

Agenda



Development Management Committee

Date:

Wednesday, 22 January 2014 at 10:00 am

Venue:

Town Hall, St Annes

Committee members:

Councillor Ben Aitken (Chairman)
Councillor Kevin Eastham (Vice-Chairman)

Councillors Tim Armit, Fabian Craig-Wilson, Maxine Chew, Peter Collins, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

Item		Page
1	Declarations of Interest: Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	Confirmation of Minutes: To confirm the minutes of the meetings held on 18 December 2013 as a correct record (as previously circulated).	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
4	Development Management Matters	As Numbered
5	List of Appeals Decided (For Information Only)	71 - 75

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: lyndseyl@fylde.gov.uk

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Development Management Committee Index

22 January 2014

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	12/0729	LAND NEAR KITE HALL WOOD, ANNAS RD, WESTBY WITH PLUMPTONS, BLACKPOOL LANCASHIRE COUNTY COUNCIL APPLICATION FOR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 05/10/0634 TO EXTEND THE OVERALL TIME FOR THE RESTORATION ONLY OF THE SITE BY 31 JULY 2014 EXCLUDING ANY DRILLING OR HYDRAULIC FRACTURING	Raise No Objection	3
2	13/0257	LAND (HOUSING KENSINGTON), QUEENSWAY, ST ANNES, LYTHAM ST ANNES APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR CONSTRUCTION OF 110 DWELLINGS AND ASSOCIATED WORKS FORMING PHASE 1 OF DEVELOPMENT APPROVED UNDER OUTLINE PLANNING PERMISSION 08/0058.	Delegated to Approve	10
3	13/0259	LAND (HOUSING KENSINGTON), QUEENSWAY, ST ANNES, LYTHAM ST ANNES APPLICATION FOR SITE AND ECOLOGY PREPARATION WORKS ASSOCIATED WITH ENABLING THE FUTURE CONSTRUCTION OF THE QUEENSWAY ROUNDABOUT, PHASE ONE OF THE TR5 BYPASS, AND PHASE ONE OF THE QUEENSWAY RESIDENTIAL DEVELOPMENT. THE SCOPE OF THE WORKS TO INCLUDE THE FORMATION OF A TEMPORARY ACCESS TO QUEENSWAY, THE ERECTION OF 2M HIGH HOARDINGS TO QUEENSWAY FRONTAGE, THE PROVISION OF A TEMPORARY SITE COMPOUND, REMOVAL AND STORAGE OF TOPSOIL, AND SURCHARGING OF SITE.	Delegated to Approve	22
4	13/0649	CARAVAN CENTRE, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XN RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND TO FORM AN EXTENDED CARAVAN/ MOTOR HOME SALES AND DISPLAY AREA (INCLUDING ANCILLARY STORAGE) WITH REVISED ACCESS ARRANGEMENTS, ERECTION OF SALES BUILDING, PERIMETER FENCING, LANDSCAPING AND OTHER ASSOCIATED WORKS.	Grant	32

5	13/0673	HASTINGS POINT DEVELOPMENT SITE, BEECHWOOD CLOSE, LYTHAM ST ANNES PROPOSED ERECTION OF TWO DETACHED HOUSES IN LIEU OF BLOCK OF TEN APARTMENTS APPROVED AS PLOTS 25-34 INCLUSIVE UNDER PLANNING PERMISSION 11/0803	Delegated to Approve	40
6	13/0708	HASTINGS POINT DEVELOPMENT SITE, BEECHWOOD CLOSE, LYTHAM ST ANNES APPLICATION TO VARY AFFORDABLE HOUSING REQUIREMENT ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 11/0803	Delegated to Approve	49
7	13/0714	LAND ADJ. SHANKLIN HOUSE, KIRKHAM ROAD, FRECKLETON, PRESTON OUTLINE APPLICATION FOR ERECTION OF DETACHED DWELLING (ACCESS AND LAYOUT APPLIED FOR WITH OTHER MATTERS RESERVED)	Refuse	56
8	13/0739	21 LAWSON ROAD, LYTHAM ST ANNES, FY8 3BW PROPOSED ERECTION OF SINGLE STOREY BUILDING TO REAR TO PROVIDE RESIDENTIAL ANNEX	Grant	65

Development Management Committee Schedule 22 January 2014

Item Number: 1 Committee Date: 22 January 2014

Application Reference: 12/0729		Type of Application: County Application	
Applicant:	Mr C Hird	Agent :	Mr P Mason
Location:	LAND NEAR KITE HALL WOOD, ANNAS RD, WESTBY WITH PLUMPTONS, BLACKPOOL		
Proposal:	LANCASHIRE COUNTY COUNCIL APPLICATION FOR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 05/10/0634 TO EXTEND THE OVERALL TIME FOR THE RESTORATION ONLY OF THE SITE BY 31 JULY 2014 EXCLUDING ANY DRILLING OR HYDRAULIC FRACTURING		
Parish:	Westby with Plumptons	Area Team:	Area Team 1
Weeks on Hand:	59	Case Officer:	Andrew Stell
Reason for Delay:	Held in abeyance at applicant's request		

Summary of Recommended Decision: Raise No Objection

Summary of Officer Recommendation

This application is a County Matter application relating to works at the Anna's Road Exploration site off Peel Road. With this type of application Fylde Borough Council's role is as a consultee to Lancashire County Council who are the planning authority with the responsibility for the determination of the application.

The application relates to the extension of the time available to complete the restoration of the site to 31 July 2014. The council previously considered this application in a revised form at the 16 January 2013 meeting when the proposal was to complete works by September 2013. The proposal has been revised to extend the restoration deadline and so the council has again been requested for its comments.

The council's position previously was that it raised no objection to the variation of the time limit condition sought, although comments were made in respect of the positioning and colour of storage containers on the site. The extension of time now sought is for a limited period and it is considered appropriate that the council should have no objections to this limited extension. The storage containers referred to in the previous comments and all other equipment associated with the operation have been removed from site.

Reason for Reporting to Committee

The Director of Planning and Regeneration has given an undertaking to the Development Management Committee that any further applications with reference to these operations would be

reported to the committee for their determination (as opposed to being dealt with under delegated powers).

Site Description and Location

The site is located at the western end, and to the south, of Anna's Road and would be accessed via Peel Road. The site lies approximately 250 metres west of Westby Brickworks, would cover an area of approximately 0.77 hectares, and is generally level throughout. The site is located within designated countryside and falls within the Blackpool Airport Safeguarding zone.

Details of Proposal

This is an application to vary condition 2 on planning permission 10/0634. That planning permission established a temporary use of the site for an exploratory borehole for the testing of hydrocarbons including the construction of the drilling platform and highway access point. Condition 2 requires that the time for the actual exploration is limited to a three month period and the whole of the development (building the site, exploration, and then restoration) be completed in 18 months from the commencement of development.

This application was first submitted in November 2012 and sought an extension of this time limit as a consequence of delays in the initial project timescale that were a consequence of the suspension of activities at all such sites following a series of earthquakes at the Preese Hall site in April and May 2011. The initial extension sought under this application was for the 18 months to be extended to 24 months which would run until 19 September 2013, with no change to the 3 month restriction on the drilling process.

The application was not determined and has now been revised to allow the time limit for the restoration to be extended to the end of July 2014. There is no proposal to extend the time for the exploratory drilling as those works have now been completed.

The application is supported with a revised ecological impact assessment and method statement that is required given the position of the site in the Lytham Moss Biological heritage Site. This was produced in February 2013 at a time before the exploratory drilling and so largely relates to that element. Specialist advice from the County Ecologist on this will be provided direct to LCC Planning.

The restoration proposed remains as originally secured under planning permission 10/0634 which is the removal of all the drilling rig and associated materials, the regaining of the top and sub soil, and the reinstatement of the land as being available for agriculture.

Relevant Planning History

Application No.	Development	Decision	Date
10/0634	LANCASHIRE COUNTY COUNCIL APPLICATION FOR TEMPORARY CHANGE OF USE FROM AGRICULTURAL SITE FOR DRILLING AN EXPLORATORY BOREHOLE AND TESTING FOR HYDROCARBONS INCLUDING CONSTRUCTION OF DRILLING PLATFORM AN HIGHWAY ACCESS POINT.	Raise No Objection	9/28/2010
08/0495	LANCASHIRE COUNTY COUNCIL APPLICATION FOR VARIATION OF	Raise No Objection	13/06/2008

	CONDITION 1A OF PLANNING PERMISSION 05/06/0420 TO ALLOW THE PERIOD OF RESTORATION FOR THAT PART OF THE SITE TO THE NORTH OF ANNA'S ROAD, TO BE EXTENDED UNTIL 1 JUNE 2009 AT WESTBY LANDFILL SITE, ANNE'S ROAD, WESTBY.		
06/0420	LANCASHIRE COUNTY COUNCIL APPLICATION FOR VARIATION OF CONDITION 1A OF PERMISSION 05/04/568 ON CONDITION 1 OF PERMISSION 05/93/115 TO ALLOW COMPLETION OF RESTORATION BY 1ST JUNE 2008.	Raise No Objection	07/06/2006
04/0568	LCC APPLICATION - VARIATION OF CONDITION 1A OF PERMISSION 03/0045 AND VARY OF CONDITION 1 OF PERMISSION 93/0115 TO ALLOW PERIOD RESTORATION TO BE EXTENDED UNTIL 1 JUNE 2006	Raise No Objection	14/07/2004
03/0043	COUNTY MATTER FOR MODIFICATION OF CONDITION 1 OF PLANNING PERMISSION APPLICATION 5/99/27 TO ALLOW RECOVERY AND RECYCLING OPERATIONS TO CONTINUE UNTIL 1ST JUNE 2023	Raise Objections	05/03/2003
03/0046	COUNTY MATTER FOR COMPOSTING OF GREEN WASTE AND FOOD WASTE	Withdrawn by Applicant	03/02/2003
03/0044	COUNTY MATTER - MODIFICATION OF CONDITION 1A OF APP. NO. 02/126 TO ALLOW CONTINUED USE OF SOIL STERILISATION UNIT & ASSOCIATED HARDSTANDING FOR STOCKPILING UNTIL 1ST JUNE 2023	Raise Objections	05/03/2003
03/0042	COUNTY MATTER - MODIFICATION OF CONDITION 1 ON APP. NO. 98/124 FOR LANDFILLING TO CONTINUE ACCORDING TO THE RE-PHASING PROGRAMME UNTIL 1ST JUNE 2023	Raise Objections	05/03/2003
03/0045	COUNTY MATTER - MODIFICATION OF APP. NO. 93/115 TO ALLOW CONTINUATION OF LANDFILLING OPERATIONS UNTIL 1ST JUNE 2023	Raise Objections	05/03/2003
02/0126	INSTALLATION OF GAS EXTRACTION/FLARING & COMBUSTION EQUIPMENT, SOIL DRIER/STERILIZER & HARDSTANDING FOR MATERIALS	Raise Objections	27/03/2002
99/0027	REGULARISATION OF THE AREA TO BE USED FOR THE STORAGE AND PROCESSING OF WASTE MATERIALS (3.12 HECTARES)	Raise Objections	24/03/1999
98/0124	VARIATION OF CONDITION 2 ON	Raise No	20/05/1998

	PLANNING APPLICATION 5/93/0115 TO MODIFY THE PHASED SCHEME OF WORKING (COUNTY MATTER)	Objection	
98/0125	MODIFICATION OF CONDITION 1 ON PLANNING APPLICATION 5/92/701 TO MODIFY THE APPROVED PHASED SCHEME OF WORKING (COUNTY MATTER)	Raise No Objection	20/05/1998
93/0821	L.C.C. DETERMINATION - ESTABLISHMENT OF A WASTE TRANSFER RECYCLING STATION	Granted	30/03/1994
93/0746	CIRCULAR 18/84 APPLICATION TO MODIFY CONDITION 7, ON APP	Withdrawn by Applicant	01/12/1993
93/0116	ERECT TEMPORARY BUILDING TO BE USED AS A TRANSFER	Granted	24/03/1993
93/0115	EXTENSION TO LANDFILL SITE	Granted	24/03/1993
92/0701	MODIFICATION OF CONDITION 1 OF PERMISSION 5/89/663 TO ALLOW THE CONTINUATION OF LANDFILL UNTIL 30TH JUNE 1994	Granted	04/11/1992
89/0663	LANDFILLING SCHEME SITE B - NORTH SIDE OF ANNAS ROAD.	Granted	01/11/1989
89/0196	RENEWAL OF TEMPORARY CONSENT	Granted	19/04/1989
84/0164	AMENDMENT TO CONDITIONS ON EXISTING PLANNING PERMISSION.	Granted	13/09/1984
85/0382	RECLAMATION OF LAND.	Granted	22/02/1989

Relevant Planning Appeals History

None.

Parish Council Observations

N/A - LCC Application

Statutory Consultees

Environmental Protection Team

No objections to the proposal.

Observations of Other Interested Parties

N/A - LCC Application

Neighbour Observations

Neighbours notified: No Neighbours Notified - LCC Application

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EMP4	Buffer zones for industrial development
EP27	Noise pollution
EP24	Pollution of ground water

Lancashire County Council Minerals & Waste Local Plan 2006 (saved policies)

Policies;

- 2 - Quality of life
- 3 - Buffer zones
- 5 - Environmental and other benefits
- 8 - Trees, woodlands and hedgerows
- 9 - Agricultural land
- 16 - 19 - Nature conservation issues
- 21 - 24 - Water resources and flooding
- 26 - 30 - Archaeology
- 31 - Public rights of way
- 37 - Strategic road network
- 66 - Oil and gas production
- 74 - Mineral exploration
- 106 - Reclamation of mineral and landfill sites
- 112 - Standard of operations

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints;

Allocated Countryside

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 1999 as amended.

Comment and Analysis

The main issues to consider are the impact of the development on the character of the countryside and the impacts on the amenity of neighbouring properties, in particular due to the increase in the time that the works will remain on site.

The nature of the purpose of the development is such that suitable locations are likely to be located within countryside areas. This particular site is in a location that is mainly characterised by flat topography and intervening woodlands, tree lines and hedgerows. The main visual intrusion from the development has been the drilling rig itself which due to its height formed a prominent feature. As these operations have now ceased the rig, containers and other ancillary development has been removed to leave only the gravelled surface to the site, which in itself has a limited visual impact.

The extension of time that the works have been on site is a consequence of matters out of the control of the applicants with the enforced halt on exploration due to local earthquakes. The extended period sought in this application of a further 7 months (to end July 2014) is not considered to be detrimental in the locality.

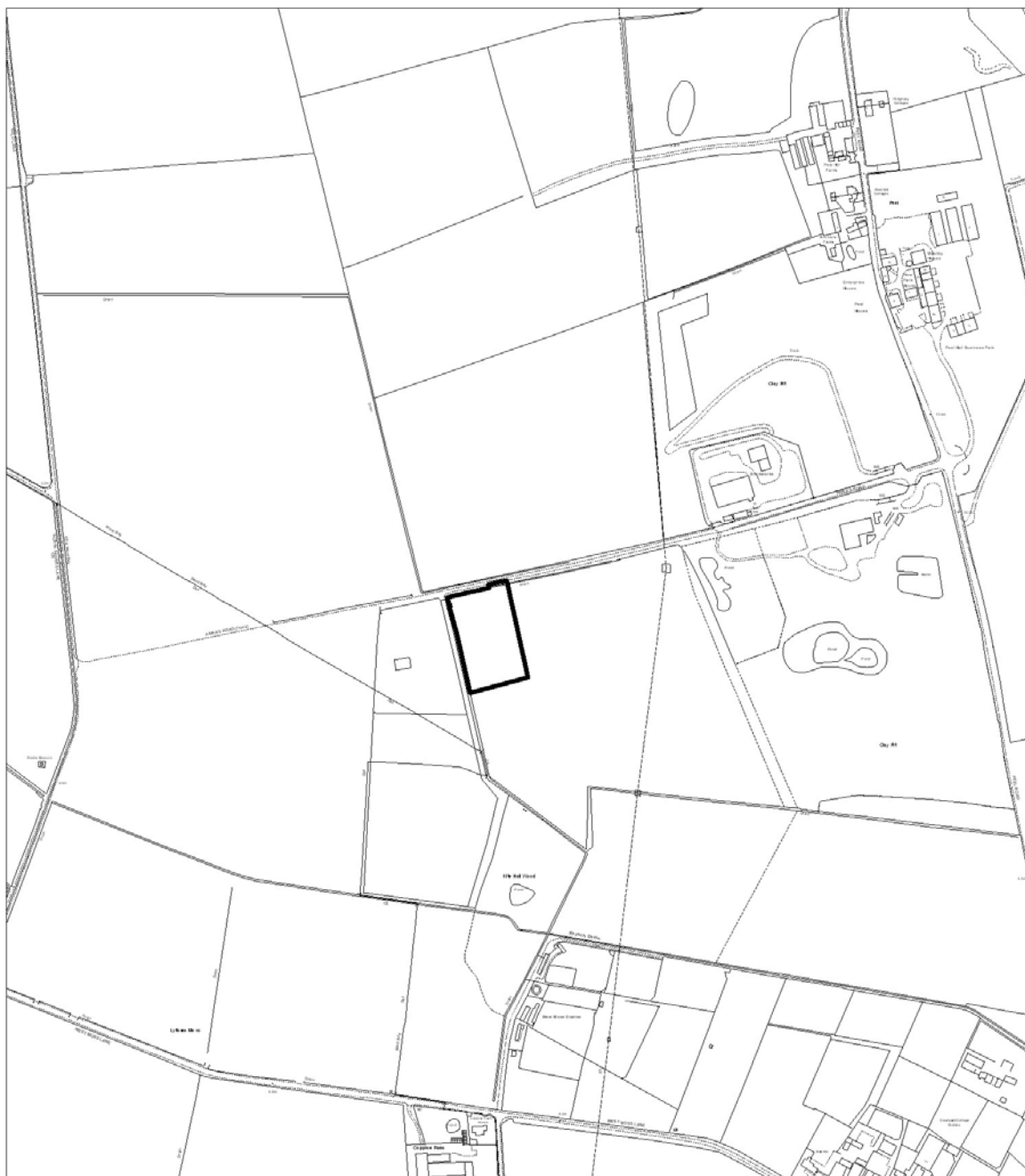
With regard to neighbour amenity, the nearest residence is approximately 500 metres distant at Archers Farm on Peel Road hence it is considered there would be no detrimental impact on amenity of this or other residential properties in the greater area by the additional time periods requested.

