Green Belt on the local plan, for holiday use.

**Background**

Members will recall several applications for this site which have been before Committee previously. The most recent application being 13/0757 which sought permission for the retention of the property for occupation by the applicant in connection with an existing horticultural business. The application was subsequently refused and following discussion with the applicant over the use of the site an enforcement notice was prepared and issued.

The notice required the removal of the mobile home from the land, and the restoration of the land to the condition it was in before the mobile home and any previous caravan or mobile home was first sited on it. An appeal was lodged against this Notice on the basis that the planning permission should be granted for the development, and so the planning merits of this were examined by the Inspector. The appeal was dismissed on 20 August 2015. The Inspector’s decision letter concludes that *“There is no essential need for a worker to live permanently on the land and the*

*horticultural business is insufficiently viable to support a work. The residential occupation of the mobile home thus conflicts with saved policies SP3 and SP11 of the Fylde Borough Local Plan 2005. None of the aforementioned considerations, or any of the other many matters mentioned by the Appellant in support of his ground (a) appeal, either individually or collectively, clearly outweigh the harm caused by reasons of inappropriateness. Very special circumstances do not exist in this case. The ground (a) thus fails".*

Since the outcome of the appeal the applicants have met with officers to discuss the matter, and advised that they wished to pursue the retention of the 'chalet' on the site for a holiday use which is this application. To allow this aspect to be assessed no prosecutions have been commenced at this stage for the breach of the Enforcement Notice which is occurring with the continued presence of the mobile home on the site.

#### Policies

Policies SP3, TREC3 and TREC6 of the Fylde Borough Local Plan, as altered (October 2005) are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance.

Policy SP3 refers to development in Green Belt, and allows development that complies with the national policies in place for assessing such matters.

Policy TREC3 refers to the development of hotels and other tourist accommodation facilities outside of Lytham St. Annes. Policy TREC6 refers to the development of static holiday caravan and holiday chalet sites. Both of these include a series of criteria to assess where such developments are acceptable.

#### Principle of development

Policy SP3 states "*the re-use of permanent and substantial existing buildings will be permitted subject to the criteria identified in policies SP5 and SP6 and providing that the proposal would not have a materially greater impact than the present use on the openness of the green belt and the purposes of including land within it" .....*

Criterion 3 of Policy TREC3 refers to Green Belt. *In Green Belts, small scale appropriate tourist accommodation by conversion from existing buildings in line with Policies SP3 and SP5;*

Policy TREC6 refers to the development of static holiday caravans and holiday chalet sites. In regards to the specifics of this application, whilst the proposal is not strictly for the purposes of siting a 'caravan' under the definitions of a caravan, the nature of the construction of the property means that its status is closer to a caravan than a dwelling and therefore this policy is relevant, in particular criterion 4 which excludes the development of such uses within Green Belt areas.

The NPPF refers to Green Belt at Paragraphs 79-90. Paragraph 88 requires that "*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, is clearly outweighed by other considerations".*

Paragraph 89 states "*A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed site (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*

Having regard to the above local plan policies and the aims of the NPPF the proposal for the retention of the property for a holiday use, whether it meets the definition of a 'caravan' or not, must be considered as inappropriate development, and does not fall within one of exceptions set out above. The scale of the building, and the associated paraphernalia that surrounds it clearly has a harmful impact on the open character of the green belt and so conflicts with the aims of its designation.

#### Other material considerations

The applicant and his family took over the application site in 2011 and at that time submitted an application to vary the personal permission attached to the occupation of the home that limited its occupation to the former owners, the Websters. Members granted approval of the application (app. no. 11/532 refers) on a temporary basis to allow the new owners time to clear the site of the derelict greenhouses and to establish a viable horticultural business.

Planning permission 13/0757 was subsequently submitted after that temporary permission had expired to continue occupation of the property. This application was refused by Committee as there was insufficient justification to allow retention of the home on the grounds that the business was not financially viable and that an essential need for a worker to be on site was not proven given the limited scale of the operation.

Since taking over the site the applicants have worked to clear the site of derelict greenhouses and cut back the overgrown land. However they have failed to develop a viable horticultural business on the site to support the need for a dwelling. Their supporting statement in this application advises that they have rented out the 'chalet' as a holiday home since August 2014. The applicants have marketed the property as 'Hedgehog Cottage' and have promoted its 'green' credentials. They advise that the property has attracted 148 extra tourists to the borough spending on average of 5.5 days over the past year and that they will attract 200 tourists to the borough next year.

The NPPF makes reference to supporting a prosperous rural economy and promotes the development and diversification of agricultural and other land-based rural businesses - Paragraph 28 refers. Paragraphs 93-99 refer to climate change, flooding and coastal change. Paragraph 95 advises that local planning authorities should "*actively support energy efficiency improvements to existing buildings; and.*".

Whilst the use of the property has the potential to attract some tourists this is likely to only be a small number which have specifically targeted this property to stay at for its eco and green

credentials, and which may not have otherwise have visited the borough and stayed elsewhere. Equally, the visitors may just be relocated from other holiday rentals in the borough and so there is no positive benefit to the economy of the borough.

The amount of business generated by the holiday use is a factor to take into account in the planning balance, but is not considered to be sufficient to outweigh the clear conflict with national and local planning policy which seeks to protect development from causing harm to the open character of the Green Belt.

There are no other material considerations of note with the relationship to the neighbours, access arrangements, etc. all being acceptable.

The application highlights the green credentials of the scheme, which may well exist, but are likely to be counteracted by the distance of the property to tourism services meaning that there is likely to be a reliance on car journeys to reach them, with the nearest pub being 1.2 miles away at The Shovels, nearest shops being 2 miles away at Squires Gate, and St Annes Square being 2.6 miles away.

### **Conclusions**

This application refers to an unauthorised 'chalet' on the site of a former plant nursery. The 'chalet' has been altered by the applicants to include a pitched and tiled roof and construction of decking. An enforcement notice requiring its removal and the land reinstated has been issued, appealed and dismissed by the Planning Inspector. This application is an attempt by the applicants to retain the unauthorised property on a former horticultural site for use for holiday purposes. The applicants have marketed the 'chalet' as an 'Eco property' offering 'back to nature opportunities'.

Whilst the property has been altered to provide a 'home-made' solar panel for the purposes of providing hot water and the sitting room has a log burner this is the extent of its eco credentials.

It is considered that the proposal does not meet the three dimensions of sustainable development as set out in the NPPF as the unauthorised structure has an unacceptable impact on the openness and the visual amenity of the Green Belt due to its scale and appearance.

Any benefits arising from the development in terms of diversification of the rural economy are small scale, as is the provision of renewable energy facilities and do not outweigh the significant and demonstrable harm caused by the development's encroachment into the Green Belt.

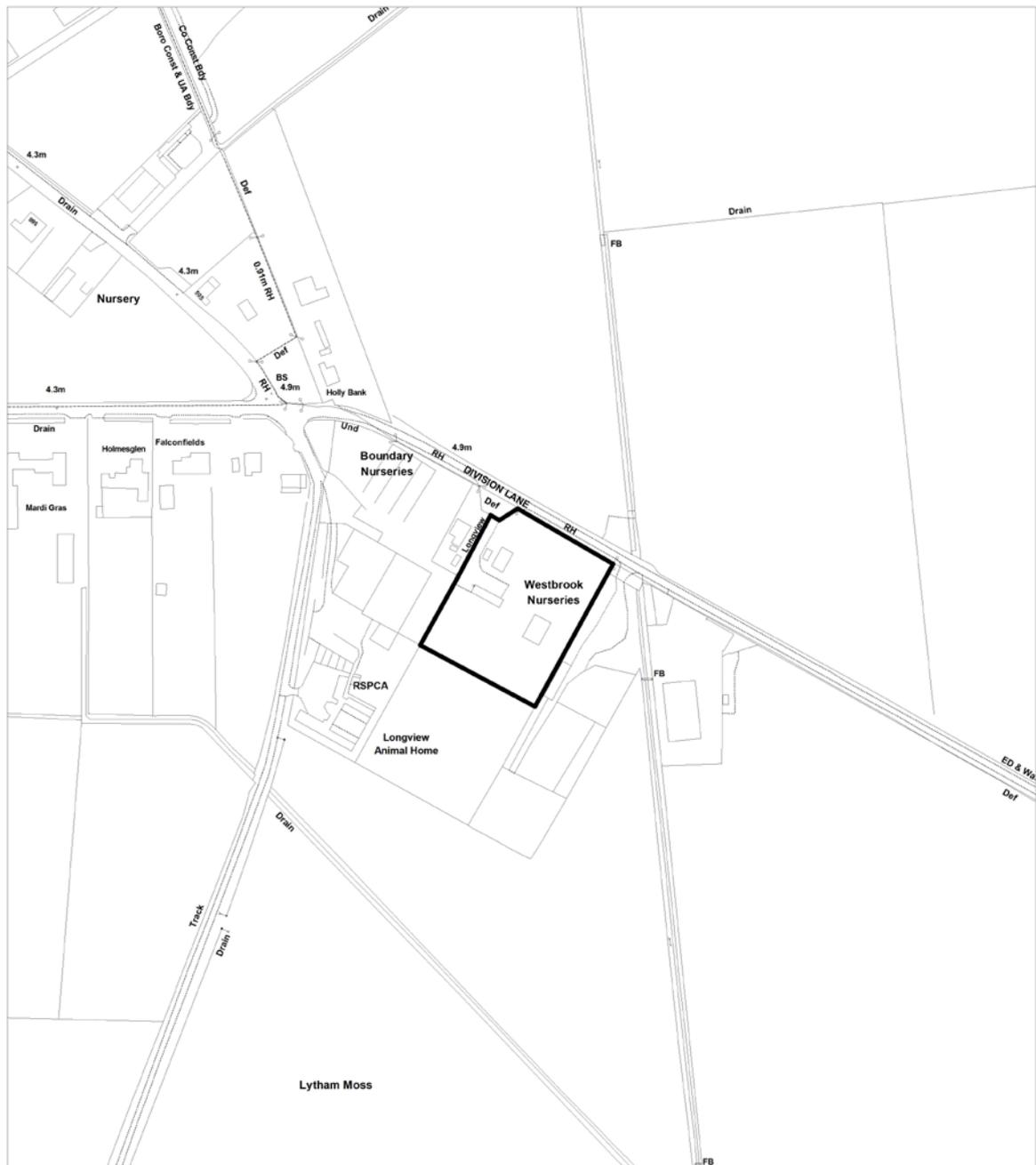
The proposal does not represent one of the exceptions to Green Belt policy and there are no other material considerations therefore, the development is contrary to Policies SP3 and TREC6 of the Fylde Borough Local Plan, as altered (October 2005) and the aims and guidance of the National Planning Policy Framework.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The proposed permanent retention of the altered mobile home/chalet at the site constitutes inappropriate development in the Green Belt. In the absence of any essential need for the development having been demonstrated, or the existence of any other very special circumstances

to outweigh the harm caused by reason of inappropriateness, the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and to Policies SP3 and TREC6 of the Fylde Borough Local Plan (as altered 2005) which seek to control development in the Green Belt.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0885	Address Westbrook Nurseries, Division Lane, Lytham St Annes	Grid Ref. E.3345 : N.4312	Scale 0 10 20 30 40 m 

**Item Number:** 4

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	15/0902	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Rushcliffe St Annes PCC Ltd	<b>Agent :</b>	Mellor Architects
<b>Location:</b>	ST ANNES MEDICAL CENTRE, DURHAM AVENUE, LYTHAM ST ANNES, FY8 2EP		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION TO ALLOW B1 USE OF EXISTING SECOND FLOOR, DEMOLITION OF 5 STEPHEN STREET AND EXTENSION TO CAR PARK AND PROPOSED ROOF LIFT TO EXISTING MEDICAL CENTRE TO CREATE ADDITIONAL OFFICE SPACE ON SECOND FLOOR		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Deferred for Site Visit		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7548892,-3.0294507,280m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7548892,-3.0294507,280m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

### **Introduction**

This application was presented to the Development Management Committee at its meeting on 16 March 2016 where the decision was deferred to allow members to visit the site prior to a re-consideration of the application.

The scheme remains unchanged since that meeting, and no further supporting information or consultee comments have been received. A number of neighbour representations were received between the completion of the report and the Committee meeting, and so were included as part of the Late Observations Report that was circulated at the meeting. These are now incorporated here, with the original report repeated exactly as previously presented below that. The officer recommendation remains one for approval subject to conditions.

### **Previous Late Observations**

- Loss of light from the roof lift
- Damage to neighbouring properties during construction
- Loss of privacy
- Detrimental impact on highway safety
- Lack of appropriate parking
- Loss of property value
- the loss of sunlight to neighbouring gardens
- that the application does not reflect the works that are planned with the establishment of a further surgery at the site
- that the roads are unable to cope with the additional traffic
- the development will be overbearing
- that alternative vacant premises such as the former B & M or JR Taylor premises would make a more suitable premises

The issues of light, overbearing, parking, highway safety and privacy loss are addressed in the report. The issues of property value, availability of alternative premises and construction damage are not material planning considerations

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

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices and the extension of the existing car park through the demolition of a dwelling.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting car park with 131 spaces is considered large enough to accommodate both staff and members of the public. This conclusion is based on the guidance for parking standards set in the Joint Lancashire Structure Plan and a TRICS database assessment for Medical Centres of this type and size.

Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection raised by St Anne's Town Council, and so under the scheme of delegation it is required to be brought before the Committee for a decision.

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

The application site is the existing St Annes Medical Centre within the settlement of St Anne's. The Centre comprises of two GP surgeries (Park and Clifton) and an on-site Pharmacy. The building sits between Durham Avenue to the southeast and Stephen Street to the northwest. The site can be accessed from either road with areas of car park on either side of the building.

The building itself has a T-shaped foot print with the taller section running parallel with the railway line to the rear. This section is three-storeys tall with a pitched roof. The smaller section of the building runs perpendicular to the larger section and is two-storeys high with a pitched roof. This section runs behind the residential properties on Durham Avenue and Stephen Street.

Durham Avenue and Stephen Street are characterised by residential properties either side running down towards the railway line.

### **Details of Proposal**

The application consists of three elements: a roof lift to the three storey part of the existing building, retrospective consent for the demolition of No.5 Stephen Street and extension to the car park onto the area created by the removal of this dwelling, and retrospective consent to allow Class B1 use on the second floor.

The proposed roof lift proposes an increase in height to the ridge of the three storey part of the building by 2m. The eaves will also be increased in height by 2m. The roof lift will result in an increased second floor space to 893 square metres.

The demolition of No.5 Stephen Street and the extension to the car park was carried out in 2011. This resulted in an increase of 20 parking spaces (18 standard and 2 mobility). The extra parking spaces have been in use since that time.

The change of use of the second floor from storage space to office space was carried out in 2009. This required no external alterations and only minor internal alterations.

To give some background to the application, when it was originally granted planning permission in 2007 the second floor of the medical centre was conditioned (condition No.13 of application ref: 07/1212) so that it could only be used for storage purposes. The removal of condition 13 was applied for in 2009 ref: 09/0454 to allow the second floor to be used as office space. The application was assessed alongside application 09/0453 which was for the extension of the existing car park to the south of the site adjacent the railway line. Both these applications were minded to be approved by the then Development Management Committee subject to the completion of a S106. The S106 agreement was never completed and in 2013 the Council 'Finally Disposed Of' both applications without either being formally granted. Notwithstanding this, it is understood that the use of the second floor as office space has been on-going since 2009.

In 2011 a further application (ref: 11/0079) was submitted for the demolition of No.5 Stephen Street and the existing of the car park accessed off Stephen Street extended by a further 8 parking spaces. This application was minded to be approved by the then Development Management Committee subject to the completion of a S106 which was to secure funding towards improving public transport facilities to serve the site. The S106 agreement was never completed and in 2013 the Council 'Finally Disposed Of' the application without it being formally granted. This development has also been completed and in use since 2011.

