

# Planning Committee Agenda

## Wednesday 17 April 2024

<b>Item</b>	<b>Appn No.</b>	<b>Location and Description</b>	<b>Officer Rec.</b>	<b>Page No.</b>
1	22/0312	LAND AND BUILDINGS ON THE NORTH SIDE OF DOCK ROAD, LYTHAM ST ANNES	Grant	5
		ERECTION OF BUILDING FOR THE ASSEMBLY AND TESTING OF AIR SOURCE HEAT PUMPS (USE CLASS B2) INCLUDING FORMATION OF ASSOCIATED PARKING AREA - PART RETROSPECTIVE APPLICATION		
2	22/0461	LAND NORTH OF CROPPER ROAD, WESTBY WITH PLUMPTONS, LANCASHIRE	Delegate to Officers to approve	40
		FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING: 1) DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES 2) CONSTRUCTION OF 350 NO. DWELLINGS, 3) LANDSCAPING, 4) PARTIAL CLOSURE AND REALIGNMENT OF CROPPER ROAD, 5) NEW ACCESSES FROM CROPPER ROAD TO INCLUDE A LINK TO CROPPER CLOSE AND LEA GREEN DRIVE		
3	22/0616	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM	Grant	74
		ERECTION OF EMPLOYMENT BUILDING PROVIDING A MIXTURE OF MANUFACTURING/ASSEMBLY (CLASS B2) AND STORAGE / DISTRIBUTION (CLASS B8), AND ANCILLARY OFFICES / SHOWROOM AREA, INCLUDING CAR PARKING AND LANDSCAPING AREAS		
4	23/0467	64 LYTHAM ROAD, FRECKLETON, LANCASHIRE, PR4 1XA	Grant	137
		RESUBMISSION OF 22/0537 for EXTENSION AND ALTERATION OF THE BUILDING: 1) FIRST FLOOR EXTENSION TO FORM SELF CONTAINED OFFICE SPACE, 2) ALTERATION OF EXISTING FIRST FLOOR OF BUILDING INCLUDING REPLACEMENT OF SIDE GABLE WITH DUAL PITCH ROOF, WINDOW AND DOOR INSERTION AT GROUND AND FIRST FLOORS TO SIDE AND REAR ELEVATIONS, 3) RELOCATION OF EXTERNAL PLANT AND EQUIPMENT TO GROUND FLOOR OF REAR ELEVATION		
5	23/0812	189 ST ANDREWS ROAD SOUTH, LYTHAM ST ANNES LANCASHIRE, FY8 1YB	Grant	150

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

		CHANGE OF USE OF DWELLINGHOUSE (USE CLASS C3) TO A RESIDENTIAL CHILDREN’S CARE HOME FOR THREE YOUNG PEOPLE (UNDER 18 YEARS OF AGE) WITH NON-RESIDENT CARERS INCLUDING CONVERSION OF ATTACHED GARAGE TO A HABITABLE ROOM, ADDITION OF PITCHED ROOF ABOVE CONVERTED GARAGE TO SIDE ELEVATION AND ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION		
6	23/0864	ROYAL LYTHAM AND ST ANNES GOLF CLUB, LINKS GATE LYTHAM ST ANNES, LANCASHIRE, FY8 3LQ	Approve subject to s106	165
		REMODELLING WORKS TO THE GOLF COURSE ASSOCIATED WITH HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, CONSISTING OF THE ADDITION OF A NEW PRACTICE GROUND AND PRACTICE TEE; BUILDING OF A NEW TEE ON THE 14TH HOLE; ALTERATIONS TO REROUTE THE 11TH FAIRWAY; WORKS TO IMPROVE THE ROAD SYSTEM TO PROVIDE ACCESS AROUND THE COURSE FOR ROUTINE MAINTENANCE AND FOR HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, ASSOCIATED PROVISION / ALTERATION IRRIGATION SYSTEMS, DRAINAGE TO BUNKER BASES AND ADDITIONAL MINOR LANDSCAPING WORKS		

### Background Papers

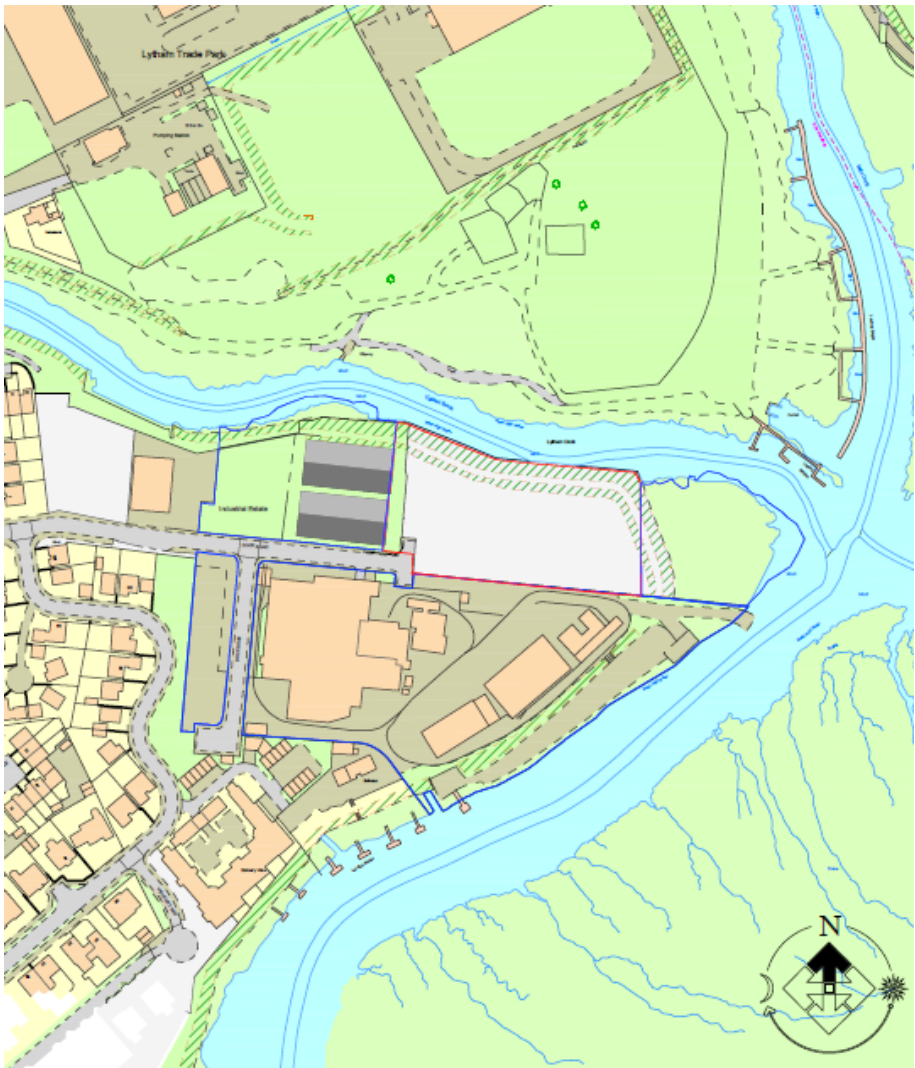
The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

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

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

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Item 1

<b>Application No:</b>	22/0312	<b>Case Officer:</b>	Matthew Taylor Area Team 1
<b>Applicant:</b>	HELICAL TECHNOLOGY LIMITED	<b>Agent:</b>	MR MARTIN SMITH
<b>Location:</b>	LAND AND BUILDINGS ON THE NORTH SIDE OF DOCK ROAD LYTHAM ST ANNES LANCASHIRE		
<b>Proposal:</b>	ERECTION OF BUILDING FOR THE ASSEMBLY AND TESTING OF AIR SOURCE HEAT PUMPS (USE CLASS B2) INCLUDING FORMATION OF ASSOCIATED PARKING AREA - PART RETROSPECTIVE APPLICATION		
<b>Ward:</b>	Lytham East	<b>Parish:</b>	
<b>Date Received:</b>	22 July 2022	<b>Earliest Decision:</b>	25 April 2023
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Summary of Officer Assessment

The application relates to a broadly rectangular parcel of land extending to *circa* 0.65 hectares on the north side of Dock Road, Lytham. The land falls to the northeast of the wider site of 'Helical Technologies' which occupies a collection of industrial buildings at the eastern end of Dock Road. The site is located within the settlement boundary of Lytham and is allocated for employment uses (site reference 'ES2') on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The application seeks retrospective permission for the erection of an industrial building used for the assembly and testing of air source heat pumps – a class B2 (general industrial) use – together with the formation of an associated vehicle parking and servicing area to the south and west of the building. The building is used by 'Global Energy Systems' and forms an expansion to their office and research and development premises located to the southeast within the wider confines of the industrial yard.

The development's use is one which is, in principle, appropriate within allocated employment site ES2 as defined in policy EC1 of the Local Plan. The site is located amongst other general industrial uses at Helical Technologies and its use is compatible with those surrounding premises. Whilst taller in height than other neighbouring industrial units, the building is seen amongst other industrial development and against the backdrop of two lower-level industrial units to the west which are of a similar design. It is also located further away from surrounding public vantage points to the northeast corner of the yard on a part of the site which is bordered by other industrial development. Accordingly, whilst utilitarian in its appearance, the building's scale, layout, materials and design are compatible with its industrial context and setting, and the site's allocation in the Local Plan.

The application building is located *circa* 145m away from the closest neighbouring dwelling (no. 100 Victory Boulevard) and, by reason of its spatial relationship with surrounding residential properties and the presence of other intervening buildings and landscaping between them, its scale, massing and design has no harmful effects on the amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. A noise assessment submitted with the application demonstrates that during its proposed daytime operational hours, the sound rating level from noise sources associated with the development will not exceed the existing measured background noise level at the closest noise sensitive receptor and, in turn, will not have any adverse effects on the occupiers of nearby dwellings. Accordingly, subject to the imposition of appropriate conditions to control the nature of the use and its operating hours, the development will not harm the amenity and living conditions of surrounding occupiers through added noise and disturbance.

The development would achieve a safe and suitable means of access to site for all users, would not have an unacceptable impact on highway safety and would not result in a severe residual cumulative impact on network capacity. The provision of an appropriate level of car and cycle parking can also be secured through the imposition of conditions. In turn, it will not have a detrimental impact on the safe and efficient operation of the surrounding highway network.

A habitat regulations assessment has been undertaken which establishes, in agreement with Natural England, that the development's effects on designated nature conservation sites can be suitably mitigated through the imposition of conditions to ensure that it will not have any adverse effects on the integrity of these sites. No other harmful ecological effects would arise from the development which would significantly and demonstrably outweigh its benefits in the planning balance.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The site falls within flood zones 2 and 3 but comprises a “less vulnerable” development on land which has been allocated for employment uses of the type proposed through the sequential test at the plan-making stage. Appropriate measures would be put in place for the disposal of surface water to ensure that the development itself is not at an unacceptable risk of flooding and does not result in an increased risk of flooding elsewhere.

For the reasons set out above, no adverse effects would arise from the development that significantly and demonstrably outweigh the scheme’s benefits in the planning balance. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

### **Reason for Decision Level**

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

### **Site Description and Location**

The application relates to a broadly rectangular parcel of land extending to *circa* 0.65 hectares on the north side of Dock Road, Lytham. The land falls to the northeast of the wider site of ‘Helical Technologies’ which occupies a collection of industrial buildings at the eastern end of Dock Road. The site is located within the settlement boundary of Lytham and is allocated for employment uses (site reference ‘ES2’) on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. It also falls within flood zones 2 and 3 on the Flood Map for Planning.

Prior to the erection of the application building, the land previously comprised a concrete hardstanding arising from its historical use as a shipbuilding yard. The watercourse of Liggard Brook (a designated ‘Main River’) flows in an easterly direction into the Ribble Estuary through a valley flanking the northern boundary of the site. Land between the watercourse and a flood bund which marks the northern site boundary comprises a steep embankment populated by scattered vegetation. A Public Right of Way (PRoW) – Footpath ‘5-2-FP 6’ – is located on the opposing bank to the north side of the watercourse and turns through a woodland away from the site in a northeasterly direction to join the A584. Land to the east of the site comprises an area of scrubland within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site, which provides a buffer with the Ribble and Alt Estuary Ramsar/SPA/SSSI further to the east. This land is designated as “semi-natural greenspace” on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The western boundary of the site is bordered by two general industrial units of matching scale and design granted pursuant to planning permissions 16/1008 and 18/0280 (as subsequently varied by permissions 21/0557, 21/0573, 21/1103 and 21/1104) which are in use as a press shop (within the southern building) and a general workshop (with the northern building) following a change of use granted by planning permission 19/0450. The application building is separated from these two units by a hardstanding service yard measuring *circa* 33m in width. Access to the site is gained via a gated entrance at the far eastern end of Dock Road. A separate planning permission (reference 22/0262) for stopping up the eastern end of Dock Road where it enters the Helical site via the installation of a gate across the highway has been granted, but not yet implemented.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Surrounding uses outside the Helical site include a mix of commercial and residential properties. A two storey veterinary building ('Vet Plus') is located on the north side of Dock Road to the west of a car park which intervenes between the vets and the two single storey industrial units adjacent to the application site. The land to the west of the vets is presently being developed for a series of small-scale light industrial units pursuant to planning permissions 20/0573 and 22/0338. Dwellings on Victory Boulevard have a combination of side and front facing aspects towards the Helical site. Other residential properties are located further to the west on Santa Cruz Avenue and within a split-level apartment block (Estuary View) to the southwest.

### Proposal

The application seeks full planning permission for the erection of an additional general industrial building used for the assembly and testing of air source heat pumps – a use falling within class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The building occupies a rectangular footprint to the northeast of the site measuring 65m in length and 20m in depth (a total floorspace of 1,300 sqm). It reaches 10m to the eaves and 12.7m to the ridge with a shallow, dual-pitched roof following a latitudinal ridgeline which presents facing gables to the front (west) and rear (east) elevations. Externally, the roof of the building is clad in white 'Thermo PVC' and its walls in light grey composite UPVC. Galvanised roller shutter doors are located to the front and rear elevations, with five separate personnel doors located to the front (1), south side (3) and rear (1) elevations.

The building is used by 'Global Energy Systems' and forms an expansion to their office and research and development premises located on the opposite side of the service yard to the southeast. Specifically, the main floorspace to the western part of the building (*circa* 1,000 sqm) is used for the assembly of Global's air source heat pumps following the delivery of individual components to the site. These components are stored in tall racks on each side of the building, and within a mezzanine to the northeast corner, with assembly taking place within the central floorspace. A welfare block and office are located to the southwest and southeast corners of the building and a testing facility is below the mezzanine in the northeast corner. These features are contained within their own separate enclosures. The far eastern part of the building (comprising *circa* 300 sqm) is partitioned off and used as a further storage space.

The external areas of the site surrounding the building comprise hardstanding used for car parking to the south of the building (the submitted plans show provision of 29 car parking spaces, including three bays for disabled users, along with three bicycle stands) and as a service yard to the west. Narrower strips of hardstanding are located alongside the north and east elevations.

As the building has already been constructed and is in use for its proposed purpose, the application is submitted retrospectively. However, external works to lay out the car park and bicycle stands in the manner shown on the submitted plans are yet to be completed.

The application has been amended and/or supplemented by additional information on several occasions during the determination process following feedback from the LPA and to address issues raised by statutory consultees. In summary, these changes include:

- An alteration to the original description of development to reflect the intended use of the building for the assembly and testing of air source heat pumps. An initial reference to manufacturing has been removed as there is no intention to manufacture components in the building.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- The removal of a strip of soft landscaping atop the flood embankment flanking the north side of the building due to an objection from the Environment Agency. This has, instead, been replaced with a 4m wide concrete apron along the building's north side to allow unobstructed access to the flood defence bund.
- Revisions to the parking layout on the south side of the building which increases the number of car parking spaces and introduces bicycle parking.
- Updated versions of technical reports including a design and access statement, noise assessment, flood risk assessment, drainage strategy and habitat regulations assessment have been provided.

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

Application no.	Description	Outcome	Date determined
16/1008	ERECTION OF TEMPORARY STORAGE BUILDING (USE CLASS B8) - RETROSPECTIVE APPLICATION	Granted	26.04.18
18/0280	ERECTION OF SECOND TEMPORARY STORAGE BUILDING (USE CLASS B8) - RETROSPECTIVE APPLICATION	Granted	14.06.18
18/0758	CHANGE OF USE OF TWO EXISTING TEMPORARY BUILDINGS FROM STORAGE (USE CLASS B8) TO GENERAL INDUSTRY (USE CLASS B2) - RETROSPECTIVE APPLICATION	Refused	22.11.18
19/0450	CHANGE OF USE OF TWO EXISTING TEMPORARY BUILDINGS FROM STORAGE (USE CLASS B8) TO GENERAL INDUSTRY (USE CLASS B2) - RETROSPECTIVE APPLICATION (RESUBMISSION OF APPLICATION 18/0758)	Granted	13.02.20
20/0841	INSTALLATION OF TWO FREESTANDING AIR SOURCE HEAT PUMPS ON LAND NORTH OF TEMPORARY BUILDINGS TO PROVIDE HEATING - RETROSPECTIVE APPLICATION	Granted	14.01.21
21/0557	APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 18/0280 TO ALTER DRAINAGE STRATEGY FOR DEVELOPMENT	Granted	09.08.21
21/0573	APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 16/1008 TO ALTER DRAINAGE STRATEGY FOR DEVELOPMENT	Granted	09.08.21
21/1103	APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 16/1008 TO ALTER DRAINAGE STRATEGY FOR DEVELOPMENT	Granted	09.02.22
21/1104	APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 18/0280 TO ALTER DRAINAGE STRATEGY FOR DEVELOPMENT	Granted	09.02.22
22/0262	STOPPING UP OF HIGHWAY TO EASTERN END OF DOCK ROAD INCLUDING CONSTRUCTION OF NEW TURNING HEAD, ERECTION OF VEHICLE AND PEDESTRIAN ACCESS GATES, INSTALLATION OF ANPR CAMERA, FORMATION OF CAR PARK ON NORTH SIDE OF DOCK ROAD, ERECTION OF PERIMETER FENCING AND	Granted	03.02.23

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	INTRODUCTION OF SOFT LANDSCAPING - PART RETROSPECTIVE APPLICATION		
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### Parish/Town Council Observations

The site is within an unparished area of the borough. Accordingly, there are no Parish/Town Council comments to report.

### Statutory Consultees and Observations of Other Interested Parties

**Building Control (FBC)** – Comments dated 12.10.22 highlight that the application building does not have Building Regulations approval and so is in breach of the Building Regulations.

**Officer Note:** The absence of an application for Building Regulations approval is not a material consideration which can influence the outcome of a planning application. This is because Building Regulations approval operates under an entirely separate consent regime which is not within the remit of the planning system and, in turn, the absence of Building Regulations approval cannot be a sustainable reason to refuse planning permission.

**Environment Agency (EA)** – Latest comments dated 04.08.23 in response to amended plans as follows:

- In our letter referenced NO/2022/114633/02-L01 [dated 18.05.23] we objected to the proposed development as the planting and landscape works were within 8 meters of sea defences. We have reviewed the amended site plan for the development, as you have removed the landscaping plans, there should be no more restriction to the flood defences so we withdraw our objection.
- Please ensure no more development encroaches the 8 meter distance from the flood defence to avoid any increased flood risk. If you intend on proposing any more development in the area please follow The Environmental Permitting Regulations 2016.

**Environmental Protection Officer (EPO)** – Latest comments dated 12.03.24 in response to updated noise assessment as follows:

- Although the noise assessment concludes that there would be no adverse effect on the nearest receptors, or no detectable effect on health and quality of life, the following condition should be implemented due to the proximity of the receptors and previous complaints.
- Operation hours should be Monday – Friday 07.30am -17.00pm, Saturday 08.00am – 14.00pm which is in line with the parameters of the noise assessment.

**Greater Manchester Ecology Unit (GMEU)** – Comments 09.09.22 and 22.05.23 as follows:

### Habitats Regulations identification of Likely Significant Effects and Stage 2 Appropriate Assessment

- Natural England’s response provides a broad framework within which to consider Likely Significant Effects (LSE). This requested analysis should then allow the Planning Authority to conclude whether there is no adverse effect on integrity (AEOI) of the National Sites Network as required under the legislation The National Sites Network was previously known as European Sites (which includes – SPA & SACS).
- In order to further assist the Planning Authority (as a competent authority) in obtaining sufficient information to inform their decision on the proposal I would expand on impacts that the Preliminary Ecological Appraisal (PEA) Report clearly identifies and what additional information may be required with reference to other submissions within the application: -

Functionally Linked Land (FLL):



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- While there are very small areas of habitat (saltmarsh and coastal grassland) within the site boundary, there will be minimal impact on this habitat (see below) and impacts will largely be associated with construction. It is GMEU's opinion that the loss of this habitat would not be considered an LSE given the size of the SPA and the proximity of other FFL.
- Given the proximity to the SPA to other functionally linked habitat outside the site, the indirect disturbance to FLL outside the site boundary is the prominent Likely Significant Effects (see below) that may occur.
- There is no merit in requiring a fuller data search and it is considered disproportionate to expect additional overwintering bird survey work as is referred to in the PEA (section 5.43). No bird further survey work is required.

### Noise – Indirect disturbance to FLL:

- A screening assessment has been included within the submission, but Natural England consider that this has not adequately considered the ecological impacts of the proposal.
- In order to assist the process GMEU would advise that noise should be considered both during construction and in operation. The analysis should consider the current noise baseline and noise increases as a result of the proposal. Natural England have considered elsewhere within the region that predicted increases in excess of 3dB should be the threshold for greater analysis when associated with the SPAs on Morecambe Bay sites. If an increase of greater than 3dB is the case for the proposed activities, additional analysis should consider the type of activities (percussive or steady state); what level of noise will result and what is the anticipated fall-off (attenuation) of the noise distally from the source, with or without mitigation measures.
- There is a wide body of scientific evidence available for the applicant's ecologist and noise engineers to consider in relation to wintering birds and responses to noise. This can then be used to consider whether the noise profile of the proposal will result in a Likely Significant Effect.

### Visual disturbance – Indirect disturbance to FLL:

- Visual disturbance interacts closely with noise impacts when related to birds and other animals. Whether or not this is considered a Likely Significant Effect, GMEU advise that in line with the NPPF (July 2021 para 185 c)) the applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This indicates that illumination contour plans should be supplied along with the type of luminaires and their proposed location. Any scheme should consider the northern and eastern site boundaries and include all elements of the proposal such as highways lighting, pedestrian/cycleway access and external domestic/car park/ security lighting as appropriate. This should be secured by condition whether or not it is concluded in the HRA. Given that this has been identified by Natural England this analysis will be required to inform the HRA and therefore is needed prior to determination.

### Drainage

- The holding objection from the Environment Agency (letter dated 12 August 2022) is noted Any modifications to the scheme to overcome the EA objections should be taken forward into the HRA.
- Aside from overcoming the EA's objection, GMEU recommend that any outfall to Wrea Brook or Liggard Brook – if agreed – should consider a design which does not increase scour and allows for dispersal of force before it reaches sensitive habitats.
- Pollution prevention measures for outfalls and during construction (see CEMP below). Oil interceptors/silt traps to car park surfaces and attenuation of outfall of the rainwater tank.
- Given the size of the proposal, the upstream urban catchment and achievement of a greenfield run-off rate it is GMEU's view that the proposal is extremely unlikely to represent a LSE either alone or in combination. This does not however, obviate the need to consider drainage under the auspices of the general TCPA (see comments below).

### In combination assessment

- Any matter that is identified as an LSE and taken through to Stage 2 Appropriate Assessment should also consider the LSE impacts both alone and in combination with other known reasonably foreseeable projects, plans or proposals.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### **Additional Biodiversity Matters**

- I am off the opinion that no additional survey work is required prior to determination. Wintering bird surveys, potential bat roosts and water vole are identified within the PEA. I have the following comments on these: -
  - Wintering birds – as explained above
  - Water vole – The presence of water vole is considered extremely unlikely according to known evidence of their ecology. Government guidance (Defra Circular 06/2005) says that surveys should only be requested where there is a reasonable likelihood of the species being present and impacted by the scheme.
  - Potential bat roosts in trees – As far as I understand from the submission no tree felling is to occur of the trees the PEA identifies as holding potential roost features. This is sufficient for the determination of the application.
- I note from the D&A that no landscaping is proposed. I would suggest that the applicant may wish to revisit this in relation to screening for both light and noise attenuation purposes as well as for securing other biodiversity enhancements. This matter is also recommended within the submitted PEA and includes suggestions for the location of a native species hedgerow.
- It may be a conclusion of the HRA that a Construction CEMP is considered necessary to address the Appropriate Assessment. This may need to include specific matters such as timing (April – September inclusive), noise, dust and light. In addition however, GMEU advise that a CEMP should be secured via a condition, in order that the schemes implementation is undertaken adequately for other biodiversity matters such as: -
  - Temporarily fencing the northern boundary of the site along the boundary of the Biological Heritage Site (Lytham Foreshore Dunes and Saltmarsh BHS 32NW01)
  - Working methodology for surface water outfalls, should they impact the habitats on the northern/north-eastern boundary
  - Time of all vegetation removal outside the bird breeding season (March – August inclusive). Vegetation removal is taken to mean any trees, shrubs, tall vegetation (eg bramble) and the grassland
  - Control of construction surface water run-off including pollution prevention measures.
- A condition to require an updated bat survey if the LPA agree subsequently that trees can be felled. Currently no tree felling is anticipated.
- A suitable soft landscape scheme and other biodiversity enhancements should be sought via condition to ensure that the development meets the NPPF policy (July 2021, paragraph 174d, 179 b) and 180d)).

### ***Comments 22.05.23 relating to impacts on the Ribble and Alt Estuaries Special Protection Area (SPA):***

- Based on the new information I would advise that – (i) I agree with the findings of the Assessment of the effects of noise and visual impacts (lighting) on the nearby SPA that the proposals will have no Likely Significant Effect (LSE) on the designated sites caused by lighting or noise; (ii) I would re-iterate the view of GMEU that, although the site supports a very small areas of semi-natural coastal habitat (saltmarsh and coastal grassland) within the site boundary, there will be minimal impact on this habitat and any impacts would not be considered to have a Likely Significant Effect (LSE) on the SPA; (iii) I would agree with the view of Natural England that the details of pollution prevention measures to be used for outfalls and during construction should be required to be provided before the application is decided rather than left to Condition. Measures could include, for example, oil interceptors/silt traps to car park surfaces.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- I would recommend that, providing that satisfactory details of the measures to be implemented to prevent water pollution are provided, the Council could conclude that the development proposals will not have any LSEs on the Ribble and Alt Estuaries SPA.
- Following the incorporation of pollution prevention measures, the Shadow HRA could be adopted by the Council in fulfilment of its duties under the terms of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

**Lancashire Fire and Rescue** – Comments 19.08.22 as follows:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 ‘Access and facilities for the Fire Service’.
- It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance.

**Lead Local Flood Authority (LLFA)** – Latest comments dated 25.04.23 following provision of additional information summarised as follows:

- The LLFA has no objection to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority: (i) the development shall be carried out in accordance with the site-specific flood risk assessment (March 2022, Ref: C-1008, Hamilton Technical Services) and its measures are fully implemented prior to first use; and (ii) a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, shall be submitted to and approved in writing by the Local Planning Authority.

**Local Highway Authority (LHA)** – Comments dated 22.08.22 and latest comments dated 25.04.23 following receipt of amended plans as follows:

*Comments dated 22.08.22:*

- **Parking provision** – The required car parking provision for a Use Class B2 (General Industry) is 1 space per 45 sqm plus 3 mobility parking, in addition the equivalent of 10% of the total passenger car parking spaces shall be provided for cyclists. This is set out in the Joint Lancashire Structure Plan (JLSP) 2016 base line parking. It is requested that the current proposals are amended to show parking provision of: 29 car parking spaces, 3 mobility parking spaces based on TA leaflet 5/95 and 3 cycle parking spaces. If the applicant is not able to address the matters above, then it is LCC Highways opinion that the application be refused.

*Comments dated 25.04.23:*

- **Summary** – LCC Highways does not have any objections regarding the proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- **Conditions** – Should be attached to any permission granted requiring the private car parking and manoeuvring areas to be marked out in accordance with the submitted plan before the use commences, and for these areas to be permanently maintained thereafter.

**Marine Management Organisation (MMO)** – Comments dated 17.08.22 summarised as follows:

- **Marine Licensing** – Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence. The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to check if they need a marine licence.

- **Environmental Impact Assessment** – With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR. In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations made may be applicable. If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately.
- **Marine planning** – Under the Marine and Coastal Access Act 2009, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes. Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

**Natural England** – Latest comments dated 08.03.24 following receipt of additional information:

- **Summary** – No objection subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Ribble and Alt Estuaries Special Protection Area (SPA) and Ribble and Alt Estuaries Ramsar; and damage or destroy the interest features for which Ribble Estuary Site of Special Scientific Interest (SSSI) and Lytham Coastal Changes SSSI has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured: (i) Production and implementation of a Construction Environment Management Plan (CEMP) for pollution prevention measures. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
- **Nationally and Internationally Designated Sites** – The proposal is located within 50m from Ribble and Alt Estuaries SPA, Ribble and Alt Estuaries Ramsar site, and Ribble Estuary SSSI. Furthermore, the site is also located within 230m of Lytham Coastal Changes SSSI.
- **Habitat Regulations Assessment (HRA)** – Natural England has reviewed the shadow HRA (Ecology Services Ltd, January 2024.) The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. The production and implementation of a CEMP. The CEMP should include proposed mitigation measures as described in section 6.8 in the shadow HRA (Ecology Services Ltd, January 2024)

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

to ensure no pollution enters the above listed designated sites. This should be secured via an appropriately worded planning condition.

**United Utilities** – Comments dated 30.08.22 summarised as follows:

- Following our review of the submitted Drainage Strategy Ref: C-1008, Dated 08/11/2021, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. We would request that the foul drainage proposals are detailed on the drawing, including cover and invert levels.
- Should planning permission be granted it is requested that a condition be imposed requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme.

### **Neighbour Observations**

<b>Neighbours notified:</b>	27 July 2022
<b>Site notice posted:</b>	28 July 2022
<b>Press notice:</b>	11 August 2022
<b>Amended plans notified:</b>	4 April 2023 (21 days)
<b>No. Of Responses Received:</b>	11 objections

The appropriate neighbouring properties were notified of the application by letter on 27.07.22. In addition, as the application involves major development notices have been posted on site and in the local press. Neighbouring residents were also re-notified of the application on 04.04.23 and given a further 21 days to submit additional comments following the receipt of amended plans and additional information from the applicant which alter the scheme's design and/or provide additional supporting information. A total of 11 letters of objection have been received in connection with the application. The points raised in the letters are summarised as follows:

#### ***Principle of development:***

- The proposed general industrial use is incompatible with the prevailing residential character of surrounding land uses through which the site is accessed.
- The applicant has submitted a series of retrospective applications where buildings have been erected without obtaining the necessary permissions. The application building was erected on 28 May 2022 without any prior notice to residents or the Council. This shows a disregard for the planning process and weakens the consultation exercise and any objections made.
- It is unlikely that any planning conditions imposed would be complied with given the applicant's track record.

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

- The size, height, materials and colour of the building should not be permitted on design grounds.
- The scale of the building is excessive, it is twice the height of the adjacent buildings and does not fit in with surrounding residential properties. The building has the appearance of a large 'marquee' and should be limited to the same height as the two smaller 'marquee' buildings adjacent to it.
- Industrial uses on the site have expanded in recent years which has led to a predominantly residential area becoming overly industrialised and has caused harm to the landscape. The buildings are more visible in the autumn and winter when trees and shrubs shed their leaves. The landscaping proposed alongside Liggard Brook would have no effect in screening the building from surrounding dwellings.
- The building has a temporary appearance and so any planning permission granted should be for a temporary period only which reflects its unattractive design.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### ***Amenity impacts:***

- When taken in combination with existing operations within the two adjacent buildings, when this additional building is operating at full capacity it has the potential to cause a significant noise nuisance to the occupiers of neighbouring dwellings. The submitted noise assessment portrays theoretic noise levels but takes no cognisance of the nuisance value as it carries to surrounding residents' properties, in part by the reversing alarms from the fork lift trucks, increased vehicle traffic, assembly works and staff noise.
- The material of the new building is thin cladding which lacks any sound proofing or insulation to attenuate noise. The nature of this business is the use of power presses which should be housed in more suitable brick buildings to help suppress the noise and acoustic vibration. There is no indication that any soundproofing is to be installed as part of the scheme to address this.
- It is not understood what noise levels the new Global Energy Systems factory will make. An independent noise assessment needs to be carried out to determine this. The new assessment should also include noise measured at different levels (not just ground level) and in several different locations which are less shielded by other buildings on the site. Attenuation measures must be implemented at source to eliminate noise impacts on neighbouring dwellings.
- It is unclear how the factory will function in hot weather and whether this will require doorways to be left open or the installation of air conditioning units which will generate additional noise.
- The building is clearly visible from surrounding dwellings due to its scale and has an unattractive industrial appearance which is incompatible with surrounding dwellings.
- Although reference to manufacturing has been removed from the description in the amended application, whilst the components of the air source heat pumps may not be manufactured on the site they will be assembled in-situ which is another form of manufacturing.
- The removal of the word manufacturing does not make this development appropriate in a residential area. Whilst appropriate conditions would be expected if permission is granted to control delivery times, hours of work, noise etc., this will be difficult to control as the adjoining and connected planning unit will no doubt continue to operate in tandem under its existing use rights. This would need to be addressed in some way, perhaps by s106 Agreement.

### ***Highway impacts:***

- The new building will generate additional HGV traffic along Dock Road. This will cause further damage to the road surface, which is already in a poor condition, and causes the ground to vibrate when such vehicles pass by neighbouring houses. This is likely to undermine the structure and value of residential properties in the area.
- There is a need for re-surfacing of the road and additional traffic calming measures, specifically speed humps, to be introduced at the eastern end of Dock Road to mitigate the impact of extra traffic from the development and to mirror the highway works constructed to the western end at the time the neighbouring dwellings were built. There is also a need to fill in existing pot holes which causes surrounding houses to shake when a large vehicle hits them. This should be a condition of any planning permission granted.
- There is limited visibility to the right for vehicles exiting Victory Boulevard onto Dock Road. The additional traffic generated by this proposal will increase the risk of collisions at this junction, where there have already been a series of near-misses due to excessive vehicle speeds along Dock Road. This hazard would be greatly reduced if the vehicles on Dock Road obeyed the 20mph speed limit but vehicles travelling to and from Helical already do so at excessive speeds.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Large vehicles travelling to the site on Dock Road will be more noticeable once the eastern end of the highway is stopped up and access is required via the permitted ANPR barrier. Despite the provision of parking for the development it is common for high-sided vehicles to park up on Dock Road to the rear of neighbouring dwellings. The additional traffic generated by this development will only exacerbate these existing issues and bring more pollution and disruption to the area.
- The applicant should be required to submit a report to show the number of additional vehicles that will be generated by the use, vehicle speeds along Dock Road and the need for double yellow lines or the erection of 'no parking on pavement' signs on Dock Road.

### ***Ecological effects:***

- The noise generated by Helical has caused wildlife to move on from the site.

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

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

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

The generic response from the MMO also indicates that the Marine Plan for the region (the "North West Inshore and North West Offshore Marine Plan" adopted June 2021) may be a relevant material consideration as "at its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers" and "as marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark." In this case, as the closest part of the development (the 4m wide concrete apron on the north side of the building) is located *circa* 15m away from the mean high water spring tides mark, the development falls outside the Marine Plan boundary. Accordingly, it is concluded that the North West Inshore and North West Offshore Marine Plan (June 2021) is not a relevant material consideration in this instance.

### **National Policy and Guidance:**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

S1 – Settlement Hierarchy  
DLF1 – Development locations for Fylde  
SL1 – Lytham strategic locations for development  
GD1 – Settlement Boundaries  
GD7 – Achieving Good Design in Development  
EC1 – Employment land supply  
EC2 – Employment opportunities  
INF2 – Developer contributions  
T5 – Parking standards  
CL1 – Flood Alleviation, Water Quality and Water Efficiency

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

CL2 – Surface water run-off and sustainable drainage

ENV1 – Landscape

ENV2 – Biodiversity

ENV3 – Protecting existing open space

### **Other relevant guidance:**

Provision of Parking on New Developments Supplementary Planning Document (SPD)

### **Environmental Impact Assessment**

The site is not in a “sensitive area” as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the development is of a type listed within Schedule 2 of the EIA Regulations, it does not exceed the threshold (of 5 hectares) in Column 2 of the table relating to category 10(a) developments (those involving “industrial estate development projects”). Accordingly, it is not Schedule 2 development and is not EIA development.

### **Analysis**

#### **Policy context and main issues:**

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, subparagraphs c) and d) of paragraph 11 indicate that this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the relevant national and local planning policies, the site’s designation in the Local Plan, the nature of the development proposed and the responses received in respect of it, the main issues in this case are:

1. The principle of general industrial (use class B2) development on the site and whether it is a suitable location for the proposed use.
2. The development’s effects on the character and appearance of the area.
3. The scheme’s impact on the amenity of surrounding occupiers.
4. The development’s effects on the surrounding highway network.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

5. Other matters of relevance to the decision including those relating to the development's impacts on ecology and flood risk.

### Background, summary of site history and scope of proposed use:

Helical Technologies are an engineering business who specialise in the production and manufacturing of machine parts, principally for the automotive industry. Their site at Dock Road is split into two distinct parcels on the north and south sides of the highway. The southern parcel includes the original building established *circa* 1960s which flanks both the eastern and southern spurs of Dock Road's easterly termination point. Despite its established and ongoing industrial use, the southern parcel of the Helical site is unallocated on the FLPPR Policies Map.

In contrast, an area of land extending to approximately 0.9 hectares on the north side of Dock Road is designated as an employment site (reference 'ES2 – Dock Road, Lytham') on the Policies Map. FLPPR policy SL1 identifies 'ES2' as a non-strategic site which is allocated for development and policy EC1 indicates that employment uses falling within classes B1(a), (b) and (c) (now use classes E(g)(i),(ii) and (iii)), B2 and B8 are, in principle, appropriate within this allocation.

Employment site ES2 was acquired by Helical Technologies *circa* 2016. Since then, a total of 3 buildings have been erected on the site. Two of these (referred to in previous applications as 'Building 1' – the northern building, and 'Building 2' – the southern building) are located side-by-side directly opposite Helical's original building. Both buildings were erected without the benefit of planning permission, though retrospective applications to regularise their construction were approved in April and June 2018 (applications 16/1008 and 18/0280 respectively). Planning permissions 16/1008 and 18/0280 allowed the use of the buildings as temporary storage space within use class B8 in conjunction with the business operations at Helical Technologies for a period of up to 10 years (with 16/1008 expiring on 31.03.2027 and 18/0280 expiring on 31.03.2028). Subsequent to this, and following the implementation of a series of noise mitigation measures, planning permission was granted retrospectively in February 2020 to change the use of Buildings 1 and 2 from storage (use class B8) to general industry (use class B2). As a result, 'Building 2' is presently used as a press shop containing several heavy machine presses and 'Building 1' as a general workshop.

A separate planning permission (reference 22/0262) for stopping up a section of the highway at the eastern end of Dock Road where it enters the Helical site via the installation of an access-controlled gate across the highway has been granted, but not yet implemented.