Conclusions

The proposal is not considered to have an undue impact on the amenities of nearby residents nor on the visual amenity of the area. The extended period sought to allow the restoration of the site is not considered to be excessive given the scale of the restoration required and the extension sought and so it is recommended that no objection be raised to the application.

Recommendation

That the County Council be advised that no objection is raised to the application as revised.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/12/0729	Address Land near Kite Hall Wood, Annas Road, Westby	Grid Ref. E.3353 : N.4309	Scale 0 25 50 75 100 m

Item Number: 2 Committee Date: 22 January 2014

Application Reference: 13/0257		Type of Application: Reserved Matters	
Applicant:	Kensington Developments Ltd	Agent :	
Location:	LAND (HOUSING KENSINGTON), QUEENSWAY, ST ANNES, LYTHAM ST ANNES		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR CONSTRUCTION OF 110 DWELLINGS AND ASSOCIATED WORKS FORMING PHASE 1 OF DEVELOPMENT APPROVED UNDER OUTLINE PLANNING PERMISSION 08/0058.		
Parish:	Kilnhouse	Area Team:	Area Team 2
Weeks on Hand:	37	Case Officer:	Amy Aspinall
Reason for Delay:	Seeking amended plans to improve layout and design.		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The principle of residential and supporting development on this site has already been established under outline planning permission 08/0058. The current application seeks to address the reserved matters for phase 1 of the outline consent which is for the erection of 110 dwellings with their associated access roads.

The NPPF provides that housing applications should be considered in the context of a presumption in favour of sustainable development. Paragraphs 14 and 49 of the NPPF are a strong factor to be weighed in favour of this residential development proposal, and the addition of 110 dwellings would make a significant contribution in bringing forward the Council's housing land supply.

At the time of writing this report the impact on matters of ecological importance are still outstanding, and the recommendation is therefore to delegate the authority to approve the application to the Head of Planning and Regeneration and to allow these issues to be resolved when the views of the statutory consultees are known (including the consideration of any implications raised by them and any necessary conditions).

Reason for Reporting to Committee

The application has been referred to the Development Management Committee as the application is for major housing development.

Site Description and Location

The application forms phase 1 of the original planning permission 08/0058 with the site falling in the countryside, as defined by the Fylde Borough Local Plan (as altered 2005). The wider proposal site is

situated adjacent to the Lytham St Anne's settlement boundary which is characterised by residential and industrial land uses in the immediate locality. St Anne's town centre is approximately 1.5 miles in distance.

Details of Proposal

This is a reserved matters application following approval of outline planning permission 08/0058 which comprised of a wider masterplan. The application relates to phase 1 of the development which includes 110 dwellinghouses and associated works. The reserved matters consist of scale, layout, appearance and landscaping.

The application proposes a combination of housing types ranging from apartments, detached dwellings, semi-detached and mews properties. The layout is formed around 4 main blocks within the site, with a predominant height of 2 storeys, with the exception of a 3 storey apartment block to the roundabout which is to be formed at the Queensway / Kilnhouse Lane junction. A 3 storey mews row is also proposed and would be positioned more centrally within the development.

Relevant Planning History

Application No.	Development	Decision	Date
13/0767	APPLICATION FOR REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT FOR THE FIRST 300 DWELLINGS ON THE SITE WITH A REQUIREMENT TO UNDERTAKE VIABILITY REAPPRAISAL BEFORE 300TH, 600TH, 900TH AND 1150TH OCCUPATIONS TO ALLOW POTENTIAL FOR THE FUTURE AFFORDABLE HOUSING CONTRIBUTION TO BE ASSESSED	Granted	24/12/2013
13/0261	PROPOSED CHANGE OF USE AND CREATION OF AN ORNAMENTAL GARDEN	Withdrawn by Applicant	21/10/2013
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Appeal against non-determine	29/04/2009
06/0706	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH APPROVED LYTHAM ST ANNES LINK ROAD	Granted	19/10/2006
03/0140	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH LYTHAM ST ANNES LINK ROAD.	Granted	28/03/2003
01/0049	O/L FOR RESIDENTIAL DEVELOPMENT - 350 NO. DWELLINGS & SCHOOL	Withdrawn Called In: Secretary of State	17/09/2002
78/0621	CHANGE OF USE OF LAND AS	Granted	06/09/1978

	TRAINING AREA FOR HORSES AND RIDERS.	
78/0634	OUTLINE - ERECTION OF DWELLING. Refused	18/10/1978

Relevant Planning Appeals History

The appeal against the non-determination of the 08/0058 was allowed by the Secretary of State in 2012 following two Public Inquiries.

Parish Council Observations

St Anne's on the Sea Town Council notified on 09 May 2013

Summary of Response

Object - St Anne's on the Sea Town Council remain vehemently opposed to development on this site because of the many unresolved environmental issues, including the impact on the existing landscape and protected wildlife and fauna.

Statutory Consultees

Lancashire County Council - Highway Authority

Lancashire County Council Highways have raised no objection to the application subject to conditions:

- Estate roads to be constructed in accordance with LCC specification to at least base course level before development takes place within the site.
- Car parking area to be surfaced or paved and marked out in accordance with a scheme to be submitted
- Wheel cleaning facilities to be provided
- Cycle parking

Environment Agency

The Environment Agency initially raised an objection to the application in relation to lack of information regarding surface water and flood risk. Further information has been submitted to address these concerns and the Environment Agency have withdrawn their objection, subject to condition 13 of the original outline planning permission being discharged prior to the commencement of development. This condition relates to the surface water drainage strategy, including the means of a sustainable urban drainage system and timetable for implementation.

United Utilities - Water

United Utilities have no objection to the application subject to the imposition of conditions relating to the requirement of a high level design for the pumping stations including phasing of provision; and also a scheme for the drainage infrastructure to be supported by load bearing piles and ground beams

Electricity North West

The consultation response does not raise an objection but advises that the development could affect operational land or electricity distribution assets. The applicant is advised to verify such details by contacting Electricity North West. If there is a requirement to divert apparatus the cost would usually be borne by the applicant.

Drainage & Flood Defence

At a meeting held with representatives from United Utilities (UU) and the Councils Planning Department on 2 July 2012, UU confirmed the following:-

St. Anne's has reached its capacity terms of accepting more foul sewage from developments as there are already too many spills from Fairhaven Pumping Station. There is a current water mains pressure issue in St Anne's.

In addition, whether the ditches which are proposed to be filled are controlled by the Lead Local Flood Authority (LLFA) or the Environment Agency (EA), we know that the EA have a policy of not infilling ditches, due to the reduction in capacity, and the adverse effect on habitat and wildlife.

The proposed site drains into Liggard Brook. We know there are current drainage issues with Liggard Brook and Main Drain, in terms of limited flow, and flooding of agricultural land and land in Lytham. These are currently being addressed by the EA as part of their East Lytham Strategy. The EA will require no more surface water entering Liggard Brook than currently enters now. We suggest that the EA East Lytham's Strategy Team examine the proposals in detail, as they may well have built a hydraulic model for the area. It is essential that the surface water design proposals and calculations are examined and checked in detail. It is not clear how the developer has reached the quoted discharge rates on his proposed drawings, and whether they have been agreed with the EA or LLFA.

Lancashire County Ecology Service

The initial comments of LCC Ecology are summarised below:

- Insufficient information relating to: mitigation requirements; toads; swan displacement evidence and supplementary feeding; monitoring and disturbance of other qualifying bird species.
- Condition 6 of the outline permission has not been discharged.
- No updated surveys for features of biodiversity value have been carried out.
- Moss bladder snail mitigation proposals do not appear to be in accordance with the ES (condition 7).
- Proposed permanent compound and soil storage were not part of the outline proposals, including material development works within 200 metres of the FCA (Farmland Conservation Area) and sufficient justification has not been provided.
- The timeline of works is not in accordance with the requirements of the UU.

Blackpool Airport

No comments received at the time of report preparation.

Natural England

The initial comments of Natural England state that there is insufficient information on which to base an assessment. The key issues are summarised below:

- The phasings are not in accordance with outline approval and the UU
- Condition 6 needs to be discharged prior to commencement of development
- Amendments required to the Construction Ecological Management Plan – further information and updates are required. =
- Concern in relation to the timetable for the first phase which does not allow for any establishment of habitats
- Issues with timing of habitat creation / farmland conservation area and the floodplain compensation and discrepancies with floodplain / development land

Neighbour Observations

Neighbours notified: 09 May 2013

No. Of Responses Received: 12

Nature of comments made:

At the time of report preparation 1 No representation of support has been received and a

number of neighbour objections. These are summarised below:

- Reference is made to the withdrawal of the Quadrilla Site and whether or not this needs factoring into the Queensway assessments
- Reference is made to the Fylde Local Plan 2030 preferred options and the adjacent site.
- The Appropriate Assessment needs updating and needs to factor the Fylde Local Plan 2030 which was not produced at the time of the Public Inquiry, and the adjacent site which has been used for test drilling for 'fracking'. The Appropriate Assessment needs to reassess the constraints and problems that the preferred options sites will cause (HL2 and HL3). HL2 and HL3 sites will affect the Farmland Conservation Area.
- Recent data from the Fylde Bird Club shows that numbers of birds exceed those in the Appropriate Assessment with swans using the housing development.
- The Appropriate Assessment assumes the site is of local importance but should be classed as national importance.
- The concentration of buildings and large numbers on unstable marsh land.
- Increased pressures on roads and schools.
- Significant problems with water supply, sewage, and flooding of housing and agricultural land.
- Three storeys and physical impact of such a mass of buildings would have a negative effect on the surrounding environment, not in-keeping.
- Three storeys were not part of the original agreement / findings of the Inspector in the initial Inquiry.
- If the principle of three storey is established it could introduce more three storey buildings, possibly higher.
- The proposed design, layout, scale and massing, by reason of its location, be substandard and unsuitable for this countryside location. It would be intrusive, predominant and harm the character and appearance of the area to the detriment of the visual amenity.
- Suitable natural landscaping should be introduced to ensure continuity of the landscape and screening to a sensitive area.
- Planting using native species should be used.
- Ecological data is out-of-date.
- What happened to the Secretary of State's decision who ruled against the planning application?
- Flood plains should not be tampered with – photographs show the area flooded with small lakes
- Wildlife and natural habitat impact
- The proposal will lead to complaints from new residents about the runway
- Impacts on traffic and public transport
- HGVs damaging the road and house structure
- If shale gas extraction should take place what impact will this have on the developer?

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments
EP19	Protected species
TR10	Car park design
EP25	Development and waste water
EP23	Pollution of surface water
EP01	Environmental Improvement Schemes

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints

Within countryside area

Environmental Impact Assessment

The outline application 08/0058 was EIA development and was supported with an Environmental Statement which was revised during the consideration of that planning application. As this application is for Reserved Matters to that planning permission then the EIA remains applicable to this application.

Comment and Analysis

Principle

Although the application site falls outside the defined settlement boundary, the principle of the development has already been established under outline planning permission 08/0058 which was allowed at appeal.

Policy HL2 of the Fylde Borough Local Plan (as altered 2005) provides the development control criteria for housing proposals. This policy seeks to ensure, amongst other things, that proposals are acceptable in principle and compatible with nearby and adjacent land uses; are in-keeping with the character of the locality in terms of scale, space around buildings, materials and design; do not adversely affect neighbouring amenity; are acceptable in highways safety terms; maintain or enhance local biodiversity; and do not overload existing essential services including drainage. With the principle of development established, HL2 is the key policy test for this application. The recent approval of planning reference 13/0767 has removed the requirement for affordable housing for the first 300 dwellings, so these are all market properties.

Design

The application proposes 110 dwellings as part of phase 1 of outline consent 08/0058 and seeks approval of the reserved matters. The masterplan submitted with 08/0058 was for illustrative purposes however condition 3 requires that the development is carried out in substantial accordance with the layout shown on this plan. Within this phase 1 development the internal layout varies slightly from the illustrative masterplan in terms of the position of the street network, however the proposed dwellings would still be centred around 4No main blocks with frontages along the perimeter, and the residential elements would remain in the same general area.

The proposal includes a three storey apartment block to the Queensway roundabout to provide a gateway feature and also a central three storey mews terrace within the development. A neighbour objection has raised the matter of a three storey height being incorporated into the scheme and reference has been made to the first Public Inquiry where the Inspector in his decision referred to the acceptable height of development being two storey. This decision was however quashed, and the more recent appeal decision does not investigate the matter of scale in as much detail. The illustrative masterplan does not indicate heights of buildings and furthermore there are no conditions to restrict the heights of buildings to two storey only. The issue of scale is a reserved matter to be dealt with by the Council and it would be difficult to resist the introduction of buildings above two storey in height on the basis of principle alone, unless there are fundamental design impacts.

During the application process, negotiations have been held with the applicant to secure design changes to the apartment block to the Queensway roundabout and also alterations to the position of dwellings and to improve their relationships with each other and to the road frontages. From the original plans, the apartment block has been significantly reduced in scale and the appearance of the building has changed to incorporate more arts and crafts design features. The overall design visually reduces the bulk of the building and the roof height has been lowered. The resultant building is

predominantly 3 storeys with accommodation in the roof space, with a 4 storey central gable feature and smaller gables along the building which breaks up the roofline. It is a common urban design principle that increased heights on corner plots can be acceptable and add emphasis to junctions (i.e. the roundabout) to provide gateway features. The apartment block wraps around the corner, with the proposed Heyhouses bypass which would add more visually interest when approaching the roundabout from the bypass and define the urban form. This approach is considered to be acceptable in design terms.

The 3 storey mews terrace known as 'The Crescent' is situated within the development, and away from the periphery. Views from outside the development would be relatively limited, particularly when other phases of the outline application surround this phase 1 development. This further limited area of 3 storey development is also acceptable.

The application proposes a variety of housing types with varying designs throughout the phase 1 estate. Within the vicinity the built form is comprised of a range of housing styles and designs, ranging from bungalows to two storey dwellings, with larger three storey developments towards St Anne's Road East; and also the commercial units to the edge of the settlement (Everest / Snowdon Road). The character of this area would significantly change given the existing open nature of the land however this has already been accepted under the outline permission. Given the mix of building styles in the locality it is considered that the proposed dwellings are of an acceptable scale and appearance in this location. Details of materials would be conditioned accordingly. To the property frontages there would be garden areas and within the site and along its perimeter there would be a network of landscaped areas which would aid in softening the development. The layout of the estate would be acceptable and would provide defined active frontages along the road networks. In design terms, the proposed development would be of an acceptable scale, layout and appearance, and would accord with Local plan policy HL2 and the NPPF at paragraph 17(4).

Amenity

The site is situated in proximity to the Lytham St Anne's settlement boundary where the nearest land use is predominantly residential, with industrial and commercial uses situated along Everest Road. The principle of residential use has already been accepted on this site, and it would be a compatible form of development.

Given the distances to the nearest existing dwellings it is not considered that there would be adverse impacts on the residential amenity afforded to neighbouring properties. The layout of the housing provides an acceptable level of private amenity space for future occupiers and the separation distances and relationships between the buildings would provide a good standard of amenity in terms of privacy, overlooking and overbearing impacts. Those windows to the side elevations of the apartment block will be conditioned to be obscure glazed which is reasonable these windows are not the only source of light to these particular habitable rooms. Other individual plots will also be conditioned to be obscure glazed to their side facing elevations at first floor level – plots 30, 43, 49, 53, 54, 73, 95, 97, 106 and 109. The obscure glazing would prevent overlooking and loss of privacy into the adjacent garden areas.

The proposed development would be acceptable in amenity terms and would comply with Local Plan policy HL2 (4) and the NPPF at paragraph 17(4).

Highways

Lancashire County Council Highways have raised no objection to the application subject to conditions and as such the proposal is considered to be acceptable in highways safety terms. The following conditions are recommended:

- Estate roads to be constructed in accordance with LCC specification to at least base course level

before development takes place within the site.

- Car parking area to be surfaced or paved and marked out in accordance with a scheme to be submitted
- Wheel cleaning facilities to be provided
- Cycle parking

It is considered that cycle parking is only required for the apartment block as the housing units have private amenity space and garages to store cycles. A scheme for cycle parking will be conditioned accordingly. It is not considered necessary to condition wheel washing facilities as the requirement for wheels of vehicles to be washed would not be enforceable and therefore would not meet the conditions tests of the NPPF at paragraph 206. An additional condition is however required to block up the proposed temporary access to plots 101-110 and instate the footway once the adjacent phase of the development is completed and the permanent access road is provided and made available for use.

Ecology

There are a number of outstanding ecological issues due to statutory consultees requesting further information in terms of mitigation proposals, lack of updated surveys and discrepancies between agreed phasings. The applicant has now provided this additional information and at the time of report preparation consultation responses from Natural England and Lancashire County Council Ecology are awaited. It is therefore requested that Authority is delegated to the Head of Planning and Regeneration to await these replies and to resolve any issues raised.