The supporting information with this application indicates that the motive behind the proposed works is to enable a further GP surgery which currently operates at Poplar House in the town to relocate to the Medical Centre. The roof lift will form additional useable accommodation within the building that is to be used for administrative office space (Class B1) that currently occupies the ground and first floor of the building. That then frees this space up for the additional clinical needs

of this surgery.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0669	RAISING, ALTERATIONS AND ENLARGEMENT OF ROOF TO FORM SECOND FLOOR EXTENSION TO REAR OF MEDICAL CENTRE	Withdrawn by Applicant	08/12/2015
11/0079	PROPOSED EXTENSION OF EXISTING CAR PARK INCLUDING DEMOLITION OF EXISTING DWELLING.	Finally Disposed Of	08/08/2013
09/0453	PROPOSED CHANGE OF USE FROM WASTEGROUND TO CAR PARK	Finally Disposed Of	08/08/2013
09/0454	MODIFICATION OF CONDITION 13 ON PLANNING APPLICATION 07/1212 TO CHANGE THE USE OF THE SECOND FLOOR FROM ANCILLARY STORAGE SPACE TO OFFICE USE	Finally Disposed Of	08/08/2013
07/1212	ERECTION OF PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES. RE-SUBMISSION of 07/0057.	Approved with 106 Agreement	21/07/2008
07/0057	NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1), ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES	Withdrawn by Applicant	30/09/2008
05/0592	RESUBMISSION OF APPLICATION 04/834 FOR 77 NO. APARTMENTS AND ASSOCIATED WORKS.	Withdrawn by Applicant	30/09/2008
04/0834	ERECTION OF 73 FLATS AND 12 TOWN HOUSES INCORPORATING AN ELEMENT OF AFFORDABLE HOUSING.	Withdrawn by Applicant	13/12/2004
03/0866	OUTLINE APPLICATION FOR DEVELOPMENT OF 101 APARTMENTS	Refused	07/01/2004
01/0598	EXTENSION OF EXISTING FACTORY AND REBUILDING OF EXISTING INDUSTRIAL UNIT	Granted	03/10/2001
01/0309	PITCHED ROOF TO OFFICES	Granted	18/07/2001
98/0413	EXTENSION TO EXISTING WORKSHOP	Granted	04/09/1998

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** notified on 04 January 2016 and object on the follow grounds:

- Overbearing nature of increased roof height on surrounding and adjacent properties.
- Durham Avenue is a residential street, as is Stephen Street, which also provides access to the site.
- Increased shading of neighbouring properties
- This proposed development will result in an additional practice moving in to the building, 8,900 patients, this translates into a significant increase in traffic volumes throughout the day.
- An additional practice will mean 20 additional staff being based at the site, again leading to

increased traffic movements.

- Durham Avenue / Stephen Street is a residential street not designed to cope / carry the existing traffic levels.
- The volume of traffic currently leads to circulation problems in Durham Avenue.
- Have alternatives for the relocation of Poplar Medical Practice been explored?
- The fact that Poplar Medical Practice premises are not fit for purpose should not impact on this application.
- Object to variation of condition 13.

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

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

Comments - No objections. Conditions requested

#### **Network Rail**

Do not raise objection to the proposal, but highlight the safety measures that are advisable when parking areas are created near to railway lines. (Officer Note: These are to be passed to the applicant as a note to any planning permission.)

### **Neighbour Observations**

**Neighbours notified:** 25 January 2016  
**Amended plans notified:** N/A  
**Site Notice Date:** 06 January 2016  
**Press Notice Date:** N/A  
**No. Of Responses Received:** 27 letter of objection received  
**Nature of comments made:**

- Over development of the site/The building is big enough as it is
- Loss of light
- Increase in Overbearing
- Loss of privacy
- Loss of view
- Development will affect property prices
- No business continuity plan
- Construction of development will cause additional problems e.g. disturbance and parking
- Severe impact to highway safety including existing poor visibility, insufficient parking
- Increase in road traffic down narrow residential streets
- Public Transport not adequate in the area to serve the site
- Residents parking scheme required
- There are more appropriate/better site elsewhere within the town
- Impact to services provided e.g. patient care
- The existing Poplar House surgery should be upgraded
- What other development will this lead to?
- A new pharmacy outside the site will create further highway problems
- There is an existing pharmacy on site
- The consultation undertaken by the Council has been misleading and incomplete

A letter from Mark Menzies MP has been received in support of the objections raised.

A petition in support of the proposal has been submitted containing 1,196 signatures. This has been collated by the Poplar House Surgery and is headed “Do you support the Practice relocation into the new Primary Care Centre located at Durham Avenue? Please sign below if you support the proposal”.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
CF01	Provision of community facilities
TR10	Car park design

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

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

The application comprises of several elements, two of which are retrospective: the use of the second floor and the extension of the car park on the Stephen Street side with the proposed roof lift to the building as the non-retrospective works.

For clarity the relocation of the Poplar House surgery into the existing building (on the ground or first floor) is not a change of use as the use class would remain D1 and there are no restrictions, via planning conditions, on the number of surgeries that can be operated within the building. However as works are required to extend the floor area of the building to allow this surgery to become established then this intensification of the use of the site forms part of the assessment of this application. Therefore the main issues regarding this application are:

- The principle of the development
- Design and impact to visual amenity
- Impact to neighbouring residential amenity
- Impact to highway safety

#### **The principle of the development**

The National Planning Policy Framework (NPPF) sets out the core planning principles for any proposed development with the underlying thread being a presumption in favour of sustainable development. The application site lies within the settlement boundary of St Annes as defined in Policy SP1 of the adopted Fylde Borough Local Plan. Therefore subject to other relevant planning policies the general principle of development within settlements is considered acceptable.

Being a Medical Centre the site is deemed to be a community facility and as such the main policy that is relevant to this application is Policy CF1 (Provision of Community Facilities) of the Fylde Borough Local Plan. Policy CF1 generally seeks to support the provision, extension or improvement of community services provided that they meet the criteria laid down in the policy which are:

- The development is located within a settlement except where necessarily required to provide a service to a rural area;
- The development is appropriately located having regard to adjacent land uses and would not prejudice residential amenity;
- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area;
- Adequate vehicular access, parking, loading and manoeuvring area for vehicles can be provided;
- Satisfactory foul and surface water drainage disposal arrangements can be provided.

Subject to the development proposals satisfying these criteria the application should be considered as acceptable in principle.

Comments have been received raising doubt over the appropriateness of the site for the extension and additional surgery, and that other sites were more suitable. The suitability or otherwise of alternative sites for housing this surgery carries no weight in the assessment of this application. The matter to consider is whether this site is suitable for the location of the additional surgery, whether the extension to accommodate it is acceptable, and whether there are any infrastructure or other reasons why this proposal is not acceptable. The application site is a current fully functioning Medical Centre which has an easily identifiable location. Furthermore the development would be an addition to a purpose built medical unit and its location close to public transport means that its location is sustainable and accessible due to it being located close to the Town Centre.

#### Design and impact to visual amenity

The proposed roof lift will result in a building that will be 2m taller than the existing with the foot print of the building remaining the same. The existing building is substantial in size at around 11m to ridge, and although the resulting roof will be higher the increase is not considered so great that the general nature, scale, form and appearance of the building will significantly alter when viewed in that context. The increase of 2m will not result in the addition of an extra storey and the resulting building will therefore not appear incongruous in its setting or the wider area.

This setting is a particularly urban one, with various non-residential buildings running alongside the railway line that are taller and larger in their bulk than this building and the residential properties that they sit alongside. These buildings do contribute to the overall character of the area and the Medical Centre is considered to be one these larger buildings. Currently views of the building can only be clearly obtained up close down both Stephen Street and Durham Avenue with the building only viewed on St David's Road through the gaps between properties. Long distance views of the building can only be obtained from the bridge on St Anne's Road West and between the car park and Sainsbury's on St Andrews Road North. In these long distance views the increased height will not materially change the appearance of the building.

#### Impact to neighbouring residential amenity

Criterion 2 of Policy CF1 of the Fylde Borough Local Plan seeks to ensure that development of community facilities does not prejudice residential amenity. The proposed roof lift will result in an increase in height of the eaves and ridge of the existing three storey part of the building by 2m. This

increase in height will have an impact to the adjacent neighbouring residential properties on both Durham Avenue and Stephen Street in particular No.9 and 11 Durham Avenue, and No.4 and 6 Stephen Street. The nearest part of the Medical Centre is 9m away from the rear garden of No.4 Stephen Street, the closest property, and 10m away from the rear garden of No.9 Durham Avenue.

The orientation of the properties on Durham Avenue means that in terms of loss of light the impact will be in the later hours of the day and unrestricted light will be received for large periods of the day. The impact to the properties on Stephen Street will be more severe as they are located to the northeast of the three storey part of the Medical Centre. It is acknowledged that some overshadowing will already occur from the existing building however it is considered that the increase in height of 2m will not significantly alter the existing impact to a point that there would be a discernible difference.

The increase in the mass of the building will create additional overbearing however as concluded above, the increase of 2m in height, when taking into account the size of the existing building, will not appear so great that the additional overbearing would be unacceptable. The building will remain three storey and the nature of the roof will appear the same i.e. a gable ended pitched roof.

Therefore in terms of impact there will be an increase in overbearing and loss of light, however whilst it is acknowledged that there will be an impact to the neighbouring properties, taking the above into account, it is not considered so detrimental that it is deemed unacceptable. Although the increase in height will affect the views from some nearby properties loss of view is not a material planning consideration and therefore carries little weight in this assessment.

The proposal also results in the addition of new windows that would face the nearest properties on Durham Avenue and Stephen Street. This could lead to an unacceptable level of loss of privacy to these dwellings as a result of the change of use of the second floor to offices. This however can be mitigated by the use of an appropriate condition to ensure the windows are obscure glazed thus protecting the privacy of the nearby properties.

With regard to the other nearby and adjacent properties on Durham Avenue and Stephen Street it is considered that they are orientated and spaced sufficiently away from the building that there will be no detrimental impact.

The extension to the car park does not create an unacceptable impact on the adjacent neighbouring properties due to the nature of the development i.e. no construction of buildings or high means of enclosure.

It is considered that the proposed development complies with criterion 2 of Policy CF1 of the adopted Fylde Borough Local Plan.

#### Impact to highway safety

The application site is located close to public transport routes and is within walking distance of many residential properties in the surrounding area. Many of the residents that live on Durham Avenue and Stephen Street have raised concerns that the proposal will lead to increased traffic problems, in particular through users of the medical centre parking on both roads instead of using the car park. In addition to the guidance set in the JLSP the highways surveyor has carried out a TRICS database assessment of the development to consider car park accumulation during a typical day to ensure that during general usage the car park is of a sufficient size not to have impacts on the surrounding highway. The result of this assessment is that the car park is of a sufficient size and that there will be

some spare capacity during the day. Whilst it is acknowledged that some users may park in an inconsiderate manner down either road this concern is out-weighted by the result of the TRICS assessment and the overall public benefit the development will bring in terms of a sustainable community facility. The designation of residents parking down either road is a matter for Lancashire County Council and is considered a separate matter to this application.

As part of their assessment process Lancashire County Council Highways have provided detailed views on the adequacy of the parking arrangements, supported by a number of visits to the site at different times of the day. They have used the Joint Lancashire Structure Plan Parking SPD to assess the appropriateness of the scheme in terms of parking standards in the absence of any formally adopted local guidance or policy.

Many of the residents that have written to the council concerning this application have expressed reservations about the available parking area at the site being suitable to support the additional surgery that this development will bring to it. When the Fylde Borough Local Plan was adopted Policy TR9 was included to provide guidance on 'Car parking within New Developments', with a supporting appendix listing the standards that were to be sought. When that Plan was 'saved' in 2009 this Policy was excluded from the list of saved policies as they promoted the imposition of maximum levels of parking rather than minimum levels of parking, and so were not in line with national planning guidance at that time. Therefore the parking standards used in the original assessment of 07/1212 can no longer be applied in the same manner.

The proposal will result in the use of the second floor for office space as well as an increase to the second floor space. When originally granted planning consent under application ref: 07/1212 the second floor was conditioned to be used as storage only. This was due to the concern the use of the second floor for any purpose other than storage would create parking issues detrimental to the highway. Therefore the addition of the condition was intended to ensure a satisfactory impact to the highway. However this assessment was based on Policy that is no longer relevant.

The LCC highways surveyor assessed the scheme in terms of the proposed site plan (and the indicated parking provision) along with the increase in floor space and the addition of the 6 consulting rooms and 14 staff that the Poplar House surgery consists of.

The proposed roof lift along with use of the second floor as office space will allow for the relocation of the Poplar House surgery into the building which would result in the building as a whole providing 18 consulting rooms and 46 staff and 893 square metres of office space on the second floor. The guidance set in the JLSP calculates that for a Class D1 use (Clinics, Health Centres etc) development should provide 4 parking spaces per consulting room, and with Class B1 use (Offices) 1 space should be provided for every 35 square metres of floor space. The LCC Highways surveyor using the guidance set in the JLSP calculates that on the basis of the above figures 96 parking spaces would be required for the resulting building. This is broken down into 72 spaces for the surgeries and 24 spaces for the second floor offices. The car park with the proposed additional 6 extra spaces would provide 131 parking spaces and therefore provides more spaces than the guidance requires.

Following a site visit with the highways surveyor it was identified on site that traffic flow within the site was restricted due to the presence of bollards effectively splitting the car park in two. In order to ensure proper and appropriate use of the car park the bollards should be removed to allow users of the site, both public and staff, to park on either side of the building. This will also allow users to move from one side of the car park to the other without needing to leave the site and this should deter drivers from parking outside the site or re-entering the highway to get to the other side of the site.

The car park provides three separate areas for cycle parking and 15 mobility parking spaces. This provision is considered acceptable for the purposes of the site.

The previous applications mentioned above (09/0453, 09/0454 and 11/0079) were subject to S106 agreements, albeit not completed, which sought contributions towards improving public transport. No such request has been made by LCC highways department as Policy TR9 of the Fylde Borough Local Plan is no longer relevant and it is considered under current guidance that the parking and transport implications of the development are acceptable without any such agreement being necessary.

#### Other matters

Within the letters of objection there were numerous other issues that were raised as matters of concern.

The method of construction and the lack of a business continuity plan are not material planning considerations. Whilst important, the appropriate method and means of construction falls under the remit of Health and Safety and it is the contractors responsibility to ensure all legislation and guidance is adhered to at all times.

The design and access statement submitted makes a passing reference to the relocation/creation of a new pharmacy near the Medical Centre. The proposal does not include an off-site pharmacy and therefore does not form part of this assessment or subsequent recommendation. The relocation/creation of the new pharmacy outside the application site would require a separate planning application which would be assessed on its own merits.

The resulting quality/level of patient care provided at the site as a result of the development is not a material planning consideration. The quality/level of patient care and the standards that should be applied is a matter for the NHS and other relevant parties/bodies.

The existing Poplar House surgery has been assessed by the NHS Critical Commissioning Group, and deemed unsuitable for continued use as a Medical Practice. The ability for it to be upgraded to acceptable standards is not a material consideration to this application as it does not form part of the application site. In addition the suitability of the existing site and whether it can be upgraded is a private matter between the relevant parties.

In terms of future development on the site, any additional works or development that would require planning permission would be subject to the full detailed assessment by the Local Planning Authority. The potential for further development cannot be a material consideration in the assessment as this is an unknown and planning assessments can only be made with appropriate submitted detail.

The consultation process undertaken by the Council was carried out in the form of site notices and letters. The site notices were displayed on lamp post in three locations, on the corner of Durham Avenue, the corner of Stephen Street and on St David's Road North between Stephen Street and Durham Avenue. These three locations were deemed appropriate as it was considered they would be seen by the most people passing them. Letters were sent to all the residential properties on Durham Avenue and Stephen Street, No.27-43 St David's Road North as well as Ashton Garden Court on the south side of the Railway line. The level of consultation carried out is considered appropriate for the nature of the proposal.

## **Conclusions**

The St Annes Medical Centre is an existing 2 and 3 storey building providing the home for two GP surgeries and a pharmacy. It is located adjacent to the railway line beyond St Annes station with road access from Durham Avenue and Stephen Street. The site is within the settlement area and is largely surrounded by residential dwellings.

The application seeks approval for a roof lift of 2m to the existing three storey part of the Medical Centre and the retrospective consent for the use of the second floor as offices and the extension of the existing car park through the demolition of a dwelling.

The principle of the development is considered acceptable as the site comprises of an existing Medical Centre and therefore it is in a sustainable location and compatible with adjacent land uses.

Although increasing the size of the building it is considered that there will be no detrimental impact to the appearance of the building or to the visual amenity of the wider area. It is also considered that the impact to neighbouring residential properties is acceptable provided an appropriate condition requiring obscure glazing to be inserted in the new second floor windows is attached.

The impact to highway safety is similarly considered acceptable. The resulting car park with 131 spaces is considered large enough to accommodate both staff and members of the public. This conclusion is based on the guidance for parking standards set in the Joint Lancashire Structure Plan and a TRICS database assessment for Medical Centres of this type and size.

Taking the above into account it is considered that the proposed development allows the medical facilities to be enhanced at the site without causing undue harm to matters of planning importance. It is considered to comply with the NPPF and Policy CF1 of the Fylde Borough Local Plan and is recommended for approval.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23 December 2015, including the following plans:

1840-01-02 Rev A - Proposed site plan  
1840-01-09 Rev A - Proposed elevations sheet 1  
1840-01-10 Rev A - Proposed elevation sheet 2  
1840-01-05 - Proposed second floor plan sheet 1  
1840-01-06 - Proposed second floor plan sheet 2  
1840-01-11 - Existing and proposed roof plan

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the

details.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building.