This application relates to a larger, third building (referred to hereafter as 'Building 3') which was constructed on land to the east of Buildings 1 and 2 without the benefit of planning permission *circa* May 2022. The building is now fully constructed and operational, and is used for the assembly and testing of air source heat pumps in connection with another business on the site named 'Global Energy Systems' (which is affiliated with Helical Technologies). This business has existing office and research and development buildings located to the southeast within Helical's wider industrial yard, with the application building providing an expanded production facility for Global Energy Systems.

Several objectors have referred to a recent history of retrospective applications being made on the site (summarised above) and consider that this should weigh against the scheme. It is, however, an established principle of the planning system that an application cannot be refused solely on the basis that it has been made retrospectively. Similarly, an individual applicant's 'track record' cannot be used as grounds for refusal. Instead, each application must be assessed on its own planning merits against the policies contained within the development plan and other material considerations. The analysis below sets out that assessment.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Principle of proposed development:

#### *Policy Context:*

The red line boundary of the application site covers an area of *circa* 0.65 hectares. However, this includes a grassed flood bund to the northern edge of the site and an area of scrubland to the east designated as 'semi-natural greenspace' under FLPPR policy ENV3 which is (and is shown to remain) undeveloped. The developed area of the site – comprising application building and its surrounding hardstandings used for vehicle parking, servicing and manoeuvring – falls entirely within the settlement boundary of Lytham and the boundaries of employment site reference 'ES2 – Dock Road, Lytham' which is allocated for development under FLPPR policies SL1 and EC1.

Policy EC1 identifies a list of 11 sites which are allocated to provide 62 hectares of new employment land during the plan period. The table within the policy indicates that 0.9 hectares of land at the eastern end of Dock Road allocated under site reference ES2 (including the application site and an adjoining parcel to the west) is appropriate for uses falling classes "B1(a), B1(b), B1(c), B2, B8".

In addition, FLPPR policy EC2 indicates that "the Council will take account of the following factors when assessing all development proposals for employment uses:

- The accommodation should be flexible and suitable to meet changing future employment needs, and in particular provide for the requirements of local businesses and small firms.
- The Council will seek to ensure that employment opportunities are provided and are easily accessible for local people and, where necessary, developers will be encouraged to implement relevant training programmes.

The sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan."

#### *Assessment:*

The main floorspace to the western end of the application building (*circa* 1,000 sqm) is used for the assembly and testing of air source heat pumps. The assembly aspect involves engineering works to construct each heat pump from its individual components delivered to and stored within the building, and involves the use of a combination of light machinery and hand tools. Testing of the heat pumps occurs within an internal enclosure to the northeast corner of the floorspace which provides a temperature-controlled environment. Smaller areas of the building's floorspace are used for the storage of components within tall racks to each side and a mezzanine above the testing area to the northeast corner. Separate staff welfare facilities and an office are located within blockwork enclosures to the southwest and southeast corners of the floorspace. An area of *circa* 300 sqm to the eastern end of the building is partitioned off and used for vehicle storage.

The mix of uses within the building fall in classes B2 (general industry) and B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended), though its principal use (comprising the majority of its floorspace) is for B2 purposes. In any case both uses are, in principle, an appropriate use of land and buildings within allocated employment site ES2 in accordance with the provisions of FLPPR policies SL1 and EC1. In addition, further benefits arise from the provision of flexible floorspace for an existing local business at the site to assist with its expansion in accordance with the objectives of policy EC2.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Although a narrow strip to the eastern periphery of the red line boundary falls within an area designated as 'Existing Open Space' (comprising 'semi-natural greenspace') in the Local Plan, as this land has not been, and is not shown to be, developed as part of the scheme (a buffer of *circa* 8m exists between a concrete apron to the east side of the building and land within this designation), no loss of Existing Open Space would arise from the development and there is no conflict with FLPPR policy ENV3 in this regard.

Given that the proposed use is one which is acceptable in principle within allocated employment site ES2, the remainder of the assessment is concerned with impacts arising from the development's detailed design and its compliance with other relevant policies of the Local Plan.

### Character and appearance:

#### *Policy context:*

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

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

FLPPR policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 135 of the NPPF sets out six general principles of good design (a – f)) and paragraph 139 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”

#### *Assessment:*

The site is located within an established industrial yard at the eastern end of Dock Road. With the exception of a three storey, brick-built office block to the southeast on opposite side of the yard (the offices of 'Global Energy Systems'), existing industrial buildings which surround it are predominantly of a single storey height and are finished in a mix of brick, plastic and corrugated metal cladding.

The application building has an eaves height of 10m and a ridge height of 12.7m. It is topped by a shallow, dual-pitched roof which presents facing gables to the front (west facing) and rear (east facing) elevations. As a result of its height, the building is seen from vantage points on Dock Road and Victory

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Boulevard to the west/southwest, and from a PRoW on the northern bank of Liggard Brook. However, the prominence of views from these vantage points varies.

The most prominent, near-distance views of the building are from Dock Road, particularly at its eastern termination point past lower level buildings at Helical on its north and south sides. It is, however, also the case that, at this point, the building is surrounded by and seen in close association with a collection of other units which form an inherently industrial setting. Longer distance views of the building from the part of Dock Road where residential uses begin to dominate are filtered by a combination of the two lower level foreground Helical buildings to the west (Buildings 1 and 2 – which measure 5m to eaves and 7.6m to ridge), the two storey 'Vet Plus' building beyond this and roadside tree planting. The building is also located *circa* 145m away from the closest neighbouring dwelling (no. 100 Victory Boulevard, which has a side-facing aspect to the site) and, where dwellings front onto Victory Boulevard facing the site (nos. 59-67), these views are similarly filtered by a combination of landscaping, boundary treatments and the rooftops of lower-level foreground industrial buildings at the Helical site. Accordingly, whilst tall in height and functional in its design, the building does not appear as an unacceptably dominant or imposing feature in vantage points from Dock Road or Victory Boulevard, nor is it incompatible with the inherently industrial character and setting of buildings at the eastern end of Dock Road.

The north and west elevations of the building are also prominently in view from vantage points on the PRoW which meanders along the northern bank of Liggard Brook. A range of both near and distant views from the PRoW are available, with the closest of these being *circa* 98m away before the footpath turns in a northeasterly direction to run behind a dense woodland buffer up to the A584. Both the northern and southern banks of Liggard Brook are populated by a combination of tree and hedge planting. Longer distance views of the application building, including the galvanised roller shutter to its front elevation, are partially screened by foreground Building 1 to the west, the crest of the flood bund and soft landscaping atop this. In closer distance views, tree planting on the bund becomes thinner where it flanks the north side of the building and the screening provided by Building 1 is reduced.

An earlier iteration of the proposal included the introduction of additional tree planting upon the crest of the flood bund to the north of the building to provide enhanced screening of its northern elevation. However, and despite the existence of several self-seeded trees atop this bund, the Environment Agency objected to the introduction of this further tree planting and, moreover, the provision of any soft landscaping within 8m of the bank top of Liggard Brook. As a result, there is no opportunity to introduce additional soft landscaping to screen the north side of the building from the PRoW. Although the provision of soft landscaping to screen the north side of the building would be beneficial, given the separation distance between the application building and the PRoW, its industrial setting and backdrop against other industrial units to the west and the existence of other tree and hedge planting which filters views on both sides of Liggard Brook, it is not considered that the siting, layout, scale or design of the building has an unduly harmful impact on the industrial character and appearance of the area within which the building is located.

Objectors opine that the building appears as a 'marquee' and are critical of its materials and utilitarian design. It is also asserted that any permission granted should be for a temporary period as a result of the building's industrial appearance.

The building's materials include a combination of white 'Thermo PVC' cladding to its roof and a lighter grey composite UPVC cladding to its external walls. Whilst its roof has a bright colour treatment, this also assists in reducing its visual impact when seen against the skyline, particularly in times of cloud cover. Moreover, the building's materials also replicate those of Buildings 1 and 2 in the foreground

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

to the west and Global's R & D building to the south on the opposite side of the yard. In this respect, its materials are not incongruous to its setting. It is also the case that as the site is allocated for industrial uses in the Local Plan, any buildings erected upon it would be expected to have an industrial and/or utilitarian appearance related to their function, rather than relating their design to neighbouring dwellings outside this allocation and the industrial setting of the wider Helical site. Accordingly, the application building does not appear as an incompatible or discordant addition when seen in its industrial surroundings and its design and materials are reflective of their context.

For the reasons set out above, the proposed development, by reason of its scale, siting, layout, materials and appearance, is considered to achieve an appropriate design which responds to its allocation for and setting amongst other industrial uses. In turn, it does not harm the character and appearance of the area and satisfies the objectives of FLPPR policies GD7 and ENV1, and the NPPF.

### Impacts on amenity:

#### *Policy context:*

Criteria c) and h) of FLPPR policy GD7 require that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- Being sympathetic to surrounding land uses and occupiers.

Paragraph 135 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 180 e) of the Framework states that “planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”.

Furthermore, paragraph 191 a) and c) of the NPPF indicate that “planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ([as set out in the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)]; [and]
- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

#### *Assessment:*

The site is surrounded by a mix of industrial and commercial uses at the eastern end of Dock Road. The closest dwelling is located on Victory Boulevard (no. 100) approximately 145m to the west of the application building. This dwelling is orientated with a side facing aspect to the Helical site and has its rear garden backing onto Dock Road. Other dwellings to the south on Victory Boulevard (nos. 59-67) are orientated with a front-facing aspect towards the Helical site, though they are offset to the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

southwest of the new building. A split level (up to four storey) block of apartments (Estuary View) are located *circa* 150m to the southwest beyond the southern edge of the wider Helical site.

### **Noise and disturbance:**

Given the industrial/commercial nature of other uses in close proximity to the application building which intervene between this and surrounding dwellings, the main potential for adverse effects from noise are on the occupiers of nearby residential properties – these being the closest noise sensitive receptors.

Operating hours for the development are proposed between 07:30 and 17:00 Monday to Friday, and between 07:30 and 14:00 on Saturdays. The application is accompanied by a noise assessment (NA) that has been carried out in accordance with the methodology in British Standard 4142:2014+A1:2019 ('BS 4142') which relates to methods for rating and assessing sound of an industrial and/or commercial nature. The NA includes:

- Measurement of existing background noise levels over a continuous 72-hour period in a location representative of the nearest noise sensitive receptors on Victory Boulevard (within the car park to the east of Victory Boulevard).
- Measurement of noise from operations taking place within Global's existing workshop which, at the time of the NA, were to be re-located within the application building (prior to this becoming operational). These operations included sound associated with the workshop, the testing of two types of air source heat pumps and fork lift truck movement.
- An assessment of the impact on the nearest noise sensitive receptors (the dwellings to the west) during the proposed operating hours in accordance with the methodology in BS 4142, which compares the noise rating level from the source (including an acoustic feature correction penalty) with the background noise level at the assessment location.

The headline results of the NA are summarised in Table 1 below. These show that, during the daytime period between 07:00 and 17:00 when the use will operate, the sound rating level from the noise source will not exceed the existing measured background noise level at the closest noise sensitive receptor. In turn, the NA concludes that a "low impact" would arise during the proposed operating hours for the purposes of BS 4142 and, as a result, no specific noise mitigation measures are required.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Item	Calculation	Clause	Commentary
Specific Noise Level $L_{Aeq,1\text{ hour}}$	34 dB	7	Calculated using ISO 9613:1996 <sup>[3]</sup> .
Intermittency	+3 dB	8.1	Intermittency Characteristic
Rating Level	37 dB	9.1	The acoustic feature correction is added to the specific noise level
Background Noise Level $L_{A90,1\text{ hour}}$	46 dB	8.1	Modal Background Noise Level (07:00 – 17:00)
Assessment Level	-9 dB	11	The background level is subtracted from the rating level.
Conclusion BS 4142:2014+A1:2019 <sup>[4]</sup>	+10 dB Significant Adverse Effects, +5 dB Adverse Effects, +0 dB Low Impact		
<b>Assessment</b>	<b>-9 dB</b>		
<b>Conclusion</b>	<b>The assessment level is 'Low Impact'</b>		

**Table 1** – Headline results of BS 4142 assessment

Paragraphs 2.20 and 2.21 of the NPSE highlight the concepts of “NOEL” – No Observed Effect Level, “LOAEL” – Lowest Observed Adverse Effect Level and “SOAEL” – Significant Observed Adverse Effect Level as follows:

- NOEL – This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL – This is the level above which significant adverse effects on health and quality of life occur.

Following this, paragraph 2.22 of the NPSE states that “it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times.” In this case, the NA concludes that “with the specifications achieved within this report, the development can [...] ensure a conclusion of NOEL – No Observed Effect Level”.

The Council’s EPO does not dispute the conclusions in the applicant’s NA that the development will not result in any adverse effects on the nearest noise sensitive receptors and, in turn, that there would be no detectable effect on health and quality of life. The EPO does, however, recommend that a condition should be imposed to restrict the development’s operating hours to those sought by the applicant (i.e. 07:30-17:00 Monday to Friday, and between 07:30 and 14:00 on Saturdays) to ensure that the assessment parameters within the NA are not exceeded. Restricting the operating hours of the use in this manner would also avoid any harmful effects arising at unsocial hours with respect to vehicle movements associated with trips to and from the site by staff, visitors and delivery vehicles.

Given the quantitative analysis in the NA and the comments from the Council’s EPO, there is no reason to conclude that the operations presently taking place within the application building will have any adverse effects on the amenity of nearby noise sensitive receptors – specifically the occupiers of surrounding dwellings. As the analysis in the NA is based on measured noise from an existing source which has now been transferred to the application building, and given the otherwise wide range of general

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

industrial uses which could take place within the scope of a permission for a B2 use (including with regard to the noise issues arising from the use of Buildings 1 and 2 for this purpose and the added mitigation measures which were required to address those under application 19/0450), it is also considered expedient to impose a condition which restricts the nature of the permitted B2 use to that specifically applied for and assessed within the NA (i.e. one for the assembly and testing of air source heat pumps only).

### ***Visual impacts:***

Objectors opine that the scale of the application building – particularly its height – is excessive and refer to its prominence in views from the windows of neighbouring dwellings. It is, however, an established principle of the planning system that it is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of views are not material considerations. In this respect, the main issue concerning the development's visual impact on neighbouring occupiers is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

The closest dwellings to the application building are located on Victory Boulevard *circa* 145-180m to the west, and at Estuary View *circa* 150m to the southwest. Whilst elements of the application building will be visible from these dwellings, having particular regard to the upper parts of its external walls and roof, given the substantial separation distances between them, along with the presence of several other intervening foreground buildings and elements of soft landscaping of varying height and density, the siting and scale of the building does not appear as an oppressive or overbearing addition that causes a harmful of outlook or daylight to those properties. The only openings to the building are the roller shutter doors on its east (rear) and west (front) elevations and a series of personnel doors at ground floor level. However, none of these openings provide views towards neighbouring properties which adversely affect their privacy through overlooking. Similarly, the building's spatial relationship with other neighbouring industrial units, along with the design of the buildings accommodating those uses, ensures that it has not harmful effects on the amenity of any other commercial occupiers.

External lighting has been installed on the front (7 lights) and south side (4 lights) elevations of the building. The purpose of this lighting is to illuminate a fascia sign on the front elevation (5 downlights on protruding arms are angled back towards the sign for this purpose) and the vehicle parking and servicing areas to the south (4 spotlights) and west (2 spotlights). Although no lighting contour plan has been provided, the height, size and angle of installation of this lighting, combined with its spacing from surrounding dwellings, will ensure that it has no harmful effects on the amenity of surrounding occupiers through light pollution.

With the restrictions of the abovementioned conditions in place, the development will not result in adverse effects on the amenity and living conditions of the occupiers of surrounding occupiers by reason of noise, visual impact, lighting or any other nuisance and so is in compliance with the requirements of FLPPR policy GD7 and the NPPF.

### Highways:

#### *Policy context:*

Criteria j), q), r) and s) of FLPPR policy GD7 require developments to satisfy the following principles with respect to highway impacts:



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLPPR policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.” Paragraph 11.61 of the justification to policy T5 states that “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”.

The ‘Provision of Parking on New Developments’ SPD was adopted for this purpose by the Council on 17.10.23. The map in Figure 4 of the SPD shows that the application site falls outside the areas of “high” and “moderate” accessibility for parking standards and so should meet the standard for “rural areas/low accessibility” in Table 2 of the SPD. Table 2 of the SPD identifies a parking standard for “Class B2 Industrial” development in rural areas/low accessibility of 1 space per 45 sqm gross floor area.

Paragraph 114 of the NPPF indicates that, in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 115 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

In addition, paragraph 117 of the Framework states that “all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

*Assessment:*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Access to the development is taken along Dock Road through a gate within a palisade fence at its easterly termination point. This gate opens onto a 33m wide and 41m deep service yard shared with Buildings 1 and 2 to the west of the site and a car parking area to its south side.

The application building has a gross floor area of 1,300 sqm. Therefore, in order to meet the parking standard set out in Table 2 of the SPD the provision of 29 car parking spaces is required, of which 10% should be accessible by disabled users. The submitted site layout demonstrates that this level of parking provision can be achieved within the courtyard to the south of the site (including the necessary manoeuvring space within the car park), along with the provision of three cycle stands, to meet the requirements of the SPD. It is, however, the case that these parking spaces have not yet been marked out and the cycle stands have not been erected to date. Accordingly, a condition has been imposed to require this be done within a period of 6 months given that the use is now operational.

Objectors opine that the development should be required to deliver additional traffic calming measures and provide for the resurfacing of damaged sections of highway to the eastern end of Dock Road. However, no such measures have been requested by the LHA. Instead, following the submission of the amended plan to show the number and layout of car and cycle parking spaces the LHA's latest response dated 25.04.23 indicates that they have no objections to the scheme and consider that "the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site".

The LHA have also not requested the submission of a transport statement or assessment as part of the application to require details such as estimated trip rates to be provided, which objectors have suggested should be included. In this respect, paragraph 013 (ID 42-013-20140306) of the "Travel Plans, Transport Assessments and Statements" chapter to the PPG states that "local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility)." Whilst the PPG does not provide any indicative thresholds where the quantum of development is likely to require the submission of a transport statement or assessment, Appendix B of the March 2007 Department for Transport document "Guidance on Transport Assessment" (although now withdrawn) advises that no assessment should normally be required for B2 general industrial developments with a floorspace less than 2,500 sqm. In combination with the absence of any such request from the LHA and the considerations in the abovementioned paragraph of the PPG, it is not considered that there is a need for a development of this scale and nature to be accompanied by a transport statement or assessment as it would not generate the "significant amounts of movement" referenced in paragraph 117 of the NPPF.

Whilst FLPPR policy INF2 d) indicates that developments may be required to provide contributions towards "transport (highway, rail and tram infrastructure, bus, and cycle / footpath / bridleway network and any associated facilities)", given that the LHA have not requested any provision of, or a contribution towards, additional highway infrastructure (including traffic calming or road re-surfacing) to mitigate the development's impacts on the highway network, and that its scale is not likely to generate significant amounts of movement, it is considered that such a contribution would fail the tests in paragraph 56 (if sought by condition) and 57 (if sought by planning obligation) of the NPPF. Among other things, these require that such contributions can only be sought where they are "necessary to make the development acceptable in planning terms".

For the reasons set out above, the development would achieve a safe and suitable means of access to site for all users, would not have an unacceptable impact on highway safety and would not result in a severe residual cumulative impact on network capacity. The provision of an appropriate level of car

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

and cycle parking can also be secured through the imposition of a suitably worded condition. Accordingly, no conflict with the requirements of FLPPR policies GD7 and T5, or with chapter 9 of the NPPF, would arise with respect to the development's effects on the safe and efficient operation of the surrounding highway network.

Other matters:

Ecological effects:

*Policy context:*

Section 1 of FLPPR policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species.

Paragraph 180 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, paragraph 186 of the NPPF states that local planning authorities should apply the following principles when determining applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

*Assessment:*

### ***Impacts on designated nature conservation sites:***

Although the site is not within the Ribble and Alt Estuaries Ramsar/SPA/SSSI, it is located within 50m of this designated nature conservation site of international importance. It is also located within 230m of the Lytham Coastal Changes SSSI (a site of national importance). Accordingly, the development has the potential to have both direct and indirect impacts on these designated sites and/or land that is 'functionally linked' to them. As the proposal is not necessary for the management of the sites, a Habitat Regulations Assessment (HRA) is required to determine the significance of these impacts and

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

the need for/scope of mitigation. In cases where screening of the project reveals that likely significant effects cannot be ruled out and that mitigation is required, the HRA must proceed to Appropriate Assessment stage to determine whether the measures proposed to mitigate against any adverse effects on the integrity of the designated site are sufficient.

Although the LPA is required to undertake the HRA in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended), this assessment is to be based on information provided by the applicant. It is not the LPA's responsibility to carry out surveys and/or identify the scope of mitigation measures on the applicant's behalf and the applicant must provide the LPA with sufficient information to be able to carry out the HRA. Natural England are a statutory consultee on applications which are likely to affect designated nature conservation sites and comment on the conclusions in any HRA.

In this case, the applicant has prepared a 'shadow HRA'. This has been updated to address previous deficiencies identified in Natural England's comments dated 21.04.23. The latest version of the HRA is dated "January 2024" and, in particular, provides further details relating to impacts arising from direct disturbance, water pollution, noise and visual disturbance to wintering bird species for which the designated sites are notified. Paragraphs 3.3 and 3.7 of the shadow HRA identify the scope and timing of remaining works to take place in connection with the development as follows (with all other works now being complete):

- "The remaining works include the excavation and construction of the surface water drainage scheme, including drainage pipes, a large attenuation tank, a flow control unit in the final manhole chamber and an outfall into Liggard Brook. Construction of the proposed drainage scheme will be undertaken during Spring/ Summer 2024, commencing in April 2024." Paragraph 3.8 identifies the machinery to be used in carrying out these works.

Section 6 of the shadow HRA assesses the development's potential direct and indirect impacts on designated sites during the construction and operational phases. This includes screening of potential effects arising from encroachment/damage to habitat (including functionally linked land) within the designated sites; pollution from run-off of contaminated water into Liggard Brook which is hydrologically connected to the sites; disturbance to wintering birds; noise and lighting impacts; and visual disturbance. This screening exercise identifies that the only potential likely significant effects are those associated within the construction of the surface water drainage scheme. Paragraph 6.80 identifies a series of measures to mitigate the potential risk of pollution during these works through an 'Appropriate Assessment', with paragraph 6.81 asserting that "with implementation of [these] pollution prevention measures, no adverse effect on the integrity of the European designated sites is anticipated". With reference to this screening and Appropriate Assessment, section 7 of the shadow HRA concludes as follows:

- "The proposed development does not directly affect a European site.
- With the exception of pollution (run-off) during construction of the surface water drainage scheme, no likely significant effects as a result of pollution (run-off) during construction and operation of the building, noise, light or visual disturbance were identified.
- With implementation of the proposed pollution prevention measures during construction of the surface water drainage scheme [(as identified in paragraph 6.80 of the HRA)], no adverse effects on the integrity of the European designated site are anticipated and no in-combination effects assessment is therefore required. The implementation of the proposed mitigation measures can be secured via a suitably worded planning condition."

Natural England are a statutory consultee on developments which are in or likely to affect a SSSI. The Council's retained ecology consultants (GMEU) have also been consulted on the application. With reference to the January 2024 version of the shadow HRA, Natural England's comments dated

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

08.03.24 indicate that “having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given”. Natural England confirm that the mitigation measures to be secured by condition should comprise “the production and implementation of a CEMP [(Construction Environmental Management Plan)]. The CEMP should include proposed mitigation measures as described in section 6.8 in the shadow HRA (Ecology Services Ltd, January 2024) to ensure no pollution enters the above listed designated sites. This should be secured via an appropriately worded planning condition.” This requirement is echoed in the comment from GMEU dated 22.05.23 which, although pre-dating the January 2024 version of the HRA, advise that “providing that satisfactory details of the measures to be implemented to prevent water pollution are provided, the Council could conclude that the development proposals will not have any likely significant effects on the Ribble and Alt Estuaries SPA [and] following the incorporation of pollution prevention measures, the Shadow HRA could be adopted by the Council in fulfilment of its duties under the terms of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.”

Given the conclusions in the shadow HRA (which is to be adopted by the Council as part of its decision) and the comments received from statutory (Natural England) and non-statutory (GMEU) consultees, it is considered that, subject to the imposition of an appropriate condition requiring the submission of a CEMP prior to any development involving the construction of the surface water drainage scheme taking place, the development will not, either alone or in combination with other plans and projects, result in adverse effects on the integrity of the Ribble and Alt Estuaries Ramsar/SPA/SSSI or the Lytham Coastal Changes SSSI. Accordingly, there is no conflict with the objectives of FLPPR policy ENV2, the NPPF or the Conservation of Habitats and Species Regulations 2017 (as amended).

### ***Other localised site specific ecological impacts:***

The application is also accompanied by a Preliminary Ecological Appraisal (PEA) which assesses the development’s potential effects on the value of existing habitats and ecological features within the site, along with the potential for the presence of protected species. The PEA covers a larger area of the Helical site on the north side of Dock Road and so refers to habitats outside the boundaries of the application site which comprise the saltmarsh and open mosaic habitats to the north and east (including those within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site to the east) which are unaffected by the development. The habitat map in figure 1 of the PEA indicates that the developed areas of the site comprise the application building and bare ground to the south and west which are of low ecological value.

GMEU’s initial response of 09.09.22 refers to the site-specific impacts identified in the PEA (beyond those associated with the HRA above). This advises that no additional survey work is required in relation to the development’s effects on protected species (including bats and water voles) and recommends that conditions are imposed in relation to the provision of a CEMP, external lighting and bat surveys prior to any tree felling. GMEU also advise that soft landscaping should be introduced to provide biodiversity enhancements.

Whilst conditions have been imposed relating to external lighting and the provision of a CEMP, as no tree felling is proposed in connection with the development it is not necessary to impose a condition requiring a bat survey for trees. It is also the case that while opportunities for the provision of additional soft landscaping within the site have been investigated (specifically outside the hardstanding areas to the north of the building), this is unfeasible due to the need for an unobstructed 8m wide maintenance access to be retained alongside the flood bund to the northern edge of the site for the Environment Agency (who objected to the introduction of the previously proposed soft

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

landscaping in this area). Soft landscaping could not be introduced in other areas of the site without obstructing vehicle access, parking and servicing areas to the west and south, or without encroaching into the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site to the east. Therefore, there are no realistic opportunities for the development to deliver biodiversity enhancements within the site. Nevertheless, as the site comprises a building and sealed surface concrete hardstandings, it has a very low baseline ecological value and has not resulted in any 'net loss' in habitat value or damage to existing habitats. In turn, while it would not secure a "measurable net gain" for biodiversity, its impacts do not give rise to a conflict with the requirements of FLPPR policy ENV2 and the NPPF which weigh decisively against the grant of planning permission in the planning balance. As the application was made valid on 22.07.22, it is not required to achieve the 10% net gain in biodiversity mandated by the Environment Act 2021 for applications involving major developments submitted on or after 12 February 2024.

### Flood risk and drainage:

#### *Policy context:*

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development, as required by the NPPF (paragraph 165). With respect to the sequential test, paragraph 168 of the NPPF indicates that "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

FLPPR policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible. Where discharge is allowed to a surface water sewer, policy CL2 indicates that evidence must be provided to demonstrate that capacity exists within that sewer, including relevant authorisation from the appropriate infrastructure provider.

#### *Assessment:*

The site is located in flood zones 2 and 3 as defined on the Flood Map for Planning and so is in an area at a medium (between a 1% and 0.1% annual probability of river flooding; or between a 0.5% and 0.1% annual probability of sea flooding) to high (having a 1% or greater annual probability of river flooding; or having a 0.5% or greater annual probability of sea flooding) risk of flooding from fluvial and tidal sources. The flood risk vulnerability classifications in Annex 3 of the NPPF defines "buildings used for general industry" (among other uses) as "less vulnerable". In turn, Table 2 to paragraph 079 of the "flood risk and coastal change" chapter to the PPG (ID: 7-079-20220825) indicates that "less vulnerable" development is not "incompatible" with flood zones 2 and 3a and that the exception test in paragraph 170 of the NPPF is not required.

In terms of the sequential test set out in paragraph 168 of the NPPF, paragraph 172 of the Framework states that "where planning applications come forward on sites allocated in the development plan

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

through the sequential test, applicants need not apply the sequential test again.” In this case, the application site is identified for development under employment site reference ES2 in policies SL1 and EC1 of the FLPPR and so has been allocated in the development plan through the sequential test. In accordance with paragraph 172 of the NPPF, the sequential test does not need to be re-applied in these circumstances as it has already passed at the plan-making stage.

As the site is located in flood zones 2 and 3, it is accompanied by a flood risk assessment and a detailed surface water drainage strategy which has been updated following initial comments from the EA and LLFA. In summary, this sets out the following approach to dealing with flood risk and the disposal of surface water:

- Surface water drainage will discharge into Liggard Brook through a hydrobrake control system that will limit discharge rates to a maximum of 5.0 l/s in all storm events. The final chamber on the system will contain a non-return valve to prevent back flow from Liggard Brook at times of high water levels or floods.
- A below-ground attenuation tank for surface water will be located within the car park to the southern side of the building to avoid construction works in close proximity to the flood bund. The attenuation tank is of sufficient capacity to contain all run-offs without surface exceedance.
- The car park and access areas will be constructed in porous paving and drained by surface infiltration into the underlying ground to replenish the water table below the site.
- There are public sewers in Dock Road to which foul runoff flows will be discharged.
- Two series of flow simulation calculations have been carried out to illustrate the operation of the proposed drainage system. These calculations show that the system will accommodate all flows generated by storms up to the 1 in 100 Year event of 600 minutes duration and inclusive of a climate change allowance of 35% rainfall increase. The system will not generate any surface flooding during the simulated events.

The EA’s latest comments dated 04.08.23 confirm that there are no objections to the updated surface water drainage strategy following the re-location of the attenuation tank away from the flood bund to the south side of the building. Similarly, the LLFA’s comments dated 25.04.23 in relation to the updated drainage strategy confirm they have no objections to the application subject to the imposition of conditions requiring: i) that the development is implemented in accordance with the site specific flood risk assessment and drainage strategy; and ii) the submission of a construction surface water management plan. Accordingly, with these conditions in place (that in point ii) has been incorporated into the condition requiring submission of a CEMP as it is linked to the impacts from pollution identified in the HRA), there is no reason to conclude that the development would be at an unacceptable risk of flooding, would increase flood risk elsewhere or that an appropriate means of disposal for foul and surface water could not be achieved in accordance with FLPPR policies CL1 and CL2, and the NPPF.

### **Conclusions**

The application relates to a broadly rectangular parcel of land extending to *circa* 0.65 hectares on the north side of Dock Road, Lytham. The land falls to the northeast of the wider site of ‘Helical Technologies’ which occupies a collection of industrial buildings at the eastern end of Dock Road. The site is located within the settlement boundary of Lytham and is allocated for employment uses (site reference ‘ES2’) on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The application seeks retrospective permission for the erection of an industrial building used for the assembly and testing of air source heat pumps – a class B2 (general industrial) use – together with the formation of an associated vehicle parking and servicing area to the south and west of the building.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The building is used by 'Global Energy Systems' and forms an expansion to their office and research and development premises located to the southeast within the wider confines of the industrial yard.

The development's use is one which is, in principle, appropriate within allocated employment site ES2 as defined in policy EC1 of the Local Plan. The site is located amongst other general industrial uses at Helical Technologies and its use is compatible with those surrounding premises. Whilst taller in height than other neighbouring industrial units, the building is seen amongst other industrial development and against the backdrop of two lower-level industrial units to the west which are of a similar design. It is also located further away from surrounding public vantage points to the northeast corner of the yard on a part of the site which is bordered by other industrial development. Accordingly, whilst utilitarian in its appearance, the building's scale, layout, materials and design are compatible with its industrial context and setting, and the site's allocation in the Local Plan.

The application building is located *circa* 145m away from the closest neighbouring dwelling (no. 100 Victory Boulevard) and, by reason of its spatial relationship with surrounding residential properties and the presence of other intervening buildings and landscaping between them, its scale, massing and design has no harmful effects on the amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. A noise assessment submitted with the application demonstrates that during its proposed daytime operational hours, the sound rating level from noise sources associated with the development will not exceed the existing measured background noise level at the closest noise sensitive receptor and, in turn, will not have any adverse effects on the occupiers of nearby dwellings. Accordingly, subject to the imposition of appropriate conditions to control the nature of the use and its operating hours, the development will not harm the amenity and living conditions of surrounding occupiers through added noise and disturbance.

The development would achieve a safe and suitable means of access to site for all users, would not have an unacceptable impact on highway safety and would not result in a severe residual cumulative impact on network capacity. The provision of an appropriate level of car and cycle parking can also be secured through the imposition of conditions. In turn, it will not have a detrimental impact on the safe and efficient operation of the surrounding highway network.

A habitat regulations assessment has been undertaken which establishes, in agreement with Natural England, that the development's effects on designated nature conservation sites can be suitably mitigated through the imposition of conditions to ensure that it will not have any adverse effects on the integrity of these sites. No other harmful ecological effects would arise from the development which would significantly and demonstrably outweigh its benefits in the planning balance.

The site falls within flood zones 2 and 3 but comprises a "less vulnerable" development on land which has been allocated for employment uses of the type proposed through the sequential test at the plan-making stage. Appropriate measures would be put in place for the disposal of surface water to ensure that the development itself is not at an unacceptable risk of flooding and does not result in an increased risk of flooding elsewhere.

For the reasons set out above, no adverse effects would arise from the development that significantly and demonstrably outweigh the scheme's benefits in the planning balance. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Recommendation

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

1. This permission relates to the following plans:
  - Drawing no. 1001 – Location plan.
  - Drawing no. 1100 Rev E – Proposed site layout.
  - Drawing no. 1101 – Proposed plans and elevations.
  - Drawing no. C-1008-3 Rev A – Proposed sustainable drainage layout.
  - Drawing no. C-1008-4 Rev A – Proposed sustainable drainage layout.
  - Drawing no. C-1008-7 Rev A – Porous parking and road construction details.

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

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

2. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification), the building hereby permitted shall only be used for the assembly and testing of air source heat pumps and for no other purpose (including any other use falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: The conclusions in the applicant's Noise Impact Assessment (report reference SA – 7308-6, dated June 2023) are based on measured noise from specific, existing sources associated with the assembly and testing of air source heat pumps which have been transferred to the application building. Given the wide range of other general industrial uses which could otherwise take place within the scope of an uncontrolled permission for a B2 use (and having particular regard to the nature of other B2 uses on the wider site which have necessitated the introduction of specific measures to mitigate their impacts with respect to noise generation) and the site's location in relation to surrounding residential properties, it is necessary to specify and restrict the nature of the general industrial operations which are permitted to be carried out within the building. The condition is, therefore, needed in order to protect the amenity and living conditions of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

3. The use hereby permitted shall only take place between the hours of 07:30 and 17:00 Monday to Friday and between the hours of 07:30 and 14:00 on Saturday. No machinery shall be operated, no processes associated with the permitted use shall be carried out and no

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

deliveries shall be taken or vehicles despatched from the site outside these specified operating hours.

Reason: To restrict the operating hours of the permitted use and the machinery associated with it in order to avoid the potential for noise from the development to give rise to adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties at times when this noise would be more perceptible to those occupiers and has greater potential to cause unacceptable disturbance, and because the applicant's Noise Impact Assessment (report reference SA – 7308-6, dated June 2023) does not include an assessment of the development's effects outside these proposed hours of operation. Therefore, the condition is needed to protect the amenity and living conditions of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

4. No development (including any associated ground excavation works) involving the construction of the surface water drainage system and/or the porous surfacing to the vehicle access, parking and manoeuvring areas required by conditions 6 and 7 of this permission shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
  - a) Pollution prevention measures to avoid surface water run-off entering the watercourse of Liggard Brook during the construction and operational phases including, but not limited to, the mitigation measures identified in paragraph 6.80 of the document titled "Shadow Habitats Regulations Assessment Report" by Ecology Services Ltd (report reference 23149, dated January 2024).
  - b) The identification of 'biodiversity protection zones' and details of the location and specification of temporary fencing, exclusion barriers and warning signs to be installed to protect these zones.
  - c) The timing of works to avoid harm to biodiversity features and protected species.
  - d) A construction surface water management plan for the management of surface water and stormwater including the measures to be taken to ensure surface water flows are retained on-site during the construction phase, temporary drainage systems, and, if surface water flows are to be discharged, that they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

The duly approved CEMP shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction of the surface water drainage system and the porous surfacing to the vehicle access, parking and manoeuvring areas to mitigate the development's potential effects on water quality, linked water-dependent nature conservation sites, habitats and species of biodiversity value in order to ensure that the development does not give rise to adverse effects on the integrity of the Ribble and Alt Estuaries Ramsar/Special Protection Area/Site of Special Scientific Interest and the Lytham Coastal Changes Site of Special Scientific Interest in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

5. The external lighting installed to the south and west facing elevations of the building hereby approved shall be operated in accordance with the details and timing identified in paragraph 3.9 and Appendix 3 of the document titled “Shadow Habitats Regulations Assessment Report” by Ecology Services Ltd (report reference 23149, dated January 2024). If any additional external lighting other than that identified in the aforementioned document is to be installed on the building and/or the external areas of the site then a scheme including details of the additional lighting’s: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; (iii) any shields, hoods or timers to be fitted to the lights; and (iv) compliance with the Institute of Lighting Professionals guidance 01/21 obtrusive lighting and 08/18 wildlife sensitive lighting shall be submitted to and approved in writing by the Local Planning Authority before any additional lighting is installed. Any additional external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any additional external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, detract from visual amenity in the surrounding area or adversely affect the integrity of designated nature conservation sites, habitats and protected species as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

6. The surface water drainage system for the development contained in the following documents and plans shall be fully constructed and made available for use within 6 months of the date of this permission:
  - a) The documents titled “FRA Report” (issue 2, dated 10 January 2023, report reference C-1008) and “Drainage Strategy Report” (issue 2, dated 10 January 2023, report reference C-1008) by Hamilton Technical Services; and
  - b) Drawing nos. C-1008-3 Rev A, C-1008-4 Rev A and C-1008-7 Rev A.

A verification report confirming the construction of the surface water drainage system shall be submitted for the written approval of the Local Planning Authority within 1 month of its installation. The duly installed surface water drainage system shall thereafter be managed and maintained in accordance with the details contained in section 4 of the document titled “Drainage Strategy Report” (issue 2, dated 10 January 2023, report reference C-1008) by Hamilton Technical Services.

Reason: In order that suitable measures are put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere, and that appropriate measures are put in place for the disposal of surface water and for the future management and maintenance of the surface water drainage system in accordance with the requirements of policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

7. Within 6 months of the date of this permission, the vehicle access, parking, servicing and manoeuvring areas shown on drawing no. 1100 Rev E and described in paragraph 3.4 of the document titled “Drainage Strategy Report” (issue 2, dated 10 January 2023, report reference C-1008) by Hamilton Technical Services shall be fully constructed in accordance with the porous surfacing specification shown on drawing no. C-1008-7 Rev A and shall be marked out and made available for use in accordance with the layout shown on drawing no. 1100 Rev E.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The duly constructed vehicle access, parking, servicing and manoeuvring areas shall be retained as such thereafter for the parking and manoeuvring of vehicles.