It is noted that LCC Ecology raise the issue of the ‘future permanent site compound’ being situated within 200 metres of the proposal farmland conservation area, however this does not form part of the current application. The site compound would be permitted development by virtue of Part 4 Schedule 2 of the GPDO (As amended), and is not a permanent feature, but would be required throughout the period of construction works. The applicant will however need to consider compliance with the conditions attached any relevant permission on the site and has been made aware of this.

Drainage

United Utilities have no objection to the application subject to the imposition of conditions relating to the requirement of a high level design for the pumping stations including phasing of provision; and also a scheme for the drainage infrastructure to be supported by load bearing piles and ground beams. These conditions are necessary in order to prevent failure of the drainage system and pumping station which could cause flooding and pollution issues.

After further discussions and submitted information, the Environment Agency have now withdrawn their objection to the application but request that condition 13 of the outline permission is discharged before works commence. This condition relates to the management of surface water through sustainable drainage (SUDS). This condition has not been discharged on the outline permission, however it can be reattached on the current application.

Subject to the above conditions the proposed development would be acceptable in drainage terms.

Other Matters Raised

Traffic management and routing of public transport – this is outside the remit of this planning application.

Impact of shale gas on the developer – this is not a material consideration in the determination of the application.

Conclusions

The application relates to phase one of outline permission 08/0058 which is for 110 dwellings, including the reserved matters of scale, layout, appearance and landscaping. The application proposes an acceptable form of development in relation to design, highways safety, and amenity terms. Matters of ecological concern are still outstanding at the time of report preparation, however subject to these issues being resolved the application is recommended for approval. Therefore the recommendation is to delegate Authority to the Head of Planning and Regeneration to approve the application subject to resolving the ecological issues, in addition to the imposition of any necessary conditions.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning & Regeneration subject to the resolution of outstanding ecological issues, which may involve the imposition of additional conditions to accord with ecological protection legislation, and the following conditions:

1. Notwithstanding any denotation on the approved plans, details of the external roofing and facing treatments shall be submitted to and approved by the Local Planning Authority prior to the commencement of any dwellings on site. Thereafter only those approved materials shall be used in the development, unless otherwise agreed in writing with the Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality

2. This consent relates to the following approved plans:

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

3. A scheme for sheltered cycle parking shall be submitted to and approved in writing prior to the commencement of the roundabout apartment block. The scheme shall include details and/ or drawings of sheltered cycle parking, numbers, and siting. The approved scheme shall be implemented and made available for use prior to first occupation of the apartments and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable transport options for occupants and visitors

4. The car parking area shall be surfaced or paved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and shall include details of marked car parking spaces and manoeuvring areas. The approved scheme shall be implemented and made available for use before first occupation of the roundabout apartment block and plots 28, 30 to 37, 40 to 42, unless otherwise approved in writing by the Local Planning Authority.

Reason: To allow for the effective use of the parking area which serves the development.

5. The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before

the construction of any dwellings hereby permitted commences.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Details of the bridge structures and other ancillary buildings within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of such structures / buildings within the development.

7. The access to serve plots 101 – 110 is temporary. A scheme detailing a timetable for the removal / closing up of this temporary access and instatement of the footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timeframe, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The access proposed is temporary and a permanent access would require reappraisal in the interests of highway safety.

8. The proposed windows to the side facing elevations to the roundabout apartment block shall be obscure glazed and shall thereafter be retained in such a manner. Any subsequent replacement windows shall be obscured glazed.

Reason: To safeguard the amenities of the occupants of adjoining residential properties from overlooking and loss of privacy.

9. The proposed first floor windows to the side facing elevations of plots 30, 43, 49, 53, 54, 73, 95, 97, 106 and 109 shall be obscure glazed and shall thereafter be retained in such a manner. Any subsequent replacement windows shall be obscured glazed.

Reason: To safeguard the amenities of the occupants of adjoining residential properties from overlooking and loss of privacy.

10. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the support of sewers, manholes, foul pumping station, highway drainage and any other drainage infrastructure using load bearing piles and ground beams has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the scheme shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent any undue settlement of drainage infrastructure to avoid flooding and pollution

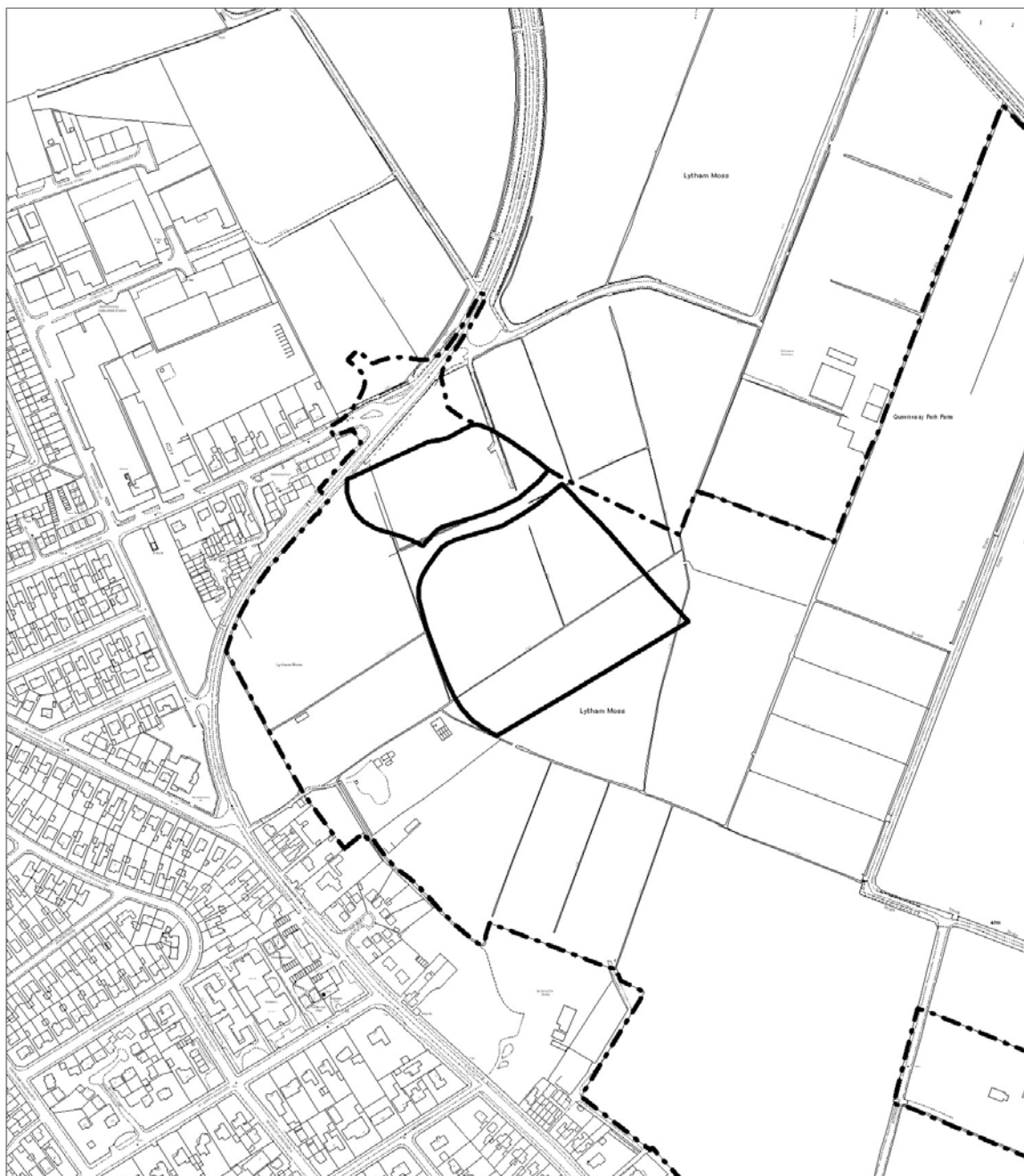
11. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a high level design for the foul pumping station and subsequent schedule of upgrades to accommodate further development has been submitted

to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the scheme shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent any undue settlement of drainage infrastructure to avoid flooding and pollution

12. No development hereby permitted shall be commenced until a surface water drainage strategy for the development has been submitted to and approved in writing by the local planning authority. The strategy shall include: measures to attenuate surface water discharges to existing 'greenfield' rates by means of a Sustainable Urban Drainage System (SUDS); a timetable for implementation of the SUDS and any other proposed drainage measures; and details of how these are to be maintained. The strategy shall be implemented and commissioned in accordance with the approved details (including the timetable) and shall thereafter be retained in the approved form.

Reason: To manage surface water and avoid flooding and pollution



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0257	Address Land (Housing Kensington), Queensway, Lytham St Annes	Grid Ref. E.3336 : N.4304	Scale 0 25 50 75 100 m

Item Number: 3 Committee Date: 22 January 2014

Application Reference: 13/0259		Type of Application:	Full Planning Permission
Applicant:	Kensington Developments Ltd	Agent :	
Location:	LAND (HOUSING KENSINGTON), QUEENSWAY, ST ANNES, LYTHAM ST ANNES		
Proposal:	APPLICATION FOR SITE AND ECOLOGY PREPARATION WORKS ASSOCIATED WITH ENABLING THE FUTURE CONSTRUCTION OF THE QUEENSWAY ROUNDABOUT, PHASE ONE OF THE TR5 BYPASS, AND PHASE ONE OF THE QUEENSWAY RESIDENTIAL DEVELOPMENT. THE SCOPE OF THE WORKS TO INCLUDE THE FORMATION OF A TEMPORARY ACCESS TO QUEENSWAY, THE ERECTION OF 2M HIGH HOARDINGS TO QUEENSWAY FRONTAGE, THE PROVISION OF A TEMPORARY SITE COMPOUND, REMOVAL AND STORAGE OF TOPSOIL, AND SURCHARGING OF SITE.		
Parish:	Kilnhouse	Area Team:	Area Team 2
Weeks on Hand:	38	Case Officer:	Amy Aspinall
Reason for Delay:	In order to seek amended plans and additional information.		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The principle of development on this site has already been established under outline planning permission 08/0058. The current application seeks full planning permission for site works in connection with the outline approval to enable the phase 1 development of 110 dwellings (13/0257 Reserved Matters application) to be brought forward.

At the time of writing this report the impact on matters of ecological importance are still outstanding, and the recommendation is therefore to delegate the authority to approve the application to the Head of Planning and Regeneration and to allow these issues to be resolved (including the consideration of any implications raised by them and any necessary conditions or revisions to conditions).

Reason for Reporting to Committee

The application has been referred to the Development Management Committee as this is a major application in connection with outline planning consent 08/0058.

Site Description and Location

The application site (as edged red) covers the Queensway development which was approved under outline planning consent 08/0058. The site falls within the countryside and Green Belt, as designated by the Fylde Borough Local Plan (as altered 2005). The land is relatively open land and forms part of

Lytham Moss. The proposal site is situated adjacent to the Lytham St Anne's settlement boundary which is characterised by residential and industrial land uses in the immediate locality. St Anne's town centre is approximately 1.5 miles in distance.

Details of Proposal

This is a full planning application for site works to enable the construction of the phase 1 development of outline planning reference 08/0058, of which the reserved matters for 110 dwellings are currently being considered under planning application 13/0257. The works proposed in this application relate to site preparation works by pre-loading an area to allow the construction of part of the Heyhouses bypass and the phase 1 dwelling, the Queensway roundabout, and the road network within the phase 1 residential estate. The application also includes 2 metre high fencing to part of the perimeter along Queensway / Heyhouses Lane; a temporary access off Queensway to allow access to the site; and the removal and storage of soil within the site.

Relevant Planning History

Application No.	Development	Decision	Date
13/0767	APPLICATION FOR REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT FOR THE FIRST 300 DWELLINGS ON THE SITE WITH A REQUIREMENT TO UNDERTAKE VIABILITY REAPPRAISAL BEFORE 300TH, 600TH, 900TH AND 1150TH OCCUPATIONS TO ALLOW POTENTIAL FOR THE FUTURE AFFORDABLE HOUSING CONTRIBUTION TO BE ASSESSED	Granted	24/12/2013
13/0261	PROPOSED CHANGE OF USE AND CREATION OF AN ORNAMENTAL GARDEN	Withdrawn by Applicant	21/10/2013
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Withdrawn - Appeal against non-determine	29/04/2009
06/0706	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH APPROVED LYTHAM ST ANNES LINK ROAD	Granted	19/10/2006
03/0140	TEMPORARY STORAGE OF PRE LOADING STONE AND SOIL IN CONNECTION WITH LYTHAM ST ANNES LINK ROAD.	Granted	28/03/2003
01/0049	O/L FOR RESIDENTIAL DEVELOPMENT - 350 NO. DWELLINGS & SCHOOL	Withdrawn Called In: Secretary of State	17/09/2002
78/0621	CHANGE OF USE OF LAND AS TRAINING AREA FOR HORSES AND RIDERS.	Granted	06/09/1978
78/0634	OUTLINE - ERECTION OF DWELLING.	Refused	18/10/1978

Parish Council Observations

St Anne's on the Sea Town Council notified on 09 May 2013

Summary of Response

Object - St Anne's on the Sea Town Council comment that surcharging is effectively pre-loading the site by placing material to compact the land and produce a stable building platform (as previously used at the Cypress Point development 'crush'). Key implications will include a potential impact on the water course and water table within the locality. Because it will sink into the ground and remain as part of the foundation for construction works, the material used must be clean and free of contamination. This contaminate free material must comply with and is detailed in Part C of the Building Regulations 2000 (as amended).

Statutory Consultees

Building Control Manager

No comments received at the time of report preparation

Environmental Protection Team

No objections

Blackpool Airport

No comments received at the time of report preparation

Environment Agency

The Environment Agency initially raised an objection to the application in relation to lack of information regarding surface water and flood risk. Further information has been submitted to address these concerns and the Environment Agency have withdrawn their objection, subject to condition 13 of the original outline planning permission being discharged prior to the commencement of development. This condition relates to the surface water drainage strategy, including the means of a sustainable urban drainage system and timetable for implementation.

Lancashire County Council - Highway Authority

Lancashire County Council Highways have raised no objection to the application subject to the following conditions:

- The temporary access shall be appropriately paved in tarmac, concrete, block pavements or other approved materials
- Provision of visibility splay and no obstruction within it
- Wheel washing facilities
- Scheme for the construction of the access
- Provision of access prior to site works

Lancashire County Ecology Service

The comments of LCC Ecology are summarised below:

- Insufficient information relating to: mitigation requirements; toads; swan displacement evidence and supplementary feeding; monitoring and disturbance of other qualifying bird species.
- Condition 6 of the outline permission has not been discharged.
- No updated surveys for features of biodiversity value have been carried out.
- Moss bladder snail mitigation proposals do not appear to be in accordance with the ES (condition 7).
- Proposed permanent compound and soil storage were not part of the outline proposals, including material development works within 200 metres of the FCA (Farmland Conservation Area) and sufficient justification has not been provided.

- The timeline of works is not in accordance with the requirements of the UU.

Natural England

Natural England state that there is insufficient information on which to base an assessment. The key issues are summarised below:

- The phasings are not in accordance with outline approval and the UU
- Condition 6 needs to be discharged prior to commencement of development
- Amendments required to the CEMP – further information and updates are required.
- Concern in relation to the timetable for the first phase which does not allow for any establishment of habitats
- Issues with timing of habitat creation / farmland conservation area and the floodplain compensation and discrepancies with floodplain / development land

Neighbour Observations

Neighbours notified: 09 May 2013

No. Of Responses Received: 4

Nature of comments made:

At the time of report preparation 4No neighbour objections have been received in relation to this application. The comments made in the representations overlap other applications in connection with this site, namely 13/0257. These are summarised below:

- Reference is made to the withdrawal of the Quadrilla Site and whether or not this needs factoring into the Queensway assessments
- Reference is made to the Fylde Local Plan 2030 preferred options and the adjacent site.
- The Appropriate Assessment needs updating and needs to factor the Fylde Local Plan 2030 which was not produced at the time of the Public Inquiry, and the adjacent site which has been used for test drilling for 'fracking'. The Appropriate Assessment needs to reassess the constraints and problems that the preferred options sites will cause (HL2 and HL3). HL2 and HL3 sites will affect the Farmland Conservation Area.
- Recent data from the Fylde Bird Club shows that numbers of birds exceed those in the Appropriate Assessment with swans using the housing development.
- Ecological data is out-of-date.
- The Appropriate Assessment assumes the site is of local importance but should be classed as national importance.
- Impact of three storey buildings and precedent
- Three storeys were not part of the Inspector in the initial Inquiry.
- If the principle of three storey is established it could introduce more three storey buildings, possibly higher.
- Planting using native species should be used.
- Impacts on traffic and public transport
- HGVs damaging the road and house structure
- If shale gas extraction should take place what impact will this have on the developer?

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP03	Development in green belt
EP19	Protected species
EP25	Development and waste water
EP23	Pollution of surface water
EP01	Environmental Improvement Schemes

Other Relevant Policy:

NPPF:

National Planning Policy Framework

Site Constraints

Within countryside area

Within Green Belt

Environmental Impact Assessment

The outline application 08/0058 was EIA development and was supported with an Environmental Statement which was revised during the consideration of that planning application.

Comment and Analysis**Principle**

The principle of development on this site has already been accepted under outline planning consent 08/0058. Whilst this is a full application, the works relate to details associated with that development and as such the principle is established, subject to the proposal having an acceptable impact in design terms, neighbouring amenity, highway safety, ecological matters and drainage.

Design

The main design considerations associated within this application are directly related to the development approved in the original permission. The contractor's compound and site hoardings to part of the perimeter would be temporary features in association with the construction works, and therefore any streetscene impacts would be for a temporary period. The pre-loading is necessary to minimize settlement from the construction of the roads and such engineering operations would again be temporary in their visual appearance. The proposals are considered to be acceptable in design terms.