4. The proposed windows shown coloured red on the approved plan shall be glazed with obscure glass to a level of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

To safeguard the amenities of the occupants of adjoining residential premises.

5. Prior to the first use of the extended additional office space on the second floor, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Full Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

To promote and provide access to sustainable transport options.

6. Prior to the first use of the extended additional office space on the second floor a Car Park Management Plan (including the removal of bollards and addition of directional signage) shall be submitted and approved in writing by, the local planning authority. The provisions of the Car Park Management Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

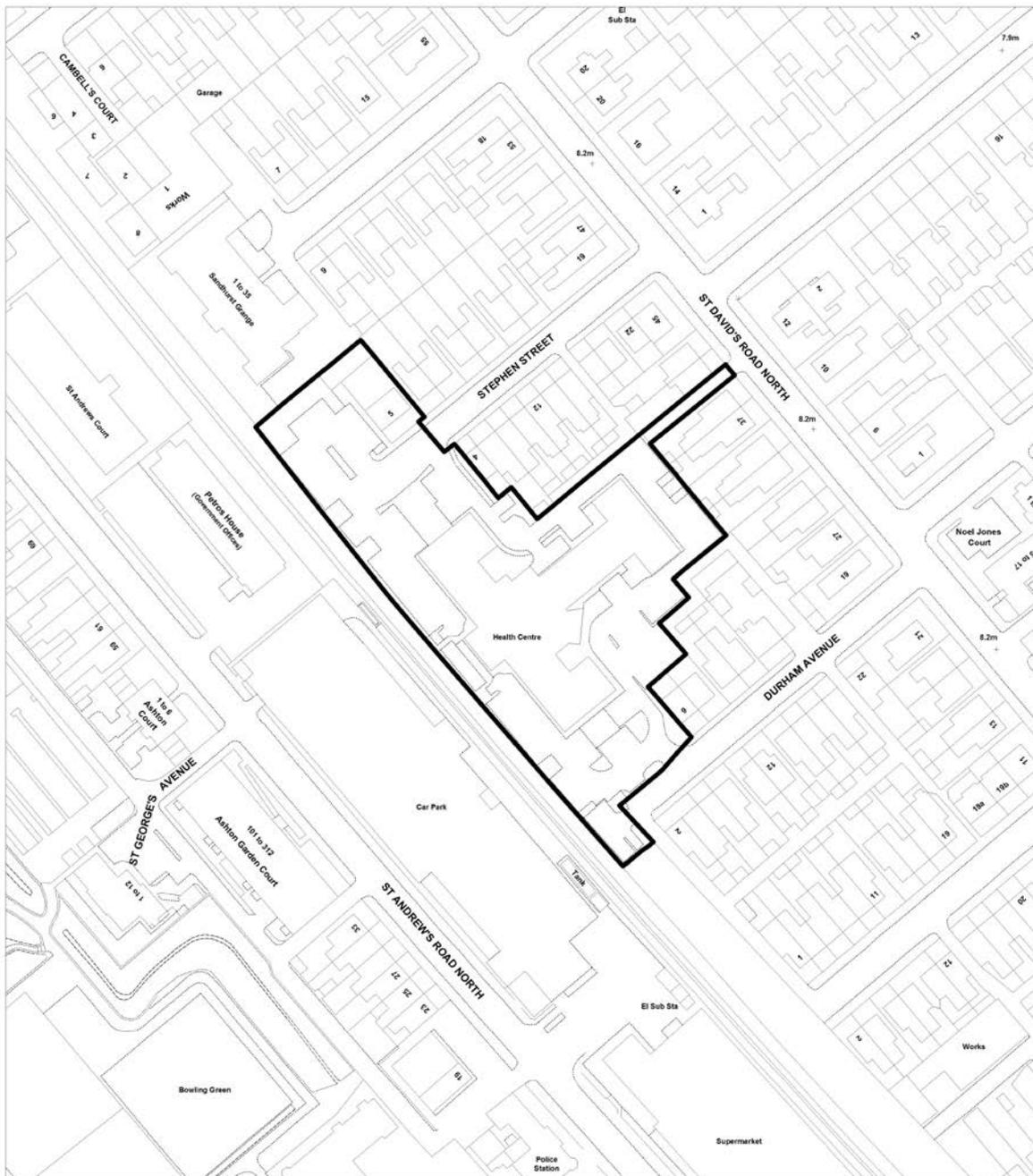
To ensure that the car park operate efficiently and safely without the development having an unacceptable impact on the local highway network.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 2015 [or any subsequent legislation that replaces or supersedes that Order], the 2nd floor of the Medical Centre shall be used solely as ancillary Class B1 office space and shall not be use for any other purpose.

In order to control the operational floorspace of the building having regard to the restricted car parking available on the site.

8. Within 3 months of the date of this permission details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail). The agree details shall be implemented in full and retained thereafter.

To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0902	Address St Annes Medical Centre, Durham Avenue, Lytham St Annes	Grid Ref. E.3321 : N.4292	Scale 0 6 12 18 24 m 

**Item Number:** 5

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	16/0025	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Collinson	<b>Agent :</b>	WBD
<b>Location:</b>	NAZE LANE GARAGE, NAZE LANE EAST, FRECKLETON, PRESTON, PR4 1US		
<b>Proposal:</b>	SINGLE STOREY SIDE EXTENSION TO EXISTING VEHICLE REPAIR GARAGE		
<b>Parish:</b>	FRECKLETON WEST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7455505,-2.865997,280m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7455505,-2.865997,280m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

Naze Lane Garage is an existing vehicle repair garage located within the Existing Employment Area designated under Policy EMP2 at the Naze Lane Industrial Estate in Freckleton.

This application seeks planning permission for an extension to the side of the existing workshop in order to provide improved office/customer facilities and to free up work space within the workshop. The extension would have no detrimental visual impacts and whilst it may result in a small increase in vehicular traffic to the site as capacity within the premises will be enhanced, this could be balanced against the potential to reduce the time it takes for cars to be repaired and collected from the site. As such it is considered on balance that it would not have a material impact on any existing highways issues that may be present on the adjacent access road.

The development will not lead to any adverse impact to neighbouring residential amenity or other such considerations and is considered to accord with the aims of policies EMP2 of the Fylde Borough Local Plan and members are recommended to approve the application.

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

The officer's recommendation for approval conflicts with the objection raised by the Parish Council.

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

The application site is Naze Lane Garages which is located towards the central northern end of Naze Lane Industrial estate, which itself is located within the existing employment area designated by Policy EMP2 of the Fylde Borough Local Plan. The premises is neighboured to the east and west by buildings occupied by coach hire businesses, and to the south by the industrial site occupied by Polytank. To the north are the residential properties of The Crescent, with the wider area outside

of the employment site being Countryside.

### **Details of Proposal**

Planning permission is sought for the construction of a single storey extension to the south eastern side of the existing building. It would measure 6.2 metres in width, 17.1 metres in length, and would have a mono-pitched roof with a maximum height to match the eaves height of the existing building/workshop. The proposed extension would provide improved office and customer reception facilities. Its elevations would be rendered and the roof covering would match that of the existing building (profiled tin sheet). The existing customer facilities provided within the building would then be relocated and the area created used for additional workshop purposes.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
02/0335	VARIATION OF CONDITIONS NO 2 & 3 ON PLANNING PERMISSION 81/650 TO ALLOW DISMANTLING AND SALES OF PARTS AND REPAIR OF ACCIDENT DAMAGED VEHICLES	Granted	07/08/2002
81/0650	CHANGE OF USE: JOINERY TO WAREHOUSE, STORAGE AND DIST. ACCIDENT DAMAGED VEHICLES.	Granted	16/09/1981

### **Relevant Planning Appeals History**

None

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

**Freckleton Parish Council** notified on 03 February 2016 and comment: The PC object to the application on the grounds that the area is already gridlocked and this would bring more traffic and will cause more cars to park on the road.

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

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

No safeguarding objections

#### **BAe Systems**

No objections

#### **LCC Highways**

I have the following comments to make based on all the information provided by the applicant to date and after undertaking a site visit. The Highways Development Control Section does not have any objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. I have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no recorded incidents within the vicinity of the site. I am satisfied that the level of car parking and access arrangements are acceptable.

## Neighbour Observations

**Neighbours notified:** 03 February 2016  
**Site Notice Date:** 26 February 2016  
**No. Of Responses Received:** Three letters of objection  
**Nature of comments made:**

- The construction of the extension would reduce the availability of parking within the application site and further exacerbate the number of vehicles parking on the access road to Walton's Coaches
- The land deeds for the access road prohibit its use for the parking of vehicles
- The various businesses in the area contribute to parking congestion in the area which reduces safety for other road users including drivers and pedestrians
- This congestion could also impact on the availability of access by emergency vehicles
- The drains must be protected from oil by the installation of oil separation equipment

## Relevant Planning Policy

**Fylde Borough Local Plan:**  
EMP2 Existing business & industrial uses

**Other Relevant Policy:**  
NPPF: National Planning Policy Framework  
NPPG: National Planning Practice Guidance

## Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

## Comment and Analysis

The Local Plan designation for the area of the application site is as Existing Employment Area under Policy EMP2 of the Fylde Borough Local Plan. This is particularly supportive of employment development in these areas stating that *"Proposals for business and industrial development or redevelopment will be permitted subject to the use classes listed"*, with the Naze Lane Freckleton site listed for Class B1, B2 and B8 uses. As the car repair garage is a Class B2 use then the development of the site is in accordance with this development plan policy.

Notwithstanding this unqualified support, planning legislation requires that other material considerations are also assessed which in this case would be visual impact, scale of the development, and residential amenity.

The proposed extension would be to an existing industrial building, and relates well to the scale and appearance of the existing building and given its siting within existing industrial development it would have no detrimental impact on the overall visual character of the immediate locale or wider countryside. With regard to neighbour amenity there are residential properties located on The Crescent to the north, with the closest being approximately 35 metres away. However given the nature of the existing use of the site (car repair) and the proposed use of the extension (offices and reception) it is not considered that the extension would result in any additional detriment to

residential amenity than already exists at this industrial site.

Letters of objection have been submitted by other businesses operating from the site and these relate to vehicles being parked on the access road and the lack of an interceptor for spilled oils and other lubricants. With regard to the potential parking issue whilst the extension would reduce the available hardstanding for vehicle parking within the site there would remain a sizeable area sufficient to serve the reasonable needs of the business. During the officer visit it was noted that vehicles were parked on the road outside the premises, and these may or may not have been associated with Naze Lane Garage. However it was also noted that a reasonable amount of parking was available within the site and was available for use. Furthermore the access road has a generous width of approximately 10 metres and so even when vehicles are parked on the access road sufficient width still remains to allow traffic to pass in both directions, with this witnessed during the site visit. It is noted that one of the objectors to the development, 'Polytank', are the owners of the access road and hence have it within their power to take action against any unauthorised parking on the road should it really be a problem. With regard to the potential spillage of oils and lubricants the proposed extension would not give rise to any increase in this form of spillage in the site and hence there can be no reason to require the provision of interceptor facilities as a condition of planning permission.

The Parish Council have also objected to the application on the grounds that the development would result in more vehicular traffic to the site thus exacerbating the number of cars parking on the access road. Whilst the proposed extension would create an additional work bay for vehicle repairs and may as a result increase the number of cars visiting the site it would also reduce the turnaround times for repairs and hence on balance is unlikely to result in a material increase in parking levels on the access road.

LCC Highways have been consulted on the application and have visited the application site. They have raised no objections to the proposal and are satisfied that the level of car parking would be sufficient and that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

### **Conclusions**

The proposed extension to the existing garage premises is considered to accord with EMP2 of the Fylde Borough Local Plan and there are no other material considerations that would outweigh that position. It will also provide for the enhancement of a rural business and so accords with the guidance in para 28 of the NPPF. Accordingly it is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The external materials to be used in the development hereby approved shall accord entirely with

those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. The development hereby approved shall be used for office and customer reception use ancillary to the lawful use of the site and shall not be used for any other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking or superceding it) without the prior written approval of the Local Planning Authority.

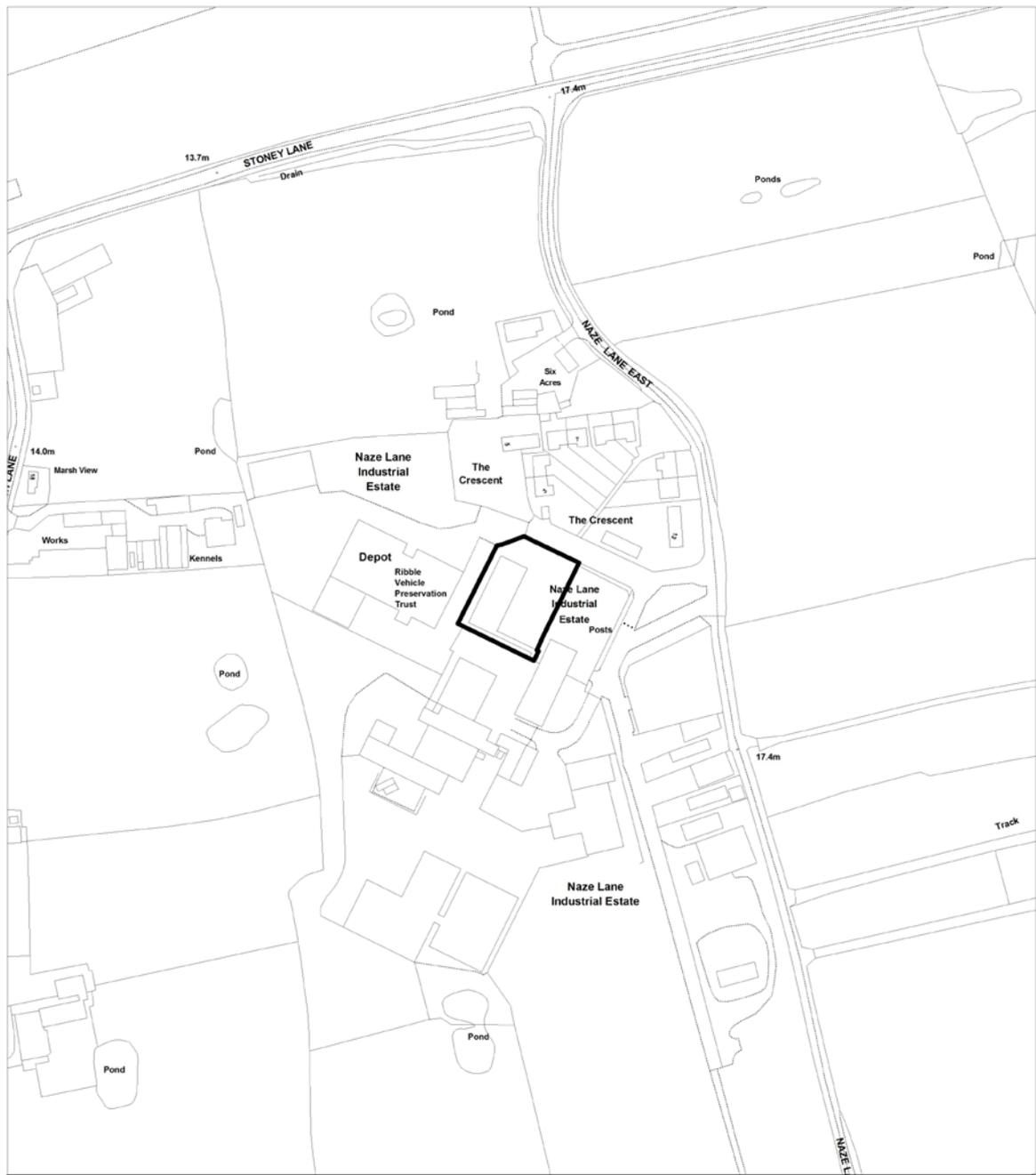
The use of the premises for any other purpose could require a further assessment of the vehicular traffic generation considerations.