Reason: To ensure that the development is provided with a safe and suitable means of access for all users and that adequate provision for vehicle parking, manoeuvring and circulation is made in the interests of highway safety, and to secure suitable measures for the sustainable disposal of surface water in order that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere in accordance with the requirements of policies GD7, T5, CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

8. Within 6 months of the date of this permission the three bicycle parking spaces located within the vehicle parking area to the south side of the building and identified on drawing no. 1100 Rev E shall be constructed and made available for use in accordance with a scheme (including details of their siting, size, materials and design) which has first been submitted to and approved in writing by the Local Planning Authority. The duly constructed bicycle parking spaces shall be retained as such thereafter.

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

### **Informatives:**

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

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

#### **Environmental permit (flood risk activities) – advice to applicant:**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Please note that the Town and Country planning process and the Environment Agency Flood Risk Permit are two entirely separate regimes, and it is therefore vital to be in possession of all necessary permits and provisions before commencing work. A Flood Risk Activity Permit (FRAP) where required cannot be issued retrospectively.

### **Drainage strategy (condition 6) and connection to Main River (Liggard Brook):**

The applicant is advised that they will require an environmental permit from the Environment Agency to discharge to the main river of Liggard Brook. Information on environmental permits is available at:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

### **Adoption of HRA:**

In issuing this decision, the local planning authority has had due regard to the document titled "Shadow Habitats Regulations Assessment Report" compiled by "Ecology Services Ltd" dated January 2024 (report reference 23149) and the comments from Natural England in their letter dated 08.03.24 confirming that they are in agreement with the conclusions in the Shadow Habitat Regulations Assessment that, with appropriate mitigation in place (as is secured through the planning conditions imposed on this permission) the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest or the Lytham Coastal Changes SSSI, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned document prepared by "Ecology Services Ltd" as part of its decision.

### **Need for advertisement consent for fascia sign on west facing (front) elevation of building:**

An externally illuminated fascia sign has been erected on the west facing (front) elevation of the building. For the avoidance of doubt, this planning permission does not grant consent for any signage. The applicant is reminded of the need to make a separate application for advertisement consent to the Local Planning Authority in accordance with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) in order to obtain consent for any signage.

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

**Item 2**

<b>Application No:</b>	22/0461	<b>Case Officer:</b>	John Copestake Area Team 1
<b>Applicant:</b>	WAINHOMES (NORTH WEST) LIMITED	<b>Agent:</b>	Gareth Salthouse
<b>Location:</b>	LAND NORTH OF CROPPER ROAD WESTBY WITH PLUMPTONS LANCASHIRE		
<b>Proposal:</b>	FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING: 1) DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES 2) CONSTRUCTION OF 350 NO. DWELLINGS, 3) LANDSCAPING, 4) PARTIAL CLOSURE AND REALIGNMENT OF CROPPER ROAD, 5) NEW ACCESSES FROM CROPPER ROAD TO INCLUDE A LINK TO CROPPER CLOSE AND LEA GREEN DRIVE		
<b>Ward:</b>	Wrea Green with Westby	<b>Parish:</b>	Westby with Plumptons
<b>Date Received:</b>	24 August 2022	<b>Earliest Decision:</b>	29 February 2024
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Delegate to Officers to approve subject to s106 and other matters		
<b>Location Plan</b>			

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

The application site is an extensive area of land located to the western side of Cropper Road in Whitehills and allocated for residential development in the Fylde Local Plan to 2032 (incorporating Partial Review). The application is submitted for full planning permission for the development of 350 homes, including 105 affordable homes. It is considered to form sustainable development and is acceptable in principle as it is for the development of a site allocated for housing in the Local Plan.

The site is notably constrained by flood risk, with the proposed design and layout being significantly influenced by the amount of land required for its attenuation and to properly manage flood risk. Where features of the proposals do not strictly meet the requirements or guidance set out in the material policy and guidance, such impacts are considered to have been mitigated as much as possible without impacting other technical considerations, nor reducing the delivery of housing on the site. This approach is considered to be acceptable, in that the harm is outweighed by the benefits of delivering a site allocated for housing in a manner which is otherwise sustainable.

In addition, the proposal includes the following contributions which are to be secured by a s106 agreement:

- 30% affordable housing;
- Funding to support the provision of a regular bus service linking the site with St Annes / Blackpool for a period of 5 years (along with other developers on the allocation)
- £258,577.92 towards expansion of Harris Medical Centre in Blackpool;
- £777,000.000 towards primary school places at Lytham St Annes Mayfield Primary School and/or Weeton St Michael's Church of England Primary School;
- £1,015,246.00 towards secondary school places at Carr Hill High School and/or Lytham St Annes Technology and Performing Arts College;
- Future management of open spaces;
- £7,040 for the improvement of bridleway BW0515013; and,
- The Council's legal and monitoring fees.

A draft s106 agreement is at an advanced stage of preparation on the above basis. The applicant is not running a viability argument and therefore the proposal does not include any variation to the amounts requested by the relevant consultees and responsible bodies. It is therefore recommended that the Committee delegate the authority to officers to grant planning permission for the development once these negotiations are satisfactorily concluded and the agreement signed, to draft a final series of planning conditions, and to continue to work with the developer to finalise some relatively minor outstanding matters of details associated with the layout of the scheme in a couple of areas.

### **Reason for Decision Level**

The application is for 'major development' and includes contributions, so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site relates to two separate parcels of land to the west of Cropper Road and north of School Road, both falling within the wider Cropper Road West, Whitehills allocated site (HSS5) [the allocated site] in the Fylde Local Plan to 2023 (incorporating Partial Review) [the Local Plan]. The entire

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

allocated site extends to 23.5ha, whilst the two parcels forming the application site extend to 11.5ha and 4.5ha (16ha in total), meaning that they make up two thirds of the allocated site.

The site is bound by Cropper Road to the east; School Road to the south; commercial and residential properties off Bammers Lane to the west; and, Cropper Road, the A5230 and Dickie's Lane South to the north. The boundaries feature some sections of hedgerow and fences.

The site currently contains a number of uses, with the majority being agricultural or equestrian related but with some limited residential, commercial and industrial uses also present. The agricultural land and boundaries between these uses feature trees and other vegetation. The site is generally flat, with some elevation towards the northern boundary close to Dickie's Lane South.

The wider area also features a mix of uses, with areas of employment and residential land to the north, east and west, and agricultural land to the south. The road network immediately to the north provides a nearby connection to the M55, with the main urban area of Blackpool also nearby to the west and north west. The B5410 connects the south of the site to Lytham, approximately 3km away with the M55 link road that is due to open in June terminating at the corner of the site with the Cropper Road roundabout.

A footpath runs east to west through part of the site and wider allocated site (5-15-FP-3), connecting Bammers Lane and Cropper Road. A bridleway (5-15-BW-13) runs adjacent to the site following the route of Bammers Lane.

### **Details of Proposal**

Planning permission is sought for the following:

- 350 houses, some with external garages, comprising:
  - 72 x two-bed;
  - 104 x three-bed;
  - 174 x four-bed; and,
  - Including 105 affordable houses (30% of the total number).
- Relatively large areas of open space for flood attenuation;
- Other open space through the site, including new tree and hedgerow planting, a new Local Equipped Area for Play [LEAP] and four trim trail installations (for informal exercise);
- Boundaries including retaining walls, walls, fences and railing;
- New internal access roads, footpaths, cycle paths, private driveways and parking areas;
- A diversion of the footpath across the site;
- Offsite highways works, notably including improvements to Cropper Road and nearby junctions; and,
- Other associated works, including a pumping station and highway connection points to other parcels within the allocated site.

The proposal includes the following contributions:

- 30% affordable housing;
- Funding to support the provision of a regular bus service linking the site with St Annes / Blackpool for a period of 5 years (along with other developers on the allocation)
- £258,577.92 towards expansion of Harris Medical Centre in Blackpool;
- £777,000.000 towards primary school places at Lytham St Annes Mayfield Primary School and/or Weeton St Michael's Church of England Primary School;
- £1,015,246.00 towards secondary school places Carr Hill High School and/or Lytham St Annes Technology and Performing Arts College;



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Future management of open spaces;
- £7,040 for the improvement of bridleway BW0515013; and,
- The Council's legal and monitoring fees.

### Relevant Planning/Appeal History

#### This application site

Whilst there are multiple applications for the existing uses on the site there is also an application for its residential development. This is:

*17/0779: Outline application for the residential development of up to 350 dwellings together with associated works and infrastructure following demolition of existing buildings and structures.*

This application is still live. Members resolved to grant subject to: s106; and, confirmation of no objection from the Environment Agency [EA]. However, these conditions were not satisfied and so the application was not approved. It is expected that the application will be withdrawn following the determination of this (22/0461) application as it effectively replaces that.

#### Neighbouring sites

There are four other live planning applications which together cover the remainder of the wider allocated site:

- *19/0284: Residential development of 60 dwellings with associated landscaping and infrastructure. Land at junction of School Road and Bambers Lane.*
- *21/0472: Erection of 40 dwellings (including two affordable homes) and associated internal estate road, on-site open space, flood attenuation area, pumping station, landscaping and other works following demolition of existing bungalow. Cropper Lodge, Cropper Road.*
- *23/0469: Resubmission of planning application 21/0799 – formation of neighbourhood centre comprising single storey building to provide a retail unit (Use Class E(a)) and either a café (Use Class E(b)) or a second retail unit (Use Class E(a)), area reserved for potential community use, access from Cropper Road, car parking area, servicing area, pedestrian/cycle link to rear and landscaping.*
- *23/0476: Resubmission of planning application 21/0785 – erection of 62 affordable dwellings with vehicular access from Cropper Road, associated internal estate road, flood attenuation area and pedestrian/cycle links. The Garden Place, Cropper Road.*

The latter two of these are subject to non-determination appeals which are to be considered following a hearing which is scheduled for 23 and 24 April 2024.

### Parish Council Observations

<b>Parish/Town Council</b>	<b>Observations</b>
Westby with Plumpton Parish Council	<u>Initial objection withdrawn on 11/02/2024</u>  The parish council accepts the development will take place as the land is earmarked for residential development within the Local Plan. The PC requests that the recent planning amendments are adhered to, particularly relating to drainage, infrastructure and services. The main thoroughfare must accommodate parked vehicles and a bus service simultaneously.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>Therefore, it was resolved to request these matters be considered but the parish council to withdraw its previous objections to the application.</p> <p><u>Previous comments received on 16/07/2023</u></p> <p>The parish council is aware that the area outlined on the application is designated for residential development as noted within the Local Plan 2032. The parish council is in agreement that the land would be best suited for such a scheme as proposed by the applicants and, as such, in theory supports the application. However, there are several concerns that were highlighted previously and still remain – these will need to be successfully addressed in the opinion of the PC – as follows:</p> <ol style="list-style-type: none"> <li>1. Drainage and flooding – including the run-off to neighbouring properties on Cropper Road and Bambers Lane. Confirmation that a suitable scheme is in place with no adverse effect on existing properties.</li> <li>2. The development of suitable infrastructure to accommodate the influx of people including doctors, dentists, travel routes and public bus services, primary and secondary education.</li> <li>3. Access and egress to the site on to 60mph highways – will these speed restrictions be lowered?</li> <li>4. Concerns over the height of the land being raised to accommodate construction – to what level will this be juxtaposed to the surrounding established areas?</li> <li>5. The development of a retail centre is proposed – is there any indication of services being proposed currently?</li> </ol>
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### **Statutory Consultees and Observations of Other Interested Parties**

#### Summary of Responses

The table below provides an overview of the responses received, with more details provided below and the full version of the comments included on the website that is accessible from the link in the header to this report.

<b>Consultee</b>	<b>Summary of recommendation</b>
LCC Highways	<p>No objection, subject to: amendments to infrastructure delivery plan; conditions; and, contributions.</p> <p><i>Officer note: the requested amendments to the infrastructure delivery plan have been secured.</i></p>
Greater Manchester Ecology Unit	No objection, subject to a range of conditions.
Environment Agency	No objection, subject to conditions.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Natural England	No objection, subject to appropriate mitigation and conditions.
Lead Local Flood Authority	No objection, subject to conditions.
United Utilities	Most recent response was to withdraw objection subject to conditions, 08/08/2023.
Environmental Protection	No objection, subject to conditions.
Local Education Authority	No objection, subject to contributions.
NHS Lancashire and South Cumbria	No objection, subject to contributions.
Trees	Comments will be provided in late representation report to committee.

### Lancashire Country Council Highways

Consultation with LCC Highways has followed a significant number of meetings with both the applicant and planning officers. These meetings have mainly focused on: securing necessary offsite improvement works; securing necessary contributions for public transport; and, ensuring that the internal roads, parking areas and cycle/pedestrian links are appropriate. The Highways team provided their most pertinent, recent comments on 20/02/2024 and 12/01/2024 (summarised below) and an extensive range of proposed conditions on 19/01/2024.

Summary of comments – no objection subject to amendments to the phasing and infrastructure delivery plans, conditions, contributions and offsite works.

The requested contributions are: £180,000 for public transport and £18,000 towards a Travel Plan although that could be reduced to £6,000 if linked to other adjacent Travel Plans, to provide 4 bus stops (2 in each direction) where appropriate, and deliver land near link road roundabout and Dickies Lane to facilitate improved pedestrian / cycle connectivity at each end of Cropper Road.

The following amendments were made by the applicant and formally submitted:

*I can confirm that the LHA's statutory comments dated 12th January 2024 and 19th January 2024 still apply to the application. I have reviewed the Phasing/Infrastructure Delivery Plan (drawing 1500WHD/CRB3/PL01 Revision M). It positive to see that the drawing highlights most of the Highway works and S106 contributions, with trigger points, as identified in the LHA's statutory comments. However, there is some information that is lacking, i.e., the plan includes 2 quality bus stops in the Infrastructure Delivery Schedule, whereas the LHA have requested 2 quality bus stops in each direction (i.e., 4 no. Quality Bus Stops in total). In addition, the Infrastructure Delivery Schedule has omitted the requested Travel Plan Support Contribution of £18,000 that is to be paid prior to occupation. This is a concern as the existing location for this development includes a number of limitations and constraints on the local highway network, and the LHA has requested improvements to sustainable infrastructure and funding to support sustainability. I consider that these requests should be included in the Phasing/Infrastructure Delivery Plan. All other matters are acceptable.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The summary of comments is otherwise as follows:

*The existing location for this development includes a number of limitations and constraints on the local highway network that require development on the Local Plan site (HSS5) to come forward in a properly planned, masterplanned approach. The LHA has worked with the LPA and the applicant (Wainhomes) on all matters to ensure that this key site is appropriately concluded, that will then enable other proposals to be considered, as part of the HSS5 site.*

*With consideration for all the information provided, I consider that the proposal can now be considered acceptable, however this is subject to the detailed agreement of schemes for improvements for all modes and the delivery of infrastructure to facilitate a through access road, i.e., the delivery of the wider site in line with the masterplan, as well as improvements and access to sustainable infrastructure and funding to support sustainability.*

*I consider that the delivery of necessary infrastructure, in line with the masterplan, and a number of other matters can be suitably addressed and secured by condition and therefore I would offer no objection to the proposed development, providing suitable conditions are put in place to ensure these necessary measures are delivered in line with agreed trigger points.*

### **Greater Manchester Ecology Unit**

No objection, subject to conditions.

Notably, updated species surveys for bats and other protected species were provided, with GMEU confirming that the updated information was sufficient to require no further surveys or additional conditions.

### Biodiversity Net Gain

*Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The biodiversity metric has been updated to reflect the amended site layout. I previously accepted the metric was acceptable.*

- *The production of a Habitat management and monitoring plan should be conditioned.*

GMEU also provided a response to an officer query about 'BNG trading' arising from the Environment Agency consultation response:

*The trading rules are to promote like for like habitat mitigation and enhancement.*

*For this site a very small area of woodland is being lost and one pond, which are mitigated for primarily by grassland habitat creation, thereby not satisfying the trading rules. The LPA does however have discretion to waive the trading rules (but not the 10%). This is only meant to be used occasionally once mandatory. In this instance I would have had no issues with the woodland loss the main habitat for the site is grassland, therefore grassland mitigation should be the priority. With regards the pond, there is an argument for requiring a replacement pond but given the extensive ditch habitat, I have no strong views on this either.*

### Bats

14/02/2024:

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*An updated bat assessment of the trees has been provided. This found a small number of trees to have low bat roosting potential. My previous recommendation require updating to reference the new bat report.*

- *The removal of trees with low bat roosting has the potential to cause harm to bats as identified in the Ecological Survey and Assessment ERAP ref. 2021-374f and no such tree(s) shall be removed in any circumstances occur unless further bat assessment and or guidance has been provided to and agreed in writing by the local planning authority.*

*Previous survey of the buildings are now also becoming dated.*

- *I therefore recommend a review of the previous bat assessments of the buildings proposed for demolition prior to determination.*

*My previous recommendations regarding external lighting of the 26th September 2022 still apply.*

26/09/2024:

*A valid bat report has been provided. As for the previous application all buildings were regarded as having negligible bat roosting potential, with a small number of trees, all shown as retained having low and moderate bat roosting potential. I have no reason to doubt the findings of the report, photographs clearly indicating building with no to at most very low bat roosting potential. No further survey information is required. As plans may change I recommend a condition along the following lines is applied regarding the trees currently shown as retained.*

- *Suggested condition: The removal of trees with low or moderate bat roosting has the potential to cause harm to bats as identified in the Ecological Survey and Assessment ERAP ref. 2021-1374 and no such tree(s) shall be removed in any circumstances occur unless further bat assessment and or guidance has been provided to and agreed in writing by the local planning authority.*

*The boundaries of the site have potential to provide foraging and commuting habitat. The majority of these habitats are retained, but could be negatively impacted upon by external lighting. I recommend a condition along the following lines is applied to any permission.*

- *Suggested condition: Prior to development an external lighting design strategy shall be submitted to and approved in writing by the LPA. The strategy shall:*
  - *Identify areas/features on site that are potentially sensitive to lighting for bats;*
  - *Show how and where street lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on bats is negligible;*
  - *Specify frequency and duration of use.*

*All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.*

### Other Protected Species

14/02/2024:

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*No new information has been provided. Previous survey date is becoming dated, now over 18 months old. Some of the species potentially present are highly mobile e.g. badger, otter and barn owl. It is therefore theoretically possible that any of these species could now be present.*

- *I therefore recommend a review of the previous findings prior to determination.*

26/09/2024:

*All other protected species that could theoretically have been present, barn owl, badger, reptiles, otter etc were reasonably discounted following the ecological survey. I have no reason to doubt these conclusions. No further information or measures are required.*

### Proximity to Ribble & Alt Special Protection Area

*I accept the assessment as previously that the site is not suitable for wintering birds associated with the SPA, owing to the fragmentation of fields into small units, scattering of buildings and level of disturbance. I.e. it is very unlikely to be functionally linked. However, as noted by ERAP, Natural England should be consulted owing to the scale of the development and proximity to statutory sites as whilst I believe the potential for increased recreational disturbance (directly or indirectly to the SPA) is de minimis, Natural England have of late being taken a different view on some applications.*

### Great Crested Newts

*Three ponds were identified as being in the zone of influence of the application with a further temporary pool also present. I agree that no other ponds required assessment. As for previous surveys, surveys (using eDNA) found no evidence of great crested newts. I have no reason to doubt the findings of the report, the long history of negative results and increasing isolation of the site making colonisation very unlikely. No further information or measures are required.*

- *Suggested condition: Prior to any earthworks impacting upon ditches and dykes a reasonable avoidance measures method statement for water vole will be provided to and agreed in writing by the LPA.*

### Nesting Birds

*The development will result in the loss of potential bird nesting habitat including hedgerow and trees along with nesting habitat associated with certain buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.*

- *Suggested condition: No works to trees or shrubs shall occur or demolition shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.*

### Other Mammals and Amphibians

*The consultant notes that habitats on site are suitable for UK Biodiversity Priority species such as hedgehog and common toad. They have set out reasonable avoidance measures in section 5.4.3 of the report. I recommend a condition along the following lines is applied to any permission.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- *Suggested condition: The development shall be carried out in accordance with the reasonable avoidance measures for amphibians and other wildlife contained in the Ecological Survey and Assessment ERAP ref. 2021-1374 Section 5.4.3 as already submitted with the planning application and agreed in principle with the LPA prior to determination.*

### Invasive Species

*Two species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were found on the site, Japanese knotweed and monbretia. It is an offence to introduce or cause to grow wild any plant listed under this schedule. There is a risk of soil contaminated with these two species being spread around the site or transported off-site in vehicle treads etc. I therefore recommend a condition along the following lines is applied to any permission.*

- *Suggested condition: Prior to any earthworks a management strategy including a updated survey for Japanese knotweed, monbretia and other invasive species should be supplied to and agreed in writing to the LPA. The agreed strategy shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.*

### Species Mitigation

*With regards species mitigation, I am satisfied that this can be achieved on site through provision of nest boxes for species such as house sparrow, demonstrated as being present on-site, ensuring permeability through the site for species such as hedgehog and enhancement for bats through integrated bat bricks in the new build. The new ponds will have positive impact for amphibians and potentially reed bunting and the gardens likely benefit dunnock.*

- *Suggested condition: The detail of the species measures can therefore be conditioned.*

### **Environment Agency**

The Environment Agency were re-consulted in response to the provision of an updated Habitats Regulation Assessment [HRA] and confirmed no objection, on the following basis:

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:*

- *The provision of 4.22ha of Public Open Space (POS)*
- *The provision of Advisory Leaflets*
- *The erection of signage/information boards*
- *The retention of existing boundary features*
- *The provision and implementation of a Construction Environmental Management Plan (CEMP)*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measure.*

Previous comments provided on 15/12/2023 withdrew the earlier objection to the scheme, subject to a range of conditions which have been attached to the recommendation. The most pertinent points of the previous response are summarised below:

- *We are satisfied with the information provided in the Technical Note in relation to the description and functionality of the 5 proposed flood alleviation basins;*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- *We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented;*
- *Detailed design and maintenance of the compensatory flood storage areas must be secured via conditions;*
- *An Ecological Management Plan must be secured by condition, notably to ensure suitable BNG; and,*
- *Remediation strategies for managing contamination risk must be secured prior to each phase of the development commencing, with another condition for subsequent verification.*

### **Natural England**

Natural England were re-consulted in response to the provision of an updated Habitats Regulation Assessment [HRA] and confirmed no objection, on the following basis:

*We consider that without appropriate mitigation the application would:*

- *have an adverse effect on the Ribble & Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar, Morecambe Bay and Duddon Estuary SPA and Morecambe Bay Ramsar.*
- *damage or destroy the interest features for which Ribble Estuary Site of Special Scientific Interest (SSSI) and Wyre Estuary SSSI has been notified.*

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:*

- *The provision of 4.22ha of Public Open Space (POS)*
- *The provision of Advisory Leaflets*
- *The erection of signage/information boards*
- *The retention of existing boundary features*
- *The provision and implementation of a Construction Environmental Management Plan (CEMP)*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.*

### *Internationally and nationally designated sites*

*The application site is within 4.2km of Ribble & Alt Estuaries SPA, Ribble & Alt Ramsar and Ribble Estuary SSSI. It is also within 6.9 km from Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Wyre Estuary SSSI. Some of the above listed sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA and Ramsar populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining designated sites species populations, and proposals affecting them may therefore have the potential to affect the European sites.*

### *Habitats Regulations Assessment (HRA)*

*Natural England has reviewed the Shadow Habitat Regulations Assessment (sHRA) (ERAP, March 2024, v3). We note that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.*



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.*

- *The provision of 4.22ha of POS as set out within the Site Layout Plan (DGL Associates Limited, 2024). This POS should include appropriate provisions for recreational activities and be secured via an appropriately worded planning condition to minimise recreational pressure on the above designated sites.*
- *The provision of Advisory Leaflets which explain the sensitivity of the nearby designated sites, outline a 'responsible user code' and identify alternative areas for recreational activities. For Natural England's further advice on the content of Advisory Leaflets, please see Annex A. This should be secured via a suitably worded planning condition to reduce recreational disturbance impacts.*
- *The erection of signage/information boards in appropriate locations around the proposal site which present the same information as the Advisory Leaflets, to ensure the continuation of advice to occupiers. This should be secured via an appropriately worded planning condition to reduce recreational pressure.*
- *The retention of existing boundary features including trees and hedgerows. This is to provide screening during the construction phase to disturbance impacts on the qualifying bird species using the surrounding area and should be secured by a suitably worded planning condition.*
- *The provision and implementation of a CEMP which includes a sensitive lighting strategy, measures to protect existing vegetation and appropriate dust suppression and pollution measures, such as the measures outlined in Section 4.3.13 of the sHRA. This should be secured via an appropriately worded planning condition to limit impacts during the construction phase of the proposal on the supporting habitat utilised by qualifying bird species of the above designated sites.*

### Ribble Estuary SSSI and Wyre Estuary SSSI

*Our concerns regarding the potential impacts upon the above SSSIs coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site have been notified.*

*Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.*

### **Lead Local Flood Authority**

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

No objection, subject to conditions.

The Lead Local Flood Authority responded on 28/02/2024 to the re-consultation request, confirming no update to their comments previously provided on 08/08/2023.

08/08/2023 response:

*The Lead Local Flood Authority wishes to withdraw its objection to the above application. The above application will be acceptable subject to the inclusion of the below condition(s), in consultation with the Lead Local Flood Authority:*

*Officer note – the requested conditions will be incorporated into the decision.*

*Lead Local Flood Authority - Site-Specific Advice*

*The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:*

- *Please note that the watercourses that the multiple proposed discharge points appear to have different classifications (Spen Dyke appears to become main river to the south the site), so both an environmental permit and ordinary watercourse consent should be obtained.*

*If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.*

*Lead Local Flood Authority – General Advice*

*The Lead Local Flood Authority's general advice is provided through the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro-forma.*

### **United Utilities**

United Utilities last responded to the proposals on 04/08/2023, withdrawing a previous objection, subject to conditions. An updated consultation response was requested but has not been received. Based on the nature of the changes to the proposal since then and the updated responses from the LLFA and EA, it is considered that the previously provided response and requested conditions are appropriate.

Previous response:

Following our review of the submitted Flood Risk Assessment and Drainage Management Strategy, Document Reference: HYD701\_CROPPER.ROAD\_FRA&DMS, Revision: 2.0, Date of Issue: 19.05.2023, Report Status: Final, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

*Officer note – the requested conditions will be incorporated into the decision.*

*Water pipelines*

*United Utilities will not allow building over or in close proximity to a water main.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*A large diameter trunk main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/buildingover-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.*

*Given the size and nature of the pipeline concerned, we strongly recommend that if they have not already done so, the applicant contacts our Developer Services team at the earliest opportunity for advice on determining the precise location of the pipeline and additional protection measures they must consider both during and after construction. See Contacts section below.*

### *Wastewater pipelines*

*United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).*

### *Important information regarding water and wastewater pipelines and apparatus*

*It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.*

*A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See 'Contacts' Section below. United Utilities Water will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.*

*Developers should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.*

*Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.*

*Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.*

*Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is available on our website. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational.*

*It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. WATER AND*

### WASTEWATER SERVICES

*If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.*

*If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.*

*In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.*

*To promote sustainable development United Utilities offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/buildersdevelopers/your-development/planning/building-sustainable-homes/>*

*Business customers can find additional information on our sustainable drainage incentive scheme at <https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>*

*To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' Section below.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*(Contacts available in full response on planning file.)*

### Local Education Authority

No objection, subject to contributions of £1,592,850.00 for primary places and £641,208.00 for secondary places. If these full contributions are not to be provided, the LEA object.

The LEA have requested that committee members review the full response.

### NHS Lancashire and South Cumbria

No objection, subject to £264,027.00 contribution towards an extension at Harris Medical Centre.

*I refer to the above planning application which concerns the Full Planning Application for residential development comprising: 1) Demolition of all existing buildings and structures 2) Construction of 350 No. dwellings 3) landscaping 4) Partial closure and realignment of Cropper Road, 5) New access from Cropper Road to include a link to Cropper Close and Lea Green Drive on Land North of Cropper Road Westby with Plumpton Lancashire, comprising:*

- 77 x 2 bed houses @ 2 people/unit = 154 people
- 62 x 3 bed houses @ 2.8 people/unit = 173.6 people
- 211 x 4 bed houses @ 3.5 people/unit = 738.5 people
- 350 dwellings = 1066 people

*The ICB has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.*

*In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122)/Section 106 requests for development contributions must comply with the three specific legal tests:*

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

*We have applied these tests in relation to this planning application and can confirm the following specific requirements.*

The calculations supporting this requirement are set out in the full response on the planning file.

	<b>Total Chargeable units</b>	<b>Total</b>	<b>Project</b>
General Practice	350 (1066 persons)	£264,027	Towards an extension at Harris Medical centre

*The obligation should also include the provision for the re-imbusement of any legal costs in incurred in completing the agreement.*

*We would highlight “that failure to secure the contribution we have requested effectively means that we are objecting to the application”.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*Justification for infrastructure development contributions request*

*This proposal will generate approximately 1066 new patient registrations based on average household size of 2.4 ONS 2017.*

*The proposed development falls within the catchment area of Harris Medical Centre. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice.*

*The practice is located less than 1.2 miles from the development and would therefore be the practice where the majority of the new residents register for general medical services.*

*From a ICB perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.*

*It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.*

*Please note that general practice premises plans will be kept under review and may be subject to change as the ICB must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.*

*The ICB is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the ICB confirms that there are no more than four other obligations towards this project.*

### **Environmental Protection**

There is no objection to the above proposal subject to the conditions for the following:

- Submission and approval of a Construction Environmental Management Plan;
- Submission and approval of study for contamination and ground gas risk;
- Submission and approval of remediation statement;
- Submission and approval of verification report; and,
- Control of noise levels.

### **Planning Policy**

Comments provided on the draft s106 and Affordable Housing Statement, including requests for amendments which have been passed on to the Council's legal representative for consideration.

Comments provided on the proposed housing mix, including that whilst the proposed mix is not in strict compliance with policy, it could be considered acceptable if the proposed mix is necessary to ensure delivery on a large site with significant constraints (in this case relating to land for flood risk and storage).

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Public Rights of Way

No objection, subject to contribution of £7,040 of S106 funding to improve the condition of bridleway BW0515013, as well as standard advice for the protection of the condition and accessibility of public rights of way.

### Neighbour Observations

<b>Neighbours notified:</b>	8 September 2022
<b>Amended plans notified:</b>	N/A (with the exception of renotification of the interested party for matters relating to the Sequential Test Assessment on 29/09/2023, detailed in the summary list below).
<b>Site Notice Date:</b>	15 September 2022
<b>Press Notice Date:</b>	6 October 2022
<b>Number of Responses</b>	Total number of comments <b>19</b>

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

- Loss of open space and countryside character;
- Lack of school and medical places;
- Cropper Road is already insufficient to cope with traffic;
- Cropper Road should be upgraded, rather than a new link road being delivered;
- A new link road will harm amenity for existing residents;
- The data in the Travel Plan is out of date;
- The development will be congested with parked cars;
- The new development will affect character and tranquillity of existing, nearby residential areas;
- The new highways will increase risk for pedestrians;
- The loss of existing businesses on site is unacceptable;
- Opinion expressed that Wain Homes (the housing developer) are not suitable, with examples given of unfinished development of the adjacent Wain Homes site;
- Increased pollution, including noise during construction;
- Loss of space for wildlife;
- Loss of 'ancient bridle paths' and other space for horses;
- Local residents should have been provided more time to comment and a wider notification process should have been carried out;
- Existing access through the site to the businesses around the skate park must be retained;
- A response from Mark Menzies MP, made on behalf of a local resident, requesting matters relating to highways, noise and link road route impacts; and,
- A response from Turley on behalf of The Strategic Land Group, setting out that the Sequential Test Assessment relating to flood risk is deficient.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The above issues are responded to in the appropriate parts of the Comment and Analysis section later in this report.

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

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

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

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

FLD2 - Flood Map Zone 2

FLD3 - Flood Map Zone 3

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

DLF1 - Development Locations for Fylde

EC1A - Employment Land Allocations

EC2 - Employment Opportunities

EC5 - Vibrant Town, District & Local Centres

ENV2 - Biodiversity

ENV4 - Provision of New Open Space

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

H1 - Housing Delivery and the Allocation of Housing Land

H1S - Strategic Housing Sites

M1 - Masterplanning the Strategic Locations for Development

INF2 - Developer Contribution

H2 - Density and Mix of New Residential Development

H4 - Affordable Housing

HW1 - Health and Wellbeing

T1 - Strategic Highway Improvements

SL2 - The Fylde-Blackpool Periphery Strategic Location for Development

T5 - Parking Standards

T4 - Enhancing Sustainable Transport Choice

### **Other Relevant Policy and Guidance**

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

NDG – National Design Guide

NMDC – National Model Design Code

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (10(b)). This relates to urban development projects and the guidance indicates that an Environmental Impact Assessment can be required for



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

schemes that involve over 5 hectares of new development of 150 dwellings, as is the case here. As a result of this officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement. This is primarily because much of the development is on an allocated site in the development plan, that it is not an ecologically designated site and is some distance from any such sites, and that the potential implications of the development proposals are likely to be restricted to the local area only in their impacts given the mitigation that can be imposed.

### **Comment and Analysis**

This section of the report is organised under the following headings, which are considered to be the main issues for the application:

- Principle of Development and Masterplanning
- Flood Risk and Drainage
- Highways
- Design, Layout and Impact on Character
- Affordable Housing
- Ecology and Biodiversity Net Gain
- Open Space
- Developer Contributions
- Other Matters

### **Principle of Development and Masterplanning**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development.

The Development Plan consists of the Fylde Local Plan to 2032 (incorporating Partial Review). Within the Development Plan, the site has been allocated as part of the HSS5 site within the Fylde-Blackpool Periphery Strategic Location for Development through Policy SL2. The Strategic Location for Development is allocated under policy DLF1 – Development Locations for Fylde.

Policy M1 sets out the requirements for development proposals relating to the strategic locations for development, including requirements for the preparation of masterplans and the information which they should contain. The applicant has provided a Masterplan (Ref: 15-415, January 2024) for this proposal, with reference also to the masterplan considered as part of planning application 17/0779 (which benefitted from a resolution to grant, subject to s106). The proposals are considered alongside these requirements under heading below.

### **Comprehensive Approach**

The policy requires that the strategic locations for development be considered as a whole, with a comprehensive approach to making development sustainable. The applicant has provided a masterplan covering the wider application site and has shared this with the applicants for the other parts of the allocated site, with all parts being subject to live applications or appeals. The applicants for each site, with the exception of no response being received from the agent for the scheme for 40

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

dwellings (21/0472). In this regard, the applicant has set out a case showing a masterplan for the entire site, for which each applicant for the significant majority of the site is in agreement.

The submitted Masterplan includes details of access, movement, flood risk and delivery, with the wider allocated site included in each part of this document. In this regard, the approach is comprehensive. There are obvious conflicts between the masterplan that has been presented and the local plan policies map with regards the scale and location of the neighbourhood centre element of the allocation, but this conflict does not involve this application. In terms of sustainability, this is considered in the later parts of this document, with specific regard to paragraph 8 of the NPPF which defines the economic, social and environmental objectives of sustainable development.

### Housing Choice and Density

The policy requires that a broad balance and range of housing choice is provided, including both market and affordable housing, in line with Policies H2 and H4. Policies H2 and H4 set out requirements for density, mix, housing type (including accessible houses), affordable housing, and size and type.

The density taken from the net developable site area is 32.53 units per hectare, with the gross site area giving 22.04 units per hectare. In particular, the large amount of land required on site for flood risk mitigation means that the figure arising from the net developable area is most relevant. Policy H2 states that a minimum net residential density of 30 units per hectare is expected.

With regards to mix, Policy H2 requires at least 50% 1- 2- or 3-bed dwellings, or at least 33% of the same for sites in close proximity to the 'Tier 1 Larger Rural Settlements' and 'Tier 2 Smaller Rural Settlements'. The different requirements for sites close to the Tier 1 and 2 Rural Settlements in explained in the supporting text for Policy H2, setting out that these requirements are designed to address existing demand and imbalance in housing provision in certain parts of the Borough. However, the text also acknowledges that the appropriate mix of development may change during the plan period.

On this basis, the Council's Planning Policy team were consulted and whilst they found that the proposed mix of 77 x 2-bed, 62 x 3-bed and 211 x 4-bed units (which equates to 40% being 1- 2- or 3-bed) was not strictly policy compliant, that the mix could be considered acceptable where other benefits outweigh this issue. That is to say that any harm arising from the proposal not strictly according with policy in this regard is not considered to be insurmountable. The applicant sets out that their mix reflects a high demand for 4-bedroom houses, with reference to their own market analysis.

Policy H2 includes a requirement for 20% of homes within the development being M4(3(2a)) (wheelchair-adaptable dwellings). The proposal includes 32% of the proposed homes as M4(2) (accessible and adaptable dwellings) dwellings spread across the site. The essence of the difference between the two types of dwellings is that the policy would secure housing which would be wheelchair-adaptable, whereas the proposal is for housing which the Building Regulations defines as more generally accessible and adaptable. That is to say that whilst the proposed housing type would be adaptable to meet a range of access requirements, it may not be wheelchair accessible.

In terms of the reference to M4(3) housing in Policy H2(5), the evidence base for the local plan did not identify a specific need for wheelchair accessible homes in the Cropper Road area of the Borough itself. The Fylde Specialised Housing Background Paper (May 2016) instead extrapolated projected

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

trends for an ageing population in Fylde and this informed Policy H2. The key objective is to provide housing that contributes to the needs of an ageing population.

The Fylde Specialised Housing Background Paper (May 2016) does make it clear that locational factors should be considered when considering elderly accommodation. It says that such accommodation should be located in very close proximity to local facilities including community meeting places, a place of worship and a convenience shop (all within 500 metres, preferably closer), without the need to cross major roads, and there should be a bus stop with regular services to the nearest town centre and hospital very close by. The paper says the following:

*“There is no purpose in planning potential sites for accommodation for the elderly in locations where they will not themselves choose to live.”*

In the case of Cropper Road, the site portfolio for HSS5 for the Strategic Site Assessment Fylde-Blackpool Periphery 2015 for the local plan noted that the site does not relate well to services with access to social infrastructure such as medical services and hospitals being poor. Such infrastructure will take some time to be delivered and the site will still be located some distance from everyday amenities such as a GP surgery and medical services.

In this location, the provision of 32% M4(2) homes that incorporate a range of measures to meet the needs of the elderly and allow them to remain in their homes and still meet needs of those in a wheelchair, whilst not specifically allowing immediate wheelchair adaptability, is considered a positive and appropriate response to the requirements of Policy H2(5) when compared to the requirement for 20% M4(3(2a)) homes.

For these reasons, the proposed density is considered to be an appropriate response to site constraints, with a broad range of housing proposed. It is considered that the mix is not overly dissimilar to the requirement set out in Policy H2 and that the applicant has set out a clear justification for the proposed mix in their Planning Statement.

### High Quality Design

Matters relating to high quality design and impact on character are considered later in this section of the report. It is concluded that whilst there are elements of the proposals which do not accord with the material policy and guidance, that on balance, the proposed development is acceptable in this regard, subject to conditions.

### Local Employment and Local Needs

The policy sets out that a wide range of local employment opportunities should be provided that offer a choice of jobs and training prospects. The proposed development is for houses, with no employment land (although the wider allocated site includes a Local Centre with employment land). The proposed development would directly create construction jobs, with indirect support to the local economy via the provision of housing for local people who will generate spending within the local area.

The policy also requires an appropriate level of retail, leisure, social, cultural, community and health facilities. The proposal includes open space including equipped play and fitness trails, as well as cycle and footpaths. The proposed contributions include money towards local healthcare and education provision.