Amenity

It is proposed to locate the temporary contractors compound and temporary access are proposed to be situated opposed the Queensway Court development. The access would allow the preloading of the site, and the contractor's compound could be provided under permitted development rights by virtue of Part 4 Schedule 2 of the GPDO (as amended). Queensway and Heyhouses is a principal route which already serves volumes of traffic and it is not considered that the proposed access which is for a temporary period would be detrimental to neighbouring residential amenity as to warrant refusal of the application.

Other works proposed are deemed to have an acceptable impact on neighbouring residential amenity as they are well separated from these neighbours.

Highways

The design principles, routing, and implications of the road and roundabout were all considered under the outline permission. This scheme does not alter these principles. Lancashire County Council Highways have raised no objection to the application subject to conditions and as such the proposal is considered to be acceptable in highways safety terms. The following conditions are recommended:

- The temporary access shall be appropriately paved in tarmac, concrete, block pavements or other approved materials
- Provision of visibility splay and no obstruction within it
- Wheel washing facilities
- Scheme for the construction of the access

- Provision of access prior to site works

It is not considered necessary to condition wheel washing facilities as the requirement for wheels of vehicles to be washed would not be enforceable and therefore would not meet the conditions tests of the NPPF at paragraph 206. An additional condition is however required to remove the temporary access and to restore the land in accordance with scheme to be submitted for approval.

Ecology

There are a number of outstanding ecological issues due to statutory consultees requesting further information in terms of mitigation proposals, lack of updated surveys and discrepancies between agreed phasings. The applicant has now provided this additional information and at the time of report preparation consultation responses from Natural England and Lancashire County Council Ecology are awaited. It is therefore requested that Authority is delegated to the Head of Planning and Regeneration to await these replies and to resolve any issues raised.

It is noted that LCC Ecology raise the issue of the 'future permanent site compound' being situated within 200 metres of the proposal farmland conservation area, however this does not form part of the current application. The site compound would be permitted development by virtue of Part 4 Schedule 2 of the GPDO (As amended), and is not a permanent feature, but would be required throughout the period of construction works. The applicant will however need to consider compliance with the conditions attached any relevant permission on the site and has been made aware of this.

Drainage

United Utilities have no objection to the application subject to the imposition of conditions relating to the requirement of a high level design for the pumping stations including phasing of provision; and also a scheme for the drainage infrastructure to be supported by load bearing piles and ground beams. These conditions are necessary in order to prevent failure of the drainage system and pumping station which could cause flooding and pollution issues.

After further discussions and submitted information, the Environment Agency have now withdrawn their objection to the application but request that condition 13 of the outline permission is discharged before works commence. This condition relates to the management of surface water through sustainable drainage (SUDS). This condition has not been discharged on the outline permission, however it can be reattached on the current application.

Subject to the above conditions the proposed development would be acceptable in drainage terms.

Other Matters Raised

Traffic management and routing of public transport – this is outside the remit of this planning application.

Impact of shale gas on the developer – this is not a material consideration in the determination of the application.

Comments in relation to the scale of buildings are relevant to application 13/0257 and are not material to this application.

Conclusions

The application seeks full planning permission for enabling works to bring forward the Queensway development and the proposals are acceptable in principle. Subject to conditions the application proposes an acceptable form of development in relation to design issues, highways safety, drainage and amenity terms. Matters of ecological concern are still outstanding at the time of report preparation, however subject to these issues being resolved the application is recommended for

approval. Therefore the recommendation is to delegate Authority to the Head of Planning and Regeneration to approve the application subject to resolving the ecological issues, in addition to the imposition of any necessary conditions or revisions to conditions.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning & Regeneration subject to the resolution of outstanding ecological issues, which may involve the imposition of additional conditions to accord with ecological protection legislation, and 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.

Reason: 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 approved plans:

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

3. The hoardings hereby approved are temporary and shall be removed from the site within 3 years from the date of this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: The hoardings are acceptable for a temporary period only having regard to visual amenity and impact on the streetscene

4. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the support of sewers, manholes, foul pumping station, highway drainage and any other drainage infrastructure using load bearing piles and ground beams has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the scheme shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent any undue settlement of drainage infrastructure to avoid flooding and pollution

5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a high level design for the foul pumping station and subsequent schedule of upgrades to accommodate further development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the scheme shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent any undue settlement of drainage infrastructure to avoid flooding and pollution

6. No development hereby permitted shall be commenced until a surface water drainage strategy for the development has been submitted to and approved in writing by the local planning authority. The strategy shall include: measures to attenuate surface water discharges to existing 'greenfield' rates by means of a Sustainable Urban Drainage System (SUDS); a timetable for implementation of the SUDS and any other proposed drainage measures; and details of how these are to be maintained. The strategy shall be implemented and commissioned in accordance with the approved details (including the timetable) and shall thereafter be retained in the approved form.

Reason: Reason: To manage surface water and avoid flooding and pollution

7. The temporary access hereby approved shall be appropriately paved in tarmacadam, concrete, block pavements, or an alternative material to be agreed in writing by the Local Planning Authority, for that part of the access extending from the highway for a minimum of 15 metres into the site.

Reason: To prevent loose material from being carried on to the public highway thus causing a potential source of danger to other road users

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Queensway to points measured 90 metres in each direction along the nearer edge of the carriageway of Queensway, from the centre line of the access.

Reason: To ensure adequate visibility at the street junction or site access.

9. The site works hereby approved shall not commence until a scheme for the construction of the site access has been submitted to and approved in writing by the Local planning Authority. The access road shall be carried out in accordance with the approved details and made available for use prior to any other site works hereby approved commencing.

Reason: To ensure that the details of the scheme are acceptable and does not exacerbate unsatisfactory highway conditions in advance of the wider highway works

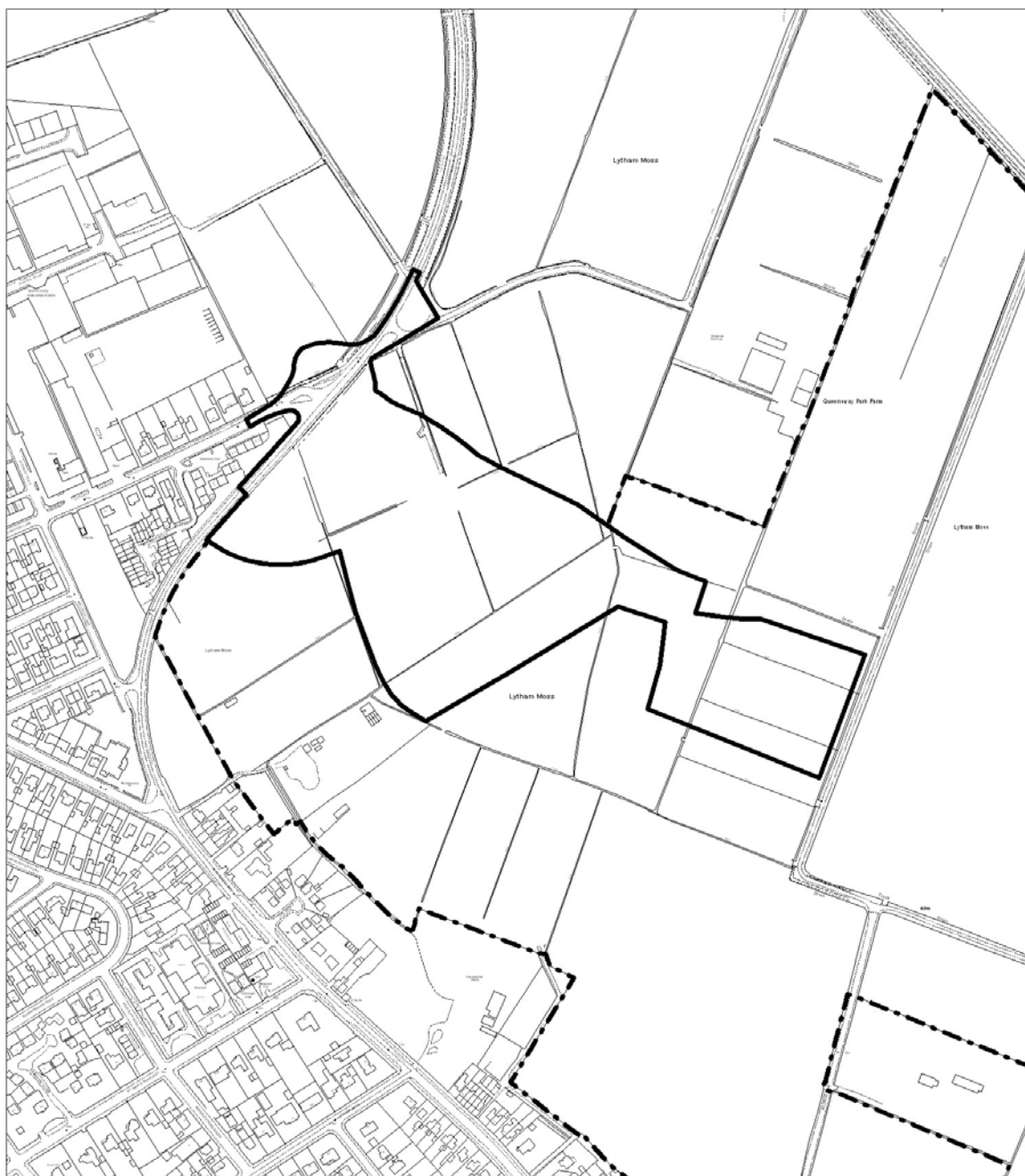
10. The access hereby approved is temporary and shall be removed / closed up within three years of the date of this permission, unless an alternative timeframe is agreed in writing by the Local Planning Authority.

Reason: The access proposed is temporary and a permanent access would require reappraisal in the interests of highway safety.

11. Prior to commencement of the development and site works hereby approved details of measures for soil conservation, including stripping, storage, movement and replacement shall be submitted to the local planning authority for approval in writing. Details shall be in

accordance with section 8.4.4 of the report 'Land at Queensway, St Anne's Environmental Statement'. Approved details shall be implemented in full.

Reason: In the interests of soil conservation



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Application No. 5/13/0259	Address Land (Housing Kensington), Queensway, Lytham St Annes	Grid Ref. E.3337 : N.4303	Scale 0 25 50 75 100 m

Item Number: 4 Committee Date: 22 January 2014

Application Reference: 13/0649		Type of Application: Change of Use	
Applicant:	Mr Campbell	Agent :	Leith Planning Ltd
Location:	CARAVAN CENTRE, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XN		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND TO FORM AN EXTENDED CARAVAN/ MOTOR HOME SALES AND DISPLAY AREA (INCLUDING ANCILLARY STORAGE) WITH REVISED ACCESS ARRANGEMENTS, ERECTION OF SALES BUILDING, PERIMETER FENCING, LANDSCAPING AND OTHER ASSOCIATED WORKS.		
Parish:	Newton with Clifton	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to largely retrospective works associated with the establishment of a large extension to the open caravan sales enterprise at a site adjacent to Blackpool Road in Newton.

The principle of the development of the site for the proposed use has already been established under the previous planning permission ref. 06/0483, which has been commenced and hence could still be fully implemented. The development proposed by this application has a much lesser impact on this area of countryside and hence is considered a more favourable form of development at this rural site. Members are therefore recommended to approve the application.

Reason for Reporting to Committee

The scale of the site is such that the proposal represents major development. As the application is recommended for approval it is necessary for it to be determined at the Development Management Committee.

Site Description and Location

The application site is the existing caravan sales site, formerly occupied by Hymer (UK), and now occupied by Campbell's Caravans. The application relates to the whole site which extends to 2.6 hectares. The long established element includes a sales building and associated parking to the northern end of the site, and the extended element is an area to the south of that with a frontage width of 130m and a depth of 150m that has recently been surfaced in road planings.

The site is located on the south west side of Blackpool Road, Newton within Countryside as designated in the Fylde Borough Local Plan. The site has no immediate neighbours, but is overlooked from properties in Clifton as well as being prominent to users of this main route across the borough.

Details of Proposal

Planning permission was granted in 2007 (ref.06/0483) for the change of use of agricultural land to the sales and storage of caravans, the construction of a new caravan showroom, an associated caravan outdoor storage/display area, and works within the highway to create a new vehicular access to the showroom and display area. The new access was subsequently formed within the lifetime of the permission, thus implementing the permission, however the showroom and associated storage area were never constructed.

This application seeks planning permission for the formation of a surfaced area across the whole of the southern part of the site for outdoor caravan storage/display area, the erection of a sales office located centrally within this site, a security hut at the new site entrance, a proposed caravan shelter to enable customer demonstrations in inclement weather, the addition of a porch to the front of the existing showroom building, and 2.4 metre high black painted wire mesh security fence along the Blackpool Road frontage.

The application is part retrospective as the display area, the sales office, the porch, and the security fencing have all been constructed. The proposed works that remain are the caravan shelter and the security hut. The shelter would be sited in the north east corner of the site and have the appearance of a typical agricultural building. It would have one open end, for ease of access, and measure 20 metres in length, 9 metres in width, and a ridge of 4m. The security hut is a brick structure located adjacent to the site entrance with a footprint of 3m x 2.5m and a 3m height.

The application is supported with a planning statement that rehearses the principle policies that are relevant to the determination of the application and a business statement that highlights the contribution that Campbell's Caravans make to the local economy, and explains that their use of this site is as a consequence of a growth of the business as it relocated from their previous site in Kirkham.

Relevant Planning History

Application No.	Development	Decision	Date
06/0483	AMENDMENTS TO EXISTING PERMISSION 02/880 TO CONSTRUCT NEW SHOWROOM AND ASSOCIATED SERVICE AREA	Granted	12/04/2007
02/0880	EXTENSION TO EXISTING MOTORHOME SHOWROOM AND ASSOCIATED SERVICE AREAS	Granted	28/05/2003
00/0822	PROPOSED NEW VEHICULAR ACCESS AND EXIT AND REMOVAL OF CONDITION NO2 ON PP 5/92/0286 (RELATING TO PARKING ON THE FORECOURT).	Refused	23/05/2001
97/0628	ADDITIONAL SHOWROOM ATTACHED TO EXISTING SHOWROOM	Granted	08/10/1997
96/0413	EXTENSION TO EXISTING WORKSHOP	Granted	17/07/1996
93/0820	CHANGE OF USE OF AGRICULTURAL LAND TO FORM VISITOR CAR PARK,	Granted	12/04/1994

92/0286	WITH PERIMETER LANDSCAPING EXTENSIONS TO SHOWROOMS	Granted	04/11/1992
90/0563	ADVERTISEMENT CONSENT: TO DISPLAY ILLUMINATED	Granted	12/09/1990
90/0259	GROUND FLOOR SIDE EXTENSION	Granted	23/05/1990
89/1028	ADVERTISEMENT CONSENT TO DISPLAY NON-	Granted	28/02/1990
89/0231	EXT'N & ALT'S TO FRONT ELEVATION OF OFFICE AREA	Granted	19/04/1989
87/0225	SINGLE STOREY BUILDING ADJOINING EXISTING BUILDING	Granted	15/07/1987
74/0350	REPLACEMENT EXISTING PETROL KIOSK OFFICE.	Granted	02/10/1974
76/1067	FORECOURT MODIFICATIONS AND NEW FASCIA TO EXISTING BUILDING.	Granted	14/09/1977
77/0093	BOX LETTERS FITTED TO BUILDING FASCIA.	Withdrawn by Applicant	
78/0438	IMPROVEMENT TO OFFICE.	Granted	14/06/1978
82/0214	CONVERSION OF EXISTING FORECOURT TO SELF-SERVICE OPERATION.	Withdrawn by Applicant	
82/0215	SIGNS.	Withdrawn by Applicant	
82/0589	CHANGE OF USE TO INCLUDE THE SALE OF TAKEAWAY FOOD.	Granted	13/10/1982
84/0120	CHANGE OF USE TO RETAIL OUTLET CLASS 1 USES.	Refused	09/05/1984
84/0435	TAKEAWAY FOOD KIOSK.	Refused	05/12/1984
85/0158	CHANGE OF USE FROM MOTOR CARAVAN SALES TO FURNITURE SALES ROOM, WAREHOUSE AND OFFICE.	Refused	22/05/1985

Relevant Planning Appeals History

None.

Parish Council Observations

Newton with Clifton Parish Council notified on 28 October 2013

Summary of Response

The Parish Council specifically supports the proposal but do not give any reason for this

Statutory Consultees

Landscape and Urban Design Officer

The sales office and caravan shelter will have a significant visual impact and would be detrimental to the landscape character of the surrounding countryside. Screen planting required along the Blackpool Road frontage and the immediate area around the proposed caravan shelter.

Environment Agency

No objection to the proposal. Given the nature of the development the proposals would not be at an unacceptable risk of flooding or increase flood risk elsewhere.

Lancashire County Council - Highway Authority

No objections to the scheme in principle but advise that the main access should be narrowed to a single lane to prevent two way traffic and that no entry signs be erected at the site egress point, facing onto the highway.

Observations of Other Interested Parties**United Utilities**

No objection to the proposal

Neighbour Observations

Neighbours notified: No Neighbours Notified directly, site notices posted.

No. Of Responses Received: None

Relevant Planning Policy**Fylde Borough Local Plan:**

SP02

Development in countryside areas

SP08

Expansion of existing business & commercial operations

Other Relevant Policy:

NPPF:

National Planning Policy Framework

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 of the use of the site as a motorhome showroom and display area has already been established by the previous approval (ref. 06/0483). This permission has been implemented by virtue of the construction of the access that was approved as part of that permission. Hence 06/0483 remains extant, could be fully implemented at any time, and provides a fall-back position should this application be refused. Therefore the main issues to consider for this application relate to visual impact and highways access.