4. This consent relates to the following details:

Approved plans:

- Proposed elevation and floor plans - Dwg No. 100, dated 11 January 2016

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0025	Address Naze Lane Garage, Naze Lane East, Freckleton	Grid Ref. E.3429 : N.4280	Scale 0 10 20 30 40 m 

**Item Number:** 6

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	16/0068	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Ream Hills Lake Leisure Park	<b>Agent :</b>	CFM Consultants Ltd.
<b>Location:</b>	REAM HILLS FARM, MYTHOP ROAD, WEETON WITH PREESE, PRESTON, PR4 3NB		
<b>Proposal:</b>	USE OF LAND FOR SITING OF 18 NO. HOLIDAY LODGES (ADDITIONAL TO 6 NO. EXISTING LODGES) WITH FORMATION OF INTERNAL ACCESS ROAD, DECKING AREAS, PARKING AREAS AND OTHER ANCILLARY WORKS		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7991652,-2.9569986,559m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7991652,-2.9569986,559m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Delegate authority to approve

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

Ream Hills Farm is located in the countryside between Staining and Weeton and was originally a farm operation, which continues to raise a deer herd, but diversified into vehicle repair and operating as a fishery. More recently the fishery has been replaced with a 'wake boarding' centre and a series of holiday caravan and lodges have been developed as part of a recreational use of the site. These are all managed from the dwelling which is subject to an agricultural workers tie.

This application relates to an extension of the holiday element with the siting of a further 18 lodges in addition to the 6 which currently have consent.

The site is located in the Countryside where Policy SP2 is restrictive of development that is harmful to the rural character of the area, but where Policy TREC6 is supportive of rural holiday uses subject to a series of criteria. These policies are consistent with guidance in para 28 of the NPPF which promotes rural tourism where it is sustainable.

Having considered the proposal against the relevant local plan policy criteria the increased holiday use of the site is considered to be acceptable as an extension of the existing development that causes no harm to the rural character of the area, highway safety or other such matters and so the application is recommended for approval.

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

The application site covers an area in excess of 1 hectare and hence forms a major development which under the council's scheme of delegation is to be determined by the Development Management Committee.

### **Site Description and Location**

This application relates to an area of land to the southern side of the lake located within the Ream Hills agricultural holding. This area of land was granted planning permission in 2012 (ref. 12/0356) for the siting of 6 holiday lodges, as part of an overall development that also included 25 touring pitches, and a tenting field. The site is within countryside as designated in the Fylde Borough Local Plan. It is located in the countryside between Staining and Weeton and north of the M55 motorway, with no near neighbouring dwellings.

### **Details of Proposal**

This application seeks to site an additional 18 holiday lodges adjacent to the existing 6 approved holiday lodges to take the total number of lodges to 24. These are clustered alongside the existing with the additional lodges forming an extension of the existing row, and a second row to the opposite side of the existing access track. The lodges are designed to meet the definition of a 'caravan' and sit on a concrete base and have dimensions of 13.9m x 7.5m with a decking area to the lake end, including a hot tub facility.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
DISC/14/0867	APPLICATION TO DISCHARGE PLANNING CONDITION 9 OF PLANNING PERMISSION 14/0867	Advice Issued	11/06/2015
14/0867	PROPOSED VARIATION OF CONDITION 3 OF PLANNING PERMISSION 12/0356 TO INCREASE NUMBER OF TOURING CARAVAN PITCHES FROM 25 TO 51 WITH NO ALTERATIONS TO SITE AREA.	Granted	27/04/2015
14/0862	PROPOSED RELOCATION OF TENTING FIELD ASSOCIATED WITH PLANNING PERMISSION 12/0356, FORMATION OF INTERNAL ACCESS ROAD, AND USE OF PREVIOUSLY APPROVED TENTING FIELD FOR AGRICULTURE	Granted	27/04/2015
14/0460	COUNTY MATTER APPLICATION FOR CONSTRUCTION OF A BUND WITH SOILS AND INERT WASTE	Raise Objections	23/07/2014
14/0153	PROPOSED ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (PART RETROSPECTIVE)	Granted	03/11/2014
AG/13/0005	PRIOR NOTIFICATION FOR PROPOSED ERECTION OF AGRICULTURAL BUILDING TO HOUSE DEER	Permission Required	24/12/2013
12/0709	PROPOSED ERECTION OF ANCILLARY FACILITIES TO SUPPORT CARAVAN SITE (2 X TOILET BLOCKS, TICKET OFFICE, ACCESS TRACKS AND LANDSCAPING)	Granted	21/02/2013
12/0659	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0356 TO REMOVE REQUIREMENT FOR DOCUMENTARY EVIDENCE IN SUPPORT OF HOLIDAY USE, AND VARIATION OF CONDITION 6 OF PLANNING PERMISSION 12/0356 TO EXCLUDE HOLIDAY LODGES FROM REQUIREMENT TO BE ASSOCIATED WITH EXISTING LEISURE FACILITY	Granted	30/01/2013
12/0356	CHANGE OF USE OF LAND TO HOLIDAY LODGE	Granted	22/08/2012

	AND TOURING PARK, COMPRISING OF 6 LODGES, 25 TOURING PITCHES AND A TENTING FIELD.		
12/0068	CHANGE OF USE OF LAND AND BUILDINGS TO GENERAL STORAGE IN ADDITION TO EXISTING STORAGE OF ACCIDENT DAMAGED AND POLICE RECOVERED VEHICLES, AND EXTENSION OF AREA AUTHORISED FOR SUCH STORAGE	Granted	19/11/2013
11/0676	CERTIFICATE OF LAWFULNESS APPLICATION FOR EXISTING USE OF BOATS ON THE LAKE.	Withdrawn by Applicant	20/01/2012
11/0445	ADVERTISEMENT CONSENT TO DISPLAY 3 X NON ILLUMINATED HOARDING SIGNS: 2 AT ENTRANCE TO REAM HILLS FARM, 1 AT JUNCTION OF CHAIN LANE AND MYTHOP ROAD	Refused	23/08/2011
11/0002	RETROSPECTIVE CHANGE OF USE FROM FISHING LAKE TO MIXED USE OF FISHING LAKE AND WAKEBOARDING FACILITY. RETENTION OF VARIOUS ASSOCIATED STRUCTURES INCLUDING PYLONS AND TOW CABLE ASSOCIATED WITH WAKEBOARDING, CHANGING ROOM AND STORE BUILDING, TOILET BUILDING, CAFE, FISHING CLUBHOUSE, DECKING AREA AND WOODEN WALKWAY.	Granted	15/03/2011
10/0673	RETROSPECTIVE APPLICATION FOR OFFICE EXTENSION AND BALCONY	Granted	24/08/2011
09/0437	LANCASHIRE COUNTY COUNCIL APPLICATION - RAISE LEVELS TO FORM NEW PADDOCK	Raise No Objection	29/07/2009
09/0151	CLEAN FILL AND TOP SOIL TO FORM GRASS PADDOCK	Withdrawn by Applicant	25/03/2009
05/0931	CHANGE OF USE OF PART OF BUILDING TO HELICOPTER SERVICE AREA AND NEW HARD STANDING AREA FOR HELICOPTER LANDING.	Granted	04/11/2005
AG/05/0005	AGRICULTURAL DETERMINATION FOR DEER SHED.	Permission not required	26/10/2005
AG/05/0001	AGRICULTURAL DETERMINATION FOR DEER SHED	Permission not required	24/05/2005
04/0348	RENEWAL OF TEMPORARY CONSENT FOR CHANGE OF USE OF EXISTING BARN TO VEHICLES STORAGE, PLUS OFFICE/RECEPTION PORTACABIN (PREVIOUS TEMPORARY APPROVAL 00/0764) CONSTRUCTION OF LANDSCAPED MOUNDING TO SUPPLEMENT EXISTING MOUNDING AND REMOVAL OF COND.3 ON PP 98/0346 & COND.5 ON PP 00/0764 ,TO PERMIT EXTERNAL CAR STORAGE.	Granted	21/07/2004
04/0244	CERTIFICATE OF LAWFULNESS FOR STORAGE OF VEHICLES	Refuse Certificate	15/06/2004
03/1154	REMOVAL OF CONDITION 5 APP. NO. 00/764 RE STORAGE OF ACCIDENT DAMAGED VEHICLE & CONDITION 3 APP. NO. 98/346	Refused	25/02/2004
02/0944	REMOVAL OF CONDITION 5 ON APPLICATION 5/00/764 & CONDITION NO 3 ON 5/98/346 TO ALLOW EXTERNAL STORAGE OF VEHICLES, AND EXTENSION OF HARD SURFACED AREAS	Refused	21/01/2003
02/0945	ADDITIONAL/AMENDED BUNDING AND SCREENED LANDSCAPED EMBANKMENT	Refused	16/01/2003

A/01/0006	ERECTION OF AGRICULTURAL BUILDING FOR DEER	Permission Required	06/02/2002
01/0586	CHANGE OF USE OF AGRICULTURAL LAND TO EXTEND SITE AND SCREENING LANDSCAPED EMBANKMENT	Refused	06/11/2002
00/0764	CHANGE OF USE OF EXISTING BARN TO VEHICLE STORAGE PLUS OFFICE/RECEPTION PORTACABIN	Granted	25/04/2001
00/0650	EXTENSION TO EXISTING BUILDING FOR STORAGE OF VEHICLES - RETROSPECTIVE	Granted	29/11/2000

Ream Hills Farm has an extensive planning history and so only those applications dating from 2000 onwards are shown above.

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
02/0945	ADDITIONAL/AMENDED BUNDING AND SCREENED LANDSCAPED EMBANKMENT	Withdrawn	23/08/2004
14/0866	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2014/0160 FOR ERECTION OF BUND	Allowed	30/09/2015
02/0945	ADDITIONAL/AMENDED BUNDING AND SCREENED LANDSCAPED EMBANKMENT	Withdrawn	23/08/2004

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

**Weeton with Preese Parish Council** notified on 08 February 2016 and comment as follows:

*"Parish Council has no objections to the application. However, they do have concerns about the condition of Mythop Road, which will carry additional traffic to the site. Parish Council request that Fylde Borough Council place conditions on the application to remain as a holiday site only."*

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

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

No objections

#### **The Ramblers Association**

No objections

#### **Tourism Officer**

No objections

#### **Regeneration Team (Landscape and Urban Design)**

No objections

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

Object to the proposal until such time as a satisfactory flood risk assessment has been provided.

**United Utilities**

Raise no objections but refer to several matters of interest to the applicant as follows:

- That there is a private water main within the site that will need to be respected in the development
- That there will be a need to extend the water main to serve the development at the developers expense
- That a water meter will be required for each lodge if they are to have individual supplies
- There is an easement on the western site boundary that must be respected in the development;

**Neighbour Observations**

**Neighbours notified:** 08 February 2016  
**Site Notice Date:** 19 February 2016  
**No. Of Responses Received:** None

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TREC03	Tourist Accommodation Outside Lytham St Annes
TREC06	Static Caravans and Chalets
EP11	Building design & landscape character

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis**

The principle issues to consider with this application are the principle of the development and the criteria of policies SP8 and TREC6 of the Fylde Borough Local Plan.

**Principle of Development**

The principle of the use of the site for the siting of holiday lodges has already been established by the previous planning approval, ref. 12/0356. The site facilities and management arrangements are therefore established. The material considerations relevant to the application are covered

comprehensively in the two detailed policies and so are examined below.

#### Policy SP8 - Expansion of Existing Business in the Countryside

Policy SP8 allows for the expansion of the existing business within a rural area subject to accordance with its 4 criteria, these being as follows:

1. *The development would have no significant harmful impact on the character, appearance or nature conservation value of the countryside*  
Ream Hills has an existing lawful use for the siting of 6 holiday lodges, 25 touring caravan pitches, and a camping area. The location of the 18 holiday lodges would be furthest away from the public highway of Mythop Road, and within an existing developed area. Furthermore the site would be screened from Mythop Road by the landscaping schemes implemented under previous permissions on the site and this application proposes additional landscaping along the site's southern boundaries to further screen the development. On balance it is considered that the visual impact within this context would be acceptable.
2. *The development would not represent a major increase in the developed portion of the site*  
The application site is within the site previously approved for development under planning permission ref. 12/0356 and hence accords with this criterion.
3. *The height of the proposed buildings would not exceed the height of the existing buildings in the vicinity of the proposed development*  
The proposed lodges would be of the same dimensions as the previously approved lodges and hence would be no higher.
4. *Within sites containing land of open character the development lies within the developed part of the site*  
The proposed lodges would be located within the existing developed part of the site.

#### Policy TREC6 - Tourist and Leisure Development (Holiday Lodges)

Policy TREC6 of the local plan provides support for the siting of holiday lodges subject to accordance with all of its 11 criteria.

1. *The development forms an integral part of an existing or planned recreational/leisure facility*  
The site currently functions as a recreation/leisure site, with the provision of fishing, wakeboarding, and the existing 6 holiday lodges/25 touring pitches/camping area approved under 12/0356. The proposed lodges would be well integrated within these existing recreational/leisure uses.
2. *The development would not have a significant prejudicial effect on the character of the area*  
The proposed development is considered to be well designed with an appropriate layout, and its location well within the confines of Ream Hills is such that public views would be restricted and minimal. This notwithstanding the proposal includes a landscaping strategy that proposes to provide further screening and visual softening, and an appropriate condition requiring a detailed landscaping scheme and its implementation would be attached to the permission if granted.
3. *The development would not have an adverse impact on the distinctive characteristics of an identified landscape character tract.*  
The development would not conflict with the character of the landscape

4. *The site is not within green belt*  
The site is not within green belt
  
5. *The design and layout is acceptable and includes appropriate landscaping*  
See point 2 above
  
6. *The development would not be detrimental to the amenity of nearby dwellings or prejudicial to other nearby land uses*  
The closest residential property is Ream Hills Farmhouse which is occupied by the operator of the site. The next closest is Moss House Farm, approximately 640 metres to the south of the site and on the other side of the M55 motorway. Given that the site is within an existing recreational/leisure use there is no prejudicial impact in respect of adjacent land uses.
  
7. *The site is not at significant risk of flooding*  
The site is within a flood zone 1 and hence is not at significant risk of flooding, however footnote 20 of paragraph 103 of the NPPF requires that all development proposals of greater than 1 hectare in area and within flood zone 1 must be accompanied by a site specific flood risk assessment. The Local Lead Flood Authority have been consulted on this aspect of the application and have raised an objection until such time as FRA has been provided. One has been produced and sent to the consultee, with their views awaited at the time of writing this report.
  
8. *The development would not involve the loss of the best and most versatile agricultural land*  
The land is within Grade 2 and so BMV on the Defra records, but is limited in its actual area and is not readily capable of farming due to the adjacent caravan park and the farm house. As such it is not considered that there is any real loss of agricultural land with the development.
  
9. *The site has a safe and capable vehicular access and is adequately served by the local highway network*  
The site would be served by the same internal access roads that currently serve the rest of the site from its entrance off Mythop Road down to the application site. LCC Highways have been consulted on the proposal and have raised no objections.
  
10. *Satisfactory foul and surface water drainage disposal can be provided*  
The proposed lodges would utilise the existing site drainage arrangements
  
11. *The development would not have an adverse impact on a SSSI, Biological Heritage Site (BHS), or Geological Heritage Site (GHS)*  
The site does not neighbour, and is not in close proximity to, any SSSI, BHS or GHS

Whilst TREC6 states that a minimum six week period per year is required whereby the units are unoccupied, the DCLG document 'Good Practice Guide on Planning for Tourism' (2006) supports tourism use throughout the year. Given that this document post-dates policy TREC6 then it is considered that unless there are good reasons for requiring a closure period (e.g. to protect the local environment) it would be difficult to insist on the imposition of a seasonal occupancy condition. As such if permission is granted for this proposal then there should be no requirement for a 6 week closure period.

## **Conclusions**

The proposed siting of 18 additional holiday lodges on land that has an existing lawful use for 25

touring caravan pitches and a camping area is not considered to be an inappropriate development, and would potentially have a lesser impact in all respects than the lawful development it is intended to replace. On that basis members are recommended to approve the application.

### **Recommendation**

That the authority to GRANT Planning Permission be delegated to the Head of Planning and Regeneration on the receipt of consultee comments on the content of the submitted Flood Risk Assessment, and the satisfactory resolution of any consultee concerns that may arise, and then the conditions listed below:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following details:

#### Approved plans:

*I.* Location Plans - Dwg No's RH/04443/001 and RH/04443/002

- Proposed site layout - Dwg No. RH/04443/007
- Proposed lodges layout - Dwg No. RH/04443/006
- Proposed lodge layout levels - Dwg No. RH/04443/005
- Proposed setout layouts - Dwg No. RH/04443/004

#### Supporting Reports:

- Design and Access Statement - Produced by Shepherd Planning and dated January 2016
- Flood Risk Assessment - Prepared by John Welbank of Rural Future (undated)

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

3. The holiday lodges hereby approved shall be occupied for holiday purposes only and not as a persons permanent, sole or main place of residence.

The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

4. The owners/operators shall maintain an up-to-date register of the names of all owners of the holiday lodges on the site. The information held shall also include the owners' main home address. This information shall be made available at all reasonable times to the Local Planning Authority.