### Highways and Access

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Matters relating to highways and access, including car parking and access to public transport, are considered later in this section of the report. It is concluded that the proposed development is acceptable in this regard, subject to conditions, offsite highway works and contributions.

### Energy

The applicant has confirmed agreement to a condition for the submission of a high-level energy statement. This would set out the way in which the proposals respond to the Local Plan and NPPF requirements for reducing the carbon impacts of development. A condition is attached to the recommendation, requiring opportunities for energy efficiency measures to be incorporated into the scheme, such as infrastructure to make use of renewable energy.

### Open Space

Matters relating to the provision of a green infrastructure network of open spaces are considered in a later section of this report. It is concluded that on balance, the proposed development is acceptable in this regard.

### Ecology and Biodiversity Net Gain

Matters relating to ecological network, connectivity and habitat protection are considered in a later section of this report. It is concluded that the proposed development is acceptable in this regard.

### Flood Risk

Matters relating to flood risk, drainage and water management are considered in a later section of this report. It is concluded that the proposed development is acceptable in this regard.

### Principle of Development Summary

The proposed development seeks to deliver residential development on part of a wider allocated site, where the parts of the site in question were allocated for residential development. Section 5 of the NPPF details the requirements for delivering a sufficient supply of homes, with the delivery envisaged in the Local Plan relying on delivery of sites such as this. Significant weight should be given to the benefits of delivering allocated sites for housing.

The above assessment and later sections of this report demonstrate that the proposed development largely accords with the requirements of Local Plan Policies M1, H2 and H4. Where the proposals do not strictly accord, it is considered that the harm is outweighed by the benefits of the proposed development. On balance, it is considered that the development proposals respond appropriately to the criteria set out in Local Plan policy M1 and are acceptable in principle.

### **Flood Risk and Drainage**

The previous application for this site (17/0779) was submitted when the wider allocated site was in Flood Zone 1. A change of Flood Zone classification occurred prior to the adoption of the Fylde Local Plan to 2032 in 2018. During the Local Plan making process the Inspector was informed of the change and the site was still considered to be suitable in principle for development and was therefore allocated. In accordance with NPPF Paragraph 172, the process of allocation means that the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

developers do not have to undertake a Sequential Test, but they do need to carry out an Exception Test to demonstrate that:

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

The application is accompanied by a suite of documents relating to flood risk and drainage, notably including a Flood Risk Assessment (November 2023), Flood Alleviation Technical Note (ref: HYD701 T01) and plans and modelling data. The applicant has also provided a Sequential Assessment which although not strictly required as per NPPF Paragraph 172, also includes an Exception Test which is required.

The flood risk designation of the site has had a significant impact on the design and layout of the scheme, with large areas required for attenuation, effectively comprising storage basins with the development platform being set above these. The submitted information shows that these will rarely and infrequently hold water and as such the proposal includes landscaping, footpaths and cycle routes through these spaces but not other built development.

The submission also includes information to justify the position of the attenuation areas throughout the site. Notably, the Hydraulic Modelling Assessment Note by Betts (dated 21 November 2023), shows 1-in-100 year plus climate change allowance flood depths and areas with predicted flood depth are located to the southern and western boundaries of the site i.e., adjacent to the existing watercourses, including Marton Moss. This has particular relevance to the overall layout of the site and relationship between open space and houses. Whilst open space would typically be incorporated much more centrally and evenly throughout a large site such as this, the technical evidence provides a justification for the proposed arrangement.

The LLFA, Environment Agency, United Utilities, Natural England and LCC Highways are the key consultees with regards to flood risk, drainage and water management. The applicant has engaged in extensive negotiations with the Environment Agency in preparing their proposals, with amendments to the scheme throughout the lifetime of the application. Notably, the Environment Agency withdrew their initial objection, stating satisfaction with the proposals. It was concluded that the development would be safe without exacerbating flood risk elsewhere, subject to conditions to secure the proposed mitigation. This responds positively to criterion (b) of the Exception Test. The Environment Agency have made a number of comments in their latest consultee response, with the applicant confirming acceptance of the suggested phasing and landscaping conditions.

Where the Environment Agency have made comments about the shape of one of the attenuation basins and the need for the applicant to obtain a license, these do not amount to an objection and the applicant is confident that given the size and position of the basins, that there would be scope to alter its shape if required. This issue effectively falls outside of the planning decision being made, with the applicant understanding that any future amendments to the shape of the attenuation basin may necessitate further planning consent.

With regards to criterion (a) of the Exception Test, this report discusses the wider sustainability benefits to the community. At a high level, the proposed development would make a substantial contribution to the delivery of an allocated site, with 350 homes and associated contributions being made.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Where concerns have been raised by local residents about existing flooding on site, development often provides the opportunity to address existing issues. The submitted technical information has been reviewed by the relevant consultees and demonstrates that the principle of the development is acceptable in this regard, with a range of conditions to secure detailed design.

The proposed development would accord with the Exception Test set out in Paragraph 172 of the NPPF, as well as Local Plan Policies CL1 and CL2. Notably, the proposed development would be safe for its lifetime and would not increase flood risk elsewhere.

### Highways and Access

Paragraph 117 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed. The application is supported by a Transport Assessment (ref: CT/15258/TA/02) and Travel Plan (ref: CT/15258/TP/01), as well as a range of other technical highway documents.

The applicant and LPA have engaged in extensive discussions and negotiations with Lancashire County Council as the Local Highway Authority to ensure that the proposed development meets technical highway requirements, whilst also positively responding to Local Plan Policies INF1, T1, T4, T5 and M1, particularly with regards to design, layout and sustainable travel.

The consultation response from LCC Highways is summarised earlier in this report. This demonstrates that appropriate consideration has been given to the proposals, with a relatively extensive range of conditions attached to this recommendation to appropriately control the development. This also confirms that the submitted Masterplan, as it relates to highways and access, is acceptable.

The response from LCC Highways also discusses matters relating to public transport, with the proposals including four quality bus stops and a financial contribution towards the creation and operation of a bus service. The route of the bus service will respond to the proposed phasing of development, eventually running through the site along the new link road. This positively responds to the specific requirement in Local Plan Policy M1 for the provision of a bus service.

Parking provision has been amended in direct response to both officer and LCC Highway comments. In response to officer comments, a number of larger contiguous areas of frontage parking were amended to introduce landscaped strips between and so reduce the visual dominance of parking within the scheme in accordance with the aims of the National Design Guide, as per NPPF Paragraph 114. In response to LCC Highway comments, certain areas of parking have been redesigned to ensure that they meet technical and safety standards. The Parking Standards Supplementary Planning Document (2023) also sets out requirements for parking in new development. The proposed development meets or exceeds these standards, based on the SPD position that the site should be considered low accessibility (Figure 4, pg30). Although there is no conflict, it should be acknowledged that the proposed bus route, cycle and pedestrian links, alongside the proximity of the site to the main urban area of Blackpool, mean that the accessibility of the site once fully developed will be considerably higher than the SPD illustrates.

Most of the objections received from local residents referenced highway impacts, notably an increase in traffic, the poor condition of Cropper Road and existing and safety concerns. With regards to capacity, the technical information submitted with the application demonstrates that subject to offsite highway enhancements, the proposed development will not give rise to unacceptable impacts on the operation of the local highway network. With regards to the condition of Cropper Road, the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

offsite works include modifications and enhancements to Cropper Road, to improve the existing very poor surfacing and to divert traffic through the development from that road. With regards to safety, the submitted technical information demonstrates that the highways will be constructed to technical standards, with relatively extensive segregated pedestrian and cycle routes through the site, linking to the local area.

The proposal also includes the diversion of footpath FP0515003. The Council's Public Rights of Way Officer has reviewed the proposals and has provided advice to the applicant with regards to the separate consultation and permission which will be required to carry out this work. In planning terms, the diversion will facilitate the delivery of the site, whilst retaining suitable foot and pedestrian links. Indeed, the proposal includes new foot and cycle paths within the site, as well as links to the surrounding area and wider allocated site.

The proposed development would accord with the Local Plan Policies INF1, T1, T4, T5 and M1, and the NPPF.

### **Design, Layout and Impact on Character**

The proposed development is accompanied by a Design and Access Statement (ref: DGL-crdas-231103 rev A), Masterplan and a suite of other plans which set out and illustrate the design approach for the proposed development. The site is part of an allocation for development of the type proposed, for which Local Plan Policy M1 requires that development of allocated sites comprise high quality design which respects the environmental quality of its surroundings. Policy GD7 sets out more detailed requirements for achieving good design in development, with the NPPF and National Design Guide providing further guidance. Indeed, Section 12 of the NPPF relates to achieving well-design and beautiful places.

#### Layout

The layout of the site is primarily influenced by: the relatively large attenuation basins; the multiple existing ditches; and, the arrangement of nearby highways infrastructure. The proposals have been amended throughout the lifetime of the development in response to officer negotiation, with a focus on improving design quality.

A key consideration is that the relatively large amount of land required for attenuation is an unusual feature of this site. Notably, the primary road through the site (the new link road) would typically feature wider areas for associated landscaping and pedestrian/cycle routes. Indeed, paragraph 136 on the NPPF requires that new street be tree-lined, with associated footnote 53 adding *"unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate."* In this instance, the applicant has set out that in order to achieve the required density of development on site, the approach to roads and landscaping has been adapted, effectively having them take up less space. In relation to this particular issue, the primary road through the site, whilst acceptable in technical highways terms, is not the ideal approach in terms of placemaking and wayfinding. However, the proposals were amended to reduce this harm, with amendments to housetypes and the addition of some additional landscaping around key focal points along the road to assist with establishing the primary road as the principal route through the site. In addition, amendments including additional planting in in curtilage, adjustments to buildings lines and dwelling orientations, and rearrangement of some areas of front parking were also made to assist in this regard.

With regards to the position of the attenuation basins, the applicant has set out in their Flood Alleviation Technical Note (2023) the rationale behind their arrangement, seeking to explain why

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

these areas of open space could not be better incorporated into the scheme, with an increased number of proposed dwellings having more active relationships to them. Some amendments were made to the orientation of houses and footpaths in and around these open spaces, to increase opportunities for overlooking and engagement, taking advantage of the benefits that can arise from open spaces within housing developments.

The arrangement of nearby highway infrastructure, as well as the position of the other parcels forming the wider allocation, has influenced the proposed arrangement of roads, cycleways and footpaths. The primary route through the site will effectively form a new link road, bypassing the existing route of Cropper Road. The proposed cycleways are predominantly offroad, with segregated links across the site and connecting up to the other parts of the wider allocated site. The proposals include details of how a link could be delivered between the two separate parcels of the proposed development, although each section benefits from its own site access points. The general arrangement of a main link road, with shorter branching roads from it allows efficient use of the site.

Overall, the proposed layout does not reflect the ideal design approach for a large new housing site. The primary road through the site would typically be wider, with street trees and/or a segregated cycle path, and there would be areas of open space more evenly distributed throughout the site. However, the requirement for large areas of flood attenuation land within limited parts of the site is a significant constraint on the layout, when considered alongside the need to deliver a suitable density and mix of housing, with associated infrastructure. As such the proposed development is considered to be well-designed when taking into considerations the constraints inherent in this allocated site, thereby overcoming the limitations set out in paragraph 139 of the NPPF, which requires development which is not well-designed to be refused.

### Design

There are a range of housetypes within the development. These have elevation details which predominantly include porches, sills, lintels, projecting gables, and eaves detailing around forward facing gables. Some housetypes also include elevational variations in brick patterns. The materials would predominantly include red/brown brick elevations, with blue/grey tiled roofs, lighter stone effect sills and lintels and white uPVC windows. Many of the housetypes include roofs with gable details, as opposed to more plain, dual-pitched roofs with few features. This will ensure that at roof level, the scheme will have some visual interest.

The proposals include dual-aspect dwellings in corner positions. The orientation of dwellings and positioning of certain housetypes has been amended to improve building lines and focal corner plots within the development. This was in order to improve the streetscenes and terminal views within the development, and to reduce visual harm that can arise from more disparate arrangements and in particular exposed blank walls in prominent positions.

The proposed housetypes are similar to those at the recent development by the same developer on the eastern side of Cropper Road. The proposed development is fairly typical for modern house development in the local area. Whilst there is nothing particularly innovative or specific to the site, the proposals would be acceptable in the local context.

Boundaries within the site are typical for a development of this nature, with close boarded timber fences along internal garden boundaries but brick piers with timber infill panels for garden boundaries exposed to direct public views from the proposed highways. Where rear garden boundaries are adjacent to footpaths and open space, they will be 1.5m close boarded fences with 0.3m high trellis sections on top. The majority of front gardens will have low hedge planting for boundaries, with the



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

majority of front gardens also having tree planting which will soften the visual impact of hard boundaries within the site. The boundaries collectively will have a typical impact on character, securing a balance between providing privacy for rear gardens, whilst not being overly monotonous or overbearing.

Additionally, substantial planting is proposed throughout the scheme, including within curtilage, with front gardens featuring relatively substantial planting. This will contribute the creation of an attractive neighbourhood.

### Impact on Character

With regards to impact on local character, it is acknowledged that the change from generally open green space with hedgerows and some trees, albeit with a variety of buildings, to the proposed residential development would cause some harm to the established character of the site. However, the application site is part of a wider allocated site and as part of the plan making process, the implications of allocating the site, including its visual impact were considered. The Fylde Council “Appraisal of Strategic Site Options Landscape Assessment for the Capacity to accommodate Landscape and Visual Change” document assessed the strategic site options put forward and their sensitivity to development. This site along with the whole of the HSS5 allocation was found to have a low sensitivity to development. It states that due to the existing fragmented and inconsistency in inappropriate land uses in this locality a coherent development may enhance the area if it is appropriate to the semi-rural setting and developed sensitively and that the main visual impact would be to Bamber’s Lane and School Road due to the openness of the site.

The retention of hedgerow and trees around the site’s boundaries and a comprehensive landscaping plan will help to soften the appearance. The existing ditches on site form part of the proposed water management system and ensure that some of the established landscape character arising from the pattern of these ditches is retained, where the arrangement of houses naturally reflects these areas which would not be built over in the proposals, with the exception of a small number of highway links.

### Design and Layout Summary

Local Plan Policy GD7 and the NPPF both set out a clear requirement for development to be of a high standard of design. The site constraints, notably relating to the significant amount of land required for flood risk management on site and the requirements for the positioning of that land, have had significant impacts on the potential layout for the site. However, officers have negotiated with the applicant to ensure that opportunities for enhancements to the quality of the design and layout have been explored. In particular, focus was given to improving the appearance of the main route through the site, the streetscenes and the landscaping strategy. It is considered that the proposed development achieves a high standard of design when taking into consideration the constraints of the allocated site.

Relatedly, recent amendments to the boundaries and levels across the site have potential impacts on some trees. Officers will be carrying out a site visit before committee and may make recommendations that would require minor amendments to levels, or to the position or size of some boundaries, houses or hardstanding. For example, recent similar amendments added a terrace to a number of gardens to reduce the apparent height of the boundary when viewed from within that garden, in order to improve the amenity for future occupiers. The recommendation to committee includes a request that officers can secure minor outstanding layout changes and make subsequent revisions if needed on the basis that any such changes would not be so significant as to give rise to any significant harm, nor to change the overall character and appearance of the development.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Residential Amenity

Local Plan Policy GD7 requires that development be of a high standard and that it would not be adversely affected by existing and proposed neighbouring uses. This includes impacts relating to privacy, overbearing, overshadowing, or disturbance both during construction and operation. The Council's SPD on house extensions provides guidance with reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The separation distances between all proposed houses, as well as between existing dwellings, meet the minimum guidelines set out in the SPD, with the exception of a small number of plots where separation distances are slightly below. However, these shortfalls are not significant and where a dwelling is affected, it is not also affected by other amenity issues which may compound these impacts.

Whilst the proposed houses are all two storey, there are levels changes to be introduced across the site as part of the drainage strategy which mean that some are in relatively more elevated positions than their neighbours. This also means that the boundaries between some plots are such that the lower of two adjacent plots is sometimes set up to 0.55m lower, with the standard 1.8m high timber garden fence resulting in an effective boundary height of 2.35m for the lower plot (for example around plots 304-307). However, these plots are in the small minority, with amendments to the scheme being secured as a result of officer negotiation to reduce the number of plots affected and the extent of the impact, primarily by adjusting finished floor levels so that transitions between plots heights were more gradual and within gardens further from buildings. Whilst a boundary height of 2.35m close to a dwelling is rather high, the affected plots have gardens with a reasonable length projecting from the rear elevation of the houses, thereby providing outlook unrestricted by the high boundaries. Similarly, where the 2.5m high acoustic fence is proposed along parts of the northern boundary of the site adjacent to Dickie's Lane South, the adjacent gardens have been amended to include a terraced form, to reduce the effective impact of the high boundary down 1.9m. These amendments are considered to be an appropriate balance between securing suitable amenity whilst working with the site constraints.

The site is close to Moss Rose Piggeries. The submitted Noise Assessment sets out that Noise from Moss Rose Piggeries was not found to be an issue. In any event, it is considered unlikely that the additional properties on the proposed development would place additional constraints on this business, given the presence of the existing nearer properties. Furthermore, the site operates under an Environmental Permit issued by the Environment Agency (Permit CP3238US – Moss Rose Piggeries Ltd). As the EA permits the use, then it cannot form a statutory nuisance and cannot be investigated by officers as a nuisance. Examination of the permits for the site have found that they state in clauses 3.4 & 3.5 relate to Odour and Noise and both 3.4.1 and 3.5.1 require that emissions from the activities of the site *"shall be free from odour [or noise and vibration] at levels likely to cause annoyance outside the site."* Accordingly, it is the responsibility of the piggery unit, and indeed a requirement of their Environmental Permit, not to cause nuisance outside of their site. As such the operations of the unit should not affect the application site and accordingly it should be of no concern to the operators that they may derive future complaints which could risk its viability. If complaints were made, they would be passed to the EA to investigate and to ensure compliance with the permit. Furthermore, the council's Environmental Protection team have requested a standard condition for the control of noise levels both inside the proposed houses, as well as in external amenity areas.

It is inevitable that there will be some disruption for existing residents during the construction period. This disruption however is temporary, for duration of the build and would be controlled by a

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Construction Management Plan, to be secured via condition. This would control a range of matters, most notably including hours of operation, routing of traffic and management of dust.

As such, the proposed development accords with the requirements of Local Plan Policy GD7 and the NPPF with regards to residential amenity.

### **Ecology and Biodiversity Net Gain**

Local Plan Strategic Policy ENV2 states that the Council is committed to ensuring the protection and enhancement of Fylde's biodiversity and geological assets and interests. This includes specific consideration for designated sites and species protection, notably stating *"Where development is considered necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and / or obligations, in order to secure measurable net gains for biodiversity. Measures should be put in place for the ongoing management of such features."*

The NPPF also sets out requirements relating to conserving and enhancing the natural environment, with no conflict between the Local Plan and NPPF. Notably, the NPPF states that planning decisions should *"contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."*

The application is supported by a suite of plans and reports relating to ecology, notably including: an Ecology Report; a Biodiversity Net Gain assessment; an Arboricultural Impact Assessment; landscaping plans; and a Shadow HRA. Together, these assess the existing conditions on site and the impacts of the proposed development, as well as setting out a range of recommended mitigation and management strategies.

The proposals as they relate to ecology have been reviewed by: Natural England; the Environment Agency; and, Greater Manchester Ecology Unit; with further comments specifically on trees to be provided by way of the late reps report. Each of these consultees has raised no objection, subject to conditions, as discussed below.

In terms of designated sites, due to its scale, location and the type of development proposed, the development has the potential to impact upon the Ribble & Alt Estuaries Special Protection Area [SPA], Ribble & Alt Estuaries RAMSAR, Morecambe Bay and Duddon SPA, and Morecambe Bay RAMSAR. It also has the potential to destroy the interest features for which Ribble Estuary Site of Special Scientific Interest [SSSI] and Wyre Estuary SSSI. The submitted Shadow HRA considers these potential impacts. Upon review of the Shadow HRA, Natural England and Greater Manchester Ecology Unit have confirmed that subject to a range of conditions to secure mitigation, that no such impacts or destruction would occur. As such, these conditions would be attached to any permission. Specifically, these relate to:

- The provision of 4.22ha of Public Open Space (POS);
- The provision of Advisory Leaflets;
- The erection of signage/information boards;
- The retention of existing boundary features; and,
- The provision and implementation of a Construction Environmental Management Plan (CEMP).

Within the site, the development has the potential to impact upon protected species, including bats, owls, badgers, otters, voles and newts. The application is supported by surveys, including updated

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

survey work carried out in March 2024, which demonstrates that the proposed development would not have unacceptable and harmful impacts on these or other protected species.

Whilst the proposed development affects large areas of currently open space, the proposed scheme would also include relatively extensive areas of improved habitat. The development would see the loss of one pond and a very small area of woodland, primarily replaced by grassland habitat creation. Greater Manchester Ecology Unit have confirmed that the loss of the pond would in part be mitigated by the extensive retained ditch habitats on site, with the grassland being an acceptable habitat to be created onsite.

With regards to trees, the proposal includes the removal of some trees, as well as retention of others and extensive new tree planting throughout the site. Officers are actively considering the impact on trees from some minor alterations to the layout and so any comments arising from that will be provided in the late representations report to Committee. This is as a result of a further site inspection following the recent amendments to the landscaping and boundary proposals.

Overall, these impacts can be summarised in terms of Biodiversity Net Gain impacts. The submitted information sets out that the proposed development would result in +18.46% habitat units, +91.95% hedgerow units and +31.36% river units. A condition for a long-term habitat management plan is attached to the recommendation, as a tool to ensure that these gains are delivered and maintained.

Pending comments on trees, the proposed development would thereby accord with Local Plan Strategic Policy ENV2 and the NPPF in this regard.

### **Public Open Space**

The proposed quantum of open space far exceeds that which would typically be provided for a scheme of this size as a result of the extent of open space that has to be retained as part of the flood mitigation strategy. The submitted technical information sets out that the attenuation area will rarely hold water and that they are suitable for planting, landscaping and foot/cycle paths. Specifically, the proposal is for 42,176sqm of open space, which is significantly above the 24,800sqm requirement to satisfy the policy obligations.

Local Policy GD7 sets out that new public open space should be provided in a single, central, usable facility where possible and that it should be of a high quality and good design. The technical drainage requirements have dictated the location of the open space, with the majority positioned towards the south and west of the site. However, these spaces are well-connected both within the site and to the wider allocated site, and so are considered to be acceptable in this context.

### **Affordable Housing**

The proposed development is for 350 dwellings, with 105 of these to be affordable. The applicant has proposed that 63 would be affordable rented units, with 42 intermediate units. However, whilst the total number of affordable units will not change, the tenure split is being discussed as part of the ongoing s106 drafting process. The Council's Policy team have recommended amendments to the submitted Affordable Housing Statement (January 2024) to ensure compliance with the Affordable Housing SPD.

Local Plan Policy H4 requires developments of ten or more dwellings to provide 30% affordable housing. The proposal equates to 31.5% and therefore complies with this requirement. This will need

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

to be secured through clauses in a s106 agreement to be concluded in advance of any planning permission being granted.

### **Education**

Local Plan Policy INF2 sets out that development will normally be expected to contribute towards the provision of community facilities, including schools. Lancashire County Council were consulted with regards to the education impacts which would arise from the proposed development.

With regards to primary education, the nearest primary school to this development is 2.14 miles away and it is therefore possible that pupils from this development could impose a home to school transport cost on LCC. The nearest school is Heyhouses Endowed Church of England Primary School (2.14 miles away). Latest projections for the local primary schools show there to be 52 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5-year Housing Land Supply document, which already have planning permission. Taking this and other nearby approved development into account, LCC would seek a contribution for 40 primary school places.

With regards to secondary schools, those within a 3-mile radius of the proposed site are considered which in this case includes Lytham St Annes High School. Latest projections for the local secondary schools show there to be a shortfall of 96 places in 5 years' time. With an expected yield of 38 places from the proposed development, the shortfall would increase to 134. Therefore, a contribution is sought for the 38 places generated by the proposed development.

Lancashire County Council provided a detailed breakdown of these requirements, including calculations, stating that they would object if the requested contributions were not secured. However, as set out, the proposal is for the contributions to be provided and secured by a clause to the s106 agreement. Therefore, the proposal accords with Local Plan Policies INF2 and M1 in this regard.

### **Health Facilities**

Local Plan Policy INF2 sets out that development will normally be expected to contribute towards the provision of community facilities, including healthcare. Lancashire and South Cumbria Integrated Care Board (NHS) [the Care Board] were consulted with regards to the health impacts which would arise from the proposed development.

The Care Board set out in their consultation response that the proposed development would have a direct impact on the delivery of general practice services and that mitigation via financial contribution would be appropriate. The response requests £258,577.92 towards expansion of Harris Medical Centre in Blackpool which the applicant has agreed to pay. Harris Medical Centre is located 1.2 miles from the application site and therefore it is reasonable to assume that the majority of future residents of the site would attend this practice.

On the basis that the contributions considered necessary to mitigate the impact of the proposed development on healthcare provision would be secured via s106 agreement, the proposal accords with Local Plan Policies INF2 and M1 in this regard.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Conclusions

The application relates to a proposal to erect 350 houses on a split parcel of land located off Cropper Road at Whitehills. The land is allocated for residential development in the local plan and the scheme satisfies the requirements of that and the masterplanning requirements of the local plan for such strategic scale sites.

The site is notably constrained by flood risk, with the proposed design and layout being influenced by the significant amount of land required for attenuation in order to properly manage flood risk. Where features of the proposals do not strictly meet the requirements or guidance set out in the material policy and guidance, such as with regards to the design of the primary road through the site, such impacts are considered to have been mitigated as much as possible without impacting other technical considerations, nor reducing the delivery of housing on the site. This approach is considered to be acceptable, in that the harm is outweighed by the benefits of delivering a site allocated for housing in a manner which is otherwise sustainable. There are some minor areas of on-going discussion with the developer regarding the design, but further consideration of these is expected in the coming week to ensure that they are resolved in a timely manner.

The Local Plan sets out the basis for contributions in Policies: HW1 for healthcare; HW2 for community facilities; INF2 for infrastructure; ENV4 for open space; M1 for education; and H4 for housing. These are to be secured by a s106 agreement that is to be signed prior to any planning permission being granted.

The recommendation to Committee is that the overall decision on the application be delegated to the Head of Planning following completion of the following outstanding matters:

1. Consideration of minor outstanding layout issues and any revisions being secured
2. The adoption of the Habitat Regulations Assessment
3. The drafting of a schedule of conditions (which is likely to be available for Committee date)
4. The completion of a s106 agreement to secure affordable housing, highway, education, health and other contributions

Whilst members may be concerned that this covers a range of matters, officers are satisfied that there will be an early resolution of all, and are bringing the application to Committee at this time to provide certainty to the developer over progress towards a decision, and to minimise the risk of an appeal on the grounds of non-determination.

### Recommendation

That the decision on the application is delegated to the Head of Planning to be made in consultation with the Chairman and Vice Chairman of the Planning Committee. Providing the four elements below are appropriately resolved then the decision shall be to GRANT planning permission for the development subject to the section 106 agreement, conditions and HRA.

#### Element 1

Further consideration of the layout of the proposed development, with specific reference to the relationship between the northern edge of the development and the tree cover at Dickies Lane South, including revisions to the layout to address any concerns that may be identified.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Element 2

The adoption by the council of the shadow Habitat Regulation Assessment that has been submitted with the application by ERAP Ltd which is dated March 2024 and identified as v3.

### Element 3

The completion of a s106 agreement to secure the delivery and phasing of;

- 30% affordable housing;
- Funding to support the provision of a regular bus service linking the site with St Annes / Blackpool for a period of 5 years (along with other developers on the allocation)
- £258,577.92 towards expansion of Harris Medical Centre in Blackpool;
- £777,000.00 towards primary school places at Lytham St Annes Mayfield Primary School and/or Weeton St Michael's Church of England Primary School;
- £1,015,246.00 towards secondary school places at Carr Hill High School and/or Lytham St Annes Technology and Performing Arts College;
- Future management of open spaces;
- £7,040 for the improvement of bridleway BW0515013; and,
- The Council's legal and monitoring fees.

### Element 4

The drafting of an appropriate schedule of Planning Conditions and Reasons which are considered necessary to secure the delivery of the development in a suitable manner.

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

**Item 3**

<b>Application No:</b>	22/0616	<b>Case Officer:</b>	Andrew Stell Area Team 2
<b>Applicant:</b>	WHINFIELD COMMERCIAL LTD	<b>Agent:</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE FLEETWOOD ROAD MEDLAR WITH WESHAM		
<b>Proposal:</b>	ERECTION OF EMPLOYMENT BUILDING PROVIDING A MIXTURE OF MANUFACTURING/ASSEMBLY (CLASS B2) AND STORAGE / DISTRIBUTION (CLASS B8), AND ANCILLARY OFFICES / SHOWROOM AREA, INCLUDING CAR PARKING AND LANDSCAPING AREAS		
<b>Ward:</b>	Medlar with Wesham New	<b>Parish:</b>	Greenhalgh with Thistleton
<b>Date Received:</b>	9 September 2022	<b>Earliest Decision:</b>	18 March 2024
<b>Reason for any delay:</b>	Awaiting consultation reply from key consultee	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Summary of Officer Assessment

The application site is an area of the wider Mill Farm Sports Village site located to the north of Wesham. It is the part of that site that is to the north of the football stadium and the east of the sports pitches and west of Fleetwood Road and is currently undeveloped other than containing a balancing pond along with a series of protected trees. The site is allocated for mixed use, primarily employment, development under Policies SL4 and EC1 of the Fylde Local Plan to 2032 (incorporating Partial Review). The application site also includes an area of Countryside as designated under Policy GD4 of that Plan and a small area of allocated employment land under Policy EC1.

The scheme under consideration relates to the erection of a very substantial employment building for a toy business (HTI Group) who are currently based in Fleetwood, but have operations elsewhere in Europe and the Far East. The building is intended to provide a storage and distribution base for the business as well as providing for elements of manufacturing and assembly work and ancillary offices and showroom facilities.

The building itself is proposed to be located within the mixed use allocation at Mill Farm and would comply with that designation. In contrast the service yard and parking areas are proposed to be located within the Countryside and conflict with that allocation. In addition to this conflict, the building is of such a scale that it would potentially create a harmful impact on the surrounding rural character and general streetscene of the area, with this exacerbated by the necessary removal of a belt of pine trees to accommodate the building and the reduced biodiversity value of the site following the development which bring further harmful implications.

In many cases these conflicts would be sufficient to result in a recommendation for refusal of the application. However, in this case the application has been revised to reduce the scale of the building and to improve the design and layout which helps mitigate the adverse impacts and so reduces the harm to a degree. Additional information has also been received that provides a coherent quantification of the economic and employment benefits that the development of the site would bring to the borough, and to Kirkham and Wesham in particular. These factors weigh positively in favour of the development and are considered sufficient to counter the negative factors set out above.

The NPPF requires a local planning authority to make positive decisions wherever possible, and that these decisions should support development unless there are adverse impacts arising that will significantly and demonstrably outweigh the benefits. In this case the officer recommendation is very finely balanced but it is considered that the economic benefits of the development should prevail over the countryside allocation and landscape harms that will arise, and so it is recommended that planning permission should be granted.

### Reason for Decision Level

The application is for 'major development', is subject to an objection from Wesham Town Council, and the Head of Planning has concluded the proposal is of such borough-wide significance that it is appropriate to present the application to the Planning Committee for determination.

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

### **Site Description and Location**

The application site is a generally rectangular area of land to the north of the existing Mill Farm development in Wesham that extends to 3.3 hectares in area.

To the north is a residential property known as Demmingfield and associated land. The eastern boundary is formed by Fleetwood Road which connects Wesham to the M55 motorway at junction 3 with agricultural land beyond. To the west is a football pitch and other sports pitches associated with Mill Farm with the Sport Education Pavilion alongside the south western corner of the application site. To the immediate south lies a dwelling known as Mill Croft which is now abandoned and which is understood to be the subject of a future application for development, and a series of associated outbuildings that have had a range of employment uses, but now seem to be in use as part of the AFC Fylde operations. The AFC Fylde Stadium is beyond these buildings further to the south.

The site is unused land with no public access but contains a large balancing pond that is designed to form part of the drainage strategy of the wider Mill Farm site and is heavily overgrown, and is the subject of a planning permission which permits its relocation to the south. There is a line of trees that runs north – south to the eastern part of the site and another that runs along the northern boundary which are protected by TPO/22/0001. The land is generally flat in topographical terms across its area, but there are a series of undulations in addition to the pond area.

The site is covered by a range of allocations in the Fylde Local Plan to 2032 (incorporating Partial Review). The majority is designated as part of the Mill Farm mixed use allocation identified as MUS3 in the Local Plan and in a typographical error as MUS4 on the policies map, with Policy SL4 relating to this as part of the Kirkham and Wesham Strategic Location for Development. Areas to the east and south of this employment area are designated as Countryside under Policy GD4 and part of the former Mill Farm operation being designated as existing employment use under Policy EC1.

### **Details of Proposal**

#### **Introduction**

Planning permission is sought for the erection of a single detached building to provide a manufacturing and storage / distribution facility with associated offices. A large servicing yard, a car park area and areas of landscaping, including a pond feature located between the building and Fleetwood Road to contribute to the surface water management arrangements of this development are also proposed.

The application has been revised twice since first submission. The first change, in summer 2023, reduced the footprint of the building and the arrangement of some of the uses on the site. The second revision, in March 2024, saw the height of the building reduced, the design of the building revised, the layout of the parking and other elements on site updated. These subsequent revisions were accompanied with additional information provided to help justify the proposed development. Both revisions have been the subject of further consultations with the description below relating to the March 2024 scheme.

#### **The Development**

The revised scheme now under consideration is for a building that is located alongside the northern boundary of the site. This would be rectangular in footprint with dimensions of 147m along the northern boundary x 101m facing Fleetwood Road. The building would be 20.5m tall to the ridge and

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

19.3m to the parapet. The majority of the space proposed is devoted to the storage and distribution aspect of the use, with a section of manufacturing, office and showroom accommodation along the eastern elevation that wraps around the south-east corner providing four storeys of accommodation.

This element is proposed with curtain wall glazing for the majority of the height of the building around the south and east elevation corner with this area framed within a projecting blue 'goalpost' design feature. Elements of glazing would continue along the eastern elevation at high levels with a series of delivery bays and other associated openings on the southern elevation. The remainder of the building is proposed to be clad in industrial style cladding coloured in a series of grey colours with the bottom half dark before this lightens up the building, and each elevation being split into two with a repeat of the 'goalpost' design feature found around the glazed element. A series of fire doors, storage compounds, substation and other such ancillary elements are proposed around the building and site to support the employment development that the building is to provide.

Access is proposed from an extension of Coronation Way which is the internal access road that services the whole of the Mill Farm development and joins the wider highway network via a roundabout junction with Fleetwood Road to the south of the AFC Fylde football stadium. The access point to the application site is proposed to be split with one section leading directly to an extensive service yard to the south of the building providing an area of external storage, delivery areas, manoeuvring yards, etc. The other access would lead to an access road and pedestrian footway extending around the southern perimeter of the service yard to a car parking area located to the south east corner of the building where access to the office element can be achieved. It is intended that this is the 'front' elevation of the building with areas of landscaping separating the building and a car parking area to the east elevation from the site boundary and Fleetwood Road beyond. A car park is provided at this office point with this providing 119 parking bays.

### The Use

The application is submitted by Whinfield Commercial, but the submission makes it clear that HTI Group are the intended occupiers of the site. The Planning Statement explains that: *"HTI Group is the UK's largest privately owned designer and manufacturer of children's toys, generating annual revenues in excess of £80m by selling to all UK and major global retailers. They employ over 200 staff across offices in the UK, Europe, Hong Kong, China and South America and support over 10,000 jobs across their supply chain. They are truly a global company with the heart and heritage of the business located on the Fylde Coast, in Fleetwood, where the Group's Senior Leadership Team and over 100 members of staff are based."*

Regarding the proposed use, the Planning Statement advises that: *"The proposed development will utilise the premises predominately for manufacturing, warehousing, and distribution purposes, with an ancillary showroom and administrative offices space, that will support the primary use of the building."*

The Planning Statement also provides some useful sections that are put forward to explain the intended economic benefits of the development. To provide context for Members these are reproduced here:

*"The company strives to be innovative, without compromising upon the environment and they seek to reduce their carbon footprint where feasible. This has been demonstrated by a recent £2.5m investment into onshoring the manufacture from China of one of our key product areas, creating a further 30 new jobs in the Fylde Coast and enabling them to become Europe's number 1 manufacturer of bubble toys. This has contributed towards a significant carbon footprint reduction for HTI Group and*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*their retail customers who no longer have to import these goods from China. This philosophy is embedded into HTI's Environmental, Social and Governance ("ESG") values and they are developing a strategy to become carbon net zero by 2030.*

*Having been incorporated in 1952, HTI Group was first located at premises in Poulton and during the 1970's, they relocated to Blackpool to support the expansion of the company. As they continued to grow and expand their product range and warehousing operations, they relocated again in 1993 to a larger site in Fleetwood, which acts as the current head office, design studio, showroom, warehouse and manufacturing facility.*

*The current building in Fleetwood is an ageing facility and provides HTI Group with no space to expand our operations. It is not fit-for-purpose for a global, innovative toy company. It has unfortunately become a prohibitor to further investment and is placing limits on the company growth, ESG and employment strategies. A key element of both the ESG and company growth strategy is the relocation of HTI Group's business operations to a larger purpose-built green/sustainable premises, to facilitate growth in their warehousing/storage capabilities, to extend their onshoring of manufacturing from China to the UK and fulfil an ambition to double the size of their business to c.£160m revenue over the next five years. HTI Group has provisionally signed-off a further £5m investment in a phase II 100,000 sq ft manufacturing facility which itself would create 50 new jobs but this is only viable if the company's headquarters are able to relocate to a suitable premises and begin manufacture before the end of 2023."*

### Additional Information

The application is supported with an extensive suite of information including a transport note, Flood Risk Assessment, noise assessment, and planning statement. The latter sets out the complex planning history and policy situation relating to the site and proposed development.

Following feedback from officers the applicant's agent submitted additional information in March 2024. This included an update to various initial reports, such as the Flood Risk Assessment and Transport Assessment, and a number of new reports, including ones that highlight the specific economic benefits that are claimed to arise from the development, and an Addendum to the Planning Statement that responds to the areas where officers set out their key concerns.