Visual impact

The site has historically been used for caravan sales and so establishes the visual impact with a large building and some external display of caravans and motorhomes. The planning permission approved under 06/0483 involved the erection of a very large second showroom on the land to the south of the original building, with parking and external display of caravans, etc. around it. That planning permission is extant and allows the construction of this building which measures 97 metres in length, 49 metres in width, and 8 metres in height. This would clearly have a large visually intrusive impact on this area of open countryside. The current applicant's bought the site with the knowledge of this

permission but do not intend to construct the building and have simply surfaced the area on which it would have stood and are using it for external display of caravans.

Whilst this is also a highly visible form of development and use which detracts from the character of the countryside, it is less visually intrusive than the extant permission. The buildings proposed to support this (sales centre, security hut & hand-over shelter) are markedly smaller and less intrusive and so considered to be a more acceptable and preferred option.

Whilst much of the work is retrospective, the application proposes additional landscaping around the complete boundary of the site in the form of a 6m-8m wide belt with tree and shrub planting around the sides and rear boundary. To the Blackpool Road frontage the recently erected fence is to be relocated further into the site with a hedge planted to mirror that on the opposite side of the road and planting provided to break-up the current appearance of the caravan display areas. This is intended to soften the visual impact on this important and prominent aspect of the site from this main route.

Access and Parking

The site has two access points, one to the front of the existing building and one to the front of the recently provided sales area that was introduced under planning permission 06/0483. There is a nominal one way system with the new access providing the entrance to the site, but the internal circulation and staff / customer parking areas are not defined.

County Highways have raised no objections to the proposal subject to the main access into the site being narrowed to a single lane to prevent two way traffic movements, and 'No Entry' signs being mounted at the site egress. However the access and egress arrangements remain the same as previously approved (and supported by LCC Highways) under permission ref. 06/0483 and as such a refusal of permission on these highways issues could not be viably supported. This notwithstanding, the access would likely be used by large motorhomes and towed caravans. Given that the speed limit on Blackpool Road is 50 mph the wider access would benefit highway safety by allowing such large vehicles to enter the site safely and minimise their potential to obstruct passing vehicular traffic.

Conclusions

The principle of the development of the site for the proposed use has already been established under the previous planning permission ref. 06/0483, which has been commenced and hence could still be fully implemented. The development proposed by this application has a much lesser impact on this area of countryside and accords with the aims of policy SP8 of the local plan. Overall it is considered the preferred form of development at this rural site given the fall back of planning permission 06/0483.

The development will also bring economic benefits as the site provides a significant expansion in the trading size of a local business that has relocated from premises in Kirkham as part of their growth and investment in the borough. This accords with the paragraph 28 of the NPPF which supports the sustainable growth and expansion of all types businesses and enterprises within rural areas.

For the above reasons members are therefore recommended to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby approved shall relate to the works shown on the following plans;
 - Proposed Site Plan - drawing no. JBA102-PL-003 Rev B, dated 23/09/2013
 - Existing Porch/Existing Sales Office - drawing no. JBA102-PL-001, dated 28-08-2013

- Proposed Shelter and Security Hut - drawing no. JBA102-PL-002, dated 23-09-2013
- Landscape Proposals - drawing no. 3917-02 Rev B, dated July 2013

For clarity in defining the permission.

2. The application site shall be used for sale and display of caravans and motorhomes only, and no part of the site shall be sold, let off or operated as a separate business

To allow the Local Planning Authority to maintain control of the use of the site in this countryside location.

3. The materials to be used in the construction of the proposed shelter, security hut and sales office shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing with the local planning authority.

In the interests of the visual amenity of the locality

4. That no later than the first available planting season (i.e. by 31 March 2014) the landscaping of the site shall be carried out and preserved in accordance with the scheme outlined on the approved Landscape Proposals drawing (drawing number 3917-02, Revision B, dated July 2013).

To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policy SP2 of the Fylde Borough Local Plan.

5. 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 silvicultural 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.

6. Within 2 months of the date of this permission the existing black mesh security fencing along the Blackpool Road frontage shall be relocated to the position indicated on the approved Landscape Proposals drawing (drawing number 3917-02, Revision B, dated July 2013).

The relocation of the fence is required to enable the proposed hedgerow planting to adequately screen it from view

7. The access road into and through the site (the circulatory system) shall be kept free of

parked vehicles in order to enable vehicles to circulate freely around the site and for them to enter and leave the site in a forward gear presenting no road safety hazard at the access and egress points with the A584 Blackpool Road.

In the interests of highway safety.

8. Within 1 month of the date of this permission the car parking areas as indicated on the approved Site Plan (drawing no. JBA102-PL-003 Rev B, dated 23/09/2013) shall be marked out and thereafter retained.

To ensure adequate parking is available within the site.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the hard surfaced areas of the site shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

To prevent pollution of the water environment.

10. Before any such facilities are installed, full specifications and constructional details of any external and/or security lighting to be installed on site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out, where applicable, in accordance with such approval and thereafter retained as such.

In accordance with Policy EP28 of the Fylde Borough Local Plan and in the interests of highway safety.

11. Within 1 month of this approval a scheme for directional signage for traffic entering, exiting, and manoeuvring within the site together with marking out of parking facilities must be submitted to, and approved in writing by, the local planning authority. Once approved, the scheme shall be implemented and thereafter retained as such.

In the interests of highway safety



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0649	Address Caravan Centre, Blackpool Road, Clifton	Grid Ref. E.3464 : N.4299	Scale 0 25 50 75 100 m

Application Reference: 13/0673		Type of Application:	Full Planning Permission
Applicant:	Kensington Developments Ltd	Agent :	
Location:	HASTINGS POINT DEVELOPMENT SITE, BEECHWOOD CLOSE, LYTHAM ST ANNES		
Proposal:	PROPOSED ERECTION OF TWO DETACHED HOUSES IN LIEU OF BLOCK OF TEN APARTMENTS APPROVED AS PLOTS 25-34 INCLUSIVE UNDER PLANNING PERMISSION 11/0803		
Parish:	Clifton	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Andrew Stell
Reason for Delay:	In order to seek design improvements		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the physical works associated with the replacement of the approved block of 10 apartments on this development with a pair of detached houses. The apartments were to be for affordable use whereas the dwellings are proposed for market sale. The implications for this are addressed under application 13/0708 which is elsewhere on this agenda and seeks permission to vary the legal agreement associated with the planning permission to satisfy the affordable housing obligation by other means.

This application looks solely at the planning merits of the physical changes to the site. The proposed dwellings are considered to be of an appropriate scale, design, location for the site and give an acceptable relationship to neighbours, and with the trees that are located on the South Park frontage of the site. As such the application is in accordance with Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the requirements of para 58 of the NPPF with which these policies are consistent. The application is recommended for approval subject to a series of conditions which are required to ensure it is implemented to a proper standard.

Reason for Reporting to Committee

As the application is associated with the alteration of the development to remove the affordable housing element of the site and that was imposed by Committee at the time that the planning permission for the development of the site was considered.

Site Description and Location

Hastings Point is the developers name for land at the junction of South Park and Ballam Road that previously housed part of the Aegon operation. Planning permission has been granted for the development of 33 residential properties and associated works. The construction of these is well advanced with many built and occupied.

The actual application site is the northwest corner of the development adjacent to Alder Grove and fronting to South Park. It currently contains the sales office for the development and measures 22m x 35m. No work has commenced on the development of this part of the site.

The land uses around the application site itself are all residential with properties to the west on Alder Grove and on the opposite side of South Park as Clifton Gate. In the wider area are the Aegon development, the railway line and Lytham Station and the facilities in Lytham town centre.

Details of Proposal

This application relates to the replacement of a block of 10 apartments on the site with two detached dwellings. The apartments were approved as part of planning permission 11/0803 and the s106 agreement that is associated with that planning permission secures their delivery as affordable dwellings. This application is being presented to Committee alongside application 13/0708 which proposes the removal of the affordable housing requirement from that planning permission. The two applications are closely linked with this scheme relating to the physical alterations to the site.

The existing planning permission involves the erection of a three storey block of 10 x 2 bedrooomed apartments with a rectangular footprint that measures 20m x 13m. No work has been undertaken on the construction of this apartment block.

This proposal involves its replacement with a pair of detached houses with one generally in the location of the apartment block and the other in the area that would have provided its parking court. There are no changes to the site access arrangements or the position of any other plots to facilitate this change.

Both dwellings are housetypes that are already used elsewhere on the site with the Springfield being a three storey property providing 5 bedrooms and a detached double garage, and the Houston being a three storey property with 4/5 bedrooms and an integral double garage. The upper floors of both dwellings are provided into the roofspace.

The scheme has been amended since first submission to re-orientate the properties on the site to improve their position in the streetscene and to resolve concerns over their relationship to two significant trees on the site frontage.

Relevant Planning History

Application No.	Development	Decision	Date
13/0708	APPLICATION TO REMOVE AFFORDABLE HOUSING REQUIREMENT FROM RESIDENTIAL DEVELOPMENT SCHEME AS SECURED BY PLANNING OBLIGATION ASSOCIATED WITH PLANNING PERMISSION 11/0803		
12/0282	PROPOSED THREE YEAR EXTENSION TO TIME LIMIT TO IMPLEMENT PLANNING PERMISSION 05/0210 RELATING TO PROPOSED NEW OFFICES IN A SIX FLOOR BUILDING AND 180 NO. APARTMENTS (90 EXTRA CARE AND 90 "STANDARD" APARTMENTS) IN A 5/6/7 STOREY	Withdrawn by Applicant	31/08/2012

10/0428	BUILDING (RESIDENTIAL DEVELOPMENT AT 60% AFFORDABLE PROVISION). PROPOSED RESIDENTIAL DEVELOPMENT OF SITE FOR 73 DWELLINGS (29 MEWS HOUSES AT TWO OR THREE STOREY WITH SOME BASEMENTS, AND 44 APARTMENTS IN 2 X THREE STOREY BLOCKS AND A FOUR STOREY BLOCK WITH BASEMENT PARKING). ASSOCIATED ACCESS ROAD, GARAGING, BIN STORES AND WOODLAND FOOTPATH.	Withdrawn by Applicant	31/08/2012
11/0803	PROPOSED ERECTION OF 33 DWELLINGS (INCL. 10 AFFORDABLE) AND ASSOCIATED GARAGES, PARKING AND LANDSCAPING WORKS.	Approved with 106 Agreement	18/07/2012
09/0745	RESERVED MATTERS APPLICATION FOR LANDSCAPING OF THE SITE.	Granted	14/10/2010
09/0564	PROPOSED REDEVELOPMENT OF FORMER AEGON SITE FOR 57 DWELLINGS (35 x 3 STOREY TOWNHOUSES AND 22 APARTMENTS IN A 6 STOREY BLOCK)	Withdrawn by Applicant	01/09/2009
05/0210	PROPOSED NEW OFFICES IN A SIX FLOOR BUILDING AND 180 no. APARTMENTS (90 extra care and 90 "standard" apartments) IN A 5/6/7 STOREY BUILDING (Residential development at 60% affordable provision).	Refused	31/10/2005
04/0970	OUTLINE APPLICATION FOR NEW OFFICES AND 200 NO. SHELTERED APARTMENTS	Withdrawn by Applicant	21/01/2005
03/0231	FURTHER OUTLINE APPLICATION FOR 306 APARTMENTS TO PROVIDE AFFORDABLE HOUSING	Withdrawn by Applicant	30/09/2004
04/0698	FREESTANDING ADVERTISING SIGN BOARD	Refused	07/09/2004
03/0022	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 234 NO APARTMENTS PLUS WARDENS ACCOMMODATION	Migrated code	23/04/2003
02/0557	OUTLINE APPLICATION FOR RETAIL FOODSTORE (CLASS A1), CAR PARKING, ACCESS AND SERVICING FOLLOWING DEMOLITION OF EXISTING BUILDING	Withdrawn by Applicant	08/01/2003

Relevant Planning Appeals History

The residential use of this site was first established by a successful appeal against the council's refusal of application 05/0210 which was for a mixed residential / office development.

Parish Council Observations

N/A

Statutory Consultees

Tree Officer

The council's Landscape Officer raised objection to the originally submitted layout on the basis that the proposed dwelling to the South Park frontage was too close to an Ash tree on that frontage. She referred to the future growth of the trees and the substantial amenity value and landscape character that they contribute to the locality and the wider streetscene.

The originally proposed dwelling was closer to this tree than the approved apartments and was felt to create an unacceptable risk of impact on it during construction through damage to the roots and branches, and through the influence on the growth form and shape of the tree as a consequence of the close proximity of the house to it. She requested that the application be amended to remove all works associated with the dwelling from the area in front of the proximity established when the apartments were approved.

(Note: The revised location for the dwellings now under consideration reflects the separation achieved by the approved apartments.)

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 21 November 2013 by letter with site notice posted
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP14	Landscaping of new developments
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Existing industrial area
Tree Preservation Order

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

Provision of Affordable Housing

The apartments approved in this area under the planning permission that the developer is implementing are those required to deliver its affordable housing obligations under the Interim Housing Policy. That policy obligation remains as relevant now as it did at the time that the planning permission was granted as the scale of the site is one where it still applies.

Application 13/0708 seeks to remove that obligation from the original planning permission and replace it with an alternative proposal. The merits of that should be properly considered under that application whereas the considerations under this application relate solely to the physical changes to the site. However, the application to vary the legal agreement should be determined before this application, and if it is refused then this application should also be refused as a grant of planning permission here would allow the developer to implement a scheme that physically prevents the delivery of the affordable housing obligation on the site as a whole.

Design, Scale and Appearance of Dwellings

The properties proposed are large detached dwellings of housetypes that are found elsewhere on the site, with the Springfield to the South Park frontage being a handed version of the housetype that is located at the other end of that frontage, and the Houston provided elsewhere on that frontage. As such the housetypes will sit comfortably on the site and in the streetscene established by the development.

The initial positioning of them on the plots was slightly awkward with a rotated position in contrast to the more ordered arrangement of properties elsewhere on the site and in the wider streetscene. The plans have been amended to line the dwellings up better. This achieves an appropriate relationship to the general streetscene and enables compliance with criteria 1 and 2 of Policy HL2 of the Fylde Borough Local Plan in that regard.

Relationship to Neighbours

The Springfield property is smaller than the apartment block it replaces and provides an acceptable relationship to its on and off site neighbours in terms of its massing and potential overlooking. The Houston is in an area where the apartment car park was proposed and so creates new potential relationship issues, but is located where it maintains an appropriate separation from the neighbours to also be acceptable as it is 27m from the front of the nearest properties on Alder Grove to the rear.

Impact on Trees

There are two significant trees on the South Park frontage that are in semi maturity and make a significant beneficial contribution to the local streetscene. The council's Landscape Officer raised objection to the layout of the dwellings initially proposed as it would have placed one of the properties in close proximity to these trees. That has been addressed by the revised layout which sets the dwelling back to a point where the previously approved apartments were to be built. This revised layout now retains an acceptable separation between the proposed dwelling and these trees to minimise the risks to their roots and branches during construction and occupation of the dwellings.

This revised layout ensures compliance with Policy EP12 relating to protection of trees and is supported by a series of conditions to ensure that the works are undertaken carefully in this area and that the boundary treatments, pathways, etc. that are provided are appropriate.

Conclusions

The application relates to the physical works associated with the replacement of the approved block of 10 apartments on this development with a pair of detached houses. The apartments were to be for affordable use whereas the dwellings are proposed for market sale. The implications for this are addressed under application 13/0708 which is elsewhere on this agenda and seeks permission to vary

the legal agreement associated with the planning permission to satisfy the affordable housing obligation by other means.

This application looks solely at the planning merits of the physical changes to the site. The proposed dwellings are considered to be of an appropriate scale, design, location for the site and give an acceptable relationship to neighbours, and with the trees that are located on the South Park frontage of the site. As such the application is in accordance with Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the requirements of para 58 of the NPPF with which these policies are consistent. The application is recommended for approval subject to a series of conditions which are required to ensure it is implemented to a proper standard.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning & Regeneration on conclusion of negotiations to vary the planning obligation associated with planning permission 11/0803 as proposed under application 13/0708 on this agenda, and then be subject to the following conditions.

Should agreement not be reached on the variation of this planning obligation then the authority to REFUSE this application be delegated to the Head of Planning & Regeneration on the basis that it would prevent the provision of an appropriate contribution to affordable housing from the Hastings Point development.

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. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts 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.

4. 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 silvicultural 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.

5. Before the development hereby permitted is commenced measures shall be agreed with the Local Planning Authority for the safeguarding and protection of existing trees from damage by development works, storage of materials and operation of machinery. The area within which trees are growing shall be adequately fenced off with chestnut paling or other similar fencing to the satisfaction of the Local Planning Authority before any development is commenced, or material brought into the site. No vehicles shall pass into this area, no materials shall be stored there, no waste shall be tipped or allowed to run into the area, no fires shall be lit and no physical damage to bark or branches shall be allowed. Any pruning or other treatment to trees shall be competently carried out only after agreement with the Local Planning Authority.

To safeguard the visual amenities of the neighbourhood.