The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

5. Prior to the commencement of development full details of the proposed holiday chalets, to include appropriate scaled elevation drawings and materials of construction, are to be submitted to and approved in writing by the Local Planning Authority.

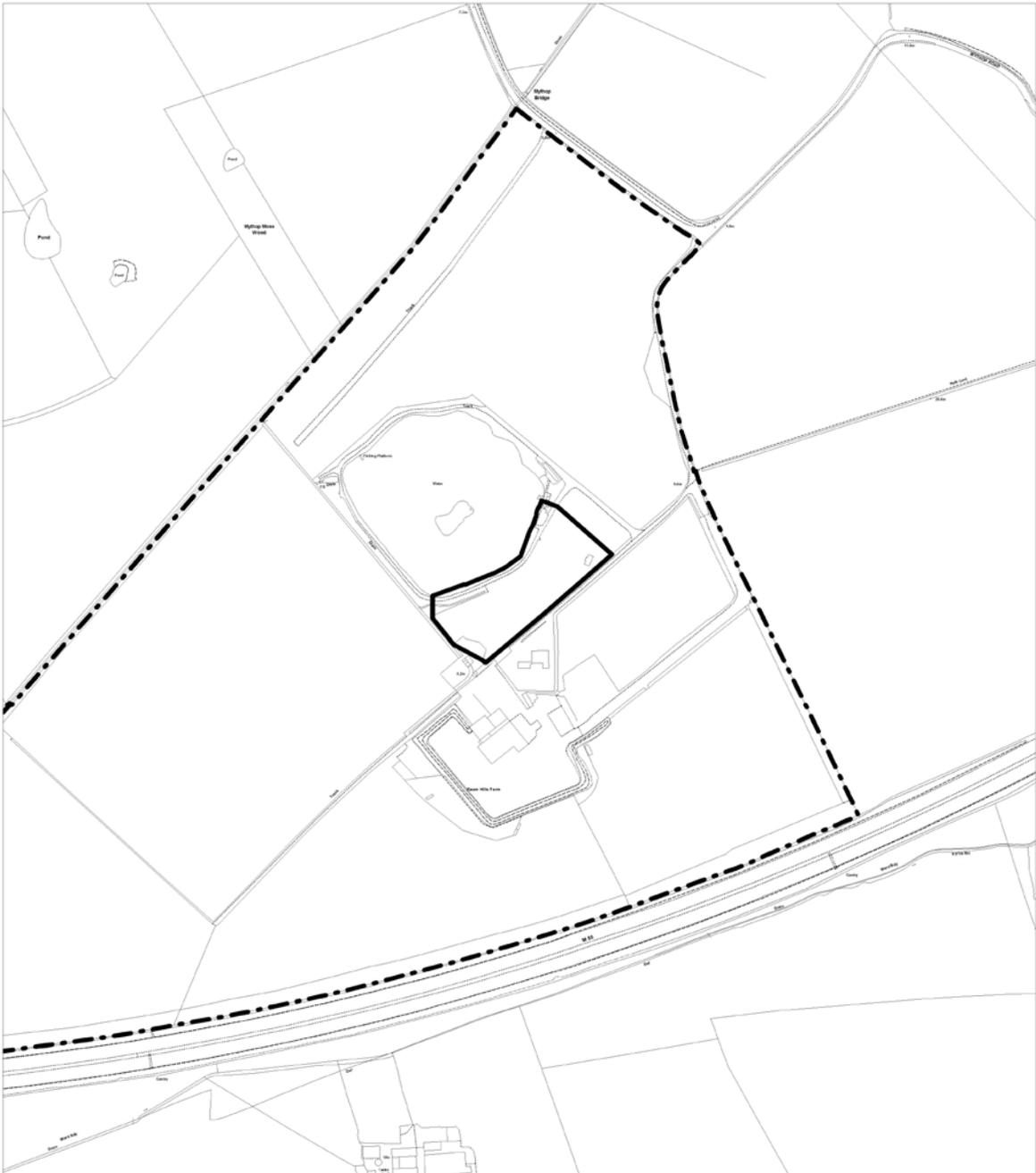
Reason: In order to ensure a satisfactory standard of development in the interests of visual amenity and in accordance with the requirements of Fylde Borough Local Plan policies SP8 and TREC.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any of the approved development. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies SP8, TREC6, and the National Planning Policy Framework.

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

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies SP8 and TREC6



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0068	Address Ream Hills Farm, Mythop Road, Weeton	Grid Ref. E.3369 : N.4341	Scale 0 25 50 75 100 m 

**Item Number:** 7

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	16/0085	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	C/O Agent	<b>Agent :</b>	Gary Hoerty Associates
<b>Location:</b>	KAYS FARM, DAGGER ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3UU		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR ERECTION OF EQUESTRIAN BUILDING FOR PRIVATE USE ONLY FOLLOWING DEMOLITION OF TIMBER BUILDING		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Need to determine at Committee		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.8005163,-2.8192729,280m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.8005163,-2.8192729,280m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The application site is an area of land to the east of Dagger Road and south of the M55 motorway in a rural area of the borough to the north of Treales. The site has previously been used as a pig farm, but in recent years it has provided for a private stabling use with areas for grazing and a number of timber buildings on the site that have been converted to provide stabling facilities.

This application is for the erection of a portal frame building to provide 8 stables and a hay storage area as a replacement for one of the timber buildings. The application is retrospective as the frame for the new building has been constructed, although work has ceased pending the determination of this application.

The proposed building is acceptable in principle as it is to be used as a private stable facility within an existing equestrian site which is also used for private. Such equestrian uses are considered to be appropriate within the countryside. With the new and existing buildings on the site there is an extensive capacity for stabling, but there is nothing to indicate that the use is not private and with the land being of a size that can support this number of horses there are no undue concerns on this respect.

The building is appropriately designed and it will not appear out of keeping or incongruous in the landscape with the backdrop of other buildings and the site hedging assisting to ensure there will be no detrimental impact on the character of the countryside.

Taking the above into account it is considered that the proposal complies with the NPPF and policies SP2 and EP11 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Development Management Committee as the officer recommendation for approval is in conflict with the objection from the Parish Council.

### **Site Description and Location**

The application site is located within an area of land on the eastern side of Dagger Road which comprises of a field, paddock and a cluster of buildings that are currently used as private stables. The buildings are located in the northwest corner of the field which is surrounded by boundary hedges along the roadside and from the adjoining fields to the north and south. The site is in an area designated as countryside as defined by the adopted Fylde Borough Local Plan.

### **Details of Proposal**

The proposal relates to the erection of a building to be used for private equestrian purposes as a replacement to an existing stable block. It has a foot print of 18.3m by 9.1m and is in the style of a portal frame barn. It has a dual pitched roof with an eaves height of 3.4m and a ridge height of 4.7m.

Internally the ground floor would provide stabling for 8 horses, with a mezzanine floor level provided to be used for the storage associated with the use of the building. The materials to be used are box profile sheets and concrete panels, with the design amended during consideration of the application to reduce the extent of the concrete panels to improve the appearance.

The works had commenced at officer site visit with the previous timber building on the site removed and the steel frame for the building erected, although these works have ceased pending the determination of the application.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
10/0882	RETROSPECTIVE PLANNING APPLICATION FOR THE SITING OF A STATIC CARAVAN	Withdrawn by Applicant	24/02/2011
03/0516	SITING OF MOBILE HOME	Refused	28/07/2003
03/0141	CHANGE OF USE OF FARM BUILDINGS TO FORM PRIVATE STABLE WITH FEED STORE AND SAND Paddock (RETROSPECTIVE)	Granted	24/03/2003
02/0656	RESUBMISSION OF APPLICATION 5/02/263 FOR REMOVAL OF CONDITION NO 1 ON APPLICATION NO 5/94/554	Granted	06/11/2002
02/0263	REMOVAL OF CONDITION NO. 1 APP. NO. 5/94/554 RE: REMOVAL OF BUILDINGS FROM SITE FOLLOWING APPLICANT'S EXPIRATION IN THE INTEREST OF THE LAND	Refused	05/06/2002
01/0421	CONTINUATION OF PERMISSION TO SITE MOBILE HOME	Refused	05/09/2001
00/0045	RETENTION OF AGRICULTURAL WORKERS CARAVAN ON SITE FOR A PERIOD OF 3 YEARS	Withdrawn by Applicant	10/03/2000
00/0046	ERECTION OF TWO AGRICULTURAL BUILDINGS FOR POULTRY - RETROSPECTIVE	Withdrawn by Applicant	10/03/2000
99/0116	OUTLINE APPLICATION FOR A DWELLING ADJACENT EXISTING FARM BUILDINGS	Refused	26/05/1999
94/0554	PIG FARM BUILDING AND SITING RESIDENTIAL	Granted	04/01/1995

## CARAVAN (RETROSPECTIVE)

### **Relevant Planning Appeals History**

None

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

**Treales, Roseacre & Wharles Parish Council** notified on 10 February 2016 and comment:

*“Councillors resolved to OBJECT to the above application as the operation is of a type and scale considered to give rise to harm to the surrounding countryside.*

*Several questions and concerns were raised with regard to the application and the Parish Council would appreciate receiving clarification from Fylde Borough Council.*

*Councillors seek clarification as to the number of horses allowed on site before the site is considered a commercial enterprise requiring compliance with Policy SP13 of the Fylde Local Plan. Following on from this, there is concern that any business venture would require 24 hour security and the potential request for permanent housing on site. An additional concern is that the proposed development would have a detrimental impact on highway safety as this is not a suitable location for increased traffic moving in and out of the site.”*

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

None

### **Neighbour Observations**

**Neighbours notified:** 10 February 2016

**Site Notice Date:** 10 March 2016

**No. Of Responses Received:** 1 letter received

**Nature of comments made:**

- Kays Farm is in poor condition and the proposal will do nothing to resolve this
- Building is of a poor design and out of character and is a blot on the landscape
- The road access is impractical and dangerous with poor visibility when exiting the site
- Kays Farm suffers from drainage problems and the proposal does nothing to alleviate this
- The site benefits from limited services
- The current condition of the site and welfare of the horses is not good and the poor state of the fencing means that horses frequently escape onto Dagger Road.

### **Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
EP11	Building design & landscape character

**Other Relevant Policy:**

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

## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

## **Comment and Analysis**

### **Background**

The site is not associated with any residential accommodation, and consists of a series of timber buildings. These were historically used as a pig rearing operation, but in 2003 planning permission was granted under reference 03/0141 for some of the buildings to be used for private stabling, with a sand paddock also provided as part of that scheme. That planning permission does not extend to the building that was on the site of the current application which would therefore have had a lawful use as a piggery building, but as it has been demolished that has been lost. The application refers to this building providing additional stables on the site prior to its demolition, but that is not supported by the planning history.

From officer assessment at site visit the only use undertaken on site is the keeping of horses, with the timber buildings providing for their stabling and associated storage needs and the sand paddock and fields in use for grazing / exercise.

### **The principle of the development**

Policy SP2 of the Fylde Borough Local Plan seeks to control development within the countryside and resist proposals there are considered inappropriate and harmful to the rural character of the area. The proposal involves the erection of a stable building which is for private means only and is to provide improved facilities for the applicant's horses. The site has been in equestrian use since 2003, and whilst the site of this proposal was not included in that permission, it clearly forms part of the equestrian use on the site. The use of land in the countryside for the keeping of horses is a widely accepted and prevalent rural use, with numerous examples of such stable operations across the borough. The proposed building will provide improved facilities on the site and so will improve the conditions for the horses and is considered to be acceptable in principle.

### **Design of building and impact to the character of the countryside**

The building has a design and form that is more typically found in an agricultural site, with a portal frame construction and walls of concrete panels and profile sheeting. However, it is not without precedent as a stable building, and the internal layout confirms that the building provides the stable accommodation sought in the application. The building is a replacement for a smaller previous building of the same footprint and is located within the cluster of existing building on the site. In this location its visual impact is reduced, with the perimeter hedging to the site assisting further in reducing the impact of the building on the surrounding landscape. It is not considered that the building will be isolated or incongruous, and so is acceptable in that regard. The materials of construction have been revised since submission to provide a greater proportion of green profile sheeting so as to assist in assimilating the building into the landscape.

### **Scale of Stabling Use**

The Parish Council has raised concern over the intensive use of the site and that the number of horses which the applicant keeps at the site are such that it indicates the use is beyond the private

use claimed. The supporting information explains that the applicant owns 17 horses at the site, with 10 of these kept in the fields due to the absence of stabling for them, with this scheme to provide for some of that. This is a larger number than is usual with this type of application, and has been queried with the agent, who is adamant that the horses are all owned by the applicant as a hobby use and that no commercial activity is undertaken at the site. This seemed to be supported at officer site visit with no signage, evidence of regular visits by large numbers of vehicles, no storage of horseboxes, etc. to indicate a commercial use.

Whilst the council would normally look for a private stable operation to restrict the number of stables to 4, this is mainly on visual impact grounds and with the existing scale of development on the site this is not a particular issue. There is no planning policy or legislation that identifies when land used for equestrian use is a business based on the number of horses kept on the land. The applicant has confirmed that horses are in their sole ownership and that no breeding takes place on the site. This can be enforced through a planning condition. It is noted that the applicant lives some distance from the site (11 miles / 25 min drive) and so would not be readily available to address immediate welfare needs, but with the improved accommodation provided by these stables this is likely to be less of an issue than the current situation.

#### Other matters

The neighbour has raised concerns over the welfare of the horses on the site. This is not a material planning consideration.

The building replaces an existing building and is located on the same foot print as the previous building. It is therefore considered that there should be minimal change to the existing drainage capacity/function of the site.

The existing vehicular access is considered appropriate for the site. Dagger Road is a rural lane which does not take high levels of vehicular movements. The gate access to this site is set back from the highway edge sufficiently for vehicles to pull off the highway to access it, and whilst visibility is somewhat restricted by the hedges the private nature of the stable use ensures that it is only visited by those who are familiar with the location of the access and its arrangement and so will use it with appropriate caution. It is therefore considered that the impact to highway safety is acceptable.

#### Conclusions

The application site is an area of land to the east of Dagger Road and south of the M55 motorway in a rural area of the borough to the north of Treales. The site has previously been used as a pig farm, but in recent years it has provided for a private stabling use with areas for grazing and a number of timber buildings on the site that have been converted to provide stabling facilities.

This application is for the erection of a portal frame building to provide 8 stables and a hay storage area as a replacement for one of the timber buildings. The application is retrospective as the frame for the new building has been constructed, although work has ceased pending the determination of this application.

The proposed building is acceptable in principle as it is to be used as a private stable facility within an existing equestrian site which is also used for private. Such equestrian uses are considered to be appropriate within the countryside. With the new and existing buildings on the site there is an extensive capacity for stabling, but there is nothing to indicate that the use is not private and with the land being of a size that can support this number of horses there are no undue concerns on this respect.

The building is appropriately designed and it will not appear out of keeping or incongruous in the landscape with the backdrop of other buildings and the site hedging assisting to ensure there will be no detrimental impact on the character of the countryside.