To provide additional context to members, the Summary of the Economic benefits Report submitted on behalf of the applicant in March 2024 is quoted here:

#### *"Socio-Economic Overview*

- Between 2012 and 2022, the population increase in both Fylde and Wyre has been mainly down to an increase in people aged 65+. This trend of an ageing population is projected to continue in both Fylde and Wyre between 2018 and 2038 and in this timeframe the entirety of the population growth in both areas is projected to be down to people aged 65+, with those aged 0-15 and 16-64 projected to decrease.*
- Between 2015 and 2022, employment in Fylde decreased by 4.5%, an absolute decline of 2,000 jobs. The Proposed Development will support jobs during the build phase and once the scheme is operational which will help bring employment growth more in line with regional and national comparators, as well as helping to attract younger people to the area.*
- As of January 2024, the claimant count in Fylde was 2.9% and in Wyre it is 3.1%. This is below the rate seen in the North West (4.2%) and England (3.8%). The Proposed Development will create new employment opportunities for people living in and around Fylde during the construction phase and once it is operational.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- *The Proposed Development will also help support local economic development objectives through delivering new employment floorspace which will allow businesses to expand and create new employment opportunities. The expansion will also provide the opportunity for employees to upskill which is a key target in Fylde and the wider region.*

### *Construction Phase Impact*

- *It is estimated that during the one-year build phase 507 jobs will be supported on-site and in the wider economy and around £28.8million in GVA will be generated. The construction workers on-site will spend money in the local area on a range of goods and services, it is estimated that around £0.2million will be retained within Wesham and Kirkham.*

### *Operational Impact*

- *As of 2023, the turnover of HTI Group was £56.2million. This is an annual growth of 4.4% since 2016. The Proposed Development will be supporting a growing company that is already well established in the area.*
- *Taking into account multiplier effects, around 143 jobs are estimated to be currently supported on-site and in the wider economy at the existing HTI Group site. The GVA from the existing site is estimated to be around £7.7million per annum, taking into account multiplier effects.*
- *HTI Group are also committed to upskilling their workforce and over the last two years have invested almost £20,000 for employees to gain qualifications such as CIMA, AAT, Power Bi, excel, Canon IPF Pro, Fire Safety, Health Safety and First Aid*
- *Once operational, taking into account multiplier effects, around 240 jobs will be supported on-site and in the wider economy by the Proposed Development. The GVA generated by the Proposed Development is estimated to be around £14million per annum. The business rates that will be generated by the Proposed Development are estimated to be around £285,696 per annum.*
- *On-site workers at the Proposed Development will be spending money in the local area on goods and services including groceries and lunch. Of this spend, it is estimated that around £0.2million will be retained within Wesham and Kirkham, which will benefit existing local businesses.*
- *Estimated visitor spend associated with the Proposed Development is £15,364 per annum. This will benefit local businesses in the local area that operate in the accommodation and food services sector.“*

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

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>	<b>Appeal</b>
23/0256	FORMATION OF A SURFACE WATER ATTENUATION POND & REMEDIATION OF EXISTING SURFACE WATER ATTENUATION POND	Granted	10 November 2023	
22/0345	ERECTION OF TELEVISION GANTRY INCLUDING INSTALLATION OF ASSOCIATED EXTERNAL STAIRCASE AND SHELTER TO EAST STAND	Granted	21 June 2022	
21/0894	ERECTION OF NORTH STAND WITH CAPACITY OF 1,800 AND ASSOCIATED SUPPORTER FACILITIES BELOW, INCLUDING CAR PARKING AREA AND ANCILLARY FACILITIES	Granted subject to legal agreement	5 April 2024	
21/0620	HYBRID PLANNING APPLICATION COMPRISING: 1) FULL PLANNING	Withdrawn by Applicant	10 August 2022	

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

	APPLICATION FOR CONSTRUCTION OF SIGNAL-CONTROLLED JUNCTION TO FLEETWOOD ROAD TO NORTH OF STADIUM WITH CONNECTING SPINE ROAD AND ASSOCIATED ROAD INFRASTRUCTURE, CONSTRUCTION OF NORTH STAND AT STADIUM, AND FORMATION OF CAR PARKING AREA. 2) OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR ERECTION OF BUILDING TO HOUSE INDOOR COMMUNITY SPORTS PITCH ADJACENT CORONATION WAY, AND RESIDENTIAL DEVELOPMENT OF UP TO 99 DWELLINGS TO NORTH OF NEW JUNCTION			
22/0751	FORMATION OF SIGNAL-CONTROLLED JUNCTION WITH SPINE ROAD AND ASSOCIATED ROAD INFRASTRUCTURE	Withdrawn by Applicant	06 March 2023	
20/0135	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 - CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY)	Undetermined		
17/0690	CHANGE OF USE OF SECOND FLOOR OF MAIN STAND TO USE AS A 19 BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED ALTERATIONS TO EXTERIOR OF STAND	Granted	25 May 2018	
17/0016	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTELAND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB	Granted	28 July 2017	
16/0621	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 RELATING TO CONDITION 11- MAINTENANCE OF THE COMMUNAL AREAS, CONDITION 33- CAR PARK MANAGEMENT PLAN, CONDITION 34 - AFC FYLDE EVENT MANAGEMENT PLAN, CONDITION 34 - TRAFFIC MANAGEMENT PLAN AND CONDITION 46 - HOURS OF OPERATION	Refused	29 May 2018	Dismissed 12 November 2018
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)  FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE	Granted	17 February 2015	

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE</p> <p>OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK &amp; THE FORMATION OF A SURFACE WATER ATTENUATION POND.</p>		
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### Parish/Town Council Observations

The site is located within the administrative area of Wesham Town Council, but with the scale of the building and the potential impacts the neighbouring parishes have also been consulted with any views received reported in full below. The initial comments of each are reproduced below along with the subsequent comments that have been received following the renotifications undertaken in autumn 2023 and then in March 2024 on the current scheme.

Parish/Town Council	Observations
Wesham Town Council	<p><u>Initial notification from September 2022</u></p> <p>No comments received.</p> <p><u>Subsequent comments received on 17 August 2023</u></p> <p><i>WTC rejects this application on the following grounds:</i></p> <ol style="list-style-type: none"> <li>1. <i>This building is disproportionate and out entirely of keeping with the local rural area of Medlar-with-Wesham.</i></li> <li>2. <i>Much of what is proposed is in an area designated as reserved for rural/agricultural use and is not in keeping with rural Fylde aesthetics. It is at odds with Local Plan Policies (MUS3) and countryside policies.</i></li> <li>3. <i>Drainage in the area is already an issue and this build would exacerbate this issue further. Previous unrelated planning applications sought to use a significant part of the land proposed for this application for essential drainage for the existing Mill Farm Village development. Alternative proposals are not appropriate.</i></li> <li>4. <i>The applications would also use up land previously identified as required to meet a previously approved application for car parking to address match-day needs for the AFC Fylde stadium.</i></li> </ol>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>The same land cannot be used twice for different purposes and the existing planning commitment should be honoured first.</i></p> <ol style="list-style-type: none"><li>5. <i>WTC are concerned that the required HGV access would far exceed the road capacity in and around Mill Farm. By our calculations based on the cubic capacity of the warehouses etc. a figure of 250 plus HGV movements per week would not be unexpected and would overwhelm Coronation Way and the local road network, particularly during busy periods including match days. Even with a second road and traffic lights the main road from the M55 to the Wesham/Kirkham access and bypass roads would be severely disrupted.</i></li><li>6. <i>The developer suggests the prospect of 100 new jobs near Wesham/Kirkham. This would be a consequence of an equivalent loss of 100 jobs in Fleetwood so no net gain for the Local region. Also, Wesham is currently not in desperate need of new job opportunities so would not gain economically from this.</i></li></ol> <p><u>Comments on March 2024 scheme</u></p> <p><i>WTC rejects this application on the following grounds:</i></p> <ol style="list-style-type: none"><li>1. <i>This building is disproportionate and out entirely of keeping with the local rural area of Medlar-with-Wesham.</i></li><li>2. <i>Much of what is proposed is in an area designated as reserved for rural/agricultural use and is not in keeping with rural Fylde aesthetics. It is at odds with Local Plan Policies (MUS3) and countryside policies.</i></li><li>3. <i>Drainage in the area is already an issue and this build would exacerbate this issue further. Previous unrelated planning applications sought to use a significant part of the land proposed for this application for essential drainage for the existing Mill Farm Village development. Alternative proposals are not appropriate.</i></li><li>4. <i>The applications would also use up land previously identified as required to meet a previously approved application for car parking to address match-day needs for the AFC Fylde stadium. The same land cannot be used twice for different purposes and the existing planning commitment should be honoured first.</i></li><li>5. <i>WTC are concerned that the required HGV access would far exceed the road capacity in and around Mill Farm. By our calculations based on the cubic capacity of the warehouses etc. a figure of 250 plus HGV movements per week would not be unexpected and would overwhelm Coronation Way and the local road network, particularly during busy periods including match days. Even with a second road and traffic lights the main road from the M55 to the Wesham/Kirkham access and by-pass roads would be severely disrupted.</i></li><li>6. <i>The developer suggests the prospect of 100 new jobs near Wesham/Kirkham. This would be a consequence of an equivalent loss of 100 jobs in Fleetwood so no net gain for the Local region.</i></li></ol>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>Also, Wesham is currently not in desperate need of new job opportunities so would not gain economically from this.</i></p> <p><i>7. The developer has identified a period of 56 weeks for site construction during which there will be major disruption to the local road network. They have identified up to 100 HGV's per day running 6 days per week. Aside from the direct adverse impact to existing business operating off Coronation Way, the road from the M55 to Wesham and the associated by-pass are not adequate to cope with this level of commercial traffic. This will cause severe disruption to residents and businesses in the area and damage to the road surfaces.</i></p>
Kirkham Town Council	<p><u>Initial Comments 22 September 2022</u></p> <p>Object to the development stating:</p> <p><i>"Car parking is an issue in Kirkham for both residents and visitors."</i></p> <p>Their comments also quote an unnamed individual councillor who is reported as stating:</p> <p><i>"I am concerned that the land this development will stand on may be that which was conditioned on an earlier application as car parking for the Stadium, if this is so then I do not believe this application should be approved.</i></p> <p><i>The long awaited car parking at the Stadium has not been provided and, at times, this causes problems as visitors to the Stadium are parking in Wesham Streets and, on occasion, further afar, this does cause disruption and is unacceptable.</i></p> <p><i>If this application is approved it could cause even greater problems for Wesham residents."</i></p> <p><u>Subsequent Comments of 13 September 2023</u></p> <p><i>The Town Council have no objection to this planning application.</i></p> <p><u>Comments on March 2024 scheme</u></p> <p>Awaited and will be reported via late observations if received.</p>
Greenhalgh with Thistleton Parish Council	<p><u>Initial Comments of 10 October 2022</u></p> <p><i>"It was resolved to RECOMMEND REFUSAL:</i></p> <p><i>REASONING: The adjacent location of Greenhalgh is a rural farming and residential parish. The amount of HGV movements delivering is questionable in the opinion of the PC for such a large unit. In addition, smaller vehicles distributing thereafter must be taken into account.</i></p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>The sheer volume and, therefore, impact of the unit is not in keeping with the adjoining rural area. In addition, the height of the unit is excessive in the extreme. This is not a structure that should be at the 'visual front' of the development (A585). It would seem that some of the representative visuals supplied do not give a true indication of the true height of the structure.</i></p> <p><i>The impact of additional traffic (especially HGVs) is concerning on an already over-utilised highway – A585. The location of the unit would be better served in an existing industrial / manufacturing / distribution area.</i></p> <p><i>The proposed area is in contravention of the Local Plan which indicates the zone as countryside. MUS3 boundary has been crossed with the proposal.</i></p> <p><i>It was questioned whether the traffic management plan had yet been agreed for the existing development and whether this proposal will affect said plan.</i></p> <p><i>The proposed development will negatively impact on the original drainage plan regarding the attenuation pond (currently not being serviced). The proposed drainage plan will be an issue in the future in the opinion of the PC – particularly regarding maintenance as is the case with the lack of maintenance of the current pond.</i></p> <p><i>Proposed working hours are also of concern particularly on a partial 24-hour basis. This will also contribute to the noise pollution within the adjoining rural area.</i></p> <p><u>Subsequent Comments of 20 September 2023</u></p> <p><i>"It was resolved to strongly recommend refusal.</i></p> <p><i>Attached is a copy of correspondence the parish council received from a concerned resident Mr. Richard Nulty.</i></p> <p><i>Whilst the parish council acknowledges the importance of job creation (or retention in this case), the scale of the proposed application is excessive, in the extreme. The overall size and location of the proposal does not seem in keeping with the rural area, which is seemingly ever-expanding as a small industrial estate. In addition, the degree of traffic that will utilise the operation will adversely affect the already over-utilised A585 access road.</i></p> <p><i>As a result, the parish council is in support of comments made by Mr. Nulty and fully backs his objection, from a planning and personal perspective."</i></p> <p>The comments that are enclosed are summarised in the neighbour representation section of this report.</p>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Statutory Consultees and Observations of Other Interested Parties

As with the Parish and Town Councils, the views of key consultees have been sought on the revised scheme. The majority are included below but any additional comments that are received will be incorporated into a Late Representations Schedule.

Consultee	Comments
<b>LCC Highways</b>	<p>The local highway authority is a key consultee on a scheme of this nature and it was expected that they would provide comments on the current scheme in time for them to be considered in the preparation of this report. Unfortunately that did not happen and the comments below are from late 2023 and relate to an earlier iteration of the scheme. Since they were made the decision on the North Stand application has been made and so revised comments were sought that took account of that decision and the additional information provided by the applicant in the latest scheme. Should those comments now be received prior to the Committee meeting they will be circulated as part of the Late Observations report.</p> <p><b>Introduction</b></p> <p>The local highway authority was consulted at the time of first receipt of this application in September 2022 and again when the scheme was revised in August 2023. They provided comments on 29 November 2023.</p> <p>These comments are very lengthy and provide a summary, a section that provides background to the development of the wider Mill Farm site, and then their detailed thoughts on 8 elements of the overall development, with the final one relating to this application. The background section is omitted but the summary and detailed sections are included in full below.</p> <p><b>LCC Comments</b></p> <p><u>Summary</u></p> <p><i>The site proposed for development was set out in the outline application for the wider site masterplan as an overflow car park. Currently, there are a number of outstanding matters that require to be addressed by the applicant, and these are set out in the comments below (in general identified/ summarised by text highlighted in bold).</i></p> <ul style="list-style-type: none"> <li>• <b><i>Suitable parking provision for AFC Fylde having regard for the observed demand for parking provision;</i></b></li> </ul> <p><i>When the necessary further information and revised plans are presented, I expect to be able to conclude matters in an updated response. However, LCC Highways position at this time is to recommend that the Local Planning Authority (LPA) does not take this application to committee for a decision. If a decision is to be made, the Local Highway Authority objects to the proposal on highways grounds and would recommend refusal.</i></p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### 1) Departure from Outline Permission Masterplan

*This application represents a departure from the original outline application Masterplan as it proposes B2/B8 on the site where the overflow car park was proposed by, and agreed with, the applicant, and an additional use on the site not previously considered as part of the Original Application.*

*Fylde Local Plan to 2032, Policy GD5 (which explicitly relates to Mill Farm), Criteria C requires that 'Proposals for partial re-development are put forward in the context of a comprehensive long term plan for the site as a whole;'*

*It a significant concern that the departure from the masterplan is not accompanied by a proposal to deliver the overflow parking elsewhere.*

*For the avoidance of doubt, departure from the masterplan of the original hybrid application is not supported by the Local Highway Authority, without suitable provision elsewhere, and the masterplan to be updated and agreed with the LHA, satisfying the original principles.*

*The only proposal put forward (to overcome parking) is a legal agreement to limit stadium capacity the Local Highway Authority does not support for reasons set out below.*

### 2) Proposal to Limit Stadium Capacity

#### *Legal Considerations*

*Mill Farm Sports Village Management has proposed to limit stadium capacity by way of S106 agreement or other suitable legal agreement, to overcome the issue of the currently inadequate parking. A number of outstanding considerations in relation to this need to be taken account of:*

- The enforceability of the legal agreement is a concern;*
- Validity of such an agreement is a concern;*
- It may be contrary to the requirements of the Football League and their support would also be necessary;*
- The term of this agreement needs to be permanent until the additional parking is provided;*
- The penalty for breach of the agreement needs to be agreed;*
- No examples of the use of this with an LHA elsewhere are known;*
- The LHA is not the licensing authority and therefore cannot reasonably control licensed capacity in the interests of highway safety.*
- It is proposed this would be by S106. This would be required to meet the CIL tests in Regulation 122 (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development). CIL test compliance is difficult for this type of measure.*

*Note: The LHA have suggested the LPA seek Counsel advice on this matter.*

#### *Policy Considerations*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*The following policy considerations are of importance when considering this application/proposal:*

*130. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; ... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*Fylde Local Plan also includes a number of relevant policies.*

*Policy GD5 Criteria D requires that 'Proposed re-development [on Mill Farm Sports Village] can be safely and adequately served by existing or proposed means of access and the local road network without adversely affecting highway safety;'*

*Policy GD7, Criteria Q requires that 'The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.'*

*In regard to these policies:*

- The use of a legal agreement does not resolve the existing parking issues.*
- The use of a legal agreement limiting capacity does not have regard to the lifetime of the development or parking demand;*
- Highway safety has been severely compromised at circa 2500-3000 supporters. Irrespective of 4000 or 6000 capacity this is a concern;*
- The LHA have statutory duties to ensure highway safety and promote the expeditious movement of vehicles and goods and therefore must raise these issues to meet those responsibilities;*
- At present, the existing development does not adequately overcome the initial issues, as there have been limited improvements, alongside the introduction of two drive-throughs in place of the Public House. The hockey pitches hold functions and games during match days in breach of the original condition, and the parking availability is limited. Further development on this site without addressing the outstanding issues would be inappropriate. This proposal is piecemeal development without suitable supporting evidence in line with an agreed masterplan.*

*Promotion Considerations*

*In order for AFC Fylde to progress from the National League to the English Football League, there are requirements the stadium must meet. Of these, a requirement is to have the ability to reach 5000 capacity (a requirement for both admission and membership).*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>Football League Stadium Criteria</i></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>Criteria</i></th> <th style="text-align: left;"><i>Capacity</i></th> <th style="text-align: left;"><i>Seats</i></th> </tr> </thead> <tbody> <tr> <td><i>Qualification Criteria</i></td> <td><i>4,000 (with ability to reach 5,000)</i></td> <td><i>500 (with ability to reach 1,000)</i></td> </tr> <tr> <td><i>Admission Criteria</i></td> <td><i>5,000</i></td> <td><i>1,000 (with ability to reach 2,000)</i></td> </tr> <tr> <td><i>Membership Criteria</i></td> <td><i>5,000</i></td> <td></td> </tr> </tbody> </table>		<i>Criteria</i>	<i>Capacity</i>	<i>Seats</i>	<i>Qualification Criteria</i>	<i>4,000 (with ability to reach 5,000)</i>	<i>500 (with ability to reach 1,000)</i>	<i>Admission Criteria</i>	<i>5,000</i>	<i>1,000 (with ability to reach 2,000)</i>	<i>Membership Criteria</i>	<i>5,000</i>	
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	<p><i>If legal and policy considerations are overcome and the agreement (on limiting capacity) is agreed, the LHA would consider it necessary to ensure there is a mechanism to deliver additional parking at the appropriate time. The applicant would need to demonstrate how the parking provision would be provided (at this stage) so as to not impact on the future promotion/success of the club. This would then need to be secured by way of legal agreement or condition (also at this stage).</i></p>													
	<p><i>The proposal to limit the stadium capacity by way of legal agreement is not supported by the Local Highway Authority at present.</i></p>													
	<p><b>3) <u>Safety of Sports Grounds and Highways</u></b></p>													
	<p><i>The Green Guide for Safety at Sports Grounds (prepared by the Sports Ground Safety Authority (SGSA)) sets out the requirements in terms of sports grounds. It highlights:</i></p>													
	<ul style="list-style-type: none"> <li><i>• The importance of safety and the site traffic management plan coordinating with the local authority's overall traffic management plan (3.34)</i></li> <li><i>• Design and management of exit systems (10.8)</i></li> <li><i>• Communication with local authorities (16.2)</i></li> </ul>													
	<p><i>The lack of communication, and cooperation with the Local Highway Authority in respect of highway safety is a concern. Previous evidence has been presented by the LHA which highlighted significant football related parking in residential areas. This results in highway congestion which prevented movement (including emergency services), dangerous driver behaviour, blocking of driveways all a result of inadequate parking provision and management of the football stadium. Mill Farm Sports Village Management had made no real attempts to overcome these concerns (as raised at the Appeal), and complaints are still made to the LHA regularly.</i></p>													
	<p><i>The failure to deliver the appropriate parking, and the proposal to add this additional development onto the site, is of grave concern. The safety of this sports ground, and the surrounding highway network, risks being further compromised by the failure to address the LHA's concerns.</i></p>													
	<p><i>In the event this proposal is approved, at high levels of attendance with the likely highways issues, the LHA is likely to raise concerns with the SGSA directly, including AFC Fylde Management as a cc. Approval would limit the scope within the site to overcome the residual issues associated with the original permission.</i></p>													

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### 4) Complaints the LHA has received from Elected Officials

*Between 2016-2023, LCC have received 10 separate VIP complaints (from Parish, District, County Councillors, and the Local MP) relating to highways issues and planning which have occurred as consequences of the Mill Farm development. Several of these have been this year, as recently as October 2023. This is higher than the usual number of VIP queries we would expect for a single strategic development in relation to highways impacts.*

*The complaints submitted highlight a number of important issues the surrounding area has faced, and is still currenting experiencing, as a result of this development.*

*These include:*

- Inappropriate and obstructive parking on the local highway network during matchdays due to the lack of on-site parking currently present;*
- Poor traffic management on the local highway network during busy matchdays (the management of cars in site has surrounding effects on local highway network, and inadequacy of parking drives this issue);*
- Issues with S278 (off-site highways works) relating to signage as raised in the Road Safety Audit and unaddressed by the developer;*
- Mud/debris in the carriageway from Mill Farm construction in breach of requirements to have wheel-washing facilities.*

*These complaints have been submitted by elected officials on behalf of residents who live in the nearby area and are being heavily affected by these issues. These complaints do not include the extensive complaints to both the LHA and LPA from the general public.*

### 5) Parking Provision Over Time and Demand

- The ratio of 1:8.8 was set out at outline permission.*
- The Original Planning Approved Provision was 683 spaces (including overflow of 492). Dedicated parking for the club supporters was 551 marked spaces. The remainder was through 3G pitches to be secured by condition.*
- Breach of planning condition preventing use of 3G pitches during matches then took place.*
- In 2022, the club removed the South Stand parking from the car parking provision on site in the CPMS and noted it as 'Temporary, now removed' (the CPMS dated August 2021, and July 2022). Dedicated long-term parking remains a concern. This provision could provide circa 95 parking spaces, and has since been put back into the latest CPMS but remains unmarked.*
- The latest proposal is 400 dedicated spaces and 4,000 capacity.*

*The LHA undertook analysis presented in the previous Statement of Case comparing attendance with Car Parking demand (on and off site), and calculated parking ratios. These resulted in the following:*

- 1:3.1 AFC Fylde v Chesterfield*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- 1:3.9 AFC Fylde v Salford
- 1:4 AFC Fylde v Maidstone

*Based on those three surveys, significantly more parking would be demanded (on and off-site) when compared to what is proposed. Using the observed demand, the proposed 400 dedicated spaces would only provide for 1240 - 1600 supporters before it becomes necessary to park on the adopted local highway network and neighbouring residential streets. At full capacity, this type of demand would require circa three-quarters of supporters to park off site, with limited nearby provision to do so.*

*Such high car parking ratios are uncommon, areas closer to towns on the urban periphery or within urban areas have more opportunities to park, higher public transport accessibility (both rail and bus), and less reliance on the strategic road network. The local populations are significantly larger, promoting walking and active travel.*

*Of the football clubs in Lancashire within the League 2, National League, and National League North, the local areas have populations ranging between 32,758 (Morecambe, - League 2), and 39,523 (Chorley – National League North). Comparably, Mill Farm sits in a civil parish with a population of 4,475 which is a factor in private car use, as people must travel further to the games. It is also one of the key reasons why the local car parking provision outside of the stadium is so limited.*

### 6) Fylde Draft Parking Standards

*The Original Application (1:8.8) and the Fylde Draft Parking Standards (1:10) set a starting point for the parking. The Parking Standards for stadiums do not fully reflect the site-specific constraints, (i.e. higher car demand, proximity to strategic road network, small immediate conurbation), but rather, are for all stadiums (not specific to football which generally has higher levels/frequency of attendance than other stadium purposes, or the location).*

*Mill Farm Sports Village directly impacts on a section of the A585, which is a primary distributor road for which the LHA is responsible for maintaining safety and movement. The absence of parking has led to significant off-site parking and issues on the A585. Whilst this is typical of football matches, this is particularly concerning in terms of how poorly it is managed and the severity of the arising safety issues, as other parking locations have not (yet) been secured, unlike other stadium locations.*

*Parking provision and location (within or beyond the site) should reflect:*

- *The accessibility of the development*
- *The type, mix and use of the development*
- *The availability of and opportunities for public transport/privately operated transport*
- *Local car ownership levels*
- *Parking demand*



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*As such, based on observation and Car Parking Standards the parking provision should be somewhere between the 1:4 (observed car parking demand) and the 1:10 (Draft Parking SPD), for the full capacity of the stadium. Having regard to the two ratios provided, the mid-point is 1:7. Parking provided at this level would represent 857 spaces, based on a 6,000-capacity stadium. Even with 857 spaces, this would not satisfy all demand at high attendance games. The Local Highway Authority would expect all parking areas to be formalised to ensure safety and its efficient use (whether accessing or egressing).*

- The North Stand currently has 134 marked dedicated spaces.*
- The South Stand has 95 unmarked spaces.*
- Trilanco has 102 spaces subject to ongoing agreement.*
- The East Stand is dedicated to staff and has 60 spaces. (Note: At present staff at large attendance games are asked to park off-site. It is unclear whether this is on dedicated secured parking, or on-street.)*
- The 3G pitches have been excluded due to ongoing breach of condition.*
- Parking on Coronation Way (unless dedicated parking) would be unsuitable with the proposed application due to vehicle requirements associated with B2/B8. Much of the parking occurs around where the site access is proposed, and this would no longer be available.*

*The shortfall of parking can be calculated in multiple ways:*

*A) If considering the ongoing Trilanco agreement and the North Stand (total 236), the shortfall of parking would be 621 spaces. Note: This would free up the South Stand as proposed in the 2022 CPMS*

*B) If the Trilanco agreement, North Stand is included, and the South Stand is formalised (i.e. tarmacked and dedicated spaces provided) (total 331), then the shortfall is 526 spaces.*

*The difference between the Draft Parking Standards (1:10) and the LHA's suggested provision (1:7) is 257 spaces. In these circumstances, this is either 364 spaces in the case of A, or 269 spaces, in the case of B.*

*In all examples, the site suffers from a shortfall in parking (at best, 269, at worst 621). The parking is not all dedicated, and some is subject to ongoing agreement. The application should address this shortfall by way of dedicated provision, on or off-site. The levels of unmanaged off-site parking occurring on the adopted highway are unacceptable. A level is expected (as is typical with all clubs), but the shortfall in provision is deeply concerning when the size and capacity of the stadium is taken into consideration, along with other ongoing uses on the site.*

*The recommendation the LHA have made in terms of parking provision required, taking into account geographical constraints, also ensures that in the circumstances that the Trilanco agreement ceases, the parking would remain within the expected level set out in the Draft Parking SPD.*

*7) Highway Safety Concerns*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*Lack of parking has had severe highways impacts, creating congestion on highway. This has resulted in severe highway congestion which prevented movement (including emergency services), dangerous driver behaviour, blocking of driveways all a result of inadequate parking provision and management of the football stadium. Please refer to Statement of Case for full list of issues and evidence.*

*The LHA is concerned that it will not be able to meet its statutory duties should attendance levels rise (given how serious and dangerous it has been previously), and the club remains unequipped/unwilling to handle parking demand in future.*

*The issues have been observed at less than half of the possible capacity of the stadium. It is out of the question that the site would function acceptably at full capacity and this issue needs to be addressed.*

*I refer to all previous evidence submitted by the LHA. The LHA also continue to visit site on notable match days to undertake observations. However, attendances have been inadequate to consider the full capacity. The complaints, however, continue to be raised with the LHA. The LHA has serious concerns about function at higher levels of attendance should the club successfully enter the English Football League (for which the stadium is designed).*

### *8) Application Proposal*

*Regarding this proposal:*

- The application cannot be considered in isolation, the site has significant impacts on the surrounding network on match days and the levels of attendance that are possible still does not have its needs met.*
- The application for this proposal fails to take into account the site in which it sits adequately and consider highways issues that are present.*
- It would further exacerbate the scope for conflict between users and permanently remove the possibility of parking provision associated with the original permission.*

*It is the view of the LHA that this proposal would have an unacceptable impact on highway safety, and the residual cumulative impacts of the proposal would be severe.*

*This application is therefore not supported. If the application seeks to utilise the land upon which the overflow car park was proposed, an alternative proposal needs to be submitted as part of the documentation for the Local Highway Authority to consider.*

*The overflow car park may be suited to location off-site and should this be considered by Mill Farm Sports Village management, the LHA are keen to provide support and advice on access, visibility, and other highways matters to facilitate this. The LHA can provide pre-application advice on this if off-site as in some cases, planning permission may be required.*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><u>Summary</u></p> <ul style="list-style-type: none"> <li>• <i>The proposal to limit licensed capacity currently lacks legal certainty, enforceability by the LHA, and does not appear to meet the required tests if via S106 if proposed. The LHA have recommended the LPA seek Counsel advice.</i></li> <li>• <i>The proposal does not recognise the context of the site, the masterplan associated with the original permission, or overcome existing highways issues.</i></li> <li>• <i>There is no substantive evidence to explain the position that there is now no intention to provide the overflow car park (which was planned on this site).</i></li> <li>• <i>The calculation of the number of spaces required on site is not undertaken by a robust analysis of the actual operation of the Stadium or its potential capacity, or by the number and nature of trips to the site. As a consequence, the level of spaces provided on site under-estimates the number required;</i></li> <li>• <i>The overall level of parking provided on site is inadequate, and as a consequence there is an unacceptable degree of parking on the surrounding streets leading to undue impact on residential amenity through congestion and inconsiderate parking;</i></li> <li>• <i>The long-term availability of the on-site parking areas that are provided is uncertain and it is possible that the existing unacceptable situation could be exacerbated should some of these parking areas cease to become available for use during AFC Fylde games.</i></li> <li>• <i>The proposal further limits the scope for parking to be resolved. The creation of this also removes places where existing parking takes place on Coronation Way.</i></li> <li>• <i>The management of off-site parking is reliant on traffic management arrangements such as the coning of some streets that are ineffective in preventing parking on them and are legally unenforceable.</i></li> <li>• <i>The Local Highway Authority is extremely concerned about the highway safety risks to supporters and the general public at attendances over 2500-3000 (this is the level it appears to become unacceptable), and there is no evidence to date that this is managed better than previously. The licensed capacity, whether this is 4000, or 6000, is not acceptable without this being resolved.</i></li> <li>• <i>The LHA does not have the ability to enforce licensed capacity on highways grounds. AFC Fylde needs to provide adequate parking for the full development before further development takes place.</i></li> </ul>
<p><b>National Highways</b></p>	<p>In their initial comments they objected to the application and issued a holding direction to prevent its determination until they had considered any revised information. That information was subsequently provided and allowed their position to be revised so that the objection was removed and the holding direction lifted.</p> <p>Their objection related to the potential for additional traffic associated with the development to have an impact on the operation of junction 3 of M55, and specifically the technical data that underpinned that assessment along with the future modelling of the data. Following receipt of revised details National Highways undertook their own data modelling work based on the traffic that would be generated by this development, the traffic generated by other</p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>committed development, the existing highway conditions, and the (then) predicted changes through the opening of junction 2 of M55.</p>
<p><b>Lead Local Flood Authority</b></p>	<p>In their initial comments they objected to the application.</p> <p>Following the receipt of clarification from the agent they provided further comments which withdrew that objection subject to conditions being imposed which require that:</p> <ul style="list-style-type: none"> <li>• The development is undertaken in accordance with the revised FRA.</li> <li>• That a final surface water sustainable drainage strategy is submitted and agreed prior to any development.</li> <li>• That a construction surface water management Plan is submitted prior to any development to manage the surface water during the construction phase.</li> <li>• Details of the maintenance and management arrangements of the development's drainage arrangements are provided.</li> <li>• A verification report is submitted that confirms that the agreed drainage arrangements have been appropriately implemented.</li> </ul> <p>Finally they have commented on the current version the proposal in March 2024. Those comments confirm that they have no objection to the proposal subject to the matters listed in their earlier comments being confirmed through the imposition of conditions.</p>
<p><b>Environment Agency</b></p>	<p>Their initial comments raise no objection to the development. They reiterated that stance when consulted on the current proposal in March 2024.</p> <p>They also highlight that Bradkirk Brook is a main river and so brings permitting requirements if there is an intention to undertake works within 8m of its bank. They also highlight the need to ensure any water discharging to a watercourse passes through an oil interception, that the surface water drainage of the site be designed to accommodate SUDS techniques., and the nature of the commercial activities may be one which brings permitting obligations for its waste handling.</p>
<p><b>United Utilities</b></p>	<p>They advise that they have reviewed the submitted FRA and Drainage Strategy and conclude that there is insufficient information on the detail of the drainage design</p> <p>They therefore request that a condition be imposed to any planning permission that requires that a fully detailed sustainable surface water drainage scheme be submitted prior to the commencement of any development.</p> <p>They also request clarification is provided over the management and maintenance of the drainage arrangements for the site through a condition.</p> <p>They highlight that the scale of the development is likely to generate a considerable demand for water and waste water services, and so encourage the developer to have early dialogue with them over the provision of these as it may involve additional infrastructure being provided in the area</p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

<b>Greater Manchester Ecology Unit</b>	<p>They refer to the historic use of much of the site as a coniferous woodland plantation, which has since been mostly cleared to facilitate other development on the wider site, except for narrow retained boundary tree belts. This area has since been colonised by neutral grassland, tall ruderal vegetation and scrub vegetation. The main waterbody on the site is a SUDs feature built to serve the wider developments within the Sports Village.</p> <p>The recently developed habitats on the site will have some limited local wildlife value and will support nesting bird and bat foraging habitats. There is some higher value habitat in the south-east corner of the site, comprising established broadleaved woodland and a pond.</p> <p>The site is not designated for its nature conservation value and the development proposals will not cause harm to any designated sites. The proposals will not cause harm to specially protected species. I would offer no overall objections to the proposals on ecology grounds, although I would advise</p> <ul style="list-style-type: none"> <li>• If possible, the design of the development proposal should be amended to retain the pond and broadleaved woodland in the south east corner of the site. If this is not possible, additional compensation should be sought for the loss of the pond and woodland through additional landscaping, either on site or nearby. Ponds can be very valuable features for biodiversity.</li> <li>• There appears to be further opportunities for hedgerow re-instatement at the site boundaries. These opportunities should be fully realised in detailed landscape plans for the site.</li> <li>• No vegetation clearance required to facilitate the development should take place during the optimum time of year for bird nesting (March to August inclusive).</li> </ul>
<b>Environmental Protection</b>	<p>Express concern over the potential of the development to lead to disturbance to neighbouring residential dwellings from its operations, specifically the operation of any plant and equipment required to service the building as there are no details of this in the submission.</p> <p>They also request that a condition is imposed to ensure that the construction works are appropriately managed to avoid harmful impacts on neighbouring amenity.</p>
<b>Lancashire Fire and rescue</b>	<p>Request that the development be designed to accord with the requirements of Building Regulations approved document B part B5 relating to access for the fire service. They also request that the proposal is provided with a suitable provision of fire fighting water.</p>
<b>National Air Traffic Service</b>	<p>Confirm a lack of air safety objection</p>

### Neighbour Observations

Neighbours notified: 14 September 2022

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

<b>Amended plans notified:</b>	31 July 2023 and 4 March 2024
<b>Site Notice Date:</b>	21 September 2022
<b>Press Notice Date:</b>	6 October 2022
<b>Number of Responses</b>	Total number of comments      6 received from 4 properties
<b>Summary of Comments</b>	The comments received are opposed to the development on the basis that:

### Policy and Principle

- Highlight that there is a large part of the site that is countryside, rather than allocated for mixed use development
- The site is not an appropriate one for this scale of development, and there are other employment allocations such as at Whyndyke which would be better suited to a development of this scale
- The justification and business need for the building is questioned given the existing global operations of the business, the availability of more cost-effective production facilities elsewhere in the works, and the decline in toy shops indicating that there is less need for handling stock in a warehouse of the type proposed
- The majority of the jobs that are said to be formed at the site are ones that will be simply relocated from the site at Wyre and so there is a negligible benefit to the local economy
- New job creation is only realised if the business growth that is indicated is actually realised
- The new facility will have modern storage and handling facilities so reducing the need for manual labour
- The majority of the jobs will be lower skilled
- The relocation of jobs will require additional journeys to work for many existing employees
- There are no obvious social benefits other than limited job creation
- The development does not actually utilise the mixed use allocation as it uses land around it that is countryside for much of the supporting infrastructure, and takes land in the allocation that should be providing the supporting infrastructure for other approved developments,. Namely the car park for the football stadium
- An employment development should include all the required servicing elements and landscaping within that allocation as is the case with Lathams to the north and others elsewhere in the borough such as Helical in Warton
- The scale of the development will create an unprecedented scale of expansion of the rural settlement of Wesham.
- The proposed building is larger in scale than those proposed for substations close to Newton but are on a site that is much smaller in scale
- In other parts of the county, such as Cuerden, the county council has set height parameters for buildings which this would exceed if they applied here
- The sunlight tracks are spurious and misleading as it incorrectly plots trees and takes no account of the changes in leaf cover through the year

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- The economic report is criticised as it indicates that the development is unsuited to meet the local needs, that the relocation will require 85% of the staff to incur additional journeys of 7-10 miles each way, and that the job growth is based on an unsubstantiated growth rate of the business. The level of expenditure that the development is said to bring to the local community in employee staff spending and training is also criticised as an over-estimate
- A resident also highlights that the building could be transferred to another user who would not necessarily have the same operational approach as the existing business

### Highways

- That the use of the allocated area for this development would remove the opportunity for there to be any space on the site that could accommodate a car park for the football stadium. This is an outstanding requirement, as is the agreement of a Car Parking Management Strategy
- the development will create additional vehicle movements on Fleetwood Road, and as the road is not suited to the existing level of movements it will exacerbate that situation
- the level of traffic on the road means that on occasion residents who live on the road need to wait up to 10 minutes to exit their driveways
- The development will be harmful to road safety through increasing traffic on a road that is already busy and difficult to use
- Highlights that the establishment of an industrial use at the site would lead to additional vehicle movements, and that these additional vehicle movements would also contribute to worsening of air quality
- The estimates over vehicle movements are criticised as an underestimation given the scale of the building and the number of loading docks that it contains. The resident believes that the actual level of activity will be far greater with 100 HGVs a day arriving at the site when it is being established, with this continuing at a high level throughout operation

### Other matters

- The submitted plans fail to account for the position and proximity of the neighbouring dwelling
- The accuracy and completeness of the submitted drawings is questioned and it is alleged that they underrepresent the scale of the building that is proposed
- The building is physically very large and is boxy in its design with accentuates its scale
- The development will lead to overshadowing of a neighbouring dwelling and of a significant portion of the land associated with it for a significant part of the year. This is exacerbated by the dwelling being at a lower land level
- The building will likely impact phone, TV and broadband services

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- The building will create a wind tunnel and the use will generate noise
- There will be significant environmental issues from the change to the approaches to Wesham, the change in the aspect of the Mill Farm site and the loss of protected trees
- The design is in conflict with the standard planning requirement for new development to be well designed as it is so box-like
- The area available for landscaping is limited and the benefits of this will be inadequate and only realised many years later.
- The scheme will impact the existing drainage issues in the area which relies on a network of field drains that have been damaged already and will be decimated by this proposal
- The lack of access around the building will create access issues in any emergency and with the scale of the building this is a critical issue
- The proximity and hours of operation of the building will inevitably lead to noise impacts to the neighbouring occupier
- There are geological faults identified in the submitted report and so this creates a concern over the impact of this scale of development if the land is known to be unstable
- The scheme removes extensive areas of trees and so will lead to changes in the water catchment leading to potential flooding of the road and the neighbouring dwelling. There are no land drains indicated to capture this water
- There is no indication of any construction drainage arrangements to assist with handling water during that phase
- The scheme includes external storage in locations close to the neighbouring dwelling that is not accounted for in the noise assessment and will lead to amenity issues

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

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

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

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

GD7 - Achieving Good Design in Development

EC1 - Overall Provision of Employment Land and Existing Employment Sites

GD4 - Countryside

SL4 - Kirkham & Wesham Strategic Location for Development

GD5 - Large Developed Sites in the Countryside (Mill Farm, Fleetwood Road, Wesham)

DLF1 - Development Locations for Fylde

EC1E - Existing Employment Sites (Mill Farm, Fleetwood Road, Wesham)



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

ENV1 - Landscape and Coastal Change Management Areas

ENV2 - Biodiversity -

T5 - Parking Standards

Parking Standards SPD

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (10(a)). This relates to industrial estate development projects and the guidance indicates that an Environmental Impact Assessment can be required for schemes that involve over 0.5 hectares of new development, as is the case here. As a result of this officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement. This is primarily because much of the development is on an allocated site in the development plan, that there are no ecologically designated sites in the vicinity, and that the potential implications of the development proposals are likely to be restricted to the local area only in their impacts.