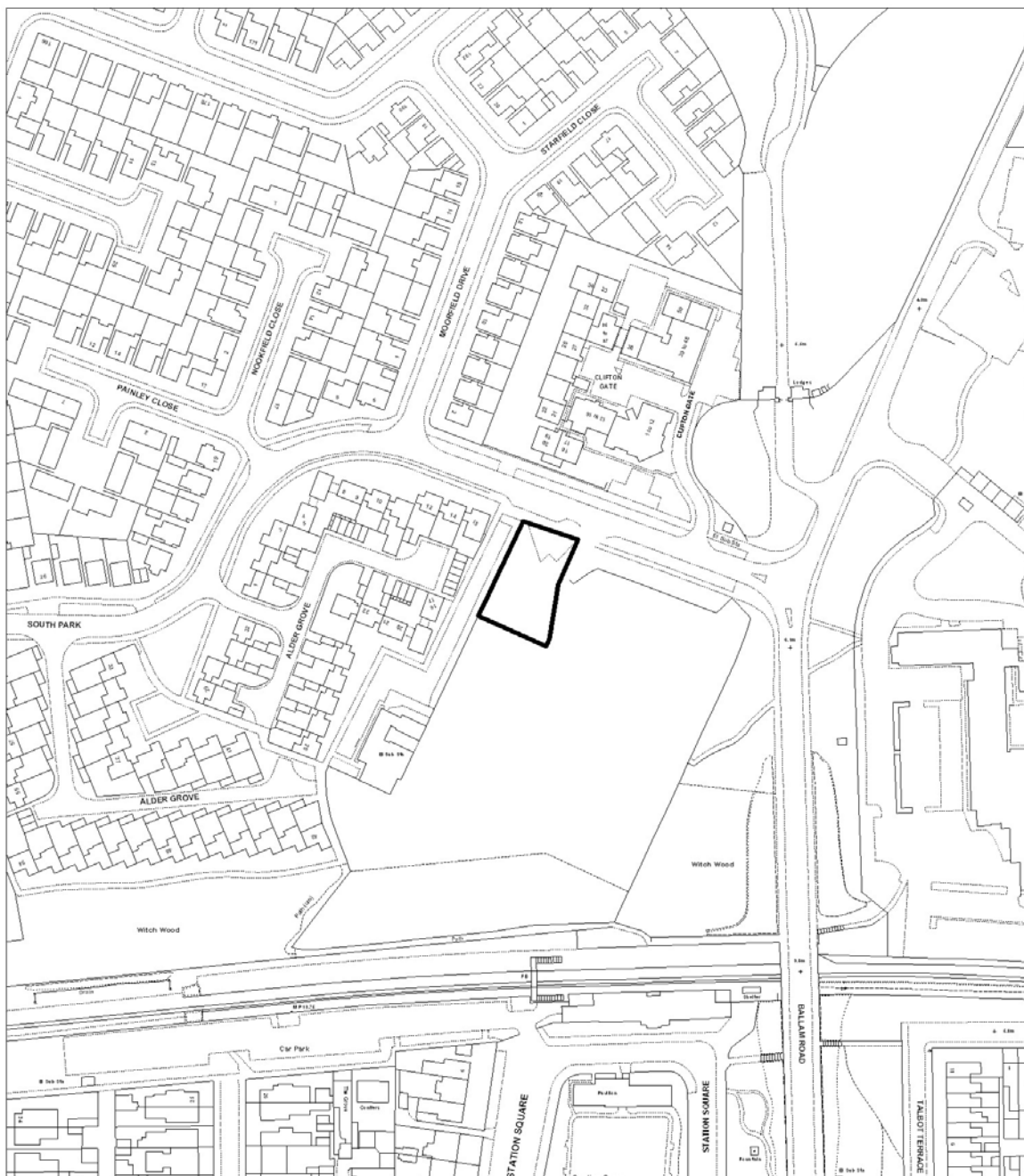
6. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, E, & F of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage on plot 26 hereby approved relevant to those classes shall be carried out without Planning Permission.

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 dwelling[s] and the surrounding area.

7. 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 on plot 28 hereby approved relevant to those classes shall be carried out without Planning Permission.

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 dwelling and the surrounding area.



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Application No. 5/13/0673	Address Hastings Point Development Site, Beechwood Close, Lytham St Annes	Grid Ref. E.3364 : N.4275	Scale 0 10 20 30 40 m

Item Number: 6 Committee Date: 22 January 2014

Application Reference: 13/0708		Type of Application:	Discharge of Planning Obligations
Applicant:	Kensington Developments Ltd	Agent :	
Location:	HASTINGS POINT DEVELOPMENT SITE, BEECHWOOD CLOSE, LYTHAM ST ANNES		
Proposal:	APPLICATION TO VARY AFFORDABLE HOUSING REQUIREMENT ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 11/0803		
Parish:	Clifton	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Andrew Stell
Reason for Delay:	Negotiations to resolve difficulties		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the variation of the s106 agreement that is associated with planning permission 11/0803 which relates to the development of 33 dwellings on the former Aegon Site in Lytham which is now known as Hastings Point. The applicant proposes that the affordable housing element of that planning obligation be discharged on the basis that they will provide land and funds that are to allow an affordable housing scheme to be delivered elsewhere in the borough and so meet the affordable housing obligations of the development by other means.

The specific alternative provision is the transfer of the former Kwik Save site in St Anne's and a sum of £300,000. It is considered that this site is suitable for residential development and is of a scale and location where a larger scheme of affordable apartments could be proposed and would be reasonably likely to secure planning permission, given that the council has supported a residential scheme on the site. Further it is considered that the funding proposed is sufficient to enable such a scheme to be delivered through work with the council and RSL Partnership.

As such the officer recommendation is that the proposed variation will allow a suitable affordable housing scheme to be delivered that will meet the affordable housing requirements of the Hastings Point development, and that of the former Kwik Save site itself. Accordingly the officer recommendation is that the authority to vary the agreement be confirmed by Committee.

Reason for Reporting to Committee

The application is associated with the alteration of the development to replace the on-site affordable housing element with an off-site provision. The affordable housing obligation was imposed by Committee at the time that the planning permission for the development of the site was considered, and so it is appropriate that a variation of that is also determined at Committee.

Site Description and Location

Hastings Point is the developers name for land at the junction of South Park and Ballam Road that previously housed part of the Aegon operation. Planning permission has been granted for the development of 33 residential properties and associated works. The construction of these is well advanced with many built and occupied.

The land uses around the application site itself are all residential with properties to the west on Alder Grove and on the opposite side of South Park as Clifton Gate. In the wider area are the Aegon development, the railway line and Lytham Station and the facilities in Lytham town centre.

Details of Proposal

This application is submitted under s106A of the Town and Country Planning Act 1990 which allows an applicant to seek the modification or discharge of a planning obligation. In this case the planning obligation is the s106 agreement associated with planning permission 11/0803 which was granted at the 9 May 2012 meeting of the Development Management Committee. This planning permission relates to the erection of 33 dwellings on the site with 23 of these being detached dwellings for market sale and the remaining 10 being affordable units provided in a two storey apartment block located in the north west corner of the site. At the time of drafting this report it is understood that 17 of the dwellings had been built and occupied, with work yet to commence on the affordable housing apartments. The s106 agreement requires that the affordable units are built and transferred to an RSL prior to the occupation of the 20th of the market properties.

This application proposes that the affordable housing obligations of Schedule 2 of the s106 are removed and replaced with an off-site contribution in lieu of the on-site provision. This is not specified in the application, but since the submission of the application correspondence has been received which proposes that Kensington Developments Ltd transfer the land at the former Kwik Save site on St David's Road South in St Anne's to the council (or its nominated RSL) free of charge and make a payment of £300,000 to the council. They would then be freed of the affordable housing element of the obligation and so able to develop the resultant part of the site for market dwellings.

A further application has been made under reference 13/0673 and seeks planning permission for the physical development of replacing the apartment block with a pair of detached houses. This is also to be considered on this agenda.

Relevant Planning History

Application No.	Development	Decision	Date
13/0673	PROPOSED ERECTION OF TWO DETACHED HOUSES IN LIEU OF BLOCK OF TEN APARTMENTS APPROVED AS PLOTS 25-34 INCLUSIVE UNDER PLANNING PERMISSION 11/0803		
12/0282	PROPOSED THREE YEAR EXTENSION TO TIME LIMIT TO IMPLEMENT PLANNING PERMISSION 05/0210 RELATING TO PROPOSED NEW OFFICES IN A SIX FLOOR BUILDING AND 180 NO. APARTMENTS (90	Withdrawn by Applicant	31/08/2012

EXTRA CARE AND 90 "STANDARD" APARTMENTS) IN A 5/6/7 STOREY BUILDING (RESIDENTIAL DEVELOPMENT AT 60% AFFORDABLE PROVISION).

10/0428	PROPOSED RESIDENTIAL DEVELOPMENT OF SITE FOR 73 DWELLINGS (29 MEWS HOUSES AT TWO OR THREE STOREY WITH SOME BASEMENTS, AND 44 APARTMENTS IN 2 X THREE STOREY BLOCKS AND A FOUR STOREY BLOCK WITH BASEMENT PARKING). ASSOCIATED ACCESS ROAD, GARAGING, BIN STORES AND WOODLAND FOOTPATH.	Withdrawn by Applicant	31/08/2012
11/0803	PROPOSED ERECTION OF 33 DWELLINGS (INCL. 10 AFFORDABLE) AND ASSOCIATED GARAGES, PARKING AND LANDSCAPING WORKS.	Approved with 106 Agreement	18/07/2012
09/0745	RESERVED MATTERS APPLICATION FOR LANDSCAPING OF THE SITE.	Granted	14/10/2010
09/0564	PROPOSED REDEVELOPMENT OF FORMER AEGON SITE FOR 57 DWELLINGS (35 x 3 STOREY TOWNHOUSES AND 22 APARTMENTS IN A 6 STOREY BLOCK)	Withdrawn by Applicant	01/09/2009
05/0210	PROPOSED NEW OFFICES IN A SIX FLOOR BUILDING AND 180 no. APARTMENTS (90 extra care and 90 "standard" apartments) IN A 5/6/7 STOREY BUILDING (Residential development at 60% affordable provision).	Refused	31/10/2005
04/0970	OUTLINE APPLICATION FOR NEW OFFICES AND 200 NO. SHELTERED APARTMENTS	Withdrawn by Applicant	21/01/2005
03/0231	FURTHER OUTLINE APPLICATION FOR 306 APARTMENTS TO PROVIDE AFFORDABLE HOUSING	Withdrawn by Applicant	30/09/2004
04/0698	FREESTANDING ADVERTISING SIGN BOARD	Refused	07/09/2004
03/0022	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 234 NO APARTMENTS PLUS WARDENS ACCOMMODATON	Migrated code	23/04/2003
02/0557	OUTLINE APPLICATION FOR RETAIL FOODSTORE (CLASS A1), CAR PARKING, ACCESS AND SERVICING FOLLOWING DEMOLITION OF EXISTING BUILDING	Withdrawn by Applicant	08/01/2003

Relevant Planning Appeals History

The residential use of this site was first established by a successful appeal against the council's refusal of application 05/0210 which was for a mixed residential / office development.

Parish Council Observations

N/A

Statutory Consultees

Strategic Housing Officer

They are aware of the proposal and have been in discussions with the local housing associations that form part of the Registered Social Landlords Partnership. They accept that the applicant's proposal will provide an appropriately located site for affordable housing delivery and the funds will assist with the delivery of a housing scheme to replace that approved for the Hastings Point site. As such they raise no objection to the loss of the affordable housing on the Hastings Point site, and support the alternative suggestion for meeting its affordable housing obligations.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 21 November 2013 by letter with site notice posted
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP1: Development in Settlement
HL2: Development Control Criteria for Housing Proposals

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Within Settlement boundary

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 Background

The planning permission for the development of this site is reference 11/0803 and provides for 10 of the 33 properties to be affordable units. This is to ensure compliance with the percentage requirements of the Interim Housing Policy which seeks to deliver 30% of the total dwellings in a development as affordable units.

The council's Strategic Housing Officer has confirmed in his consultation reply that there continues to be a need for affordable housing in Lytham. Were this development not to provide that 30% affordable housing provision then it would be in conflict with the Interim Housing Policy, and the requirements of para 50 of the NPPF which provides guidance on this matter.

Merits of Proposal

Whilst the application itself does not include any details on a revised method of delivering the affordable housing obligation for the site, this has since been clarified by correspondence from the applicant which refers to the transfer at no charge to the council of the former Kwik Save site at St David's Road South in St Anne's, and a sum of £300,000.

The Kwik Save site is the subject of planning application 11/0269 which proposes the erection of a three storey building providing 10 mews houses and 22 apartments. This application was considered at the 12 September 2012 meeting of the Development Management Committee where it was resolved that planning permission be granted subject to a s106 agreement being concluded. This has not been concluded and so the application remains undetermined. Whilst this site does not therefore have planning permission, the Committee resolution establishes the general acceptability of the residential use of the site. It would seemingly therefore be possible that a scheme of entirely affordable housing could be drawn up and would secure planning permission in this location, with the funding provided by this development being sufficient to enable it to be delivered by a member of the RSL Partnership.

The scale of the development that seems possible on the former Kwik Save site is likely to be in excess of the 10 dwellings lost from the Hastings Point site, and the affordable housing contribution that would be expected from a mixed residential development of that site. It is equally well located to the local areas of highest affordable housing need as the Hastings Point site. As such it is considered that the affordable housing scheme now proposed will be an appropriate amount and location of housing and so this proposal can be supported.

Physical Works

Should this application be supported, and so the affordable housing obligation on the site be met by alternate means, then the applicant has indicated that they would not wish to construct the apartments that were included within the original scheme. Instead they propose a pair of detached dwellings, with these submitted as a separate planning application. The planning merits of these dwellings are considered in the report on that application (13/0673) on this agenda.

Other Elements of Obligation

In addition to the affordable housing, the s106 agreement associated with the Hastings Point development obliges the payment of a sum of £130,000 towards the improvement of the public realm in the area, and the payment of £120,000 towards improvement in education facilities.

The public realm payment and education payments are due in two stages with the first received and the second not yet due. These elements are unaffected by this application as it relates to the affordable housing obligations only.

Conclusions

The application relates to the variation of the s106 agreement that is associated with planning permission 11/0803 which relates to the development of 33 dwellings on the former Aegon Site in Lytham which is now known as Hastings Point. The applicant proposes that the affordable housing element of that planning obligation be discharged on the basis that they will provide land and funds that are to allow an affordable housing scheme to be delivered elsewhere in the borough and so meet the affordable housing obligations of the development by other means.

The specific alternative provision is the transfer of the former Kwik Save site in St Anne's and a sum of £300,000. It is considered that this site is suitable for residential development and is of a scale and

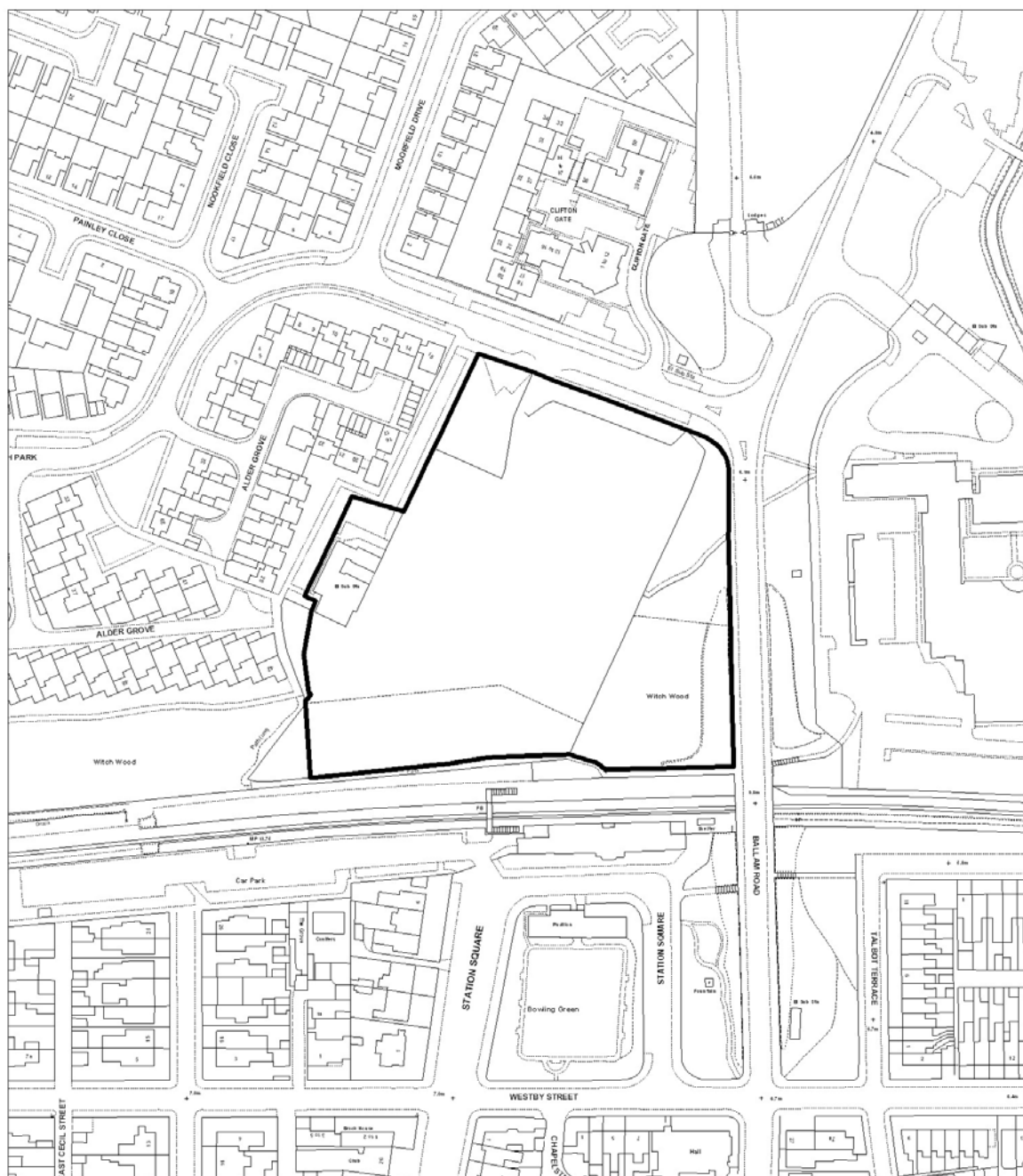
location where a larger scheme of affordable apartments could be proposed and would be reasonably likely to secure planning permission, given that the council has supported a residential scheme on the site. Further it is considered that the funding proposed is sufficient to enable such a scheme to be delivered through the RSL Partnership.