Taking the above into account it is considered that the proposal complies with the NPPF and policies SP2 and EP11 of the Fylde Borough Local Plan and is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5 February 2016, including the following plans:

Foz/733/2045/02 - Proposed drawings

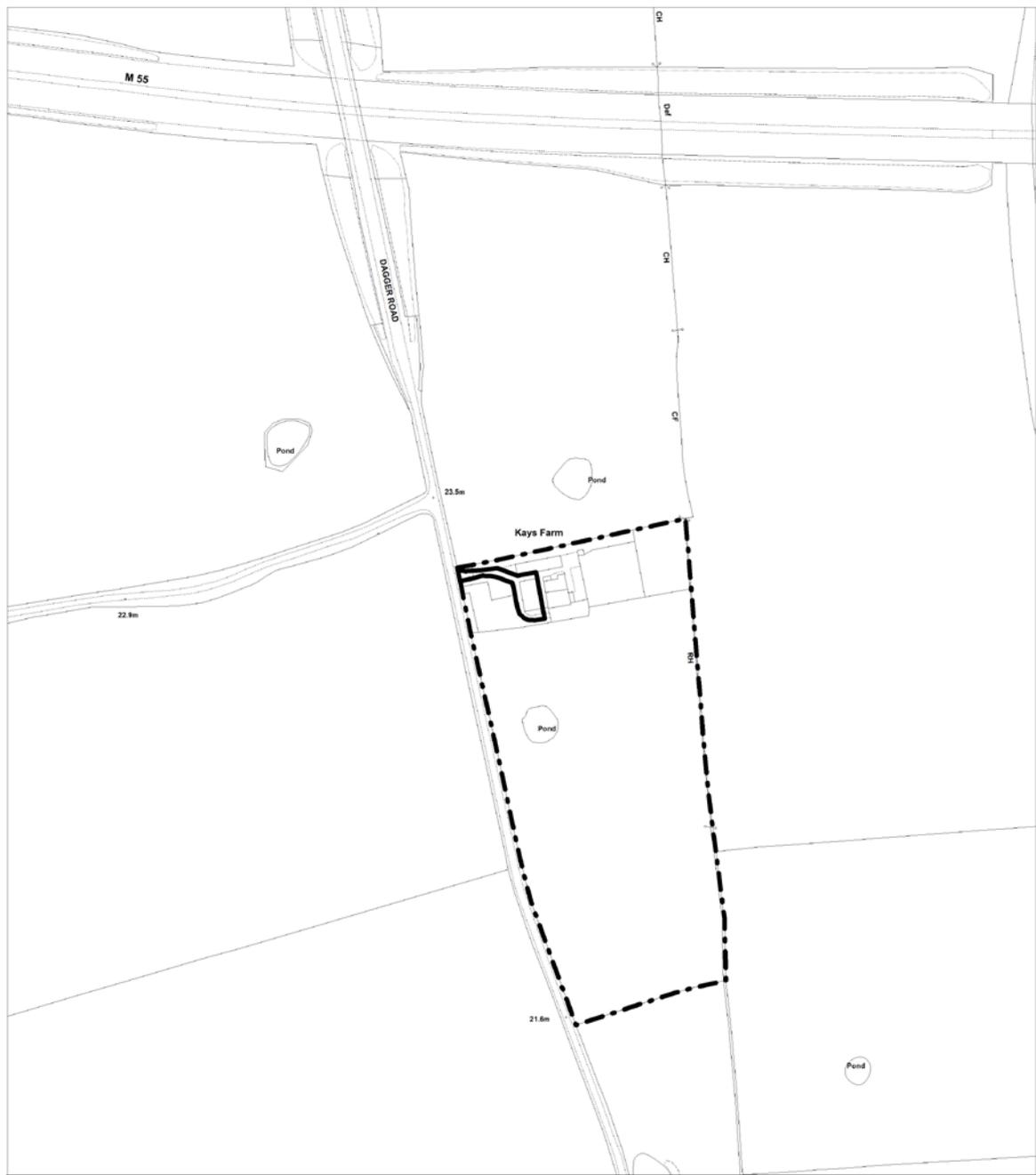
For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. The stable building hereby permitted shall be laid out internally as shown on the plan approved as part of condition 1 of this planning permission, and shall be used for the private stabling of horses and the storage of associated equipment and feed only.

To define the permission and in the interest of the visual amenities and character of the area.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0085	Address Kays Farm, Dagger Road, Treales	Grid Ref. E.3462 : N.4341	Scale 0 15 30 45 60 m 

**Item Number:** 8

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	16/0087	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Wilson-Mills	<b>Agent :</b>	
<b>Location:</b>	LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not applicable		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7890795,-2.8507935,560m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7890795,-2.8507935,560m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The proposal seeks outline permission (all matters reserved) for the erection of a single dwelling on a *circa* 700 square metre parcel of land to the south side of Kirkham Road, Treales. The site is located between groups of dwellings at White Hall to the west and on the opposite side of Kirkham Road to the north, and adjacent to a plot of land to the east which has an extant outline permission for a single dwelling pursuant to planning approval 15/0367. The proposed dwelling would follow the established pattern of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage.

The dwellinghouse would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse impact on the character of the surrounding area by virtue of its scale, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The Parish Council has objected to the application and the Officer recommendation is for approval.

### **Site Description and Location**

The application relates to a rectangular parcel of land measuring approximately 700 square metres in area to the south side of Kirkham Road, Treales. The site is located between an undeveloped parcel of grassland to the west side of Primrose Farm which has outline planning permission for a single dwelling pursuant to planning approval 15/0367 and a collection of six dwellings to the west at White Hall served by an access road branching in a southerly direction off Kirkham Road.

The site falls outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals map. The land presently forms an area of unmaintained grassland which runs parallel with the access road serving dwellings at White Hall. The land is enclosed by a combination of post-and-rail fencing and hedging to its perimeter, with a group of taller trees flanking Kirkham Road along its northern boundary. Additional individual trees are located centrally and to the southeast corner of the site where the plot backs onto a large expanse of open farmland to the south. An unenclosed strip of maintained grassland containing smaller trees and a bench forms a buffer between the site and the adjacent access road to White Hall and is not included within the development site.

Dwellings at White Hall to the west run in a north-south direction flanking, but set back from, the access road. Five of these dwellings have been created following the conversion of existing barns on the site in the early 21 century pursuant to planning approval 99/0356 (the exception to this being the original 'White Hall' dwellinghouse which forms the southernmost of the group). Four of the dwellings are orientated in an easterly direction facing towards the site (though the northern dwellings are offset in relation to it) a minimum of approximately 23 m from the western site boundary. All dwellings facing the site are two storeys in height. Two detached properties (Birch House and Whitegarth) lie approximately 31m to the north of the site on the opposite side of Kirkham Road. Primrose Farm is located some 32m to the east, with a blank gable facing towards the site.

### **Details of Proposal**

The application is submitted in outline, with all matters reserved, for the erection of one dwelling on the site. An illustrative plan has been submitted as part of the proposal. This shows a detached, two-storey dwellinghouse occupying a central location within the site with an independent access taken from Kirkham Road. This would necessitate the removal of two trees and a short section of hedgerow within the group flanking the northern boundary and the removal of three other trees within the central areas of the site. Remaining trees on the site are shown to be retained, with a new hedge shown alongside the western perimeter.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the illustrative plan are purely indicative and are not for detailed consideration as part of the proposal. The application seeks only to establish

the principle of residential development for a single dwelling on the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
07/0839	REVISED ELEVATIONAL DETAILS TO BARN 2, 3 AND 4. PREVIOUS APPROVAL ON APPLICATION 5/99/0356	Granted	09/11/2007
06/0732	ERECTION OF ONE BLOCK COMPRISING OF 3 SEPARATE GARAGES FOR DOMESTIC USE	Granted	16/10/2006
05/0761	TWO STOREY AND SINGLE STOREY EXTENSIONS AND GARAGE	Granted	23/09/2005
99/0356	AMENDMENT TO PREVIOUSLY APPROVED SCHEME 5/96/476 - CONVERSION OF REDUNDANT BARN INTO 5 DWELLINGS	Granted	11/08/1999
96/0476	CONVERSION OF REDUNDANT FARM BUILDINGS INTO 5 NO. DWELLINGS AND GARAGE BLOCK	Granted	06/11/1996
98/0682	AMENDMENTS TO DESIGN OF CONVERTED BARN APPROVED UNDER CONSENT 5/96/0476	Refused	27/01/1999

### **Relevant Planning Appeals History**

None

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

Treales, Roseacre & Wharles Parish Council were notified of the application on 2 March 2016. The Parish Council object to the application on the following grounds:

- The erection of a dwellinghouse in this location would be detrimental to the character of the area and surrounding properties and would represent over intensive development outside the core settlement area.
- The creation of an access onto Kirkham Road would require the loss of substantial amounts of hedgerow and would further alter the street scene and character of Treales.
- The formation of a further dwelling accessing Kirkham Road would be detrimental to highway safety.
- The development is in conflict with policy SP2 of the FBLP and paragraphs 28, 58 and 26 of the NPPF.

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

#### *LCC Highways:*

- There are no highway objections to the scheme. LCC's five year database for injury related vehicular accidents indicates that there have been no reported incidents within 100m of the site access.
- Any application for approval of reserved matters which seeks permission for access will need to demonstrate that:
  - Visibility splays sufficient for a 30mph road will be required in both directions at the junction of the site access with Kirkham Road.
  - An appropriate turning area will be required within the curtilage in order that vehicles can enter/exit the site in forward gear.
  - Parking should be provided in accordance with the standards set out in the Fylde

Borough Local Plan applicable at the time. Any garage must have internal dimensions of 6m x 3m to be counted as a parking space.

*Tree Officer:*

- The boundary hedge to Kirkham Road is of a poor quality. Originally hawthorn and privet, it is now overrun with ivy where it is intact but is in many places broken and open to the road. Evidently this was not an agricultural hedge in origin because privet is essentially a garden choice.
- The group of ash and sycamore inside the hedge are heavily suppressed with ivy and do not present an appealing form. One large sycamore is dead; others are misshapen and feature asymmetric canopies. These specimens are not of a quality which would justify protection by tree preservation order as they would not score well whether considered collectively or as individuals. This group of trees also conflicts with overhead phone lines and a street lamp.
- One ash tree (T14 in the survey) next to the existing access to White Hall shows better form than the others and should be retained. A condition should be attached to any permission requiring protection for this specimen to be put in place during construction. An oak tree along this access is also of moderately good form but should not be implicated by the proposal so long as this access is not used to service the development.
- The small trees on the internal hedge should not pose a constraint to the development. This inner hedge (between two properties) should be retained if permission is given, since the soft boundary seems more in-keeping with the rural atmosphere of this area than fencing. A planted horse chestnut of perhaps twenty five years' growth is to be removed to the western edge of the site. It is in twin-stemmed form, which detracts from its value to a small extent. Essentially this is a private garden tree and of a species that is currently out of favour because of the advance of horse chestnut canker. Therefore, it has little long-term value and, along with some frontage tree planting secured by landscaping condition, its loss could be compensated for elsewhere.
- In summary, there are no objections to this proposal, but suggest that improved road frontage planting is secured by planning condition, since those trees currently facing the road are of low public amenity value.

*United Utilities:*

- The site should be drained on separate systems for foul and surface water disposal. Foul water should drain to the public sewer and surface water should drain in the most sustainable way in accordance with the hierarchy in the PPG – a soakaway; surface water body; surface water sewer; and finally, a combined sewer.

**Neighbour Observations**

<b>Neighbours notified:</b>	2 March 2016
<b>Site notice posted:</b>	18 March 2016
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	1
<b>Nature of comments made:</b>	1 objection

The points of representation are summarised as follows:

- The site is rural agricultural land used for sheep grazing and should remain as such. A substantial area of the village's agricultural land has recently been lost to development. The development of the land would detract from the spacious, rural character and setting of the site and its surroundings.

- This is not an infill plot. It is land connected with and adjacent to White Hall Farm and the attached barn conversions. It is, therefore, distinct from the remainder of the village as forming part of the farm.
- Any windows on the side of the proposed dwellinghouse would look directly into the living areas of properties facing the site to the west. Any approval should include a condition to restrict the insertion of windows on the west side of the house facing White Hall.
- The trees at the front of the site provide a degree of privacy and amenity for existing residents adjacent to the site. It is evident that a number of these trees would need to be removed as part of the development. This would adversely affect the rural character of the area.
- Any new dwelling should be required to follow the building line on Kirkham Road in order that any building on this plot does not step out beyond the building line of Primrose Farm.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP22	Protection of agricultural land

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

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

### **Fylde Local Plan to 2032 – Revised Preferred Option**

S1 – The Proposed Settlement Hierarchy  
DLF1 – Development Locations for Fylde

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

### **Comment and Analysis**

Principle of development:

*Policy context and five year supply:*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; or
  - specific policies in [the] Framework indicate development should be restricted.

Paragraph 55 of the NPPF states that:

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

In addition, the first and third bullet points to the 'Rural Housing' chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

FBLP Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

Criteria (1), (2), (3) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design; and
- Developed at a net density of between 30-50 dwellings per hectare.
- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

The latest version of the Emerging Local Plan (the Revised Preferred Options Local Plan to 2032, dated October 2015) does not identify Treales as a “Tier 1” or “Tier 2” Rural Settlement.

Nevertheless, it makes allowances, under policies S1 and DLF1, for “minor infill development” on “sites of less than 10 homes” outside the Tier 1 and Tier 2 Rural settlements. It should, however, be noted that as the Emerging Local Plan has not been adopted or independently examined, it carries limited weight in planning decisions at present. Instead, the prevailing policy context is the FBLP and the NPPF.

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside.

Paragraph 47 of the NPPF requires Local Planning Authorities to “boost significantly the supply of housing” in order to “provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Paragraph 49 of the NPPF states that: “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Council is presently unable to demonstrate a 5 year supply of housing land. The Council’s latest five year housing land supply position statement (dated March 2015) indicates that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

Given the above, reasons for refusal which, in effect, seek to place a moratorium on housing development outside the settlement boundary (and within the Countryside Area) in accordance with the provisions of out-of-date policy SP2 will not be sustainable. Therefore, despite conflicting with FBLP policy SP2, the release of windfall housing sites in the countryside area is, in principle, permissible in accordance with paragraphs 47 and 49 of the NPPF providing that there are no overriding policy or other material considerations to indicate that development should be resisted for other reasons.

#### *Accessibility of location:*

Paragraph 34 of the NPPF states that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).

The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:

- The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The site is located in the Countryside Area to the western end of the village, outside the settlement boundary defined on the FBLP Proposals Map. Treales is a small village which, aside from a Public House, lacks a number of public amenities. It is, however, located approximately 1.6km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to rely on facilities in Kirkham.

The table in Figure 1 below is taken from the Institution of Highways and Transportation (IHT) document “Providing for Journeys on Foot” (2000). It indicates suggested acceptable walking distances for pedestrians without a mobility impairment for some common facilities in different locations. This is based on an average walking speed of 3mph.

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 1 – suggested acceptable walking distances (IHT).

Kirkham is the largest neighbouring settlement which provides “town centre” facilities and, accordingly, the distances in the left hand column of Figure 1 would be applicable with respect to Kirkham. However, as Treales does not benefit from a town centre, it would fall within the category of “elsewhere” and, accordingly, longer walking distances to access the same facilities are expected. The pedestrian link between Kirkham and Treales is via a footway along Carr Lane. The closest school (Treales Church of England Primary School) is located approximately 1.8 km away, with other schools available in Kirkham within 2km of the site. As the distance between Kirkham town centre and Treales is approximately 1.6km (and, accordingly, some 0.4km above the preferred 1.2km maximum in Figure 1), it follows that many future occupiers of the development would be reliant on car-based journeys to access some local facilities. However, the site is within the preferred 2km maximum for district facilities (including employment and education opportunities).

As identified in paragraph 34 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, therefore, follow that all development within the rural area is always unsustainable by virtue of its location and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Therefore, the lack of specific services in individual villages should not stifle development in rural areas where such facilities exist nearby and, accordingly, a development would not result in “isolated homes in the countryside”.

Whilst Treales lacks any substantial shops, services and public transport links, it is located some 1.6km from Kirkham town centre and within 2km of three local schools. Kirkham includes a number of shops and services which are sufficient to serve the needs of outlying villages such as Treales, and the relatively close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Indeed, this is likely to be the case for the occupiers of other dwellings surrounding the site. Therefore, whilst there would be some reliance on car-borne

journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 55 of the NPPF or conflict with FBLP policy HL2.

*Scale and pattern of development:*

Objectors have referred to the rural character and setting of the village and opine that this development would erode that character. Whilst the site is located outside the settlement boundary, the built form and structure of Treales extends beyond the 'core' to the eastern end of the village, particularly along the southern edge of Kirkham Road which presents a more built-up frontage in contrast to the northern flank. The site is adjacent to a group of 6 dwellings at White Hall to the west, two dwellings on the opposite side of Kirkham Road to the north and the adjoining land to the east benefits from an extant outline permission for a single dwelling to the west of Primrose Farm (planning permission 15/0367). Assuming that permission 15/0367 is implemented, the application plot will be bounded by built development to three sides, with existing boundary treatments and planting creating both physical and visual segregation between the site and adjoining agricultural land to the south.

The settlement boundary cannot be relied upon to restrict the location of development in the absence of a 5 year housing land supply. Moreover, it is apparent in this case that the site would be located amongst an existing group of buildings flanking Kirkham Road and, accordingly, would not appear detached or isolated from other dwellings in the village. The proposed dwelling, by virtue of its location and relationship with surrounding buildings, would follow the existing pattern of development in Treales and would not erode the rural character and setting of the village.

Whilst the application is in outline with all matters reserved, the illustrative plan demonstrates that any new dwelling is capable of providing a spacious frontage to Kirkham Road by following the building line of adjacent (existing and approved) dwellings to the east. The new dwelling would occupy an elongated plot which is commensurate (or larger) in size to those afforded at other dwellings in Treales. The retention of a landscaped garden frontage to Kirkham Road, the staggered position of any new dwelling set back from the highway and the size of the curtilage would ensure that the construction of a single dwelling on the site would preserve rural character and would not appear unduly cramped.

*Visual and landscape impact:*

The site is located amongst a cluster of buildings to the western end of the village. Boundaries are characterised by a combination of post-and-rail fencing and established trees and hedgerows. Vegetation is thickest to the northern perimeter with Kirkham Road, with that to the eastern and southern boundaries following a more linear profile along the site perimeter. The site is not open to the agricultural land to the south. This is, instead, accessed via a gate at the southern end of the access road to White Hall.