### **Comment and Analysis**

#### **Policy Background**

The application site is largely covered by two designations in the Fylde Local Plan to 2032 (incorporating Partial Review). The proposed building, its access point from Coronation Way, and a thin strip of land around the north, west and south elevations are within the area of the Mixed Use allocation under Policy SL3, specifically as allocation MUS3. The area of the servicing yard, the internal access arrangement, the car park and the landscaping area to the east of the building are within the Countryside under Policy GD4. There is a small element of the internal access road that is within the Existing Employment Area allocation under Policy EC1, with that policy also indicating that the Mill Farm allocation MUS3 is to provide a mixture of employment uses.

The compliance of the development with these policies will therefore be a key assessment in the overall determination of this application and so will be covered in detail in this report.

A series of other policies are also relevant as with any major application of this nature. These include the requirements of Policy TR5 relating to parking, ENV1 relating to landscaping, ENV2 relating to ecology, and GD7 relating to the good design of new development. These will be referred to in the relevant sections of this report.

#### **Planning History**

The current phase of development at Mill Farm began with the grant of a hybrid planning permission under reference 13/0655 in February 2015. This granted full planning permission for the erection of a football stadium as the home for AFC Fylde, an employment building for Trilenco, a retail store now occupied by Aldi, and the access for these from a new roundabout to Fleetwood Road. It also granted outline planning permission for other elements of development, most of which have now come forward and been developed, with the exception being a hotel which was approved for a plot that is to the immediate south of the football stadium which is currently used as a temporary car park for the

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

stadium. As the outline planning permission has now expired, that part of the development can no longer come forward without a further planning permission being granted.

At the time that the outline planning permission was granted the part of the site subject to the current application was shown as providing two elements of supporting infrastructure. Firstly, there was a balancing pond that was to serve as part of the overall site drainage arrangements and was to hold surface water before it was released to Bradkirk Brook which flows in a west to east direction to the north of the site. This has been implemented although planning permission has recently been granted under reference 23/0256 for this to be relocated to a site to the south of the existing application site. Secondly, there was an area of overspill parking that was to serve the needs of the football stadium. This has not been provided and the area of the site that was to provide this facility remains vacant.

The provision of this parking area was shown to assist with accommodating the spectator and other visitors to the football stadium, with the timing of its provision and its management to be an element that would be secured through the agreement of a Car Parking Management Strategy for the Mill Farm site. The landowner has submitted applications to agree this Strategy, but at the time of writing this report there has yet to be any agreement on this aspect.

The first application, submitted under reference 16/0397 and was refused by Fylde Council, with a subsequent appeal being dismissed on the basis that the submitted scheme did not provide appropriate details to ensure that the parking arrangements, which did not include the provision of this overspill parking, would not lead to unacceptable residential amenity or highway safety impacts. A current application is under consideration for a revised Car Parking Management Strategy under reference 20/0135. This also omits the provision of the overspill parking, instead relying on the existing parking arrangements within the Mill Farm site. The next section of this report considers this point further.

Returning to the planning history of the site, there has been a previous application for the area of Mill Farm that is the subject of the current application. This was application 21/0620, a hybrid application for full planning permission for the formation of a new road junction from this part of the site directly to Fleetwood Road and outline planning permission for the erection of 99 dwellings. This was withdrawn in advance of any decision being made.

There have been a range of other applications on Mill Farm, largely associated with the sporting facilities that are provided on site, and the employment and commercial development that has been established in the past years. There have also been a range of supporting applications such as advertisement consents, condition discharges, etc. None of these have any direct relevance to the current proposal.

### **Timing of Determination of Current Application**

The fact that the Car Parking Management Strategy condition, and so the parking arrangements for the stadium, is outstanding might suggest that the determination of this application in advance of that is premature. This is because the current application site provides the location for the provision of an overspill parking area that could be required as part of the final agreement of those arrangements.

This is a matter that has been considered carefully by officers and has been the subject of extensive discussions with the applicant's agent and local highway authority. The conclusion reached by officers is that, in the absence of an agreed parking strategy which removes the requirement to use the current application site for overflow parking for the stadium, the loss of this parking area would be a material consideration that weighs against the approval of an application for an alternative use.

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

The football stadium at Mill Farm is to provide the home of AFC Fylde. It has a physical capacity of 6,000 with this reflecting the capacity that was approved under the 2013 planning permission, albeit that the North Stand that has been constructed most recently is of a different design to that which was approved. This North Stand was the subject of application 21/0894 which having been with the council in an undermined form for some time, largely as a result of these concerns over the parking arrangements, was approved following consideration by this Committee on 6 March 2024.

The key to allowing the approval of the application for the North Stand was the provision of a Unilateral Undertaking which gave a legal commitment that the capacity of the stadium would be reduced to reflect the ratio of parking spaces that are available on the Mill Farm site that is set out in the council's Parking Standards SPD. Linking the capacity of the stadium to the quantum of available car parking was considered to be an appropriate mechanism to ensure sufficient car parking places are made available without the need for the originally proposed overflow car park. This means that the operational capacity of the stadium is now restricted to 4,360 as a consequence of the available parking provision on the Mill Farm site.

This removes a negative factor to weigh in the overall planning balance.

The agreement over the lack of a requirement for the overspill car park does not remove the need for the Car Parking Management Strategy to be approved, but it is expected that it will provide new impetus to that with a revised Strategy presented that accommodates the changed parking quantum to capacity position secured through the Unilateral Undertaking. This will allow for formalising many of the parking management arrangements that have been undertaken on match days such as the arrangements around the provision of parking at the stadium (location/charging/order of use), and the signage, coning and stewarding arrangements within and around the site to assist with parking management.

It is, therefore, your officers' view that there is no reason that the current application should not now be determined as, despite the Car Parking Management Strategy for the stadium's operation being outstanding, the requirement for there to be an overspill car park on the part of the site that is subject to this application, has now been removed through the granting of planning permission for the North Stand and the enactment of the planning obligation that restricts capacity as part of that permission.

### **Principle of Development**

With the extent of the application site and particularly that it is split between two contrasting local plan designations there is a need to consider the principle of development of in two sections, bearing in mind that the proposal is for an employment use in a mixture of manufacturing / assembly (Class B2) and storage / distribution (Class B8) with ancillary offices and other supporting facilities.

### **Mixed Use Allocation**

Policy SL4 of the FLPPR addresses the development that is envisaged for the Kirkham and Wesham Strategic Location for Development. This identifies that allocation MUS3 in that Strategic Location is to provide 0 (zero) dwellings but 1.1 Ha of employment land, with Policy EC1 building on that and setting out the particular classes of employment use that are supported on the allocation. This allocation has already seen employment development in excessive of that scale if the existing developments on Mill Farm are considered as employment uses, which the Trilenco development is, and which the retail and other commercial uses reasonably could be. However, it should be noted that the references to the extent of employment uses envisaged for the site in this policy is clearly

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

intended as an indication of its possible capacity, and should not be seen as a 'cap' to the level of development on the allocation as a whole providing other planning policy objectives are all satisfied.

These other planning objectives will include those of Policy GD5 which deals with a number of large developed sites in the Countryside and includes Mill Farm in that list alongside Kirkham Prison, Weeton Barracks and the nearby Latham Health & Beauty site. This Policy is largely aimed at proposals for the redevelopment of these sites away from their current use from the wording it contains, but it nevertheless has relevance to this proposal by virtue of the clear listing of Mill Farm in the policy. This imposes a series of policy tests with the most relevant ones relating to the development not being harmful to the rural landscape, that the development does not require additional public investment in infrastructure, that the site has good access arrangements, and that the development is for a mixed use. These assessments will be discussed in this report, but as a point of principle the development of this site for the additional employment development proposed in this application will not conflict with Policy GD5 in principle.

Finally, the MUS3 allocation is listed in Policy EC1 as one of a number of sites where new employment land is allocated. This policy goes further than the others listed as it sets out the use classes that are to be located in this allocation, and includes all elements of the former Class B1 use as well as Class B2 and Class B8. As the employment uses proposed in this application fall within those use classes they are all supported by Policy EC1 on this allocation and so the principle of the development here must be acceptable.

Accordingly, it is accepted that the principle of the employment development that is proposed in this application is acceptable in that part of the site that is designated as part of the Mill Farm mixed use allocation in the Local Plan. All of the area of the proposed building falls within this allocation.

### Countryside Allocation

Whilst the building itself is not proposed within the allocated Countryside, there are extensive areas of supporting development associated with its development that are in that designation and which would have an urbanising effect. These include the service yard, the access road, the car parking area, together with an area of structural landscaping.

Policy GD4 of the FLPPR is a generally restrictive policy that seeks to preserve the rural character of the countryside by preventing the majority of forms of development with only limited exceptions. The applicant's Planning Statement makes only a passing reference to this policy test and instead focusses on the requirements of Policy GD5. However, they do recognise that there is a conflict with Policy GD4 albeit they argue that this *'is significantly outweighed by the economic, social and environmental benefits associated with employment generation in a sustainable location.'*

The Addendum Planning Statement that was presented in March 2024 goes into further detail on this matter with reference to the history of the allocations that were made when the original Fylde Local Plan to 2032 was drawn up being related to the then land ownership boundaries, rather than wider planning principles. This means that the Countryside idealisation in this area reflects the area of the 'Old Mill Farm' site that was in a horticultural use at that time, rather than a more intensive commercial use as was the case with some of the buildings on that site. They then extend this point to advice that as the whole application site is now in the single ownership of the Applicant that historical basis for the allocation has less relevance, and that there is little land use planning distinction between the uses of these areas of land as the whole site was once countryside with the majority of it removed from that allocation when the Mill Farm Sports Village allocation was introduced. Officers

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

accept that land ownership boundaries did play a part in the final allocation of the site, but the key point is that the land is allocated as Countryside and so that is the policy test to apply.

Looking at this in more detail the Countryside area in this allocation has two elements. One of these is the area to the west that is closely associated with the employment and mixed use allocations at Mill Farm and so serves a limited value as it is not really seen as part of the wider Countryside. The other is a parcel of land that is between the building that is the subject of this application and Fleetwood Road. That area is currently a grassed area that is bounded by a native hedge to Fleetwood Road and a line of protected trees where the building itself is to be situated. The agent accepts in the Addendum Planning Statement that this wedge of land has some value as a buffer between rural and urban areas, but considers that, as it does not have any intrinsic value, the harms that are caused by the development of some of this land with the car parking and other elements of the building represents a limited level of harm to this area as Countryside. In their view this level of harm is outweighed by the economic social and environmental benefits associated with the application.

The proposed service yards and car parking areas are of a nature of development that do not fall within any of the exception to the restraint on development in Policy GD4. Therefore, these elements of the application are in conflict with this policy as a point of principle.

In its favour, the scheme has been improved since first submission to remove most of the physical built development from these areas, and so has a less harmful visual impact on the Countryside. It is also the case that the location of the countryside allocation in this area, which is set against the backdrop of the mixed use allocation from the closest public vantage point on Fleetwood Road does have a reduced value as countryside.

This is particularly the case with that area of Countryside that is to the south of the building and is to be used for the service yard and the majority of car parking under this scheme. This area is the first area described above and is that which is sandwiched by the mixed use allocation of the north and west, and the employment allocation to the south and part of the east. It is a fair assessment that this area is allocated as Countryside as a product of the previous land use and land ownership arrangements at the time of the designation of land when the original version of the Fylde Local Plan to 2032 was being drawn up. i.e. at that time there was no prospect of the site being available for development and so the site could not be considered to be deliverable.

However, this is not the case with the element that is between the building and Fleetwood Road as this area serves as an effective buffer between the allocation and that road, and so helps maintain the rural character of Fleetwood Road that is provided along its full length by the open countryside to the east and is largely maintained along the full length to the north by the landscaped set-back from the road of other employment development and the sporadic nature of residential development until the pub facility at the motorway junction. The latest scheme further reduces the development that is proposed in this area to a single strip of car parking, and proposes that the quality of the area is enhanced by extensive landscaping. Notwithstanding this, the line of trees that currently provides a strong visual break between this countryside and the building are removed under this proposal and the circa 20m height of the building will be a highly prominent structure to those passing the area due to its scale and proximity in the day time and the elements of lighting that will be illuminated in hours of darkness.

The line of mature pine trees forms a logical and identifiable boundary to the mixed use allocation set out in the local plan and the retention of these trees and the open land would clearly help to ensure that the future development on the allocation was not visually harmful. As these trees are to be

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

removed and replaced with the 20m tall building elevation it must follow that the development will impact on the rural character of this area of countryside.

As this part of the development falls within the allocated countryside and is for a form of development that is not considered appropriate in such areas, it will be necessary to assess whether there are any material considerations that would support a decision contrary to the provisions of the development plan, in accordance with Section 38 (6) of the Act.

### Summary

The principle of the employment use is acceptable on the part of the site designated as being within the Mill Farm allocation, and this includes the entirety of the proposed building. However, the construction of the supporting infrastructure required to support that building is in conflict with the Countryside allocation that wraps around the mill farm allocation. Whilst the most sensitive area of countryside alongside Fleetwood Road does not contain any buildings and provides an element of landscaping, the scheme removes the line of trees and other planting that offers an existing effective filtering of any development within the allocation itself. The new planting that is proposed is beneficial and will help filter views in time, but this is a long term mitigation and it would be many years before the landscaping would mature to a degree that would offer screening similar to the existing tree line.

There is therefore a partial compliance and partial conflict with the development plan when considering the principle of development. As a planning decision has to be made on the basis of the development plan policies and other material considerations, these will be weighed in a concluding section of this report once the other key aspects raised by the application have been considered.

### **Scale, Design and Landscape Impact**

When first submitted, the application proposed a larger building situated closer to Fleetwood Road than that currently under consideration. In response to concerns expressed by your officers, the applicant proposed changes to the application which have reduced the overall footprint of the building and have moved it away from Fleetwood Road. Subsequently, further changes have been made to reduce the height and make some improvements to the design of the building and the external arrangements. However, it remains an extremely large building with a footprint of circa 150m x 100m and a height of circa 20m which, to provide a comparison, would be equivalent to a 6-storey residential building.

### Policy Assessment

There are various policy aspects that consider this point.

Looking at the two main allocations, Policy GD5 requires that the part of the application site which is covered by the Mill Farm mixed use allocation satisfies a series of tests with the relevant one here being: *"a) The proposal would not result in harm to the character, appearance or nature conservation value of land in the countryside, landscape setting, historic environment in comparison with the existing development, in terms of footprint, massing and height of the buildings."*

With the remainder of the site being in the countryside, there is a restriction on the forms of development that can be supported in such areas, with the justification for this in para 7.13 of the FLLPR stating that: *"It is important that the countryside is protected from unacceptable development which would harm its rural character."*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Specific guidance on landscape impact is provided in Policy ENV1. This policy has a range of elements that refer to the protection of existing natural landscape features, the replacement of any features that are lost, the design of those replacement features and a requirement regarding their maintenance.

Finally, there is the general requirements in Policy GD7 which covers the achievement of good design in all aspects of a development including that the buildings are of a suitable scale and design for their context, that they take account of the surrounding landform, that they are sympathetic to the surrounding area, and that they make a positive contribution to the character and local distinctiveness of the area.

These requirements are supported by section 12 of the NPPF with specific detail in para 130 regarding the design tests that new development is expected to meet, and para 134 which confirms that *“development which is not well designed should be refused”*.

### Applicant’s Position

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which has been prepared by consultants acting for the applicant following the appropriate methodology for such documents which is the Landscape Institute’s publication ‘Guidelines for Landscape and Visual Impact Assessment (3rd edition)’. A revised LVIA was produced in June 2023 when the application was revised to the current design and location on the site and is supported by a range of photomontages of the proposed development superimposed on to viewpoints taken from various aspects around the site which were agreed with officers prior to the submission of the application.

The LVIA applies the appropriate technical assessments that are required for such documents, looking at the landscape elements on the site (pond, trees, vegetation), the landscape character of the site (which is not specifically designated, not near to any listed building, and is unremarkable in the wider sub-regional context), and then contains a section which considers in detail the effect of the development on visual amenity of the various receptors around the site. This is the most relevant section in the document to explain the overall assessment of the proposed development.

To assess the effect on visual amenity, the document identifies various key vantage points around the site and applies an assessment of their sensitivity to the development, an indication of the magnitude of change to the visual impact that the development brings to result in an overall conclusion on the overall effect of the development on the visual impact to those receptors. This is set out in detail in a table within that document which concludes that the majority of the short term views would bring a ‘moderate’ overall impact even after 15 years of the site being established, with the majority of more distant views having a ‘minor’ impact in that time frame. There are, however, some ‘major’ impacts identified with these being users of the footpath that heads eastwards from the opposite side of Fleetwood Road to the north of the application site as those users approaching the site from that direction will see the building as a large feature in the landscape over a considerable time as they walk that route.

Whilst some of these impacts reduce due to the establishment of landscaping over the 15 years following construction, many would remain of a moderate level of impact. The LVIA suggests that in that timeframe the roadside hedgerow enhancement and additional planting will have screened views of the building from users of Fleetwood Road, and with the context provided by the Trilenco building and the AFC Fylde stadium the elements that are visible after that timeframe would not be harmful. Finally, the LVIA concludes that the impact on occupiers of the property to the north would be

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

restricted by mature trees that are to be retained on the boundary between the properties, and the new tree planting that is proposed in this location.

Alongside the latest drawings of the building the applicant's agent has provided an Addendum Planning Statement which provides commentary on several areas that had been identified as concerns by your planning officers. In response to concerns over this point they highlight that the building is now slightly smaller than previously proposed, but that this scale is the minimum required to meet their operational needs. They refer to the current need for storage space for 16,800 pallets and so this is the driver behind the scale of the building, which would allow them to meet their storage needs on this site as a preferable arrangement, both logistically and commercially, to the current arrangement of using off-site storage facilities. The building is designed to accommodate 29,000 pallets and so meet their aspirations for growth in the future, leading to increased economic benefit for the business and employment for the community.

The statement also highlights the efforts made through a revised design treatment and lowered floor levels to mitigate the visual impact of the building as much as is possible given the size constraints that the applicant requires for this extent of storage and their other operational needs. Photomontages are provided to illustrate this change. It is said that the applicant has now made all feasible attempts to reduce scale and height.

### FBC Consultant Assessment

The LVIA has been reviewed by a landscape architect who provides advice to the council on such matters. She takes a less optimistic view over how the building will assimilate into its surroundings both on construction and following a period of time when the proposed landscaping would mature. She highlights that at 20m the building is significantly taller than the other tall buildings on the site as it exceeds the height of the Stadium roof of 18m and the Trilenco building of 12m. Whilst these are both at a slightly higher ground level, the building will be highly visible from a range of vantage points and that these existing developed structures will not assimilate it into that urbanised context.

*She concludes that the "size and footprint of the proposed building is too big for the site and allows little opportunity for significant landscape intervention to ameliorate the effects of it on the landscape character and views."*

She further highlights the proximity of the building to the landscaping on the northern boundary of the site will inevitably have a negative impact on the vitality of that vegetation and the screening benefit it is claimed to provide to the neighbouring dwelling in that direction. She also highlights that the extensively hard surfaced areas around the site will not provide a pleasant environment for those visiting or working at the site. The quality of the landscaping that is proposed is also queried given that the number of new trees that are proposed is limited and that the area for planting is minimal in relation to the area of built development. Finally, she expresses concern over the loss of the line of pine trees which provide a useful separation to the mixed use allocation and the key public views of it.

Her view is that the content of the LVIA is overly optimistic in terms of how the landscaping will develop to ameliorate the views of the building from key vantage points, and that there will be a significant and harmful impact on the views of the from all aspects, and from the east, west and south in closer views.

### Officer Assessment



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Having considered the views set out by the applicant in their submission, the views of the council's consultant in their assessment of the proposal, and visited the site from various vantage points the officer view is that the scheme will be overly harmful in the landscape.

This is a result of several factors:

- The building has a footprint that effectively occupies the entire site available within the Mill Farm mixed use MUS3 / Policy SL4 allocation
- This means that many of the essential urban elements for the successful commercial operation of the building as a largely distribution / assembly-based operation (access point, service yard, delivery bays, access road, car parking) are all located outside of that allocation in the designated Countryside. It is acknowledged that the latest revision is an improvement in this respect as the encroachment is reduced, but it remains considerable.
- The site is located in a sensitive location where the urban conurbation of Kirkham and Wesham transitions to the rural environment of Greenhalgh and the northern parts of Fylde Borough. Whilst there are clearly other urban developments in this area, these comprise the essential infrastructure around the M55 junction and the well landscaped Lalham Health & Beauty facility. None of these are considered to have the same dominating impact on the landscape that this building and its associated infrastructure would create.
- The building is excessive in its height for the location given the proximity to Fleetwood Road in particular, but also to other vantage points such as the public right of way through Mill Farm and to the west, the right of way to the east, views from Weeton Road to the west, views from Bradshaw Lane to the north, views across Wesham to the site from the M55 and other aspects to the east, and views from within Mill Farm and the northern parts of Wesham to the south.
- The building has limited design credentials that could justify its prominence in this location with it being simply a large box like building with largely featureless clad elevations around. This is an area where the latest scheme is an improvement though with some articulation added through the framing of the elevations and the reduction of the curtain walled glazing. However, the functional nature of the building means that there remains little relief to the scale of the building provided.
- The building is orientated so that its delivery element will be the aspect that is faced by all visitors on arrival. Given the nature of the use that is proposed this will inevitably be a busy location with extensive use by vehicles, containers and other equipment that will be stored in this area and so provide a particularly unattractive aspect. This will be prominent to all visitors to the Mill Farm development whether related to this development or visitors to the sporting or commercial operations already present, albeit that this view will be within the urban context of the wider Mill Farm site.
- The landscaping that is proposed is limited as a consequence of the limited space that is retained within the site for that purpose, and will be a considerable reduction in both the area and quality of landscaping from that which is on site at present but is removed from the countryside element for the site to facilitate the proposed development.

From a policy perspective this creates a conflict with all the elements of the policy basis for the development that are set out at the start of this section of the report. The scheme will be harmful to the landscape of this transitional urban to rural location without any realistic prospect of the proposed landscaping addressing that harm. This creates a conflict with Policy ENV1, and also with GD5 as the works within that allocation are not sensitive to the aspects that the policy protects. The scale and functional design of the building fails to adequately respect its context and so there are conflicts with Policy GD7 on that basis, and an overall conflict with the guidance in paras 130 and 134 of NPPF.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Trees

The site contains several areas of trees, with these being the subject of protection through tree preservation order TPO/22/0001 which was confirmed by the Planning Committee in October 2022 following an assessment of objections received. This protected a single Willow tree close to the dwelling at Mill Farm, a group of circa 140 Pines that are planted in a row that runs generally north to south in line with the front of the proposed building when viewed from Fleetwood Road, an area of mixed deciduous species located on the northern boundary of the site close to the boundary with the neighbouring dwelling at Demmingfield, and two areas of mainly deciduous species located to the southern part of the site frontage with Fleetwood Road.

The application is supported with an Arboricultural Impact Assessment and tree protection plan which has been updated to relate to the current application scheme. This impact is that the entire group of Pines is to be removed and much of two of the areas, with only the single Willow tree and the area to the northern boundary indicated as being retained.

This TPO was served prior to the submission of this application, but was confirmed after its submission and so that decision was made in the knowledge of this application and its likely implications for the trees. The purpose of the Order is to provide protection for the trees from removal or inappropriate works without due consideration of the impact of such works by the local planning authority. In the event that a planning permission were to be granted that would override the tree protection and so would authorise their removal. Accordingly, the impact of the loss of these trees needs to be taken into account as part of the overall planning balance.

The Arboricultural Impact Assessment includes an assessment of the health of the trees and their value using the A (high), B (moderate), C (low) gradings that are set out in the relevant British Standard for this. This concludes that many of the trees are category C, with some B and a smaller number of A. It also confirms that a significant number of trees are to be removed, and whilst some of these are category C, there are also groups that are category B and groups that are Category A which are intended for removal. This includes the belt of Pine trees that form a distinctive linear feature on the site and in the wider landscape.

The removal of these protected trees can only be considered as a negative factor that arises from the development. The loss of the belt of Pine trees is a particular issue as they are located at the edge of the mixed-use allocation and so separate it from the area of countryside and then views from Fleetwood Road. This means that they serve a highly beneficial role in segregating any development on the mixed-use allocation from public vantage points outside the site and so ensures that the urbanising impact of the development on the wider landscape from that aspect is minimised.

This negative factor is a point that has been raised with the applicant's agent and so is covered in the Addendum Planning Statement. They recognise that the pine trees will be lost and that this is regrettable. However, they consider that the benefits of the development outweigh the harm. The benefits they refer to are the enhancements to the landscaping that are now proposed which they refer to as including 113 new trees as well as new hedgerows and shrubs. They also highlight how a Landscape Management plan has now been provided to help confirm the arrangements for the maintenance of the landscaping areas.

This is an improvement from the previous versions of the scheme where the landscaping provided was less and the management arrangements were uncertain, albeit would always be the subject of a planning condition. Clearly it is impossible for the building to be constructed as shown whilst retaining the Pine trees and other areas of trees on this Fleetwood Road frontage. It is recognised that the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

scheme includes replacement planting into this area, but with the scale of the proposed building and the relatively limited area available for this planting, it is impossible that they will provide a suitable compensation for the protected trees that are lost in any imaginable timeframe.

The tree preservation order was served on these trees as it was recognised that they could be impacted by development on the site and there was a desire to ensure that they were protected from removal during the consideration of that development proposal. It would always be recognised that some of the trees could be removed as part of an overall balanced assessment of the merits of the development proposal, that considered the benefits of the scheme in employment terms and the opportunities for replacement landscaping to be secured for trees that are lost.

However, this scheme involves the loss of such a high proportion of the protected trees, includes the loss of key elements of the overall Order in particular the belt of Pine trees, and provides a lesser area available for replacement planting that it is considered that the scheme has an overall harmful impact on the protected trees in the area.

The policy position on this is that the loss of the trees is in conflict with the requirements of element m) of Policy GD7 which relates to: 'm) Protecting existing landscape features and natural assets as an integral part of the development;'. It also brings a conflict with Policy ENV1 which has a section relating to landscape and includes several references to the protection of existing landscape features, with trees clearly such a feature. The proposal would also be contrary to guidance in para 131 of NPPF which promotes the retention of trees for their visual and biodiversity benefits.

### Highways

#### Policy Background

The highway implications of development proposals are covered by both local and national policy requirements. Locally there are policies in the FLPPR which include Policy T5 which refers to Parking Standards and supports the provision of an SPD to provide further details on this, with this now being a recently adopted document. There is also reference in elements of Policy GD7 which looks at wider design matters and requires that new development does not prejudice highway safety, should provide appropriate provision for public transport and should ensure that pedestrian and other transport route are not impacted.

The NPPF refers to highway matters also, and good design and safe access points in para 110 and requires that development should only be resisted on highway grounds if there are unacceptable impacts on highway safety or the residual cumulative impact on the road network would be 'severe' in para 111, with para 112 and 113 setting out a series of requirements relating to the detail of the provision of parking.

#### Views of Local Highway Authority

The development of Mill Farm over the past 10 years has brought a series of highway challenges, primarily associated with the operation of the Mill Farm Stadium for AFC Fylde first team games. The details of this are set out in the earlier section of this report that discusses the timing of the determination of this application.

The views of the local highway authority as reported above cover their concerns over this aspect of the operation of the site in detail with limited reference to the current application, although more focussed comments will hopefully be received in time for the Committee meeting itself. The current

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

reported position is that they ultimately conclude that these issues with the wider site operation are such that they advise that the council should not determine this planning application at this time as they believe that there are outstanding highway and parking issues that involve this site and which need to be resolved. They also advise that should the council decide that it is to determine the application then it should be refused as it will permanently remove the potential for this part of the application site to provide for the parking needs of the wider Mill Farm site, particularly on match days, and that this application does not take account of that wider highway context. They therefore conclude that the NPPF test of the development having an unacceptable impact on highway safety is met and so the application should be refused in the event that Fylde Council does decide to determine it.

Lancashire County Council are the local highway authority serving Fylde Borough. The Development Management Procedure Order sets out that they must be consulted on developments that could increase or change the character of traffic entering or leaving a highway, and that clearly applies in this case hence the consultation that has been undertaken. Where such comments are made the DMPO requires in Article 18 (7) that "*The local planning authority must, in determining the application, take into account any representations received from any consultee*". Members must therefore consider the comments of the local highway authority in their determination of this application.

However, the weight to be given to those comments is one of the factors that are to be considered in the overall planning balance in reaching the overall decision on the application. Members will note that the scope of the comments is heavily focussed on the history of the operation of the site, rather than this application and so they make limited reference to the actual implications of the development that is proposed. Notwithstanding that, the remaining elements of this section will assess the actual highway implications of the development in further detail.

### Overall Parking Arrangements at Mill Farm Sports Village

The original 2013 planning permission relating to the development of the football stadium and the land around it requires that a Car Parking Management Strategy is submitted and approved prior to the first use of the Stadium. Whilst there is a current application with Fylde Council that proposes a Car Parking Management Strategy, that application has not been determined due to concerns over the level of parking provision, the management of that parking, and the on-going review of the parking provision. As such the planning condition on the original planning permission is being breached by the on-going use of the Stadium.

Setting aside the outstanding nature of this planning condition, one of the provisions of the masterplan that was approved as part of the 2013 planning permission was that there would be an overspill car parking area provided on the northern part of the application site which provided for 492 parking spaces. This was to supplement the parking provided around the stadium and the shared use of parking on other developments within the site to provide for the parking needs of the 6,000 capacity stadium.

That overspill parking area has not been provided. The current application site occupies the area of the Mill Farm site where this overspill car park was to be provided, and so the approval and subsequent implementation of the current scheme would prevent it being provided at any time in the future.

It is the view of the applicant that the provision of this overspill car park is unnecessary and so its indication on the approved masterplan for the Mill Farm Sports Village development should not be a hindrance to the approval of the current application. They base this view on the submission of a legal

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

agreement that was associated with application 21/0894 which sought planning permission for the north stand at the stadium. This legal agreement secures a restriction on the capacity of the stadium to ensure that it is limited to the available parking areas on the wider Mill Farm site, with that capacity at a ratio of 10 spectators to each parking space. As this is the figure quoted for sports stadiums in the Fylde Council Parking Standards SPD that was adopted in 2023. The submission of that legal agreement was sufficient to enable the Planning Committee to support that application at the 6 March 2024 meeting of Committee.

This permission has now been determined in line with that committee resolution and so the legal agreement has come into force. This effect of this is to restrict the capacity of the stadium to 4,360 from the existing 6,000 as there are 436 spaces available on site. This capacity would meet the current needs of AFC Fylde without any need for additional parking to be provided and means that the area of the current application site would be available for development without a need to be protected for the provision of potential overflow parking.

### Network Impacts

Notwithstanding the position on the principle of the development set out above, it remains necessary to consider the details of the current proposal with regards the highway impacts that they create. The first of these is the impact on the wider highway network of the development of such a large employment facility at this site.

The application is supported by a Transport Assessment and a Technical Highway Note that has been available to National Highways as the strategic highway authority and to Lancashire County Council as the local highway authority. These deal with the expected trip generation from the proposed development and assess how it could impact on the existing highway network. The documents concludes that the vehicle movements associated with the development will not lead to the junction of Coronation Way and Fleetwood Road exceeding capacity, and that the impacts on the wider road networks from that point will not be an issue either.

National Highways initially had reservations over the potential for the vehicle movements from the site accessing the M55 to cause congestion around the junction of that road. However, following the receipt of further information from the applicant's consultee and after undertaking their own modelling work on the operation of that junction they were satisfied that they would not be a significant issue. Accordingly, their objection on this basis was withdrawn.

The Local Highway Authority have not expressed any concerns with the development other than its timing and the implications for stadium parking so it is assumed that they have no concerns over the implications of the development on the wider highway network on an operational basis. They have not made any suggestions with regards sustainable transport improvements, such as subsidies for bus services, either as a consequence of the development.

The traffic on the local highway network around the site is likely to see reductions as the implications of the Preston Western Distributor Road taking traffic direct to the M55 at junction 2 are properly felt once the current roadworks in Warton conclude, and it is expected that the M55 link road to/from St Annes will also take some traffic direct to the M55 from that part of the borough when it opens in later in 2024. Finally, the site is, in part at least, designated for employment or other commercial uses and so would always generate some additional movement inherently with that designation. A high level assessment of impacts on the highway network was carried out as part of the evidence base that informed the preparation of the local plan and the allocation of land at Mill Farm for mixed use purposes.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

A detailed technical assessment of the impacts on the surrounding highway networks from the traffic that would be attracted to this site, or even in its construction, is not possible due to the limited scope of the local highway authority's comments on this aspect. However, from a high-level assessment your officers have concluded that the development will not have the severe impact on the operation of the wider highway network that is necessary to justify a refusal on this basis.

### Access Arrangements

The access arrangements within the site propose an extension of Coronation Way, which is the spine road that serves all development on Mill Farm. This does become heavily trafficked on AFC Fylde match days, but it is unlikely that the peak movements associated with this employment development would coincide with those events, and so the use of this road as an access point is not considered to be an issue.

There are two access points proposed in this scheme: one for HGVs and other vehicles accessing the service yard element of the site, and one which leads to an internal access road to connect to the parking area to the front of the development. These seem to be appropriately segregated and designed, and there are suitable opportunities for reversing and other movements associated with both elements. As such officers do not have any concerns over this aspect either.

### Parking Provision

The council has recently adopted an SPD to set out its expectations for parking standards on new development. This covers the quantum of parking and its location as well as the provision of facilities to support alternative transport measures such as cycle parking areas.

The building provides a mixture of employment (Class B2), storage (Class B8) and supporting office and showroom areas (Class E). These have been revised in the latest iteration of the drawings that are provided and are set out in the Addendum Planning Statement and a series of Gross Internal Area plans. The Addendum Planning Statement contends that the different uses in a mixed use building such as this should not be disaggregated with the parking levels calculated on the basis that the dominant use, in this case storage, being used to calculate the overall parking provision. Your officers disagree with this position given the mixed use nature of the proposal and believe that the mixture of uses proposed, and the importance of ensuring that adequate parking is provided is of such importance that the most robust assessment of this is needed, and that is achieved through disaggregating the uses.

Applying the standards set out in the SPD, the level of parking provision should provide 64 spaces for the 12,800 m<sup>2</sup> of storage and 65 spaces for the 2,918m<sup>2</sup> of manufacturing and associated floor space. This gives a combined total requirement of 129 spaces. The proposal provides for 119 spaces. Whilst this is a deficit of 10 spaces, it is well in excess of the 99 spaces that would be required if the uses were not disaggregated. Paragraph 3.3 of the SPD advises: *"The parking standards set out in Table 2 in Chapter 4 are benchmark minimum standards. The Local Plan notes that these standards will need to be applied to all new developments in Fylde, but flexibly: "A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned" (Policy T5); i.e. the standards can be adapted according to the circumstances of the individual planning application."* On balance it is considered that this level of parking is adequate in the circumstances at the site.

The parking arrangements at the site have also been revised in the latest plans to locate the majority in a cohesive area to the south of the building alongside its entrance where they are well located for

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

use, will have lesser visual impact, and they include provision for mobility spaces, EV charging points and cycle parking facilities. It is accepted, therefore, that this aspect of the assessment is acceptable and satisfies the requirements of Policy T5 which relates to parking, and to elements of Policy GD7 that also address the parking needs from new development.

### Summary

The highway arrangements for a development are always one of the key factors in its overall assessment. In this case that assessment is of heightened importance due to the long-standing failure of the wider Mill Farm development to satisfy the requirements of the 2013 planning permission relating to the Car Parking Management Strategy and any potential additional parking requirements that may stem from that. However, the recent approval of the application for the North Stand has secured control over the quantum of parking at the Mill Farm site through an alternative arrangement and legal agreement.

The revisions to the scheme presented most recently also provide comfort that an adequate level and arrangement of onsite parking is to be provided for the needs of the development.

The final comments of the local highway authority have yet to be received, but on the assumption that they do not raise any substantive issues with the highway access and internal servicing arrangements of the development then it is officer view that these elements are acceptable also.

Accordingly there are not expected to be any outstanding issues with the highways and parking elements of the assessment of the application.

### **Biodiversity**

#### Habitat and Species Implications

The site is not designated for any ecological value, and there are no such designated sites within the immediate proximity to the site. The site is largely undeveloped though and has not had regular public access since it remained vacant following the completion of the original construction works on the Mill Farm stadium and site in 2016. This means that it has, to a degree, naturally regenerated. The site also contains the drainage pond for that site which has been planted with a series of wetland plants that have clearly flourished in that environment, and there are the areas of protected trees and other woodland and vegetation closer to Fleetwood Road. This all means that there are a range of habitats on the site that provide potential for ecological benefit and biodiversity.

To assess this formerly the application is supported with an ecological appraisal in the form of an Extended Phase 1 Habitat Survey that examines the various habitats described above for their potential to support protected, priority and other species, and reports on surveys that have been undertaken for those species. The submitted survey comments on the protected species in the area as follows:

- Great Crested Newts – there are two ponds on site: one in the garden to the dwelling and the other being the drainage pond. The garden pond has a design that would not be suitable for amphibians and has also supported Koi Carp who would predate them. The drainage pond was tested for Great Crested Newt presence, and this was found to be negative. The survey also looks at the potential for surrounding ponds to support newts that could use the site, but these were all discounted for that due to the presence of barrier habitat such as Fleetwood Road and the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

sports pitches. This is a reasonable survey effort and conclusions and so impact on Great Crested Newts can be discounted.

- Bats – there are no buildings on site that could support a bat population for roosting or nesting. The trees were all examined and none were found to contain crevices or other features that could be used by bats either, and so the potential impact on this species was discounted.
- Mammals – The site was searched for badger setts and badger activity, with no evidence found. However, rabbit and fox evidence was found.
- Nesting Birds – the site contains extensive ground vegetation, aquatic vegetation in the ponds and trees. All of these will provide potential habitat and nesting opportunities for a range of birds.
- Invasive Species – No such species were identified in the survey work.

The report therefore concludes that the development would not adversely impact protected species or habitat and so is acceptable subject to the use of conditions to address the timing of works.

This report has been assessed by the council's ecological consultant whose comments are reported above. These do not raise any objection to the proposal on ecological grounds but do make some suggestions for the improved implementation of the development to better retain elements of higher value habitat such as the trees and pond, which are not feasible under this scheme, and others such as the timing of works, which can be addressed by condition.