As such the officer recommendation is that the proposed variation will allow a suitable affordable housing scheme to be delivered that will meet the affordable housing requirements of the Hastings Point development, and that of the former Kwik Save site itself. Accordingly the officer recommendation is that the authority to vary the agreement be confirmed by Committee.

Recommendation

That the authority to modify the planning obligation applicable on this site be delegated to the Head of Planning & Regeneration on the basis that:

- The affordable housing obligation as contained in the Second Schedule of the s106 agreement associated with Planning permission 11/0803 be varied
- The affordable housing obligation from the development of the Hastings Point site as is under construction under planning permission 11/0803 be satisfied by a variation of the s106 agreement associated with that permission which secures:
 - the transfer at nil cost of the former Kwik Save site on St David's Road South in St Anne's to Fylde Borough Council or a Registered Social Landlord nominated by Fylde Borough Council (This land to be identified on a plan to be attached to the varied agreement), and
 - a financial payment of not less than £300,000 by the applicant to Fylde Borough Council
- the transfer of the land and payment of funds as described above shall be made prior to the commencement of development of any scheme for alternative development of the affordable housing units (such as that shown on planning application 13/0673), or other such timescale as agreed between the council and developer



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Application No. 5/13/0708	Address Hastings Point Development Site, Beechwood Close, Lytham St Annes	Grid Ref. E.3364 : N.4275	Scale 0 10 20 30 40 m

Item Number: 7 Committee Date: 22 January 2014

Application Reference: 13/0714		Type of Application:	Outline Planning Permission
Applicant:	Mr A Clegg	Agent :	Mr William Clegg
Location:	LAND ADJ. SHANKLIN HOUSE, KIRKHAM ROAD, FRECKLETON, PRESTON		
Proposal:	OUTLINE APPLICATION FOR ERECTION OF DETACHED DWELLING (ACCESS AND LAYOUT APPLIED FOR WITH OTHER MATTERS RESERVED)		
Parish:	Freckleton	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Amy Aspinall
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application is an outline proposal for the erection of a detached dwelling on an area of paddock land adjacent to a dwelling fronting Kirkham Road in Freckleton. The site is located in the green belt as designated by the Fylde Borough Local Plan, and as the proposal involves the erection of a dwelling that is not essentially required for agriculture or any other rural need then it constitutes inappropriate development.

The applicant has presented a series of arguments in an attempt to demonstrate that there are very special circumstances that would outweigh the need to avoid inappropriate development in the green belt, but officer advice is clear that these do not demonstrate those circumstances. Accordingly the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and policy SP3 of the Fylde Borough Local Plan (as altered 2005) and is recommended for refusal on that basis.

A second reason for refusal on highway grounds is listed as the visibility available does not achieve the required standards. This is a matter that has previously been resolved by a relocation of the access on the frontage, and it seems that this matter could be resolved if the green belt issue was overcome. However, with the principled objection to the application on green belt grounds, the access remains an outstanding issue worthy of inclusion as a reason for refusal.

Reason for Reporting to Committee

The application relates to the development of a site for a scheme that is similar to one which has previously been refused by Committee, and officers have given a commitment to the applicant that their re-submitted scheme would also be determined at Committee.

Site Description and Location

The application site is a rectangular area of land with a width of 18m and a depth of 55m. It fronts onto Kirkham Road and appears to be an unused paddock containing a number of dilapidated timber sheds. Neighbouring land uses are a two storey house to the west (Shanklin House), a paddock area separating the site from the nearest neighbouring residential property to the east (The Jevans), three bungalows to the north on the opposite side of the road and a further area of paddock to the rear. There is an existing access to the site off Kirkham Road. An electricity line runs over the site from a pylon situated on the land to the rear.

The site is located in the green belt which separates Kirkham from Freckleton.

Details of Proposal

The application seeks outline planning permission for 1 No dwelling including details of access and layout with other matters reserved.

The access is confirmed in the supporting documentation as being to use the existing field gate access to the site which is located centrally on the frontage with Kirkham Road.

The layout is indicated on the location plan as being for a rectangular dwelling with a width of 8.5m and depth of 11.5m set towards the eastern boundary of the site with this set back by 10m from the frontage of the site.

The application includes a comprehensive report prepared by the applicants in support. This explains the nature of the development proposed, the design of the access and the justification for the use of the existing access point without any improvements to the visibility that it enables, and a detailed discussion of the planning merits of the proposal to counter the fact that it is located in the green belt. With regard to the green belt the application lists the various other developments that exist in the area and argues that the proposal will amount to a limited infilling of the site that will not have an adverse impact on the openness of the green belt. The points raised are assessed later in this report.

Relevant Planning History

Application No.	Development	Decision	Date
10/0563	RE-SUBMISSION OF 09/0844 - PROPOSED ERECTION OF DETACHED THREE BEDROOM DWELLING WITH ASSOCIATED GARAGE, HARD STANDING AND LANDSCAPING.	Refused	29/10/2010
09/0844	ERECTION OF DETACHED THREE BEDROOM DWELLING WITH ASSOCIATED GARAGE, HARD STANDING AND LANDSCAPING.	Refused	15/02/2010
93/0106	O/L ONE DETACHED DWELLING	Refused	19/05/1993
89/1024	OUTLINE FOR ONE DWELLING HOUSE AND GARAGE	Refused	28/02/1990
75/0221	OUTLINE - RESIDENTIAL DEVELOPMENT	Refused	02/07/1975

Relevant Planning Appeals History

None to report.

Parish Council Observations

Freckleton Parish Council notified on 19 November 2013 and comment:

“The Parish Council supports the above application on the basis of infill within a village environment. The Parish Council understand that FBC and the planning committee may recommend refusal, but the Parish Council would like to give the applicants opportunity to go to appeal if this is refused.”

Statutory Consultees

BAE Systems

Raise no objection to the proposal.

Ministry of Defence - Safeguarding

Raise no safeguarding objections to the proposal.

Lancashire County Council - Highway Authority

They raise no highway objection to the principle of development but express concern over whether a safe means of access to the site can be provided.

They refer to the detailed information provided by the applicant in support of their proposal, with specific reference to the following elements:

- Footways – The application argues that the 1.3m wide footways provide good pedestrian links whereas LCC do not consider that width to be 'good' with DfT guidance referring to a 2m width as being ideal and 1.5m being minimum.
- Sightlines – They consider that the guidance in Manual for Streets should be used and comment that the site is subject to a 30mph speed limit but that speeds observed are slightly higher than this. LCC state that the setback distance should be 2.4m as required in built up situations rather than the 2m which the application proposes and is used in lightly trafficked and slow speed situations. He also suggests that the seeing distance should be 53m to comply with the minimum distance specified in Manual for Streets.
- Visibility – The applicant refers to the ability to see more distant vehicles approaching from the left which disappear for a short time as a consequence of a bend in the road before being visible again closer to the access. County Highways explain that this is true but that it does not take account of motorbikes which tend to ride closer to the kerb so are not visible for a longer time and reappear only when nearer the access. He highlights this as a further concern.
- Opinion – LCC are of the view that visibility splays of 2.4m x 53m are needed in both directions to provide a safe access, and as only 2m x 28.4m or 2.4m x 21.7m are actually achieved then the access as proposed is substandard. Accordingly he asks that the application be refused on this basis.
- Conditions – Should the council not agree with this recommendation and decide to grant planning permission he requests conditions be imposed to require on-site turning facilities and parking, that the footway across the site frontage and Shanklin House be widened to 2m, that the minimum visibility splays quoted are provided, and that the access is properly surfaced and constructed.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 19 November 2013

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
HL02	Development control criteria for new housing proposals

Other Relevant Policy:

NPPF: National Planning Policy Framework

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

Policy Background

The site is located in the green belt as designated in the Fylde Borough Local Plan.

Local Plan policy SP3 (Development in the Green Belt) states that within the Green Belt as defined on the proposals map, planning permission will not be given except in very special circumstances for the erection of buildings other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The policy also provides that forms of development other than those referred to in the policy will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it and do not injure the visual amenities of the Green Belt.

Whilst it is a dated document the Fylde Borough Local Plan remains the relevant development plan for the determination of planning applications. The NPPF explains that where dated policies are to be relied on they should have greatest weight when they are consistent with the guidance in the NPPF.

The NPPF provides detailed guidance on green belts in paras 79 – 92. These explain the purpose of green belts as being to prevent urban sprawl by keeping land permanently open, they define the types of development that are inappropriate in green belts, and clarify that inappropriate development in green belts should only be approved where very special circumstances are demonstrated.

Policy SP3 is consistent with this guidance and so it follows that great weight must be given to that policy in the determination of this application.

The NPPF also provides guidance on isolated homes in countryside locations at para 55 and states that these should be avoided unless there are special circumstances which are listed as being to

provide for an essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset, where the development would re-use redundant or disused buildings, or where the proposed dwelling has an exceptional design. The proposal does not satisfy any of the special circumstances laid out in paragraph 55.

Principle of Development

The erection of a residential dwelling as proposed in this application does not meet any of the exceptions laid out in paragraph 89 of the NPPF or Local Plan policy SP3, and so must be described as ‘inappropriate development’. The application is therefore contrary to this guidance and policy unless it is accepted that ‘very special circumstances’ apply which outweigh the harm that it would cause to the green belt.

The application is accompanied by a supporting statement which seeks to demonstrate that the proposal is an acceptable form of development in the Green Belt. The applicant’s case is put forward under 4 key areas which are summarised below:

The site is a suitable one for the development of a single dwelling

The application argues that the application site is one of two adjacent sites in a row of ten houses and bungalows situated within a settlement. It refers to these two sites as appropriate locations for infilling in Kirkham Road between Shanklin House and The Jevans, whilst arguing that any applications for other developments on sites elsewhere within the local Green Belt could easily be resisted as either not genuine infilling or being outside of a significant settlement. In the applicant’s view the approval of this application would in no way be considered as creating a precedent, except with regard to the adjacent site.

They also argue that the development does not extend the settlement towards Freckleton main village and in this respect represents genuine infilling eliminating an existing gap within a consistently developed frontage of ten dwellings. Further, the site has been occupied since the 1960s by 3 wooden cabins used for storage and DIY work and their replacement by a modern dwelling and garage would enhance the visual amenity of the site and local area.

The officer view is that this position is not correct. Firstly, the site is not in any settlement and is located 1.4km from the boundary of the settlement of Freckleton and 1km from Kirkham. Whilst there are other developments in this area of green belt there is no provision in Policy SP3 or the NPPF for such ‘infill’ development. Whilst the development of this site (and the one next to it) would be between existing dwellings, this is not a test for the acceptability of the erection of dwellings in the green belt. The test to be applied is simply whether the site is in the green belt, which it is. It is also true that there are other similar plots than the two quoted by the applicant which front Kirkham Road in the same green belt that this argument could apply to, with the site of application 11/0690 at 164 Kirkham Road being one as an example. The applicant’s argument that the development of the site is infilling that will not create a precedent for other sites is refuted.

Paragraph 89 of the NPPF allows ‘limited infilling in villages’ in the Green Belt.

The application argues that this phrase should provide support for their development as the site is located within a village, irrespective of its location outside of the identified settlement boundary of Freckleton or Kirkham. To support this position they argue that the development fronting this part of Kirkham Road, the Lower Lane estate, the Mede Estate, HMP Kirkham, the DVLA and the Kirkham Industrial Estate should be considered together as a village.

The officer view is simple on this point. The green belt boundary is drawn around the settlement boundaries of Kirkham and Freckleton with the intention of preventing urban sprawl and the joining of these settlement. It is a fact that some of the development referred to by the applicant’s

does exist in this green belt, although the Kirkham Industrial Estate and DVLA are outside of it, but this development is largely historic and was determined against the relevant policies at the time that it was approved. The relevant policy at the time of this application's determination designate the land as green belt that is outside of any defined village and so there is no support for the proposal from the guidance in para 89 of the NPPF.

Comparison between this site and the development at the south end of Kirkham Road

The application argues there is a similarity between the character of the area surrounding the application site, and the southern end of Kirkham Road which is within the defined settlement of Freckleton. They state that if this site were actually located in the area of Kirkham Town Council then it would be drawn within the settlement boundary of Kirkham, but because it is actually in Freckleton Parish it is excluded from consideration as part of Kirkham.

This raises two points. Firstly officers dispute that there is similarity in the character of this area with the part of the defined Freckleton settlement that is to the north of the bypass and extends northwards along Kirkham Road. That area is more densely developed and includes historic rows of terraced houses, the village school, has provided a number of shops and has a continuous urban built form. That is not the character of the area around the application site which is more sparsely developed, contains no 'village' services and is remote from the historic centre of the settlement with a significant distance and large areas of agricultural land separating it from both Freckleton and Kirkham. Secondly, it is these areas of separation that prevent any realistic extension of the Kirkham settlement boundary to include the area rather than its location within a different administrative parish.

Recent Developments in the area have eroded the value of the green belt

Reference is made to 'Woody's Warehouse' which trades from a site on the opposite side of Kirkham Road around 50m to the west of the application site. The applicants refer to this being 'created from a green field by a series of planning consents of the past 15 years'. They request that their application be assessed with the same degree of discretion.

In fact Woody's Warehouse was not granted planning permission, but successfully sought a Certificate of Lawful Established Use under reference 07/0463. That demonstrated beyond reasonable doubt that the site had operated as a builders yard for the 10 years preceding that application and so the council had no option other than to issue the Certificate which relates to the retail and wholesale of agricultural supplies and building products. There has since been an extension to the front of the site for additional display space behind a landscaped buffer to the road frontage, but this was to support a business that was then lawfully established and so assessed against the policies that apply to such applications.

Summary to Principle of Development

The borough has an ongoing need to provide housing that will enable it to meet its housing supply targets, and to achieve this will need to support sustainable development proposals. This site is located remotely from any settlement, and is on land that is designated as green belt, and so the officer view is that it is not a sustainable location for new residential development.

Whilst the application contains detailed arguments as to why it should be considered acceptable despite the allocation as green belt in the local plan none of these are considered to represent the 'very special circumstances' that would outweigh the policy objection to inappropriate development in the green belt.

The need to preserve the open character of green belt areas is an important part of the NPPF that must be read alongside its guidance on housing supply. The housing supply requirement does not

outweigh green belt protection, particularly where that relates to a single dwelling in a location that is not well located to any existing settlement. As such the application is recommended for refusal as being contrary to Policy SP3 of the Fylde Local Plan and the NPPF guidance in paras 87 – 89 with which that Policy is consistent.

This is the third application for a residential dwelling on the plot which was been received in recent years, with the others all refused on grounds of the site being located in the green belt. That has not changed with this proposal and the application should again be refused on the basis that it represents inappropriate development in the green belt.

Access

The site has an existing access to Kirkham Road which has a 40mph speed limit at that point (not the 30mph stated by County Highways), albeit an access that is clearly only used occasionally. The existing access is located centrally on the site and its use was considered to justify a reason for refusing a previous application as the highway authority were concerned that the position of a bus shelter prevented adequate visibility being achieved to the right on exit.

The current application explains in some detail why the applicant's believe that the use of this existing access point by a single residential property will not cause any detriment to highway safety. The application indicates that visibility of 2m x 99m can be achieved to the left on exit and 2m x 29.5m to the right, with this latter direction restricted by a brick bus shelter at the back of the 1.3m wide pavement.

In their comments on the application County Highways have made a detailed examination of the access arrangements at the site, the speed limit and speed of passing traffic, the geometry of the access and footway at the site, and the submitted information in support of the application. Their comments are that the principle of providing an access for an additional dwelling is acceptable, but that the proposed access location has restricted visibility as a consequence of the obstructions provided by a bus shelter, the width of the footway and the geometry of the road. They state that the visibility splays that are achieved at the site are sub-standard and recommend that the application be refused.

These comments are consistent with those made by previous highways officers when looking at the recent applications on the site that proposed an access in this location, although the most recent application indicated the access in a revised location which satisfied the highway authority. The applicants have presented a detailed argument in support of the use of the existing access, and the highway officer has made an equally detailed assessment of its merits. Your officers find it difficult to argue with the points raised by County Highways and the application is also recommended for refusal on the basis that the access is likely to be detrimental to highway safety as a consequence of the restricted visibility it presents. As such it is contrary to criteria 9 of Policy HL2 of the Fylde Borough Local Plan which requires that new development does not have an adverse impact on the safe operation of the highway network, and to the guidance in para 32 of the NPPF which requires that a site has a safe access.

In discussions with the applicant prior to the submission of the application they were keen to resolve the access issue so that any refusal of the application was based on green belt policy failings only which they would then seek to argue at appeal. Unfortunately for them that has not been possible, but they would have the opportunity of presenting further information to an appeal in an attempt to address highway concerns or to support their existing position, and it would be appropriate for officers to work with them on that irrespective of the green belt objection to the application. This was resolved in an earlier application and so is likely to be resolvable in this one.

Other Matters

The plot is of a sufficient size to accommodate a dwelling, and the layout proposed will position it in a suitable location in the 'building line' of other properties with sufficient space to provide

parking/turning for vehicles, a private garden to the rear, etc.

It is not considered that there are any other matters relevant to the determination of this application.

Conclusions

The application is an outline proposal for the erection of a detached dwelling on an area of paddock land adjacent to a dwelling fronting Kirkham Road in Freckleton. The site is located in the green belt as designated by the Fylde Borough Local Plan, and as the proposal involves the erection of a dwelling that is not essentially required for agriculture or any other rural need then it constitutes inappropriate development.