Paragraph 17 of the NPPF set outs core land-use planning principles which should underpin decision-taking. The fifth bullet point states that planning decisions should:

- "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside** and supporting thriving rural communities within it" (emphasis added).

Criterion (5) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

Policy EP11 states that new development in rural areas should be sited in order that it is in keeping with the distinct landscape character types and features defined in policy EP10. Development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style.

Policy EP12 indicates that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected – including through the use of Tree Preservation Orders (TPOs) – and EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development.

Policy EP14 requires new housing developments to make suitable provision for landscape planting.

The site is presently afforded a degree of seclusion from Kirkham Road owing to the thick covering of vegetation to the northern boundary. This comprises a lapsed privet hedge backed by taller trees. Owing to the screening provided by this vegetation, the site is visible only in glimpsed views where the access road to White Hall meets Kirkham Road.

The application is accompanied by a tree survey which assesses the condition, life expectancy and value of existing vegetation on the site. The survey indicates that the development would necessitate the removal of five existing trees on the site – two within the group alongside the northern boundary and three within the central areas of the site. It is also recommended that the roadside hedge to Kirkham Road is replanted within the next 10 years due to extensive Ivy cover. The survey concludes that remaining vegetation on the site (a total of 11 trees and the hedgerows to the eastern and southern boundaries) are capable of being retained as part of the development.

The Council's Tree Officer has inspected specimens on the site and does not dispute the conclusions in the tree survey. Moreover, the Tree Officer does not consider any of the trees (either individually or cumulatively) to be worthy of protection by Tree Preservation Order, noting that those to the roadside are heavily covered in Ivy and that the Horse Chestnut to the western boundary which is visible from Kirkham Road has a limited life expectancy. In summary, the Tree Officer concludes that those trees which would be lost as a result of the development are of limited value and adequate compensatory planting could be introduced to offset any losses. The specimens of greatest value – most notably an Ash and Oak to the northwest corner of the site – are capable of being retained and a condition should be attached to any permission requiring protection measures to be put in place during the construction period.

Existing landscaping along the southern boundary of the site (comprising both trees and hedging) provides visual separation between the plot and open agricultural land beyond. Accordingly, the site is distinct from adjoining farmland and does not have an open boundary to it. The sense of enclosure provided by the existing boundary planting (including the fact that this aligns with similar boundary

treatments on developed/approved plots to the east) means that the site is viewed in a residential context in conjunction with dwellings at White Hall to the west rather than as an extension of the open agricultural land to the south. Given the site's established boundaries and its relationship with surrounding dwellings (both existing and proposed), it appears as a contained parcel amongst neighbouring residential development and would not encroach into open farmland beyond.

The proposed development would result in the loss of a small number of trees within the site in order to form an access from Kirkham Road and to allow the construction of a new dwelling within its central areas. The specimens which would be lost are unworthy of any specific protection through Tree Preservation Order and adequate compensatory planting is capable of being introduced in order to offset any losses. Other vegetation on the site (including that to the perimeter) is capable of being retained as an integral part of the scheme. The proposed development would be seen in a residential context amongst and following the pattern of existing buildings so that it would maintain a spacious aspect to the street and would not adversely affect the character of the area. The site's established boundaries with adjoining open agricultural land would be maintained in order that the development would not result in harmful encroachment into the countryside and would not detract from the openness of the surrounding landscape or erode its rural setting. Accordingly, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

#### Loss of agricultural land:

The site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. Paragraph 112 of the NPPF stipulates that:

- "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

In addition, FBLP policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough and, resultantly, Grades 2 and 3a will be considered the best and most versatile (BMV).

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Treales.

The application site measures approximately 700 square metres in area and is not open to wider expanses of worked agricultural land to the south. In particular, the site boundaries are enclosed by a combination of fencing and hedging, with the only access into the site being via a farm gate to the southern end of the access road to White Hall. The site comprises rough grassland and, whilst objectors suggest that it is used for grazing, there is no evidence of such a use taking place on the site in recent times. Given the small size of the plot, that it is physically separated from open farmland to the south without any direct access between the two and there is no evidence of recent agricultural use, the proposed development is not considered to result in any "significant development of agricultural land" for the purposes of paragraph 112 of the NPPF.

It is also noted that an Agricultural Land Classification report submitted in respect of the adjoining site to the east (application 15/0367) concluded, following soil sampling and analysis, that this land was Grade 3b and, accordingly, not BMV. As the application site is immediately adjacent, it is highly likely that the same result would be applicable for this site. In any case, paragraph 112 of the NPPF does not seek to place an absolute embargo on the use of land which may be BMV; only where “significant development” of such land would occur should development be resisted on these grounds. In this case, the area of land is small and does not represent an essential component in the viability of an agricultural holding. Therefore, it cannot be regarded as “significant” and, accordingly, is not an overriding consideration against the development.

#### Relationship with surrounding development:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they “would not adversely affect the amenity and privacy of neighbouring properties”.

The site is surrounded by dwellings to three sides. Whilst the application is in outline with all matters reserved, an illustrative plan demonstrates that a detached, two-storey dwelling positioned centrally within the site would achieve minimum separation distances of approximately 25m with dwellings to the west at White Hall; 50m with properties on the opposite side of Kirkham Road; and 34m with the side of Primrose Hall Farm. These separation distances are far in excess of the 21m standard recommended between principal elevations of neighbouring dwellings set out in policy 1D of the Council’s SPD for residential extensions. The illustrative plan shows the side elevation of the proposed dwelling to run parallel to that of the property approved on the adjacent plot to the east as part of application 15/0367, with an indicative minimum separation of 4m shown between the two.

Objectors have raised concerns regarding the potential for overlooking towards dwellings at White Hall arising as a result of any windows which may be installed in the west side of the new house. It has been requested that a condition be imposed to prevent any such windows being installed. However, given the separation distances which would be achieved between the development and these houses, it is not considered that such a condition would be justified in this case in order to prevent overlooking.

Whilst detailed matters of layout, scale and external appearance are not applied for at this stage, the illustrative plan is sufficient to demonstrate that the development is capable of achieving an appropriate relationship with neighbouring dwellings with respect to the privacy and amenity of neighbouring occupiers.

#### Highways:

The second and third bullet points to paragraph 32 of the NPPF states that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criteria (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

Whilst access is not applied for at this stage, the indicative layout shows the provision of a single, dedicated access point for the dwellinghouse off Kirkham Road. Kirkham Road is a lightly trafficked route subject to a 30mph speed limit. The Local Highway Authority (LHA) consider that the proposed means of access into the site is acceptable providing that visibility splays for a 30mph road can be achieved at the junction of the site access with Kirkham Road and that sufficient turning space can be provided within the site in order that vehicles can enter and exit in forward gear.

The illustrative site plan demonstrates that visibility splays of 2.4m x 43m can be achieved in both directions at the junction of the site access with Kirkham Road. A turning area is also shown to the front of the property to demonstrate that vehicles would be able to enter the site, turn around and exit in forward gear. Appropriate conditions have been recommended to ensure that these visibility splays and turning areas are provided as part of any application for approval of reserved matters in accordance with the recommendations of the LHA. Similar access arrangements are also evident at numerous other properties fronting onto Kirkham Road. The driveway to the front of the dwellinghouse is capable of providing off-street parking for a minimum of 2 vehicles. An integral garage is shown on the elevations of the dwellinghouse which could provide additional parking if required (though this would be determined at reserved matters stage).

The level of traffic and number of vehicle movements generated by one dwelling would not have any significant or perceptible impact on network capacity and the provision of suitable visibility splays, vehicle turning areas and off-road parking would ensure that the development would not have a severe impact on highway safety.

#### Other matters:

There are trees and hedges on the site which have the potential to support nesting birds and it is evident that some vegetation will need to be cleared in order to facilitate the development. As a precautionary measure, a condition has been recommended restricting any clearance of vegetation during the bird breeding season in order to avoid any adverse effects on nesting birds. A condition can also be imposed requiring the development to be drained on separate systems for foul and surface water as advised by United Utilities.

Policy H4 of the draft Revised Preferred Options Local Plan only requires affordable housing and other contributions to be delivered for “schemes of more than 10 homes”. As the scheme does not meet this threshold, there is no requirement for any contributions to be made towards these items in this case.

#### Conclusions

The proposal seeks outline permission (all matters reserved) for the erection of a single dwelling on a *circa* 700 square metre parcel of land to the south side of Kirkham Road, Treales. The site is located between groups of dwellings at White Hall to the west and on the opposite side of Kirkham Road to the north, and adjacent to a plot of land to the east which has an extant outline permission for a single dwelling pursuant to planning approval 15/0367. The proposed dwelling would follow the established pattern of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage.

The dwellinghouse would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse impact on the character of the surrounding area by virtue of its scale, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the

Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

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

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

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

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before any development takes place:- the layout and means of access to the development, the scale and external appearance of the buildings and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:

- Scale 1:1250 Location Plan received 29/02/16.
- Drawing no. SWM/2016/01 - location plan and illustrative layout & elevations.

Any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the maximum number of dwellings and the site area.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

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

Reason: To ensure a satisfactory relationship between the dwellinghouse and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2.

5. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained.
- Details of any excavation to take place within the root protection areas of those trees to be retained.
- (i) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

6. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a landscaping scheme for the site which contains details of:

- (ii) any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- (iii) compensatory planting to replace any trees or hedgerows to be removed;
- (i) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
- (ii) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure suitable retention and strengthening of existing landscaping on the site in the interests of visual amenity and to secure adequate provision of private garden space for the dwellinghouse in accordance with the requirements of Fylde Borough Local Plan policies EP14 and HL2, and the National Planning Policy Framework.

7. Any application which seeks approval for the reserved matter of access pursuant to condition 2 of this permission shall include a scheme which contains details of:

- (iii) The layout, design and construction of the site access which shall make provision for minimum visibility splays of 2.4 metres x 43 metres in both directions at its junction with Kirkham Road.
- (iv) The layout, design and construction of a turning area to be provided within the site which will allow vehicles to enter and exit the site onto Kirkham Road in forward gear.

The site access and turning area shall be constructed in accordance with the duly approved scheme and made available for use before the dwellinghouse hereby approved is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

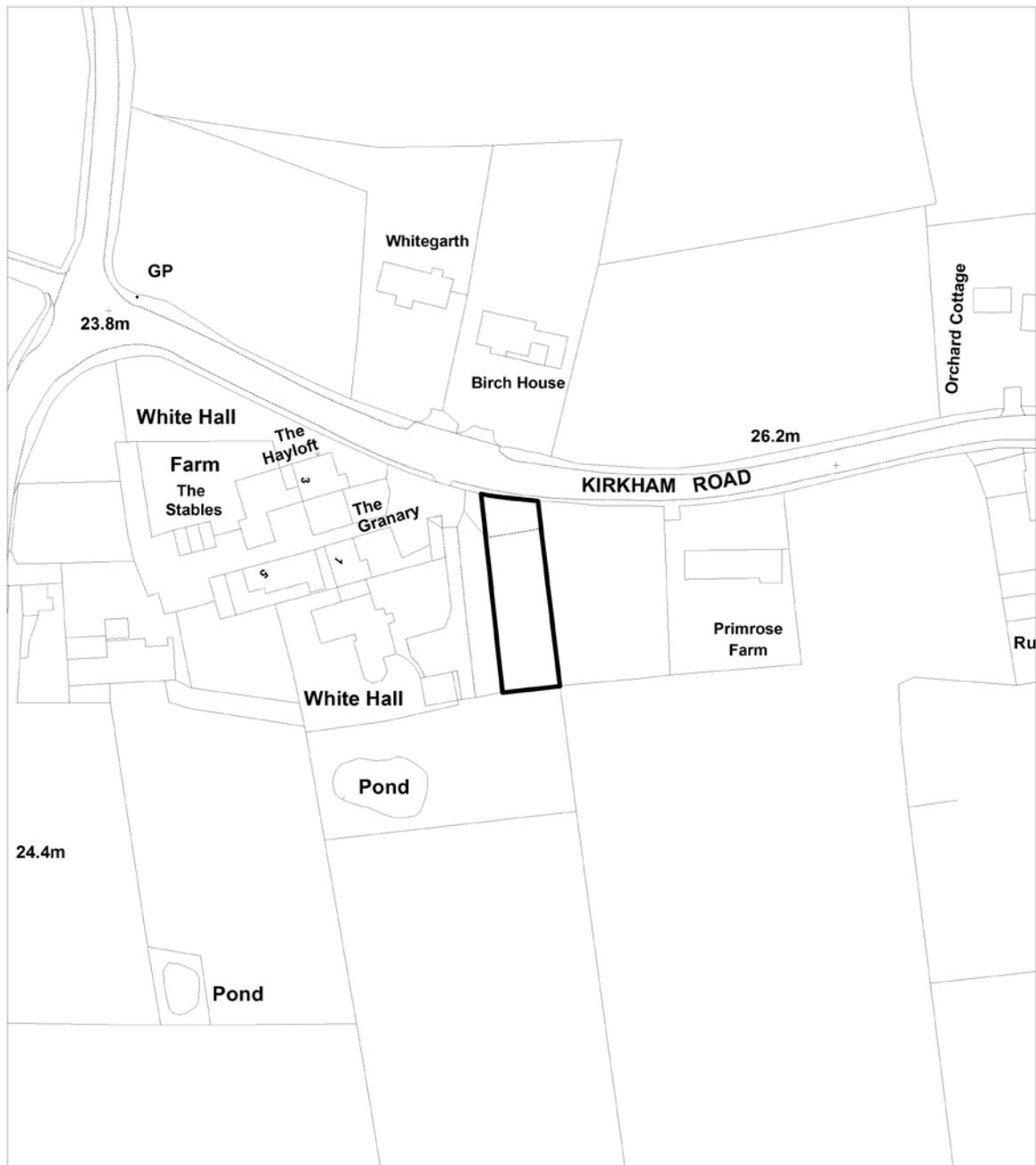
Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays.

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0087	Address Land adjacent to White Hall, Kirkham Road, Treales	Grid Ref. E.3437 : N.4328	Scale 0 6 12 18 24 m 

**Item Number:** 9

**Committee Date:** 20 April 2016

<b>Application Reference:</b>	16/0093	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	KC Compost	<b>Agent :</b>	Dave Garlick Architect
<b>Location:</b>	WYNDWAYS, BAMBERS LANE, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LH		
<b>Proposal:</b>	ERECTION OF BUILDING FOR STORAGE OF EQUIPMENT ASSOCIATED WITH PREPARATION OF COMPOST FOR AGRICULTURAL AND DOMESTIC USE		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Design Improvements		
<b>If viewing online this is a Google Maps link to the general site location:</b> <a href="https://www.google.co.uk/maps/@53.7843859,-2.9910355,1119m/data=!3m1!1e3?hl=en">https://www.google.co.uk/maps/@53.7843859,-2.9910355,1119m/data=!3m1!1e3?hl=en</a>			

**Summary of Recommended Decision:** Grant

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

The application site is a well-established compost/top soil producing operation located on a rectangular plot of land off Bammers Lane in Westby. There are already a number of dated timber sheds on the site and this application proposes the construction of an agricultural style storage building within the site.

The proposed building has been reduced in size since first submission, and is now considered to have an acceptable scale for the use intended, and does not lead to any visual harm to the character of the wider area. As such it accords with the aims of policies SP2 and SP8 of the Fylde Borough Local Plan and the application is recommended for approval.

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

The Parish Council's recommendation for refusal is in conflict with the officer recommendation that permission be granted.

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

The application site is Wyndways, located on the western side of Bammers Lane, between Moss View Caravan Site and the gypsy site at 'The Conifers'. The site is located within countryside as designated in the Fylde Borough Local Plan, with the surrounding area typified by equestrian and other rural/urban fringe uses.

Wyndways is a commercial operation producing topsoil products from waste soils, horse manure and sand. This commercial activity was the subject of an application for a Certificate of Lawful Use in 2011 to regularise the use, and a certificate was issued on 30 September 2011 by Lancashire County Council as the waste planning authority.

### **Details of Proposal**

This application seeks planning permission for the construction of a storage building measuring 24 metres in length, 9 metres in width, and 5.2 metres in height. The elevations would be finished in dark green coated steel sheeting and the roof would be covered in dark grey steel sheeting. The building is proposed to be used for the storage of items associated with the site operation, including a tractor, trailers, JCB's, Excavator, van, 4000 litre diesel tank and bunding, and storage of compost bags and other sundry items.