The position on this matter is therefore that the development is considered to be harmful to wildlife habitat as it is removing areas of habitat that will clearly be beneficial to the ecological value and biodiversity of the borough, albeit these are not supporting any protected species other than the bird nesting opportunities in the trees and other vegetation.

Policy ENV2 of the FLPPR deals with ecological matters and promotes the protection of species and their habitat to differing degrees depending on their ecological importance. With this site not containing any designated habitat or supporting any protected species, other than birds, then the conflicts with this policy are limited. With regards the bird habitat loss this is extensive as it would be provided in the trees that are located to the eastern part of the site, and the regenerated grassland that is found elsewhere.

With the allocation of a large part of the application site for development purposes in that plan it is inevitable that this habitat would be lost as part of that development and so the ecological implications of the development of the MUS3 allocation can be discounted. That is not the case with the ecological implications of the countryside designation, as part of the purpose of that allocation is that it is to preserve the natural habitat of these areas of the borough, which in this case will mainly include the belt of pine trees and other protected trees that serve to separate the mixed-use allocation from Fleetwood Road. It would be usual for a development of an employment allocation to contain all of its supporting infrastructure within that allocation without the need to spill out to surrounding countryside designations as is the case here, and in addition to the landscape and policy harms that this brings as reported earlier, this is also having an ecological harm as it is requiring the removal of these trees.

Policy ENV2 requires that where priority species habitat is impacted that has to be minimised and alternative habitats provided to replace that lost and so support the local population the affected species. In this case there is little direct detail over the bird species affected in the submission, but it is clear that with the extent of tree habitat that is lost then the impacts must be significant. This loss could be avoided with a more appropriately scaled scheme on the employment allocation and so the proposal presented here is considered to conflict with the requirements of Policy ENV2. It is also a conflict with Policy GD5 which relates to the development of the mixed-use allocation and requires in



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

section a) that such developments do not result in harm to the nature conservation value of the countryside.

### Biodiversity Net Gain Implications

Schedule 14 of the Environment Act 2021 inserts Schedule 7A into the Town and Country Planning Act 1990. This will require that many developments will need to provide a minimum 10% increase in biodiversity as a part of that development when the legislation is implemented in 2024. Whilst this legislation does not apply to this application, there is an existing requirement under para 174 d) of the NPPF for *“d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

To assess this emerging aspect of legislation it will be a requirement that most applications are supported with a biodiversity metric which explains the starting point for the biodiversity benefit of the site, and then assesses how that is to be impacted by the development proposed. There is no such information available with this application, but it will involve the loss of the pond, loss of the extensive areas of regenerated grassland, loss of the protected trees, and loss of the other countryside open space. This is to be replaced with a large building and extensive areas of hardstanding around it. Whilst there is to be an area of landscaping to the Fleetwood Road frontage and that this will contain a pond, even this pond is to be of a reduced size than the existing one. It is therefore officer assessment that the scheme will lead to a reduction in biodiversity rather than maintaining the status quo or leading to the net gain that is sought by the quoted section of para 174 of NPPF. In such cases the guidance in para 181a) of NPPF becomes relevant and states: *“ if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*

The Addendum Planning Statement refers to biodiversity as this was one of the issues that was raised by your officers. This highlights that the scheme was presented prior to the implementation of the Environment Act and so there is no need to provide a 10% uplift in biodiversity, and recognise that the development will actually lead to a loss of biodiversity from the removal of existing habitat. The scheme proposes some mitigation in terms of both planting and habitat creation such as bird and bat boxes and hedgehog holes. However, they accept that these will not compensate for the habitat that is lost and so will result in a reduction in biodiversity.

### Summary

The development will not lead to any direct impacts on protected habitats or protected species, other than involving a significant loss of protected trees and other habitat that could support breeding birds. Irrespective of this there will also be an inherent loss of the biodiversity value of the site through its urbanised redevelopment that is not adequately mitigated by other habitat creation or biodiversity enhancements elsewhere on the site or in other locations.

Accordingly, it has to be concluded that the scheme conflicts with the requirements of Policy ENV2 in that it involves the loss of protected species habitat that could be retained through a more appropriately scaled development proposal for the site. It is also inevitable that it will lead to an overall reduction in biodiversity which is not compensated for through other biodiversity gains on the site or in the area contrary to the requirements of para 174 and 181 of the NPPF.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Drainage

At present the site is undeveloped and so consists of generally rough ground that will allow water to percolate at a greenfield run off rate. The site also contains a surface water drainage pond constructed as part of the original Mill Farm development from the 2013 planning permission. This pond is used as a balancing feature as part of the site drainage before it outfalls to Bradkirk Brook, which flows in a west to east direction to the immediate north of the site. Planning permission has recently been granted under planning permission 23/0256 for a replacement to this pond on a parcel of land to the immediate south of the current application site. That would deal with the wider Mill Farm drainage arrangements in the same manner as the existing pond meaning that the loss of this pond for the development that is proposed is not an issue of any concern.

The proposal to erect a new building of this scale and with an extensive area of hardstanding for its service yard and the internal access road and parking area on an area of undeveloped land creates a drainage challenge. The application is supported with a Flood Risk Assessment and Drainage Strategy, with this being revised in June 2023 to reflect the revised scheme that was presented at that time.

This document reviews the scale and design of the building other elements of hard surfaces that are to be established, undertakes an assessment of the drainage capacity of the ground on site, and then reviews the options for accommodating the surface water drainage needs in line with the drainage hierarchy as set out in PPG. The solution that is proposed includes areas of permeable paving to permit infiltration, but relies for the majority of drainage on the provision of an attenuation pond within the site which then discharges to Bradkirk Brook to the north. This pond is located to the east of the building in an area of landscaping that separates the building from Fleetwood Road. The submission includes the technical details necessary to demonstrate the design and capacity of the pond and associated connections, as well as details of its future maintenance.

The proposals have been subject to consultation with the various drainage authorities. There are no objections to this approach from the Environment Agency or from the Lead Local Flood Authority. Their comments request that further details of the design and operation of the drainage arrangements are provided with a series of standard conditions appropriate to ensure that these details are provided in the event that planning permission is subsequently granted for the development. The Environment Agency also highlight the permitting requirements to alter the discharge arrangements into the Brook, albeit this is a technical matter rather than one that they are highlighting would be a concern with the discharge being restricted to a suitable rate via the pond and existing hydrobrake.

There are limited details about how the foul water drainage arrangements will be handled, but it is noted that there is a foul sewer in the vicinity of the site and a pumping station on the wider Mill Farm site that will be in use to accommodate the existing foul flows from the site. This provides a readily available option for this site to utilise also, and so it is not considered that there will be any concerns over the provision of an appropriate foul drainage arrangement for the development. In their consultation response United Utilities do not raise any objection to the foul drainage proposals, although they too highlight that the details that are available are limited. They suggest that a condition is imposed to require that the details are submitted for agreement, and their lack of concern over the suitability of this gives reassurance to officers that a viable scheme will be possible.

Given the comments of the relevant consultees and the details provided in the application it is considered that the arrangements proposed for surface and foul water management are acceptable in principle. The final details of both aspects, including their future maintenance arrangements, are required and would be appropriately secured through the imposition of a series of standard planning

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

conditions. With those conditions the scheme will satisfy the requirements of Policy CL1 and Policy CL2 of the FLPPR and so be acceptable.

The attenuation pond will be prominently located on the road frontage to the site and so is in a location where it is likely to serve a dual role as an active drainage feature and a visual landscaping feature. As such the design of this and its planting and maintenance arrangements will be of particular importance when those condition details are under consideration in the event of a planning permission being granted for the development. As the development involves the loss of the existing pond on the site there is a need to secure details over its draining and relocation and the phasing of that so the conditions imposed on the planning permission that already exists for that could be used in the event that this application is to be supported.

### **Neighbouring Land Use Impact**

As a result of the scale and position of the site there are a range of neighbouring land uses, and with the scale of the proposed building there are potential impacts on them.

To the west and south-west are various pitches and other sporting facilities that form part of the Mill Farm Sports Village complex. The building will dramatically alter the outlook for these facilities and their setting but given the nature of their use this isn't a particularly harmful impact.

To the east is Fleetwood Road and then open countryside across that road which is in agricultural use. The proposal will not have any impact on that land.

There are impacts to the north and south though. To the north is a dwelling known as 'Demmingfield' (formerly 'Poole View') along with its associated land. The dwelling itself is a dormer bungalow property that is situated close to Fleetwood Road and is at a ground level that is around 2m below that of the application site. To the rear of the property there is an area of garden with a garage to the side of that, with this garage including a summerhouse style element to the side facing onto the garden and so to the application site across that garden. Beyond the rear of the garage the character of the land associated with the property changes to be more open and is not considered to form part of the domestic curtilage to the property despite the absence of any demarcation of the extent of that area. A series of trees and bushes effectively surround the perimeter of the whole of the land associated with this property with only limited gaps.

With the lower land level and the presence of the area of protected trees to the application site and a larger area of trees to the other side, this property benefits from a secluded location despite the proximity to Fleetwood Road and the M55.

The northern side of the application site boundary is entirely alongside the southern side boundary of this property with this boundary formed by a mound close to the property as a result of the circa 2m change in levels (although this change reduces to the rear), with the mound featuring a series of trees and shrubs along its length, and the actual boundary marked by a dilapidated post and wire fence.

The north-west corner of the proposed building will be located around 42m from the rear of this dwelling, and around 20m from the rear of the area that would realistically constitute its domestic curtilage. In other cases, this separation would be sufficient to ensure that the physical impacts of the building such as loss of light, massing, etc would not be at a level that would create a harmful impact. However, that is not necessarily the case with this building as a result of the sheer scale of the building. A site visit to this property found that the building would be highly visible from the whole of the garden area of the dwelling and the summer-house element which is clearly a key area that the occupiers use

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

for their enjoyment of the property and so it is beneficial to their residential amenity. Even at the separation distances involved, the building has a height and 'box-like' form that means it will be dominating to these areas of the property. It is to the south and south west of the dwelling and so will also impact on direct sunlight to the associated land to varying amounts through the year, albeit some sunlight information provided most recently by the applicant seems to conclude otherwise.

The recent changes to reduce the height of the building by 2m assist in this relationship. It is also the case that there is a belt of protected trees inside the application site that will filter some direct views of the building from this aspect and provide an element of shading in summer months to reduce its impact to a degree. However, officers remain of the view that there would be an element of harmful impact on the amenity of the occupiers of this dwelling when using their garden and summerhouse as a result of the proposed development.

The impacts suffered within the dwelling itself from the physical scale and position of the building are however considered to be acceptable due to the separation, the position of windows which ensure that it will only have a limited visual impact, and the influence of the existing tree cover on the boundary that will already narrow down views from these windows.

The car parking area for the proposed building extends to the east of it and this means that it will be close to the boundary with this domestic curtilage area of this dwelling. The activity in this area at an elevated level was considered harmful in the earlier iterations of the scheme. However, the latest revisions have reduced the level of parking in this area and increased its separation from the dwelling, and this is now considered to be an acceptable arrangement. The existing landscaping, which can be bolstered by additional landscaping on the application site, will be able to assist with reducing this impact.

There is a further potential impact on this property from the activity undertaken within the building, and the heating and ventilation works that are associated with it generating noise disturbances. With the building running for a distance of 150m along the boundary with this neighbour at a separation of around 5m there is a very close physical relationship. The internal arrangements of the building are unknown beyond a confirmation that the offices will be located to the east as the remainder of the building is simply shown as an open area on the submitted plans, presumably to be fitted with storage areas, packing areas, welfare facilities, etc as part of a later configuration of the internal layout.

The application is supported with a noise assessment that has been prepared by an acoustic consultant, with this updated to reflect the latest scheme. They measured background noise levels within the application site near to this neighbouring dwelling, and considered the potential for breakout of noise associated with manufacturing, with HGV movements, and from external plant. They concluded that the individual and cumulative impact of these noises would not exceed the background levels at any of the day time, evening or nighttime periods. Accordingly the report concludes that the noise impact is at a low level in all these times and so the development will be acceptable in noise terms arising from the internal operation of the building.

it is your officers' view that the scale and position of the proposed building, and to a much lesser degree the disturbance that will result from the use of it, will create unacceptable impacts on the amenity of the occupiers of the neighbouring dwelling when utilising their private garden area to the rear of the dwelling and the sun lounge area to the side of their garage. This is to a degree that is contrary to the requirements of elements c) and h) of Policy GD7 which strives to protect neighbouring amenity in new development, and paras 130 and 174 of NPPF. Notwithstanding that view and its consideration in the later planning balance section of this report, any approval of this application would need to ensure that external operations such as deliveries and loading movements are only

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

undertaken in daytime hours so the amenity of the wider area can be suitably protected from the potential disturbance arising from these activities.

The final neighbour amenity impact to consider is to the south of the proposed development. There is a dwelling here also which is known as Mill Croft bungalow and is an agricultural workers dwelling that was approved in 1990. This is situated side-on to Fleetwood Road with its access to the south and its rear garden to the north. At officer site visit undertaken in December 2023 this property was clearly vacant and had been for some time. The northern part of the garden is included in this application site, and the remaining area of the plot seems likely to form future development plans for the wider Mill Farm site.

If the dwelling were occupied, the position of the building would have a massing impact on this property and the noise assessment confirms there would be amenity impacts from the loading bays being located on the elevation that face the rear elevation of the property. The internal access road also utilises the majority of its garden so that it runs around 5m from the rear of the dwelling itself. This would create an unacceptable situation was the property occupied, but as that is not the case and is seemingly never likely to be the case again the potential for impact on the residential amenity of the occupiers of this property have been discounted by officers in this assessment.

### **Town Centre Impacts**

The application description refers to the building being for a mixture of manufacturing, assembly, storage and distribution. Reference is then made to offices and a showroom as ancillary elements to the main use. The plans now under consideration provide the majority of the floor area as undefined space, presumably for storage, with the manufacturing, offices and showroom elements in a four storey element on the Fleetwood Road facing elevation. Whilst it is a small part of the overall building, the size of this element is sizeable in planning terms and so it is necessary to consider if there are any wider implications of this.

This was originally a five storey element and the extent of showroom created the potential for it to accommodate a sizeable retail aspect. This would create a potential planning implications were it to be a retail showroom where members of the public would visit to view products, as such uses should be located in sequentially preferable town centre locations.

Officers have been able to discuss this aspect further with the applicant's agent and it is now understood that the showroom element is actually used by potential buyers working for retail and other trade outlets, and not directly by members of the public. As such this is not a retail use and so the planning assessments that would be required to assess such a use are not required. The provision of a showroom element to a manufacturing and storage use such as this is clearly an ancillary activity to that use and so is acceptable in planning terms. Nevertheless, a precautionary condition could be imposed to any approval to ensure that the showroom, and other elements of the office and manufacturing section of the building, are not used for retailing activity on this basis.

### **Economic Benefits**

The assessment to this point has identified that there are a series of issues where the scheme conflicts with development plan policies or has harmful impacts on planning considerations. The Addendum Planning Statement suggests that these should all be offset by the economic benefits of the scheme and so these are assessed in this section of the report.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### The applicant's case

The applicant's Planning Statement advises that the employment creation and the boost to the local economy from the development is a key benefit from the application that should be afforded 'very significant weight' in the overall planning balance on this application. This argument is emphasised in the Addendum Planning Statement that was presented with the latest plans and set out specifically in a supporting Economic Benefits Statement.

The submission advises that the building is intended for the global headquarters of HTI Group who are currently located in Wyre Borough but are in need of new premises to support their expansion and to return several aspects of the business that are currently undertaken overseas into the UK.

The specific economic planning benefits of this development are described as being to:

- Appropriately develop the remaining and currently unused part of the Mill Farm mixed use allocation
- Supporting the ambitions and growth of a Fylde Coast company that could leave the area if they are unable to find suitable local premises
- Generate significant employment with associated spending in the local economy
- Support further employment in construction and future supply chain roles

The Economic Benefits Statement reviews the operations of the business in detail, and sets out the following details, which are presented to Members as in the submitted report to provide context to the application.

The current HTI facility is located at Fleetwood in Wyre where there are 111 full time equivalent (FTE) employees, with the business having a turnover in 2023 of £79.3 million. That site is said to contribute £7.7 million per annum to the local economy, including an annual business rates bill of £174,080.

The report then estimates that the development of the current application building would lead to 186 FTE jobs on site once it is fully operational, which would lead to an annual £14 million contribution to the local economy, including business rates of around £286,000 per year. The report estimates that the on-site workers would spend £200,000 per year in the local economy, with visitors such as the buyers attending the showroom spending £15,600 per year.

Analysis is also presented over the construction activity. This is said to involve up to 507 temporary jobs on-site and in the wider economy over the one year build time. This construction phase is estimated to bring £28.8 million to the local economy, with a local spend of £200,000 by those involved in the construction activity.

Following the presentation of these 'headline' figures the report presents an analysis of the national, regional and local economy, before reviewing the local levels of employment. The report advises that employment numbers in Fylde decreased by around 2,000 jobs in the period of 2015-2022 which is a contrast to the position in Blackpool and Wyre which saw an increase of 5,000 and 1,000 jobs respectively. The report makes the obvious suggestion that to address this loss of Fylde jobs there is a need to support employment creating opportunities in Fylde wherever possible.

The report then emphasises this point with similarly detailed assessments of the quality of various employment sectors in the sub region, and also the number of businesses, the number of job seekers and the levels of deprivation. They conclude in each case that the development of the HTI facility will have a positive impact on Fylde.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Following a review of the various economic strategies that exist, the applicant's report then makes a detailed assessment of the local benefits of the development. This highlights the benefits from the construction of the building and then its operation. With regards the construction phase it highlights that the scheme will require high levels of employment for that construction, and that as such jobs are highly transient the workers involved in this will either be those currently in the area or will be ones from out of the area that will temporarily spend the income they receive in the local economy during the construction phase. It recognises that this expenditure will only be temporary covering elements such as food and drink and top-up shopping, but will be spent locally and will boost the local Kirkham and Wesham economy as a result in particular given the ready access that is available to those town centres from the site.

Turning to the operational phase the growth of HTI as a business is presented, with this rising from a turnover of £56.2million in 2016 to £79.3 million in 2023. The existing staffing numbers are given as 111 full time equivalent with the vast majority of staff being actual full-time staff that are split so that around one third are in the warehousing and distribution elements and two thirds are in office roles. Of these 45% live in Wyre, 23% in Blackpool and 12% in Fylde ensuring that 80% of existing employees live in the local area.

The report applies an industry accepted multiplier for job growth related to change in employment floorspace and estimates that the business will grow from the current 111 FTE employees at Wyre to 186 employees when fully operational in Fylde. This is an increase of 75 roles. In addition, some of the existing roles inevitably transferring to either other staff members who live close to Kirkham and Wesham compared to Fleetwood, or those from Fleetwood who relocate to Fylde due to their employment.

Similar assessments are provided for the growth in expenditure by employees, for the business rates that are paid by the business, and highlights their approach to staff training which will lead to the positive development of the local workforce.

The report makes two points with regards employment and economic benefits from its relocation in Fylde. Firstly, the nature of the buildings currently occupied in Wyre means that the business needs to relocate and if that were to be outside of the area then a significant number of jobs would be lost to the area. Secondly, the relocation of the business to purpose-built premises is designed to allow the business to continue its growth and so the numbers of employment and expenditure that are quoted in this section are expected to increase over the coming years.

Finally, the report highlights the benefits of the showroom element of the building. This is used to demonstrate the product ranges that the company provides and is visited by buyers from retailers active in the toy sector. At present there are around 370 visitors annually with 30% staying overnight locally as a part of that visit. The report references the closer proximity of the Mill Farm site to both the mainline train station at Preston and the M6 motorway on the basis that this will likely make the Mill Farm site more accessible to these visitors to make in-person trips. Irrespective of that there will clearly be local expenditure of some degree by these visitors which the report estimates as a total of £15,364 per annum based on their expenditure on lunch, overnight accommodation, and overnight entertainments.

An additional economic point which is a positive factor is the revenue that will be accrued from the development in business rates. The erection of a building of this scale is estimated by the applicant to require the payment of circa £285,000 in business rates to the local authority each year.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Officer Assessment

The detail provided in the Economic Benefits Report was presented as part of the latest information in early March. As such officers have not had the opportunity to seek guidance or independent verification on its findings. As a result its assertions must be treated with some caution, but it has been produced by a well-respected national consultancy and so officers are satisfied that the figures quoted will be valid and so Members can give them credence in the weighting of the benefits of the proposed development.

From an assessment of the plans that have been submitted the building is split into two sections. The majority is storage and distribution space with this including 12,800m<sup>2</sup> of space in the building and the external yard area. The remainder is in a four-storey block to the south east corner that provides for the reception and welfare related facilities, but then provides circa 1,000m<sup>2</sup> on each floor for active use. At the ground floor this is for manufacturing, the first floor for reworking of products, the second floor for office accommodation and the fourth floor providing the showroom area.

As a rough approximation 75% of the building would be used for the storage and distribution element of the overall business. This is a typically a low job creating use, is a use that provides less skilled and so less valuable jobs, and is a sector that is highly and increasingly automated which reduces the level of employment further. Notwithstanding that, the scale of the building is such that the other elements still represent considerable areas of manufacturing, assembly and associated office and showroom areas that will provide for a range of direct employment opportunities that will certainly benefit the local economy. The storage element is closely related to that use from officer observations of the current premises in Fleetwood. The development of the facility will also bring considerable indirect economic benefits through the servicing and support needs of a business of this scale, with its construction and the expenditure by visitors also bringing economic boosts.

With regards employment, the current location of the business is in Fleetwood, which is an approx. 25 minute drive from Mill Farm. The information provided in the Economic Benefits Report indicates a strong clustering of the home address of existing employees in that location. The relative proximity of the locations may mean that existing employees will not look to relocate to Fylde if they live close to the existing site and would instead accept a longer commute to their work. Equally, in time as the staff evolve, it is likely that new employees will be similarly clustered around Kirkham and Wesham and so the development will provide local employment. There will also be indirect employment benefits in the supporting industries to the building.

Whilst the submission is now very detailed in the assertions that are presented regarding its economic benefits, there are a couple of contrary points that Members should consider. Firstly, is the question about whether it matters if the business is in Wyre or Fylde. As both boroughs are closely connected and share the same labour and other economic markets the benefits of moving a business from Wyre to Fylde are limited. However, the business has advised that it will be leaving its current premises due to the physical constraints and so it could move out of the sub-region entirely.

Secondly, the building is proposed for a location that is designated for mixed use in the FLPPR and so would be suitable for any employment related development. Given this allocation and the attractive location in close proximity to Kirkham and Wesham as a settlement and the M55 as a transport hub it could well be the case that the site is an attractive one for an alternative business to utilise. The potential would be that a future employment user on this site would be able to deliver the same or enhanced employment and economic benefits to the borough than this scheme offers.

These points must reduce the apparent positive benefits of the relocation on economic grounds.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Summary

Policy EC1 designates various sites for new employment uses across the borough, and includes the MUS3 allocation at Mil Farm within which the building that is proposed here is situated. The compliance with this policy in principle is accepted earlier in this report, and it must also be recognised as a benefit that the scheme is bringing forward further employment related development on this allocation and so enhancing the delivery of such development across the borough, irrespective of any concerns over the quality of the jobs created and whether they are actually new jobs or ones that are relocated from 12 miles away.

Setting aside those points, the economic benefits from a development are certainly key factors to be weighed in the planning balance when considering a planning application. This is set out in the NPPF which highlights that the economic objective of the planning system is one of the three key aspects of sustainable development alongside its social and environmental objectives. Furthermore, the applicant's submission highlights that the economic benefits of a development should not be underplayed in the overall determination of an application: they are a key material consideration that should be given significant weight in the overall planning balance made when determining an application. That planning balance is discussed further in the final section of this report below, but officers accept that, through securing investment in the Fylde Coast area, the proposal will bring significant economic benefits to the borough and the sub-region and so this is a benefit from the development that is to be given significant weight in the overall assessment.

### **Overall Planning Balance**

#### Introduction

The council has a legal requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. This scheme raises a series of complex issues that in some respects accord with the development plan policies, but in other respects conflict with a policy. The same applies to the material considerations around the policy implications as these are both favourable and negative on various aspects of the scheme.

As a decision is to be made based on a reading of the development plan as a whole there is a need for the decision makers to balance the conflicting aspects of the scheme to reach an overall decision. This section of the report aims to summarise the points highlighted in the report above to provide guidance to members on the planning balance in the event that they wish to weigh the factors in a different manner to officers.

#### Positive Factors

The building that is proposed for the site will relate to an employment generating use which will bring jobs to the borough and expenditure to the local economy and retain those jobs in the wider Fylde Coast area. The building itself is located on land that is designated for development in the Local Plan and is for a form of development that will reflect the intentions of Policy EC1 for promoting employment development on the allocation.

The development is substantial in scale and so will also bring indirect economic benefits through the local expenditure by those employed at the site, some of whom may move into the borough and so likely bring a greater level of local expenditure. There will also be investment and expenditure in the construction and servicing of the building.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The submission has latterly been supported with an Economic Benefits Report presented by a reputable planning consultancy that makes a compelling argument that the development will bring considerable positive economic benefits to the borough. These arguments are presented in a thorough manner and provide a quantifiable assessment of the considerable sums of economic activity that would be generated by the development of the site for the HTI Group as proposed. These relate to the direct employment benefits in construction and operation of the building, the expenditure by the employees and others associated with its presence in the borough, the indirect jobs and expenditure that will be gained through its presence, and the potential for employees to either relocate to the borough or new employees to come from the borough so widening the economic and employee base.

Economic growth is a key objective of the planning system and the allocation of sites such as that at Mill Farm to deliver that economic growth was a key role of the Fylde Local Plan to 2032 (incorporating Partial Review). The latest plan monitoring information that is available indicates that there has been a lesser take-up of such sites over the plan period than would have been expected, and so the delivery of a strategic scale employment development on this key site is a further benefit that accrues from the application. The delivery of economic growth of a type that complies with the local plan allocation at Mill Farm is therefore a welcome benefit from the development proposals.

### Negative Factors

Whilst the building itself is on a site that is designated for employment uses, there are extensive areas of the application proposal that are outside of that allocation and are located in a countryside allocation. This includes the service yard, internal access road, and all external hard surfacing areas to the site frontage including staff / customer parking and the access apron. This development will not satisfy any of the forms of development that are exceptions to the general restraint that applies in Countryside areas and so there is a conflict with Policy GD4.

The building itself is extremely large in size and is located in a relatively sensitive location where the urban area of Kirkham and Wesham transitions into the countryside around it. The scale of the building has been reduced in the latest iteration of the plans and its design improved. However, it remains the case that there will be prominent and dominating views of it in a close range from Fleetwood Road, and longer range views from Weeton Road, Bradshaw Lane, the M55 and other aspects around. There is limited opportunity to provide landscaping to screen a building of this size, although landscaping is proposed to soften views to a degree from Fleetwood Road over time, with these aspects further improved in the latest plans. Notwithstanding this the building will have a significant and to some extent harmful impact on the rural character of that part of the borough.

Whilst the site at present has a limited visual quality it does contain a series of trees that were considered to be worthy of protection by TPO recently. This was with a mind that some may be lost to facilitate an appropriate development for the site, but under this scheme virtually all those trees are proposed to be removed, and in particular the belt of protected pines that would separate a suitably scaled employment development on this site from Fleetwood Road are removed in their entirety. The replacement planting will be less in quantity and value due to the site area that is available for that purpose, and so there is a harmful impact in visual and biodiversity terms from the loss of these trees.

Alongside its landscape impact the scale and position of the building brings a level of harm to the amenity of the neighbouring occupiers in the dwelling to the immediate north of the site. Their garden

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

and sunlounge areas will be dominated by the building to a degree that will detract from the levels of residential amenity that they would expect to enjoy in that domestic garden location.

Finally, the loss of the habitat on the site, whilst not formally recognised or supporting a range of protected species, will nevertheless provide habitat that is suitable or nesting and other uses by a range of birds which are also a protected species. The loss of this habitat will be required by any development of the mixed use allocation, but in this case the scale of the development goes well outside of that and leads to the removal of extensive areas of tree cover and grassland that are within the countryside allocation and so would be retained under a scheme for a more appropriately scaled development of the site.

### Neutral Factors

Alongside these positive and negative factors are a number that are neutral in their impacts, although a number require conditions to be imposed to reach that position as is normal with any development scheme.

Prior to the consideration of application 21/0894 for the North Stand at Mill Farm stadium at the Planning Committee on 6 March 2024 there was no effective arrangement for the provision of sufficient parking spaces at the Mill Farm site to meet the reasonable need of the football stadium. As such that would have been a negative factor in the planning balance. However, at that meeting the above application was supported alongside a legally binding planning obligation which limits the company of the stadium to the available parking. This removes the need for this application site to be available to provide for additional potential on-site parking.

In addition, the revisions that have been made to the scheme in recent weeks have confirmed that it makes an appropriate provision for its own parking requirements. Whilst the final views of the local highway authority are presently outstanding it is not envisaged that there will be any significant issues raised, and so the access and parking arrangements are now a neutral factor in the overall planning balance.

Other neutral factors include the impacts on the wider highway network from the operational use of the site for the intended purpose given the lack of objection to this aspect from the strategic or local highway authorities. The design and operation of the site's drainage is a further factor that will be readily capable of effective management though the intended balancing pond and restricted outfall to Bradkirk Brook as is confirmed by the relevant drainage consultees. Other factors that would be neutral and are included in the submission but have not been explored in this report include impacts on air quality and on ground conditions with the details provided by the applicant all being accepted as presented with conditions likely to enforce that acceptability in the event that the scheme was to be supported overall.

### Officer View

It is often the case that the overall recommendation on a planning application requires a balance to be made between competing factors that weigh in favour and against the grant of planning permission. On occasion those factors can be very clear cut and so a recommendation one way or the other is obvious from the case assessment. In other cases, the competing factors can be much more finely balanced. Officers believe that the latter scenario is very much the case here with the recommendation on this application being one that has been the subject of much deliberation, as can hopefully be appreciated from the assessment set out above.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

However, it is necessary for officers to present a recommendation and in this case that recommendation is that planning permission should be granted. This is primarily based on three factors:

1. The presentation of the revised plans and additional information in early March which has given more clarity over the economic benefits that the development would bring through its construction and then operation in terms of both economic activity and employment prospects in the borough.
2. The reduced scale and improved design and layout of the building that is shown on the most recent iteration of the plans compared to the earlier submissions. Whilst the development will remain as a harmful feature in the landscape, the latest plans reduce the level of harm and provide greater clarity over the landscaping and its maintenance that will help mitigate that harm.
3. The progress on securing an agreement over the quantum of parking at Mill Farm Stadium effectively 'frees' this site from the constraint that it could be required to provide for additional parking for that stadium, and so allows for a more productive use of this part of the mixed use allocation to be supported.

Having said that, it is recognised that a compelling case could almost equally be made for refusal of the application. This would be based on the harmful visual impact, the conflict with the countryside allocation in the local plan, the loss of the protected trees, the impact on biodiversity, the concerns over factors such as the relationship to neighbours, and the potential for more appropriate alternative development proposals for the site to come forward in the future. The weight to be attributed to each of the competing elements of the assessment rests with the decision maker, however, officers are now satisfied that the scheme is one that the council should support hence the recommendation for its support.

### **Procedural Matters**

Given that the scheme involves development in the designated Countryside that does not accord with any of the forms of development that are considered acceptable in such areas, any grant of planning permission would be a departure from this key development plan policy. Before the council is able to make a decision to grant planning permission as a departure from the development plan it needs to specifically advertise that intention on site and in the press. This advertisement has been undertaken and this aspect considered by officers and in this report.

It will not be necessary for the decision to be referred to the Secretary of State. There is a requirement for this in certain instances where large developments are involved, but these only apply to development in the green belt, in high flood risk areas, where playing fields are lost, and in respect of large out of town retail proposals. None of these apply to this scheme and so Fylde Council is able to make the decision on the application itself.

### **Conclusions**

The larger part of the application site is an area of the wider Mill Farm Sports Village site located to the north of Wesham. It is the part of that site that is to the north of the football stadium and the east of the sports pitches and west of Fleetwood Road and is currently undeveloped other than containing a balancing pond and a series of protected trees. The site is allocated for mixed use, primarily employment development under Policies SL4 and EC1 of the Fylde Local Plan to 2032

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

(incorporating Partial Review). The application site also includes an area of Countryside as designated under Policy GD4 of that Plan and a small area of allocated employment land under Policy EC1.

The scheme under consideration relates to the erection of a very substantial employment building for a toy business (HTI Group) who are currently based in Fleetwood, but have operations elsewhere in Europe and the Far East. The building is intended to provide a storage and distribution base for the business as well as providing for elements of manufacturing and assembly work and ancillary offices and showroom facilities.

The application raises a series of competing and conflicting factors with these very finely balanced. However, officers have concluded that the latest iteration of the scheme and additional quantification of the economic benefits that it would deliver are sufficient to allow them to recommend approval. This is not to downplay the harmful factors, not least the conflict with Policy GD4 established by the scheme involving development in the Countryside and the harmful visual impact of the building. However, it must be recognised that guidance in NPPF confirms that a local planning authority should approach planning decisions in a positive way and should only refuse applications that lead to harms that significantly and demonstrably outweigh the benefits. In this case it is not considered that the harms are of such overriding significance and so the application is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions and reasons:

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

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

2. This permission relates to the following plans:

- Location Plan - Portal Drawing 2048.P.001
- Proposed Site Plan - Portal Drawing 2048.P.003
- Proposed Ground Floor GA - Portal Drawing 2048.P.004
- Proposed Floor Plans - Portal Drawing 2048.P.005
- Proposed Elevations - Portal Drawing 2048.P.006
- Proposed Site Sections – Portal Drawing 2048.P.007
- Floor Plans GIA - Portal Drawing A101
- Landscape Proposals Sheet 1 of 2 – tba drawing 6419.07 Rev F
- Landscape Proposals Sheet 2 of 2 – tba drawing 6419.08 Rev F

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

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

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

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

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

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

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

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

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

6. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the premises shall only be used as a single commercial undertaking with the use of the various elements of the building only used as indicated on the Portal Floor Plan drawing reference A101 hereby approved, and for no other purpose (including any other use falling within Class B2, Class B8 or Class E of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: To ensure that the future use of the premises is limited to a single operator and that the use of the building reflects the extent and nature of the commercial use that was set out in the supporting information with this planning application and so justified the support for the development in the overall planning balance. This is to ensure an appropriate compliance with

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Policy SL4, GD6 and EC1 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

7. The car parking spaces indicated on the proposed site plan drawing listed in condition 2 of this planning permission shall be marked out in accordance with the details shown on the approved plan and made available for use before the first use of the building hereby approved for commercial purposes, and shall be retained as such thereafter for the parking of vehicles.

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

8. Prior to the first use of the building for the approved employment purposes the access point Coronation Way shall be constructed with continuous vehicle and pedestrian access between the site and that highway as shown on the approved site plan reference 2048.P.003 listed in condition 2 of this planning permission.

Reason: To secure appropriate and proportionate connections to and improvements of surrounding highway infrastructure in order to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

9. Prior to the first use of the building hereby approved for commercial purposes details of the size, materials and design of the covered bicycle store (the siting and layout of which is shown on Proposed Site Plan - Portal Drawing 2048.P.003) and the number of bicycle parking spaces to be provided within it shall have been submitted to and approved in writing by the Local Planning Authority. The bicycle store and bicycle parking spaces shall be constructed and made available for use in accordance with the duly approved details before the first use of the building hereby approved for commercial purposes, and shall be retained as such thereafter.

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

10. There shall be no external storage of any plant, tools, equipment, machinery, materials or other appurtenances associated the use hereby permitted within the areas of the site identified for vehicle parking and manoeuvring on Proposed Site Plan - Portal Drawing 2048.P.003.

Reason: To ensure that the areas of the site to be used for vehicle parking and manoeuvring remain free from obstruction in order to allow sufficient space for vehicles to park clear of the highway and internal roads in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7, and the National Planning Policy Framework.

11. Any plant, tools, equipment, machinery, materials or other appurtenances associated the use hereby permitted that are stored within the servicing yard area as indicated on Proposed Site Plan - Portal Drawing 2048.P.003, shall not exceed 3 metres in height (including through the stacking of equipment and/or storage in racks).

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Reason: To limit the height at which equipment can be stored on the site in order to minimise the visual effects arising from external storage on the character and appearance of the area and adjoining open countryside in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

12. Prior to the first commercial use of the premises hereby approved a scheme for the provision of refuse storage to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

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

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

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

13. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the construction of the development hereby approved shall be undertaken in full accordance with the details and requirements of the Portal Construction Management Plan v2 hereby approved.

Reason: To ensure that appropriate measures are implemented to limit the potential for noise, nuisance and disturbance which may harm the amenity of surrounding occupiers and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

14. Prior to the first commercial use of the premises hereby approved, a schedule of the design, location, scale, materials and use for any incidental structures to be constructed or sited such as for site security, sub-stations, pumping stations, specialist storage buildings, etc to support the operational activities of the approved development shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall only be constructed in accordance with the duly approved scheme(s).

Reason: To ensure that appropriate details of any such facilities are available for assessment prior to their installation to ensure that the overall development has an appropriate relationship to neighbouring land uses, and the visual amenity of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

15. The development shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the Arboricultural Impact Assessment and Method Statement



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

(ref. 6419.06 Rev D). The identified tree and hedgerow protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

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

16. With the exception of those specimens identified on Tree Protection Plan (ref. Dwg No. 6419.06 Rev D), no other trees or hedges shall be pruned, topped or removed unless details of those works and, in the case of removal a scheme for the provision of appropriate replacement planting which includes details of the number, size, species, siting, planting distances/densities and the programme of planting for replacement hedges and trees, have first been submitted to and approved in writing by the local planning authority. Any replacement planting to be introduced pursuant to this condition shall be carried out in accordance with a timetable which has first been submitted to and approved in writing by the local planning authority and any replacement trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To protect the existing trees and hedgerows on the site that are shown to be retained as part of the scheme and to ensure appropriate compensatory planting is introduced to offset any additional tree and hedge removal required as a result of the development in the interests of visual amenity, to safeguard the amenities of existing and future occupiers and to ensure appropriate protection for and/or replacement of valuable green infrastructure networks in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2.

17. No development shall take place until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and in the locations shown in the Arboricultural Impact Assessment and Method Statement (ref. 6419.06 Rev D).

The CEZ shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in order to safeguard existing natural assets at the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

18. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on the TBA landscaping drawings with reference 6419.07 Rev F and 6419.08 Rev F shall be carried out during the first planting season that occurs following the first use of the premises for their lawful commercial purposes.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with Landscape Management Plan Rev B. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

19. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has been undertaken and confirms that there are no active nests present.

Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place within a 10m radius of the identified nest, and only then under the direct supervision of a suitably qualified ecologist.

Any removal of trees and vegetation within 10m of an identified active bird nest during the bird nesting season shall not be undertaken until a scheme for protecting that nest site during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

20. Prior to the first commercial use of the premises hereby approved a scheme for the incorporation of a suitable series of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the targeted species, the number of measures to be introduced, their location, their specification, the phasing of implementation, and any maintenance arrangements.

The biodiversity enhancement measures shall thereafter be provided in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

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

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

21. Prior to the first commercial use of the premises hereby approved a scheme for the design, materials, location and height of the acoustic barrier to be installed to protect sensitive receptors from noise and other disturbances generated by the operation of the premises, or an alternative noise disturbance mitigation strategy, shall be submitted to and approved in writing by the local planning authority.