The applicant has presented a series of arguments in an attempt to demonstrate that there are very special circumstances that would outweigh the need to avoid inappropriate development in the green belt, but officer advice is clear that these do not demonstrate those circumstances. Accordingly the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and policy SP3 of the Fylde Borough Local Plan (as altered 2005) and is recommended for refusal on that basis.

A second reason for refusal on highway grounds is listed as the visibility available does not achieve the required standards. This is a matter that has previously been resolved by a relocation of the access on the frontage, and it seems that there is a likelihood that this matter could be resolved if the green belt issue was overcome. However, with the principled objection to the application on green belt grounds, the access remains an outstanding issue worthy of inclusion as a reason for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. That the residential development proposed represents inappropriate development in the green belt. In the absence of any very special circumstances being demonstrated to justify this inappropriate development, it will have an unacceptable impact on the open character of the green belt and so is in conflict with Policy SP3 of the Fylde Borough Local Plan and guidance in paras 87, 88 & 89 of the NPPF with which that development plan policy is consistent.
2. That the proposed access point to the classified Kirkham Road fails to provide adequate visibility splays in either direction on land that is indicated as being either within the applicant's control or within the adopted highway. As such there is an unacceptable risk that the proposed use of this access will increase the risk of accidents and adversely affect road safety and so the application conflicts with criteria 9 of Policy HL2 of the Fylde Borough Local Plan and para 32 of NPPF with which it is consistent.

Item Number: 8 Committee Date: 22 January 2014

Application Reference: 13/0739		Type of Application: Full Planning Permission	
Applicant:	Mrs HARGREAVES	Agent :	ntjdesign
Location:	21 LAWSON ROAD, LYTHAM ST ANNES, FY8 3BW		
Proposal:	PROPOSED ERECTION OF SINGLE STOREY BUILDING TO REAR TO PROVIDE RESIDENTIAL ANNEX		
Parish:	St Anne's on the Sea	Area Team:	Area Team 2
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the conversion and extension of an existing single storey outhouse at this residential property for it to provide a 'granny annex' to be occupied as an extension of the residential occupation at the property.

The scale, design and location of the proposal are such that it will not cause any detriment to the character of the area or neighbours. The proposed use is one that is acceptable providing the occupation is linked to the host dwelling, with a condition appropriate to enforce that. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

The application is on the agenda as St. Anne's on The Sea Town Council have objected to the application and under the Council's scheme of delegation the application is to be presented to the Development Management Committee for determination.

Site Description and Location

The application site is 21 Lawson Road, Lytham St. Anne's. The property is a two storey semi-detached dwelling within a streetscape of properties of a similar size and design and backs onto a residential care home.

The site is within the main settlement of Lytham St. Anne's as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for a detached, flat roofed building within the rear garden area, to provide accommodation as a 'granny annexe'.

The annexe will contain a lounge, bedroom and bathroom facilities and a store. The store and bathroom are formed from the conversion of the existing outhouse. The lounge and bedroom is to be provided in an extension to the existing building measuring 8.4 metres in length (overall length 11.9 metres) by 4 metres in width, with an overall roof height of 2.5 metres.

The extended section of the building is set off from the boundary to the neighbours at no. 19 Lawson Road by 0.25 metres and from the rear boundary by 0.5 metres.

The building is to be constructed in a render finish with UPVC window and door frames.

Relevant Planning History

No history to report.

Relevant Planning Appeals History

None.

Parish Council Observations

St Anne's on the Sea Town Council notified on 05 December 2013 and object stating: "*Creating an unacceptable precedent of overcrowding and over-intensive use of a residential development*".

Statutory Consultees

n/a

Observations of Other Interested Parties

n/a

Neighbour Observations

Neighbours notified: 05 December 2013

No. Of Responses Received: 1 letter received (from no. 19 Lawson Road)

Nature of comments made:

They state that they are happy with what is proposed but express concern over the implications of the building work to their attached outhouse which they regularly use.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
JHE	Joint House Extensions SPD

Site Constraints

Within settlement boundary

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 for consideration in the determination of this application are the criteria of Policies SP1 and HL5 of the Fylde Borough Local Plan, as altered (October 2005) and the guidance provided in the Joint House Extensions Supplementary Planning Document together with the aims of the National Planning Policy Framework.

Principle of development

Policy SP1 of the local plan directs development to the settlement areas. This site is within one of the main settlements in the borough and therefore the principle of the development is acceptable.

Visual impact

In considering the development with regard to the requirements of Policy HL5, criterion 1 refers to visual impact.

This application proposes an extension to a detached building within the rear garden area of a semi-detached property. The building to be extended is attached to a similar building on the neighbour's property at no. 19 Lawson Road.

The extension is to the same height as the existing buildings and when viewed from the street will not be visible. Given its location within the garden area of this property and the limited views available, it is considered that the building will not result in a detriment to general visual amenity.

Neighbour amenity

The application proposes an extension to an existing outbuilding and its conversion to provide facilities for use as a 'granny annexe'.

The building is in close proximity to the boundary with the neighbours at no. 19 and extends along this boundary for the full length with the exception of 0.5 metre at the rear.

Notwithstanding the above, the location of the building and the sun's path is such that the neighbours would not suffer any loss of sunlight. Again given the position, height of the building and the distance to the dwelling at no. 19 the proposed building would not result in any loss of daylight for these neighbours. No windows are to be inserted on the boundary with no. 19 and therefore the proposal will not result in loss of privacy for the occupiers of no. 19. These neighbours have also written to say they are "*happy with what's being proposed*" in terms of the overall development.

To the rear of the site is 'Stanner Lodge' a home for the elderly. There is a distance of 11.5 metres between the proposed development and the rear of this building and this is considered acceptable to prevent any loss of amenity for the occupiers of this property.

The adjoining neighbours, to the application property are those at no. 23 Lawson Road, the boundary with these neighbours is situated 5 metres from the proposed building. The position of the building within the applicant's garden is sufficiently distant from no. 23 so as not to result in a loss of light for the neighbours.

The design of the proposed building includes windows and full height glazed doors that front the neighbour's boundary however, there is a 1.7 metre high fence between properties which together with the oblique angle of the building will prevent any loss of privacy for the occupiers of no. 23.

Garden area

The applicants have an average sized rear garden and the proposed building will occupy approximately half of this area. The remainder and the front garden to the property provide some

amenity space sufficient to serve the reasonable needs of the occupiers of the dwelling.

Parking and access

This application raises no issues in respect of parking and access all remain as existing.

Other issues

The Town Council have objected to the application on the grounds of 'over-intensive use'. The application is proposed to provide additional accommodation for use in association with the existing dwelling and is to share the existing facilities with no sub-division of garden areas. The development does not result in any harm to the visual or neighbour amenity as demonstrated above and is therefore considered to comply with Policy HL5 and Paragraph 17 of the NPPF.

The neighbours have commented that they are concerned in respect the potential for damage to their property during building works. This is a private matter between neighbours and is not a material planning consideration.

Conclusions

The plans are considered to be of an appropriate scale and design and will not result in any detriment to the visual amenity or amenity of the occupiers of the adjacent neighbours and accordingly complies with the criteria of Policy HL5 of the Fylde Borough Local Plan as altered (October 2005) and Paragraph 215 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF. In this instance it is considered that significant weight should be afforded to Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005) as this is consistent with the aims of Paragraph 17 of the NPPF which seeks to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

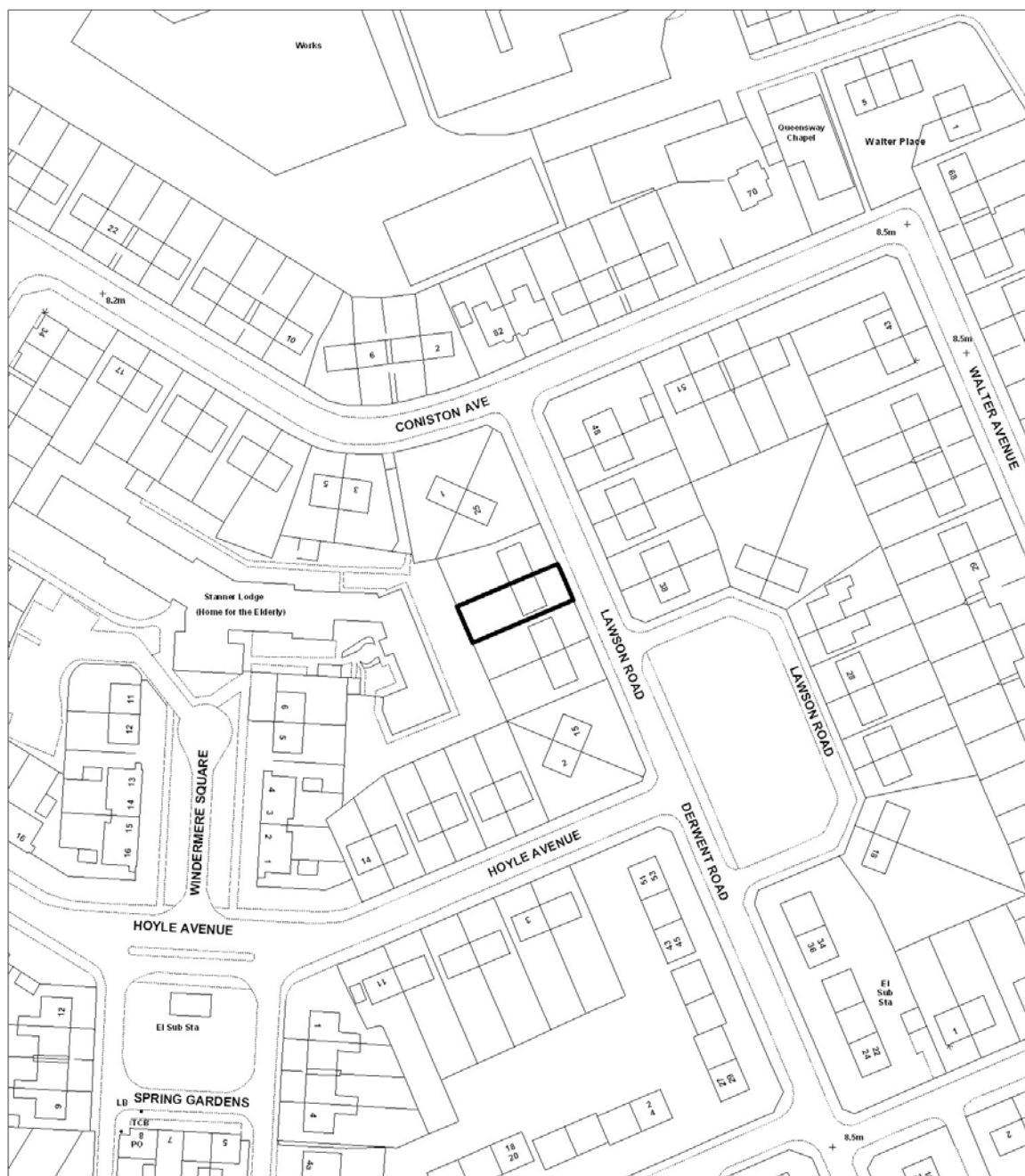
2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. The proposed development shall only be occupied as part of an extended family unit at the application property and shall not be sold off or sublet as a separate unit of accommodation.

The sub-division of an existing residential curtilage could be injurious to the amenities of

adjacent residential property owners, while there may be additional development implications which require further consideration by the Local Planning Authority.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0739	Address 21 Lawson Road, Lytham St Annes	Grid Ref. E.3330 : N.4305	Scale 0 6 12 18 24 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 04/12/2013 and 08/01/2014. Copies of the decision letters are attached.

Rec No: 1			
26 September 2013	13/0262	THE REFUGE, RUSKIN ROAD, FRECKLETON, PRESTON, PR4 1DR OUTLINE APPLICATION FOR SUB-DIVISION OF EXISTING HOUSE (THE REFUGE) INTO 3 DWELLINGS, AND ERECTION OF 11 DWELLINGS TO REAR WITH ASSOCIATED GARAGING, PARKING AND LANDSCAPING. (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED.)	Written Representations
Appeal Decision: Allowed: 05 December 2013			

Appeal Decision

Site visit made on 24 November 2013

by Jim Metcalf BSc DipTP MRTPI

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

Decision date: 5 December 2013

Appeal Ref: APP/M2325/A/13/2205320

Land off Ruskin Road, Freckleton, Preston, PR4 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr D Kirby against the decision of Fylde Council.
 - The application Ref 13/0262, dated 24 April 2013, was approved on 31 July 2013 and planning permission was granted subject to conditions.
 - The development permitted is the sub-division of existing house (The Refuge) into 3 dwellings, and erection of 11 dwellings to rear with associated garaging, parking, and landscaping (access and layout applied for with all other matters reserved).
 - The condition in dispute is No 4 which states:
‘That the dwellings hereby approved shall be limited in scale to no more than two storeys, with the dwellings on plots 12, 13 & 14 limited to no more than a single storey’.
 - The reason given for the condition is:
‘To ensure that the development has an appropriate relationship with neighbouring properties and provides an acceptable standard of development’.
-

Application for Costs

1. An application for costs was made by Mr D Kirby against Fylde Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and the planning permission Ref 13/0262 for the sub-division of existing house (The Refuge) into 3 dwellings, and erection of 11 dwellings to rear with associated garaging, parking, and landscaping (access and layout applied for with all other matters reserved) at Land off Ruskin Road, Freckleton, Preston, PR4 1DR granted on 24 April 2013 by Fylde Council is varied by deleting condition 4 and substituting the following condition:
 - The dwellings hereby approved shall be limited in scale to no more than two storeys.

Main Issue

3. The main issue is the effect, if the dwellings to be erected are not limited in height, on the character and appearance of the local street scene.
-

Reasons

4. The Refuge is a large, detached house that is linked to the adjoining nursery/flower shop. As part of an approved scheme the nursery part of the site would be redeveloped with 11 new dwellings. The outline application showed that access would be taken from Ruskin Road, with the street extended into the site to form a cul-de-sac. The approved layout also showed that four pairs of semi-detached properties and one short row of three properties would be laid out around the cul-de-sac. The row of three properties, plots 12, 13 and 14, would sit at right angles to the street behind the houses on Lytham Road.
5. Generally the surrounding area comprises two storey dwellings, although there are also some bungalows. The application was in 'outline', with the scale and appearance of the dwellings to be considered in the future, and the Design and Access Statement referred to a 'minimum' of two storey high development. The site is closely surrounded by other properties and buildings above two storeys high would detract from the character and appearance of the neighbourhood and unduly impose on the surrounding property. A condition to control this is therefore necessary and compliant with the advice in Circular 11/95 'The Use of Conditions in Planning Permissions', which explains that where a certain aspect is crucial to the decision relevant conditions should be imposed when outline permission is granted.
6. The two blocks of dwellings on plots 10/11 and 12/13/14 would sit at right angles to the street with a gable wall relatively close to the carriageway. In this position the building on plot 12 would stand in front of the gable wall of No 93 Lytham Road and be readily visible from that road and from Ruskin Road on entering the development. The three pairs of semi-detached property opposite (plots 4-9) would generally follow the building line on that side of Ruskin Road.
7. The local area is not characterised by a formal or rigid disposition of properties and the slight bend in the access road would lead round the gable wall on plot 12 to a relatively enclosed parking courtyard behind. There is no evidence to suggest that the distances between the proposed dwellings and each other and the surrounding property does not meet the Council's standards.
8. In this context I do not consider that a two storey house on plots 12, 13 and 14 would significantly detract from the character and appearance of the local street scene, or conflict with Policy HL2 of the Fylde Borough Local Plan. Consequently limiting the properties on plots 12/13/14 to no more than a single storey is not needed or justified, in the terms set down in Circular 11/95 'The Use of Conditions in Planning Permissions'.
9. For the reasons set out above however, a condition that limits the height of the new dwellings to a maximum of two storeys is needed and I have therefore substituted condition no 4 with a new one to that effect.

Jim Metcalf

INSPECTOR

Costs Decision

Site visit made on 24 November 2013

by Jim Metcalf BSc DipTP MRTPI

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

Decision date: 5 December 2013

Costs application in relation to Appeal Ref: APP/M2325/A/13/2205320 Land off Ruskin Road, Freckleton, Preston, PR4 1DR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr D Kirby for a full award of costs against Fylde Council.
 - The appeal was made against the grant of planning permission subject to conditions for the sub-division of existing house (The Refuge) into 3 dwellings, and erection of 11 dwellings to rear with associated garaging, parking, and landscaping (access and layout applied for with all other matters reserved).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. Policy HL2 of the Fylde Local Plan (LP) explains that planning applications for housing will only be permitted where the development would be in keeping with the character of the locality in terms, amongst other things, of scale, space around buildings and would not adversely affect the amenity and privacy of neighbours. This approach led the Council to impose a condition on planning application Ref 13/0262 (condition no 4) that limited the approved dwellings to no more than two storeys, with the dwellings on plots 12, 13 & 14 limited to no more than a single storey.
 4. Circular 11/95 'The Use of Conditions in Planning Permissions' explains that where certain aspects of a development are crucial it is in order to consider imposing relevant conditions when outline permission is granted. This was the approach adopted by the Council and I regard it as appropriate. The Design and Access Statement submitted with the application stated that the dwellings would be a minimum of two storeys in height. To clarify this matter by the imposition of a condition, designed to guide the scale of development when details are submitted, was necessary and justified to ensure compliance with LP Policy HL2.
-

5. I reached a different conclusion from the Council with regard to the dwellings on plots 12, 13 & 14, finding that limiting the dwellings on these plots to no more than a single storey was not needed or justified. However, this was a question of judgement and the view that the Council took, in imposing condition no 4, was legitimate being grounded in LP Policies and the guidance in Circular 11/95. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Jim Metcalf

INSPECTOR