This is a reduction from the original submission which sought consent for a building measuring 30.5m x 12.5m x 5.7m.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
11/0209	LANCASHIRE COUNTY COUNCIL APPLICATION FOR CERTIFICATE OF LAWFULNESS FOR USE OF LAND AND OPERATIONS ASSOCIATED WITH THE RECEPTION, STORAGE AND TREATMENT OF WASTE TO PRODUCE TOPSOIL AND COMPOSTING MATERIAL AND THE RETENTION AND USE OF BUILDINGS AND OTHER STRUCTURES ASSOCIATED THEREWITH.	FBC - Raise No Objection LCC – Issue Certificate	27/04/2011
11/0133	Use of land for and operations associated with the reception, storage and treatment of waste to produce topsoil and composting material and the retention and use of buildings and other structures associated therewith.	No Comment	11/03/2011

### **Relevant Planning Appeals History**

None

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

**Westby with Plumpton Parish Council** notified on 10 February 2016 and recommend refusal of the application for the following reasons:-

- (i) *“Concern over the actual capacity/size of the proposed development and the extra vehicular movements on a badly maintained road*
- (ii) *Highway, access, movements on an unmade road, resultant odour, touring caravans and location being a residential area and consideration must be given to neighbouring properties.”*

No Parish re-consultation has been undertaken on the reduced scheme as these comments are not related to the scale of the building.

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

#### **Blackpool Borough Council**

No comments received at the time of writing

### **Neighbour Observations**

**Neighbours notified:** 10 February 2016  
**Amended plans notified:** None  
**Site Notice Date:** 07 March 2016  
**No. Of Responses Received:** None  
**Nature of comments made:**

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SPO2	Development in countryside areas
SPO8	Expansion of existing business & commercial operations
EMP3	Business and Industrial Uses outside Defined Areas

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

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

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

Policy SP2 of the local plan relates to development in countryside areas and provides support for development that is essentially required for the continuation of an existing enterprise provided it is of a type and scale that doesn't harm the character of the surrounding countryside. In this instance there are three smaller buildings on the site being utilised for storage however it was noted during the officer visit that these are in a poor state of repair, difficult to secure, and unable to accommodate several items of plant that were otherwise stored externally. With this in mind it is considered that a need for better, secure storage does exist within the site and hence the requirement for the building is considered to be met.

In terms of the building's visual impact its design and appearance is typical of that for a storage building, and its dark green colour would help to reduce its visual impact against the wider back drop of this semi-rural area. With regard to the scale of the building this is considered appropriate for the items proposed to be stored within as now reduced in scale, and this change in the scheme allows the building to sit comfortably within the site.

Given that the site is neighboured to each side by residential uses the potential impact of the building on neighbour amenity needs also to be considered. The building would be sufficiently distant from The Conifers, to the north, as to have no amenity impact. With regard to Moss View Caravan site the proposed building would be sited alongside the shared boundary with Moss View and hence might otherwise have the potential to present an unacceptably overbearing impact on the caravan pitches directly on the other side of the boundary. However this boundary is densely

populated with conifer trees, approximately 5 metres in height, which are considered to provide adequate screening of the building and mitigation against potential overbearing impact.

#### Other matters

The parish council has objected to the application and recommends that it be refused. However the grounds for their objection are all based on the use being carried on from the site and the impacts of associated vehicle movements. This application cannot consider the merits of the site's use or associated vehicle movements as the activities have been deemed lawful by Lancashire County Council's planning department who issued a lawful development certificate for the current use in 2011. The provision of this building to improve the storage arrangements on the site will not, in itself, lead to further vehicle movements and so these comments cannot be material to the determination of the application.

#### Conclusions

The proposed storage building is considered to accord with the aims of policies SP2 and SP8 of the Fylde Borough Local Plan and members are recommended to approve the application.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

##### Approved plans:

- Proposed site plan, elevations and floor plan - Dwg No. DG/824/1 Rev A, received by the LPA on 05 April 2016

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

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.



# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	20 APRIL 2016	5

## LIST OF APPEALS DECIDED

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The following appeal decision letters were received between 4/3/2016 and 8/4/2016.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

[List of Appeals Decided](#)

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

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## LIST OF APPEALS DECIDED

The following appeal decision letters were received between 04/03/2016 and 08/04/2016. Copies of the decision letters are attached.

Rec No: 1  
07 January 2016      15/0374      12 CHERRYWOOD AVENUE, LYTHAM ST ANNES, FY8      Householder  
4PJ      Appeal  
RETROSPECTIVE APPLICATION FOR ERECTION OF 2M      AS  
HIGH FENCE ALONG BLACKPOOL ROAD BOUNDARY TO  
DWELLING SIDE OF EXISTING STONE WALL  
Appeal Decision:      Dismiss: 10 March 2016

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Rec No: 2  
28 January 2016      15/0565      352 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8      Householder  
2PB      Appeal  
REMOVAL OF PART OF CHIMNEY STACK      CK  
Appeal Decision:      Dismiss: 5 April 2016

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Rec No: 3  
28 January 2016      15/0565      354 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8      Householder  
2PB      Appeal  
REMOVAL OF PART OF CHIMNEY STACK      CK  
Appeal Decision:      Dismiss: 5 April 2016

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## Appeal Decision

Site visit made on 23 February 2016

**by H Cassini BSc (Hons) DipTP MRTPI**

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

**Decision date: 10<sup>th</sup> March 2016**

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**Appeal Ref: APP/M2325/D/15/3141366**

**12 Cherrywood Avenue, Lytham St Annes, Lancashire FY8 4PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Davina Marginson against the decision of Fylde Borough Council.
  - The application Ref 15/0374, dated 29 May 2015, was refused by notice dated 8 October 2015.
  - The development, which has been completed, is a fence behind 'listed' stone wall (high level independent of wall within garden).
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the fence on the character and appearance of the area, having particular regard to whether the setting of the grade II listed Lytham Hall estate boundary wall has been preserved.

### Reasons

3. The grade II listed Lytham Hall estate boundary wall was constructed in the late eighteenth or early nineteenth century from cobblestones and rendered coping. It runs for approximately one mile on the south and west boundaries of the estate. Whilst in some locations the wall has been altered in association with newer development, the overall scale and form of the wall is largely intact. It is a consistent and dominant feature which makes a particularly valuable historic and highly visible contribution to the street scene along Blackpool Road. A section of the wall forms a garden boundary of the appeal site.
  4. Although not attached to the wall, the fence, which has already been erected, is immediately alongside its inner face and it protrudes above the top of the wall. The fence's suburban garden timber panel design is very much out of keeping with the traditional stonework. Also, its closeness and height above the wall means that it has a jarring juxtaposition which adversely affects views of the wall from Blackpool Road. In my view the appeal fence has harmed the character and appearance of the area and it has failed to preserve the setting of the listed wall. Painting the fence would not ameliorate this harm.
  5. It is acknowledged that the addition of the fence may have increased the level of privacy and security to the garden of the appellant's property. However there is no suggestion that either of these two matters were a particular
-

problem before the fence was erected. Examples of other fences have been cited by the appellant and supporters of the appeal scheme. However, I saw that these were very much in the minority and I do not know the circumstances that led to these proposals being accepted. As such I cannot be sure that they represent a direct parallel to the circumstances of the appeal case. In any event, the existence of other fencing sited on or adjacent to the wall does not justify the identified harm. I have therefore determined this appeal on its own planning merits. None of the matters raised in support of the appeal scheme constitute public benefits that outweigh the great weight that must be attached to the conservation of the designated heritage asset.

6. For the above reasons the fence also does not accord with the design and historic environment protection aims of policies HL5 and EP4 of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework.
7. Taking account of all matters raised, I conclude that the appeal should be dismissed.

*Helen Cassini*

INSPECTOR

## Appeal Decisions

Site visit made on 16 March 2016

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 5<sup>th</sup> April 2016**

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### **Appeal Ref: APP/M2325/W/16/3141705 (Appeal A)**

#### **352 Clifton Drive North, Lytham St Annes, Lancashire, FY8 2PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Madeleine Jackson against the decision of Fylde Borough Council.
  - The application Ref 15/0564, dated 14 August 2015, was refused by notice dated 12 October 2015.
  - The development proposed is the removal of part of chimney stack.
- 

### **Appeal Ref: APP/M2325/W/16/3141708 (Appeal B)**

#### **354 Clifton Drive North, Lytham St Annes, FY8 2PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Madeleine Jackson against the decision of Fylde Borough Council.
  - The application Ref 15/0565, dated 14 August 2015, was refused by notice dated 9 October 2015.
  - The development proposed is the removal of top part of chimney.
- 

## **Decisions**

### **APP/M2325/W/16/3141705 (Appeal A)**

1. The appeal is dismissed.

### **APP/M2325/W/16/3141708 (Appeal B)**

2. The appeal is dismissed.

## **Procedural Matter**

3. As set out above there are two appeals. Although they concern different addresses, they relate to the same works to the flank chimneys of both halves of a pair of semi-detached properties under the same ownership. As such, although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document except where indicated otherwise. Although in the case of Appeal A the works are proposed, in the case of Appeal B the works have already been undertaken.

## **Main Issue**

4. The main issue is the same for each appeal and concerns the effect of the works on the character and appearance of the host property, and whether they would preserve or enhance the character or appearance of the St Annes (Porritt Houses/Ashton Gardens) Conservation Area.

## **Reasons**

5. The appeal properties comprise a substantial semi-detached Victorian building both halves of which are in use as flats. They are within the St Annes (Porritt Houses/Ashton Gardens) Conservation Area which covers the fine residential properties known as the Porritt Houses and the public park at Ashton Gardens. The appeal properties and the other buildings in Clifton Drive North play a role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset.
6. The Policy Statement for the Conservation Area advises that the essential character of the Porritt Houses is their harmony and unity. It recognises that the materials of construction, architectural features, emphases, proportion and scale are mutually sympathetic. It also advises that alterations to any one of these features will not only affect the appearance of the individual property, but its harmony with the rest of the area. The Policy Statement recognises that a number of architectural features give the Porritt Houses their particular character, including chimney gables. Additionally it suggests that the demolition of chimneys, or a reduction in chimney heights, is very noticeable and has a damaging effect on the roof line of the properties.
7. Due to their size a number of the Porritt Houses have been converted into apartments, hotels or rest homes and as a result there is no need for the retention of full height functional chimney stacks. The chimneys of a number of the properties in the Conservation Area have been reduced in height in the same way as that sought by the appeal scheme. Others have been reduced more considerably in height and a minority have been removed in their entirety. Furthermore, a good deal of the original chimney pots have been removed from the buildings. The appellant's submitted schedule of works lists alterations to chimneys within the five main streets of the Conservation Area. The Council does not dispute the schedule and I saw the examples referred to at my visit.
8. That said, the appeal properties are at the end of a relatively long and continuous row of semi-detached Porritt Buildings on the west side of Clifton Drive North. Here, although many of the pots have been removed, examples of the stone chimney stacks having been reduced in height (or removed) are not particularly numerous. Notably, although the chimney stacks have been reduced in height at neighbouring No 350, along the rest of the row to the south the stone chimney stacks remain to their original height up until No 332 (where the stack has also been reduced in height). This is a significant stretch of buildings where, with the exception of No 350 and the appeal property at No 354, the original heights of the stone chimney stacks remain intact.

9. Clifton Drive North is wide and tree lined and wide ranging views are possible of the houses here in both directions along the road as well as from Ashton Gardens. The Porritt Houses' chimneys are clearly visible in these views and are a strong and unifying attractive feature on the buildings. Since the instances of reduced chimney heights are in the minority, I am not persuaded that they have eroded the original character of the street scene or undermined the overall appearance of the west side of Clifton Drive North to any significant degree. This being so, the original chimney heights here predominate and contribute to the character of the host buildings. Collectively they are an important and noticeable feature of the Conservation Area which form part of its historic interest and add to the local distinctiveness of the area.
10. The works in the case of Appeal B at No 354 have already taken place and the top part of the chimney stack has been removed. The proposal under Appeal B seeks the same works to the chimney stack at adjoining No 352. The scheme relates to the main stone chimney stacks only and does not involve the removal of the whole of these or their demolition. The chimneys which the scheme concerns are not particularly ornate and the more decorative brick chimneys recognised in the Policy Statement for the Conservation Area would not be affected. Only the top few courses of stonework from the top part of the stacks would be removed. The pots are already absent and have never been in place during the appellant's ownership of the properties (since 1971).
11. Nevertheless, the reduction in height of the chimney at No 354 (Appeal B) has altered this important original architectural feature which is recognised as giving the Porritt Houses their particular character. It has reduced the prominence of the chimney stack on the host building and altered its overall proportions. Thus it appears as an unsympathetic alteration which detracts from the appearance of No 354 and has eroded its detailing and diluted its historic character. Furthermore, the shorter chimney appears at odds with the majority of the chimneys in the rest of the immediate row in which it sits, and as a consequence it disrupts the harmony and unity of the Porritt Houses here. This disruption is appreciated in the street scene and has a damaging effect on the traditional roof line of the buildings in this part of Clifton Drive North.
12. As such, the works detract from the host property and the street scene and, despite the changes that have taken place to other chimneys within the Conservation Area, are not in keeping with the character of the area. For the same reasons, this would also be the case for the proposed works at No 352 (Appeal A), which would furthermore cumulatively add to the unsatisfactory visual impact of the works at adjoining No 354.
13. I am not aware of the full circumstances that led to the alterations to the chimneys referred to on the appellant's schedule including whether they have planning permission or are subject to enforcement proceedings by the Council. Although I acknowledge the appellant's view that the Council could have done more to prevent the nearby works and have noticed them sooner, to my mind these similar developments in the area show how unsatisfactory the appeal scheme is and so justify the Council's wish to avoid more of them and to guard against their cumulative impact.

14. I note the appellant's reference to Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and her view that there has been little enhancement of the wider Conservation Area since its designation some 30 years ago. I also appreciate that the Planning Statement for the Conservation Area is dated and an up to date Conservation Area Appraisal and Management Plan has not been produced. On the other hand, the Council confirms that it has worked hard to persuade property owners to repair and retain original chimneys. It also refers to its wider promotion of architectural repair and restoration through grant aided regeneration schemes in its Conservation Areas undertaken in partnership with English Heritage. I see no reason to doubt that this is the case and in any event do not regard these issues to justify development I have found to be harmful.
15. The appellant also draws my attention to the redevelopment of sites nearby where original Porritt Houses have been demolished and the replacement buildings were not required to include chimneys. I am not aware of the circumstances that led to those developments and their planning merits are not before me for consideration. In any event, as new buildings, rather than works to existing buildings, I do not consider these schemes to be similar to the one before me, or to be a reason to allow works which are unacceptable.
16. Bringing matters together, the works fails to be in keeping with, and detract from, both the appearance of the host property, and the street scene, which are both of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the scheme leads to less than substantial harm to the significance of the Conservation Area (as described at paragraphs 133 and 134 of the Framework), the harm caused is material.
17. I am aware of the appellant's view that no demolition work is proposed or has taken place and note her reference to case law in this regard. However, this does not alter my findings in relation to the main issue and adds no weight in favour of the scheme.
18. I therefore conclude on the main issue that the works are harmful to the character and appearance of the host properties, and fail to preserve or enhance the character or appearance of the St Annes (Porritt Houses/Ashton Gardens) Conservation Area, and adversely affect the significance of this designated heritage asset. This is contrary to Policy EP3 of the Fylde Borough Local Plan as Amended (Local Plan) which is permissive of new development within a designated Conservation Area only where the character or appearance of the area are appropriately conserved or enhanced. I appreciate that the appeal properties are flats rather than houses and the works are not an extension as such. However, in so far as it is an alteration to a residential property, the scheme also conflicts with the aims of Local Plan Policy HL5 to ensure that the design and external appearance of proposals is in keeping with the existing building and does not adversely affect the street scene.
19. Whilst these policies are a number of years old, in my view they are consistent with the Framework which advises that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. They also align with the

aims of the Framework to seek to achieve high quality and inclusive design for all development including individual buildings, and to ensure that developments respond to local character and history and reflect the identify of local surroundings. As such, I afford these Local Plan policies due weight.

20. The proposal also conflicts with the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design and accordingly would fail to support the corresponding advice in National Planning Practice Guidance.

*Other matters*

21. The upper part of the chimney stacks subject to these appeals are unstable due to their exposed coastal position, winds and erosion from sand and I appreciate that their removal is sought for safety reasons. Whilst this is a benefit of the scheme, I have seen no evidence to demonstrate why the chimneys could not be repaired to their original height and extent. Therefore, this benefit does not outweigh the harm I have identified in relation to the main issue.
22. The appellant regards the works to be de-minimis and does not consider them to constitute material alterations to the buildings. However, whether the appeal scheme requires planning permission is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of these appeals.

**Conclusions**

23. For the reasons given, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

*Elaine Worthington*

INSPECTOR