The approved barrier, or alternative strategy, shall be fully implemented prior to the first use of the premises and shall remain in place at all times that the use is operated.

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

22. All deliveries to and from the site associated with the business operations and other external works such as the loading and unloading of vehicles shall only take place between the hours of 07:00 and 19:00 on any day.

Any operational activities undertaken at the premises outside of those hours shall only occur inside the building itself and only then with all external doors in a closed position.

Reason: To limit the potential for noise generation from visits to the site by vehicles and other external works during hours when surrounding residents would reasonably expect to be undisturbed in order to prevent nuisance arising and to safeguard the amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

23. Prior to the installation of any drainage works a scheme for the disposal of foul and surface water from the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options contained in the Planning Practice Guidance and, where relevant, shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:

- a) Separate systems for the disposal of foul and surface water.
- b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- e) Flood water exceedance routes, both on and off site.
- f) Arrangements for the handling of surface water during the construction phase of the development
- g) Arrangements for the draining down of the existing surface water attenuation pond situation on the site, and the accommodation of the wider Mill Farm drainage during those operations
- h) A timetable for implementation and the phasing of all works
- i) Details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker

The duly approved scheme shall be implemented prior to the first commercial use of the building hereby approved, or within any other timescale first agreed in writing with the Local Planning Authority.

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

24. The first commercial use of the premises shall not occur unless and until a Verification Report for the construction of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall: i) demonstrate that the surface water drainage system installed pursuant to condition 24 of this permission has been constructed in accordance with the duly approved scheme (or detail any variations) and is fit for purpose; and ii) contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures). The surface water drainage system shall thereafter be retained in accordance with the details in the duly approved Verification Report.

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

25. No development associated with the formation or removal of any waterbodies (including ponds, attenuation basins and/or flood compensation areas) within the site shall take place until a scheme for their design, construction and phasing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details for each of the waterbodies:

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- a) their location, layout, dimensions, volume, gradients, profile (including appropriate cross sections), means of construction (including any retaining features), inlet design and landscaping; and
- b) the siting, height, design, materials and finish of any means of enclosure to be erected around their perimeters; and
- c) a timetable for their provision.

The new waterbodies and associated perimeter enclosures shall thereafter be constructed in full accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

Reason: For the avoidance of doubt as no such details have been submitted with the application, to ensure that the waterbodies are of a suitable design to provide multi-functional open spaces when dry, to ensure the safety of future users of the open space, to achieve an appropriate appearance to any means of enclosure around the perimeters of the features and to ensure that the waterbodies provide the flood and surface water storage volumes required to mitigate the risk of flooding within and away from the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, CL1, CL2 and ENV4, and the National Planning Policy Framework.

26. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the finished building floor levels and external ground levels for each plot shown on Portal drawing 2048.P.006.

Reason: To ensure a satisfactory relationship between the proposed development and surrounding development and in the streetscene in the interests of ensuring a high standard of visual and occupier amenity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1 and the National Planning Policy Framework.

27. In the event that any system(s) for mechanical ventilation, refrigeration or air conditioning is to be installed at the site in connection with the development hereby approved, a scheme including the following details of that system(s) shall be submitted to and approved in writing by the Local Planning Authority before the system is installed:
  - a) the siting, design and finish (including colour treatment) of any external plant and/or flue(s);
  - b) measures to attenuate noise and minimise vibration arising from its operation, including a BS4142 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features;
  - c) manufacturer's operating instructions; and
  - d) a programme of equipment servicing/maintenance.

The system(s) for mechanical ventilation, refrigeration and / or air conditioning shall be installed in full accordance with the duly approved scheme and the equipment shall thereafter be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Reason: In order to ensure the efficient dispersal of any emissions emanating from the permitted ground floor use of the building in the interests of safeguarding the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

### Informative(s)

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


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

2. Protective Species Precautions

Whilst the development has been assessed as low risk for protected species (including bats, great crested newts and nesting birds), the applicant is reminded that these species benefit from legal protection under the Habitat Regulations and the Wildlife and Countryside Act 1981 (as amended) and that it is an offence to disturb, harm or kill any protected species that may be encountered while carrying out the development. If any protected species are found during the development all work should cease immediately and a suitably licensed ecologist employed to assess how best to safeguard the protected species in question. Natural England should also be informed as a protected species license may be required.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Item 4

<b>Application No:</b>	23/0467	<b>Case Officer:</b>	John Copestake Area Team 1
<b>Applicant:</b>	MR SHAF KHAN	<b>Agent:</b>	MR HAMZA
<b>Location:</b>	64 LYTHAM ROAD FRECKLETON LANCASHIRE PR4 1XA		
<b>Proposal:</b>	RESUBMISSION OF 22/0537 FOR EXTENSION AND ALTERATION OF THE BUILDING: 1) FIRST FLOOR EXTENSION TO FORM ANCILLARY OFFICE SPACE, 2) ALTERATION OF EXISTING FIRST FLOOR OF BUILDING INCLUDING REPLACEMENT OF SIDE GABLE WITH DUAL PITCH ROOF, WINDOW AND DOOR INSERTION AT GROUND AND FIRST FLOORS TO SIDE AND REAR ELEVATIONS, 3) RELOCATION OF EXTERNAL PLANT AND EQUIPMENT TO GROUND FLOOR OF REAR ELEVATION.		
<b>Ward:</b>	Freckleton Village	<b>Parish:</b>	Freckleton
<b>Date Received:</b>	27 July 2023	<b>Earliest Decision:</b>	14 February 2024
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

The application relates to the first-floor extension to an existing building located in a mixed residential and commercial area of Freckleton. It currently trades as a convenience store at ground floor with the first floor providing storage space. The proposal is to expand that first floor accommodation to provide office, storage and amenity space for the ground floor business. The proposal complies with Local Plan Policies EC2, EC5 and GD7 and as such is recommended for approval.

The principle of intensifying commercial uses in a settlement location is supported by Policy EC2 and GD1 subject to normal planning criteria being satisfied. In this case the site is well located to public transport, and whilst there were objections relating to parking as highlighted by the Parish Council and local residents, the local highway authority does not raise any objection to the application. They recognise the accessibility of the site and the availability of alternative transport measures in addition to the available parking areas.

An earlier application for a similar form of development, 22/0537, was refused by Committee contrary to officer recommendation with regards to concerns over parking availability. This application does not provide any additional parking, but argues that there is sufficient parking available for the needs of the current and proposed occupiers as the application clarifies that the proposed first floor space is to support the existing business operation rather than being for separate use.

The design and scale of the extension will have a largely neutral impact on the established character of the site and surrounding area. The use of matching materials and design will assist with assimilating the extension onto the building. The proposed building and associated windows will give rise to no harmful impacts on neighbours.

As such officers are satisfied with all elements of the scheme and recommend approval.

### **Reason for Decision Level**

The officer recommendation for approval conflicts with the views of the Parish Council and so it is necessary to present the application to the Planning Committee for a decision. The application is also a resubmission of an earlier application at the property that was refused by Committee contrary to officer recommendation.

### **Site Description and Location**

The application relates to the first floor above an existing shop along Lytham Road set within a cluster of commercial premises set mainly at ground floor level, with sections extending into first floor development. Lytham Road is the main road running through the settlement of Freckleton. The wider area around the site is residential with these mainly comprising of two storey terrace properties to the front and semidetached dwellings of that scale to the rear. There is a terrace of commercial properties alongside the application property including a bar, hot food takeaway and other retail premises.

The site is located within the settlement of Freckleton as defined under Policy GD1 of the Fylde Local Plan to 2032 (Incorporating Partial Review). The Local Centre of Freckleton is situated circa 300m to the east.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Details of Proposal

The application proposes an extension to the first floor of the building. At present there is a partial first floor to the building, which occupies around half of its width and is set back from the front of the retail element at ground floor. The proposal is to replace the existing first floor element with a first floor extension across the full width of the ground floor element. The extension is to provide offices, storage, a kitchen and other staff amenity space. The maximum height of the building will increase from 6.6m to 7.1m.

The extension will be designed with two front gables and two rear gables to match the general appearance of the existing roof form but with a shallower pitch. The applicant has confirmed that the proposed windows would be obscure glazed (either completely or up to a specified height above floor level) in accordance with a condition to this effect.

Access arrangements to the building would remain unchanged with a new internal staircase being provided to allow access to the first floor. A new bicycle store within the ground floor of the building is proposed and a refuse store is also shown with internal and external access.

The existing carpark to the rear of the property is also unaltered and provides 9 spaces to serve the needs of the existing and proposed building.

This application is a resubmission of 22/0537 which was refused on parking grounds. Matters relating to parking impacts are discussed later in this report, with the reason for refusal that was imposed to that earlier decision being as follows:

*“Whilst the application site is located in a settlement location it is outside of the identified local centre and remote from any readily available off-street public parking areas. It is in an area where there is a limited supply of on-street parking opportunities due to the combination of the limited width of the carriageway, the presence of a signalised pedestrian crossing, the presence and location of a bus stop that is in frequent use, and a range of on-street parking restrictions. Moreover, it is an area where there is a high demand for the parking spaces that are available as a consequence of the range of commercial properties and terraced residential properties in the area.*

*The proposed development will inevitably lead to an increase in the demand for the on-site parking spaces (including for longer term staff parking as opposed to short term customer parking) as it introduces a new use to the application property that will be unrelated to the existing ground floor retail use. The application does not provide any additional parking spaces and so the parking that is proposed on the supplied plans can only be provided by displacing the parking spaces that are available to the existing retail unit trading from the application site.*

*This lack of additional parking coupled with the existing pressures on the available parking are such that the additional use will create an unacceptable risk that the available on-site parking will be inadequate to meet the needs of the development without causing harm to neighbouring amenity, and to the safe operation of the local highway network for all users (including pedestrians as a consequence of vehicle parking causing obstruction on the footways).*

*Accordingly the proposal is contrary to the requirements of criterion r) of Policy GD7 and Policy T5 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the guidance in paragraphs 107 and 111 of the National Planning Policy Framework.”*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Relevant Planning/Appeal History

Reference	Description	Decision	Date
22/0537	EXTENSION AND ALTERATION OF THE BUILDING: 1) FIRST FLOOR EXTENSION TO FORM 4 NO. OFFICES AND 3 NO. STORAGE AREAS, 2) RELOCATION OF EXTERNAL PLANT AND EQUIPMENT TO GROUND FLOOR OF REAR ELEVATION, 3) DOOR INSERTION TO GROUND FLOOR REAR ELEVATION	Refused	06/04/2023

### Parish/Town Council Observations

Parish/Town Council	Observations
Freckleton Parish Council	<p><u>Comments received on 06/09/2023</u></p> <p><i>Freckleton Parish Council are against this application due to none of the issues raised on the previous refusal being addressed.</i></p> <p>For reference, the Parish Council submitted the following comments on 13/03/2023 for the previous application on the same site (22/0537):</p> <p><i>Freckleton Parish Council are against this Application for the reasons listed below.</i></p> <ul style="list-style-type: none"> <li>• <i>The proposal is over intensified and will negatively impact on local residents with extra traffic and problem parking.</i></li> <li>• <i>It will overlook residents' properties.</i></li> <li>• <i>Noise pollution from the air-conditioning units.</i></li> <li>• <i>Restricted access for emergency service vehicles.</i></li> </ul>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Lancashire County Council Highways	<p>No objection.</p> <p><i>LCC Highways does not have any objections regarding the proposed resubmission of 22/0537 for extension and alteration of the building: 1) First floor extension to form self-contained office space, 2) Alteration of existing first floor of building including replacement of side gable with dual pitch roof, window and door insertion at ground and first floors to side and rear elevations, 3) Relocation of external plant and equipment to ground floor of rear elevation, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>Following on from the comments submitted on 12th December 2023, it should be noted that with the waiting restrictions fronting the site in the form of the zig-zag lines for the pedestrian crossing, the bus stop clearway and the double yellow lines (No Waiting at Any Time)</i></p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>means that no additional parking will occur in the vicinity of the site which is obstructive and at the detriment to highway safety.</i></p> <p><i>There is on street parking available and this in use by the residents and users of the shops, including the application site. Parking on the highway further into Freckleton may occur and there are waiting restrictions already in place to prevent obstructive parking.</i></p> <p><i>Parking for the proposed office do have use of the rear car park and are expected to use sustainable transport, especially with the bus stop with frequent services and the proposed cycle storage.</i></p>
Ministry of Defence	No objection.
Environmental Protection	No objection.
Lancashire Fire and Rescue Service	No objection. Standard advice issued.

### Neighbour Observations

<b>Neighbours notified:</b>	31 July 2023
<b>Amended plans notified:</b>	N/A
<b>Site Notice Date:</b>	31 July 2023
<b>Press Notice Date:</b>	N/A
<b>Number of Responses</b>	Total number of comments      2
<b>Summary of Comments</b>	<p>The comments received are in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"> <li>• Congestion and safety issues relating to parking and access;</li> <li>• Harmful overlooking and loss of privacy for neighbours;</li> <li>• Increased noise pollution;</li> <li>• Office development is not appropriate for the area; and,</li> <li>• The development will harm neighbouring house values.</li> </ul>

### Relevant Planning Policy & Government Guidance

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

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

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

GD1 - Settlement Boundaries Freckleton/Warton)

GD7 - Achieving Good Design in Development

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

EC2 - Employment Opportunities  
EC5 - Vibrant Town, District & Local Centres  
T5 - Parking Standards

### **Other Policies and Guidance**

Provision of Parking on New Developments SPD (October 2023)  
NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of Development**

The site is located in the settlement of Freckleton, and in a part of that settlement where there are other commercial properties in close proximity. Whilst the specific area it is not designated as a local centre, it has many of the characteristics of one. Freckleton itself is a 'local service centre' in the borough's settlement hierarchy in Policy S1 which places it high up on that hierarchy and a location where new development should be directed.

Policy EC2 provides support for the sustainable growth and expansion of business where that complies with the other policies of the FLPPR. The site is not in a designated centre and so would not be supported by Policy EC5 which directs new 'main town centre' uses to those locations, but is also well below the threshold where sequential tests and impact assessments are required.

The proposed development here is small in scale, forming an extension to an existing commercial property. This ensures it is a relatively modest scale of proposal that can be accommodated in the area without undue impact. The location of the development is in close proximity to public transport links including bus stops and pedestrian crossings, and will bring additional footfall to the area to support the trading of the existing businesses.

The NPPF states in paragraph 85 that planning policies and decisions should create conditions in which businesses can invest, expand and adapt. It gives significant weight to the need to support economic growth and productivity, with specific recognition for local businesses. In this regard, the NPPF sets out support for this type of development.

On this basis, Local Plan Policy EC2 and the NPPF support for the principle of the expansion of employment opportunities in this location.

#### **Design and Appearance**

The application relates to an existing commercial premises positioned within a streetscene of both residential two storey dwellings and commercial premises which have a mixture of ground and first floor accommodation.

The proposal is to extend the first floor so that it projects across the full depth and width of the ground floor shop to provide office space at first floor level. The front elevation of the premises faces on to

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Lytham Road and as such will be visible within that streetscene which is the main route through the settlement. The proposal also includes alterations to the existing first floor windows, in association with the changes to the internal layout at first floor level.

Lytham Road is predominantly fronted by two storey dwellinghouses close to the road. The application site is part of an approximately 60m run of commercial buildings, split by access to the rear parking area. In this regard, the existing streetscene has a reduction in scale around these commercial buildings relative to the dominant surrounding built form. The proposed first floor extension, with slight increase in ridge height to 7.1m will still result in a building which is significantly lower than the nearby dwellinghouses. The change from a single first floor front gable to a dual gable frontage across the full width of the building will have a largely neutral impact on the building an established streetscene. The resultant building will still be viewed as part of the run of commercial buildings breaking up the residential frontages, with a similar scale and character.

The extension will be completed in render to the front elevation, with the rear and sides completed in matching brick to the existing building. The surrounding streetscene comprises of both brick and render to dwellings and commercial premises, therefore the proposed materials will sit comfortably within the design of the existing streetscene. The proposed windows will be similar in scale and proportion to the existing commercial buildings.

There are no elements of the established local visual character which would be at odds with the proposed development, including with regards to the proposed roof form. The proposed development would be in keeping with the established local character, and therefore the proposed development would meet the general aims Local Plan Policy GD7.

### **Neighbour Amenity**

The application site is detached, however residential dwellings are located to the front (south) eastern side elevation and to the rear (north), with intervening space featuring a road, vehicular access and a car park respectively. The proposed windows will be obscure glazed on the east side elevation and obscure glazed below 1.7m above floor level on the front elevation.

The facing elevations of the dwellinghouses to the front of the site are at least 17.9m away, with those to the rear being at least 22m away. The substantial separation distance, alongside consideration of the existing relationship and also the proposed obscure glazing, would mean that no harmful overlooking impacts would arise.

The neighbouring property to the east (no. 60 Lytham Road) is residential and has two windows within the ground floor side elevation facing the development site. The scale of the proposal will not change along this boundary, with the first floor already present across the full depth of the building. The proposed windows facing this dwelling will service a toilet, storage room and office, with the office also having rear elevation windows. The proposal is for all of these side elevation windows to be fully obscure glazed, as well as non-opening below 1.7m above floor level. In this regard, the proposed development would result in any overlooking, overshadowing or overbearing impacts.

The west elevation will face towards the neighbouring commercial property which has side windows at ground floor level serving the front portion of the unit, with no other facing windows.

For these reasons, the proposed development would not result in any harmful overlooking, overshadowing or overbearing impacts. As such, it is considered the proposal will have an acceptable

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

relationship to all surrounding occupants and will comply with the relevant criteria of Local Plan Policy GD7.

### Highways and Parking

The availability of parking spaces to serve the additional floor space was the single reason that the earlier application was refused, and so to address that the current application is supported by a Parking Management Strategy which was reviewed by Lancashire County Council Highways, along with the other information making up the submission.

Whilst the development proposal is unchanged from the previous submission, the use of the first floor accommodation has been clarified. In the determination of that earlier submission it was understood that the first floor accommodation would be used to provide an opportunity for a separate business at the premises to the trading from the ground floor, and so create its own parking needs. The current application clarifies that the first floor is actually to provide ancillary space for the existing ground floor business with that clarified in the Design and Access Statement which says *“Our client wishes to utilise the space on the first floor to create additional storage space and office space for the staff members. The office space will allow the manager and supervisors to manage their duties. As well as providing kitchen and staff room facilities”*. It then confirms *“On the ground floor a new refuse area will be incorporated for cages and waste bins and a bike storage space. First floor will comprise of an office, staff room, storage, meeting/training room and toilets.”*

It is also important to note that the material guidance has been updated since the previous application was determined, with the adoption of the Provision of Parking on New Developments SPD on 17 October 2023 [the SPD]. The SPD provides guidance relevant to this application in terms of: parking standards; how these standards will be applied; and, technical requirements.

The existing use is Class F2/E (food retail) and the proposed first floor use is available for Class E (financial and professional services). The existing site has nine spaces to the rear. The SPD sets out requirements for parking in Table 2. Assessed against these, the existing use would generate a parking requirement of 20 spaces (based on 345m<sup>2</sup> GFA), with the proposed use requiring 14 for the retained ground floor use (240m<sup>2</sup> GFA) and 7 spaces for the extended first floor use (240m<sup>2</sup> GFA), resulting in 21 spaces total.

This illustrates that the SPD parking requirement for the extended property is 1 space above that for the unextended building, albeit the SPD suggestions in both cases are double the actual provision. Whilst the proposed development does not include the provision of additional parking spaces, it does include the provision of a bicycle store and the creation of a bin store, where previously bin storage had impacted upon the availability of informal use of the rear yard area.

It is noted that the Parish Council, local residents and the ward councillor all highlight their concerns over the development with respect to the pressure on parking facilities in the area, both in respect of this premises and the adjacent terrace of retail units. These concerns are understood with reference to the parking standard assessment and officer observations of the surrounding area.

However, there is a key difference in this application compared to the previous one in that the first floor accommodation is now clearly stated as being for the existing ground floor business rather than being for an additional business on the site. The floor plans confirm this, and confirm that whilst the ground floor servicing accommodation is to be reordered under this proposal, the sales area of the shop is unchanged. Accordingly officers believe it is a reasonable assumption that the parking demands of the operation of the store should also be unchanged.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The Local Plan and NPPF steer development towards existing settlements and previously developed sites, with a focus on supporting the expansion of businesses. The site is highly accessible, located towards the centre of Freckleton on the primary route through the settlement, with a crossing point and bus stop close to the building.

The statutory consultee on this point is Lancashire County Council in their role as local highway authority. They have concluded that the proposal is not one that will lead to an adverse impact on highway safety or amenity, and so have not objected to it as a result, stating:

*"(...) it should be noted that with the waiting restrictions fronting the site in the form of the zig-zag lines for the pedestrian crossing, the bus stop clearway and the double yellow lines (No Waiting at Any Time) means that no additional parking will occur in the vicinity of the site which is obstructive and at the detriment to highway safety.*

*There is on street parking available and this in use by the residents and users of the shops, including the application site. Parking on the highway further into Freckleton may occur and there are waiting restrictions already in place to prevent obstructive parking.*

*Parking for the proposed office do have use of the rear car park and are expected to use sustainable transport, especially with the bus stop with frequent services and the proposed cycle storage."*

The proposed increase in floor area is relatively modest and as set out in the Highways response, there are controls in place for parking and highway safety close to the site.

The SPD notes in 3.15 that in areas of high accessibility, reduced parking provision may be appropriate and gives the specific example of new uses for the upper floors of an existing town centre building. Whilst this is not a town centre building, it is one in a highly accessible location and a similar principle applies. It must be acknowledged that the approach taken needs to be reasonable, taking in to account the accessibility of the site and nature of the existing and proposed uses.

Considering the accessibility of the site, the proposed bicycle storage and the very modest increase in parking requirement against the standards set out in the SPD, there would be no harm arising from the proposed development in terms of parking demand.

With a condition to be imposed to ensure that the first floor premises do actually trade as part of the existing ground floor premises it is therefore accepted that the proposal satisfies the requirement of Local Plan Policies T5 and GD7.

### **Other Neighbour Objections**

Neighbouring occupants have raised concerns over a number of issues, many of which have already been covered within this report. Additional impacts have been raised which relate to property values, construction impacts, type of business and opening times.

The type of business would need to sit within the parameters of office work, and therefore is not considered to create excess noise/deliveries/unsociable hours which may be the case if the site was in use as industrial.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

It is recognised that the proposed development has the potential to cause noise disturbance and other nuisances associated with visits by commercial vehicles and building works during the construction period. However, a degree of such disruption is an inevitable consequence of any development project carried out in an existing residential area. In turn, it would be unreasonable to refuse planning permission on these grounds. If excessive noise were to be generated during the construction period such that it constitutes a statutory nuisance then this would be subject to separate investigation by the Council's Environmental Protection Service and dealt with through other legislation that sits outside the remit of the planning system.

Additionally, concerns over loss of property values as part of the development have not been considered within this report due to the fact it is not considered as a material planning consideration and therefore weight is unable to be given to it when assessing the proposal. This is clarified in paragraph 008 of the 'determining a planning application' chapter to the NPPG which states that "the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

### **Conclusions**

The application relates to the first-floor extension to an existing building to provide office, storage and amenity space for an independent business. The proposal complies with Local Plan Policies EC2, EC5 and GD7 and as such the proposal is recommended for approval.

The principle of intensifying commercial uses in a settlement location is supported by Policy EC2 and GD1 subject to normal planning criteria being satisfied. In this case the site is well located to public transport, and whilst there were objections relating to parking as highlighted by the Parish Council and local residents, the local highway authority does not raise any objection to the application. They recognise the accessibility of the site and the availability of alternative transport measures in addition to the available parking areas, particularly with the extended accommodation being to support the existing rather than a separate business at the site.

The design and scale of the extension will have a largely neutral impact on the established character of the site and surrounding area. The use of matching materials and design will assist with assimilating the extension onto the building.

The application relates to an existing business within a highly sustainable location, with the existing access and parking arrangements to be retained. The proposed building and associated windows will give rise to no harmful impacts on neighbours. On this basis, the provision of additional commercial accommodation in such circumstances should be supported to help provide opportunities for economic growth in the borough. Accordingly, it is the officer view that the proposal satisfies the requirements of the Fylde Local Plan and is recommended for approval subject to conditions.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

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

2. This permission relates to the following plans:

- Location Plan (dated 11 July 2023)
- Proposed Plans (ref. 6401\_03\_02)
- Proposed Plans & Elevations (ref. 6401\_05)

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

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

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

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

4. Before the first floor conversion and extension hereby approved is first occupied the following windows shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed:

- a) All first floor east side elevation windows shall be entirely obscure glazed; and,
- b) All first floor front (south) elevation windows shall be obscure glazed below 1.7m above floor level.

The duly installed windows shall be retained as such thereafter.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), there shall be no sub-division of the first floor accommodation hereby approved or any separation of that area from use as ancillary

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

accommodation associated with the use of the ground floor element of the premises as a single retail unit.

Reason: To prevent the future subdivision or segregation of the space as that could lead to an increase in the demand for parking spaces associated with its operation. Given the limited availability of such spaces within the site this could lead to an unacceptable impact on highway safety and amenity in the area hence the condition is required to ensure compliance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. The first floor accommodation hereby approved shall not be occupied until the bicycle store which is shown on drawing ref. 6401\_03\_02 has been made available for use. The duly installed bicycle parking spaces shall be retained as such thereafter.

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

7. The nine car parking spaces detailed in the Parking Management Strategy (November 2023) shall be made available for use in association with both the ground floor and first floor uses, before the first floor conversion and extension hereby approved is first occupied, and shall be retained as such thereafter for the parking of vehicles.

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

8. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:

- a) hours and days of work for site preparation, delivery of materials and construction;
- b) areas designated for the loading, unloading and storage of plant and materials;
- c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- d) arrangements for the parking of vehicles for site operatives and visitors;
- e) arrangements for vehicle manoeuvring to be made within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- i) measures to protect vulnerable road users (pedestrians and cyclists);
- j) measures to control the emission of dust and dirt during the construction period;

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- k) measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
- l) a nominated person who will act as the 24 hour point of contact in the event of any emergencies;
- m) the siting, luminance and design of any external lighting to be used during the construction period;
- n) the erection and maintenance of security hoarding;
- o) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

Reason: To ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance which may harm the amenity of surrounding occupiers and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

### **Informative(s)**

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

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

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

**Item 5**

<b>Application No:</b>	23/0812	<b>Case Officer:</b>	Katie Halpin Area Team 2
<b>Applicant:</b>	CREATIVE LIVING CARE LTD	<b>Agent:</b>	MR MIKE DAVIES
<b>Location:</b>	189 ST ANDREWS ROAD SOUTH LYTHAM ST ANNES LANCASHIRE FY8 1YB		
<b>Proposal:</b>	CHANGE OF USE OF DWELLINGHOUSE (USE CLASS C3) TO A RESIDENTIAL CHILDREN’S CARE HOME FOR THREE YOUNG PEOPLE (UNDER 18 YEARS OF AGE) WITH NON-RESIDENT CARERS INCLUDING CONVERSION OF ATTACHED GARAGE TO A HABITABLE ROOM, ADDITION OF PITCHED ROOF ABOVE CONVERTED GARAGE TO SIDE ELEVATION AND ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION		
<b>Ward:</b>	Carnegie	<b>Parish:</b>	St Anne's on the Sea
<b>Date Received:</b>	14 December 2023	<b>Earliest Decision:</b>	22 January 2024
<b>Reason for any delay:</b>	Need to determine at Committee and awaiting date of Committee	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

The application property is a detached dormer bungalow located on the north side of St Andrews Road South between its junction with Osborne Road and Balmoral Road in the settlement of Lytham St Annes. Externally there is a walled front and side garden, an integral garage with a drive in front and a private, enclosed garden to the rear. It benefits from 3 off road parking spaces to the front of the property.

This application relates the change of use of a dwellinghouse (Use Class C3) to a residential children's care home (Use Class C2) for 3 young people (under 18 years of age) with 3 non-resident carers as well as flexible attendance proposed by a Registered Manager, the conversion of the attached garage to 2 habitable rooms, the addition of a pitched roof above the converted garage to the side elevation, and the erection of a single storey side/rear extension.

The application has been called in by Local Ward Councillors for a determination at Planning Committee. A significant number of objections have been received largely relating to issues around parking, highway safety, a rise in crime and anti-social behaviour, and concerns over a business being operated in a residential neighbourhood primarily resided in by retired or elderly occupants.

The proposed use is considered to be an acceptable use of a residential property in a residential area and is not anticipated to cause any more noise and disturbance than the usual ebb and flow of visitors to any residential property if fully occupied. This is delivered through the intended scale of the use proposed, as would be controlled by condition, and the details of the planning statement which has been submitted, and which can also be the subject of a condition. The site provides a good level of parking that will be able to cater for the needs of the use, confirming that the level of traffic visiting a single property will be negligible compared to the wider highway use. This is supported by the views of LCC Highways.

The extension and external alterations do not have any impact on neighbour amenity and improve the design of the property in the streetscene. Materials and window design on the front elevation are proposed to match the existing dwelling which will aid to blend the new development in with the existing property. The materials proposed are to be secured by the imposing of a planning condition.

As such the proposal is considered to comply with the requirements of Policy GD1 & Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) subject to a series of conditions including those relating to a restriction to ensure the C2 use relates solely to a children's home for three children, parking provision being in place prior to use, and the planning statement being adhered to.

### **Reason for Decision Level**

The Head of Planning has agreed to a request from the Ward Councillors who jointly requested that the application be determined at Planning Committee due to the level of public interest that has been shown in the application, and as the application is of a type that has recently been the subject of consideration by the council's Internal Affairs Scrutiny Committee.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Site Description and Location

The application property is a detached dormer bungalow located on the north side of St Andrews Road South between its junction with Osborne Road and Balmoral Road. It is located in the Settlement Area in accordance with Policy GD1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

The site is in a residential areas with similar properties to one side and facing the dwelling, although the position of the dwelling is such that there is no neighbour to the other side. The South Fylde railway line runs adjacent to the property to the rear with Royal Lytham Golf Course to the opposite side of that railway.

### Details of Proposal

Planning permission is sought for the change of use of a dwellinghouse (Use Class C3) to a residential children's care home for 3 young people (under 18 years of age) with 3 non-resident carers as well as flexible attendance proposed by a Registered Manager, the conversion of the attached garage to 2 habitable rooms, the addition of a pitched roof above the converted garage to the side elevation and the erection of a single storey side/rear extension.

The conversion of the attached garage is to provide two bedrooms. One of these is proposed to be a young person's bedroom and the other is to provide a bedroom for overnight carers. Externally the design is to continue with the red facing brick from ground level with render to match. The window proposed on the front elevation matches the window already located on the front elevation for the dining room window. A window is also proposed on the side elevation facing the private rear garden for the front bedroom and a set of double doors facing out onto the rear garden are proposed for the rear bedroom. It is proposed to construct a hipped roof over the front part of the garage to tie into the main roof slope. The eaves of the hipped roof will measure 3m and the ridge 5.2m in height where it joins onto the existing hipped roof slope. Matching roof slates are proposed to match the existing roof.

To the rear of the existing garage a small rear/side extension is proposed. This will benefit from a flat roof and will measure 3m in height. It will project 3.3m from the side elevation and 0.9m from the rear of the garage. The extension will form part of the proposed bedroom for the young person with the double doors facing out onto the rear private garden. Red facing brick and render above are proposed to match the existing property.

### Relevant Planning/Appeal History

None

### Parish/Town Council Observations

Parish/Town Council	Observations
ST ANNES ON THE SEA TOWN COUNCIL	<u>Comments received on 23<sup>rd</sup> January 2024</u> <i>The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible, and to meet with the aspirations for quality living accommodation of the Neighbourhood Plan Design Guide by maximising the opportunity for natural light and ventilation.</i>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed change of use of dwellinghouse (use class c3) to a residential children’s care home for three young people (under 18 years of age) with non-resident carers including conversion of attached garage to a habitable room, addition of pitched roof above converted garage to side elevation and erection of single storey side/rear extension and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>St Andrews Road South is a residential 20mph road with a footway fronting the site and large verge area fronting the railway line which runs to the rear/ side of the site. There are no waiting restrictions and no capacity issues with on street parking with the residential road being sparsely used for on street parking.</i></p> <p><i>LCC Highways have examined the planning statement submitted in support of the application together with information submitted on similar application to Fylde and other planning authorities.</i></p> <p><i>This application is for a childrens home for three children. The planning statement states that staff will provide school transport for the children, even if the children do not go to the same school it is not considered to be different to a normal residential dwelling. If the children are placed under Special Educational Needs (SEN) then specialist school transport would normally be required, however, this again is not considered to be an exceptional situation from a residential dwelling.</i></p> <p><i>Staff movements potentially lead to additional traffic movements when compared to a typical residential dwelling. Assuming that all staff arrive and depart independently by car staff change over time would be the times when vehicle movements would be concentrated over a short period of time.</i></p> <p><i>LCC Highways would make the following comparisons in traffic movements.</i></p> <ul style="list-style-type: none"> <li><i>• Taking children to school and collecting from school would not be significantly different.</i></li> <li><i>• As a childrens home is a place of work daily staffing movements would be incurred and would be more intensive to parents going to and from work, generating approximately 4 more movements per day.</i></li> <li><i>• Deliveries and shopping would not be significantly different.</i></li> <li><i>• Visitors to a childrens home are likely to be higher and 2 visitors per day would generate 4 additional vehicle movements.</i></li> </ul>

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

	<p><i>Overall LCC Highways estimate that a childrens home would generate up to 8 vehicle movements (4 arrivals and 4 departures) more than a typical residential dwelling. This number of additional vehicle movements would represent a small percentage increase in vehicle movements on St Andrews Road South.</i></p> <p><i>With the site able to accommodate three cars off the highway and the availability of on street parking, LCC Highways are of the opinion that the additional vehicle movements and on-street parking would not be dissimilar to that associated with a typical residential road and that it is unlikely that the proposal would impact on highway safety.</i></p>
<p>LCC Children’s Services</p>	<p><i>Lancashire County Council has the highest number of Ofsted registered children's homes than any other local authority in England. There are four times as many children's home beds in our area than we require. Despite this, we can still really struggle to find suitable, local, good quality and good value homes for some of our children in care. This is because many of the homes in Lancashire (70%) are not caring for Lancashire children and are instead caring for children from other local authorities, sometimes at a great distance from home. It is estimated that there are about the same number of out of area children living in Lancashire as there are Lancashire's own children in care. This has a significant impact on local resources (e.g. health, schools and policing). Also, having so many children's homes in our area does make it challenging to recruit good quality, suitably trained staff, especially children's home managers.</i></p> <p><i>Fylde Borough Council now has the highest number of Ofsted registered homes than any other district in Lancashire, including Blackpool. I have checked the latest list of children's homes produced by Ofsted and can confirm that there are 4 other Ofsted registered children's homes within a mile of the proposed home on St Andrew's Road (with the closest being 0.4 miles away).</i></p> <p><i>Lancashire County Council's Children's Services is firmly of the view that careful consideration should be given to the agreement of new children's homes in Lancashire. New homes need to meet an identified local gap in provision and need to be delivered by providers who offer good quality, good value provision and who are committed to providing local homes for Lancashire children. I can confirm that Creative Living Care Ltd is a known provider to Lancashire County Council. They have been delivering semi-independent homes and have delivered good outcomes for our children in care. They have now decided to develop children's homes and have stated that they wish to work closely with us to deliver local homes for Lancashire children.</i>  <b><i>This planning application is for a smaller children's home, which is the type of home that we can struggle to find for our children.</i></b></p> <p><i>For information - once a provider has secured planning permission, their next step is to apply to Ofsted to register the home. Issues such</i></p>



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p><i>as the nearby railway and gas distribution box will be covered through a mandatory aspect of the registration process called the Locality Risk Assessment. This requires a provider to consider the risks in their surrounding area and explain how these risks will be mitigated. Ofsted will then decide whether the risk assessment and proposed mitigating actions are sufficient to allow the home to be registered.</i></p>
<p>Network Rail</p>	<p>Network Rail have made various comments relating to the following:</p> <ul style="list-style-type: none"> <li>• Obligations of developers adjacent to the railway</li> <li>• Risk Assessment and Method Statements</li> <li>• Fencing required to be set back at least 1m from the railway boundary</li> <li>• Fail Safe Use of Crane and Plant</li> <li>• Encroachment</li> <li>• Lighting</li> <li>• Scaffolding</li> <li>• Vibro-Impact Machinery</li> <li>• Access to the Railway</li> <li>• Drainage Proposals</li> <li>• Protection of Existing Railway Drainage</li> <li>• Climate Change and Impact to Railway Infrastructure</li> <li>• Excavation and Earthworks</li> <li>• Boundary Treatment</li> <li>• A required gap between buildings and the railway boundary</li> <li>• Noise</li> <li>• Trees</li> <li>• Basic Asset Protection Agreement</li> </ul> <p>The essence of the Consultee response is that no works are to commence until agreed with Network Rail and that early engagement with Network Rail is strongly recommended. Planning legislation does not allow for conditions requiring developers to comply with other, non-planning legislation, and so an informative is recommended to bring Network Rail's comments to the attention of the developer should planning permission be granted for this development.</p>

### Neighbour Observations

<b>Neighbours notified:</b>	14 December 2023
<b>Number of Responses</b>	33 in objection
<b>Summary of Comments</b>	<p>The comments received in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"> <li>• Impact on parking</li> <li>• Impact on highway safety</li> <li>• Rise in Anti- Social Behaviour</li> </ul>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Residential area, with pre-dominantly retired residents, not the right area for a children's home
- Too close to a railway line, the children will be encouraged to access the railway
- Devaluation of property
- Why remove an affordable bungalow from the housing stock?
- Lack of live-in carer means the young people will be unsupervised
- Are there any covenants restricting this?
- Shouldn't be a business use in a residential area
- No pre-application consultation with residents
- Smallest bedroom only just meets size standards
- Ofsted safety criteria has not been met

All relevant objections will be discussed below however breaches of covenants, lack of pre-application consultation, devaluation of property and Ofsted safety criteria are not issues which can be considered to be material considerations for the purposes of assessing this planning application.

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

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

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

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

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

### **Other Policies and Guidance**

STANP - St Annes on the Sea Neighbourhood Plan

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Need for Planning Permission**

Before a consideration of the merits of the application is made, in this case it is necessary to consider if planning permission is actually required for the change of use element of the application. The legislation relevant to this application is The Town and Country Planning (Use Classes) Order 1987 (as

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

amended) which places uses of land and buildings into various categories or 'Use Classes'.

The premises referred to in this application is a 3 bedroomed detached dwelling. The use Classes Order defines dwellinghouses as Class C3. This class comprises of 3 parts as follows:

- C3(a) covers use by a single person or by people to be regarded as forming a single household
- C3(b) refers to not more than six residents living together as a single household where care is provided for residents
- C3(c) allows for not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The application refers to Class C2 also which covers 'Residential Institutions' and is defined as:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

The existing property clearly lies within a C3 use. It has a single front door that leads to a standard arrangement and nature of rooms which is evidently in use as a single dwelling within Use Class C3(a). Externally there is a walled front and side garden, an integral garage to the side with a drive in front accessed from St Andrews Road South and a private, enclosed garden to the rear.

Turning to the application, the proposal is that the property accommodates up to 3 young people in receipt of care as required with a minimum of 3 non-resident carers along with flexible visits from a Registered Manager, who are providing care by working in shifts in a combination of 6 hour, 24 hour, 48 hour and 72 hour rotas. As such the use is similar to the use described in the 'North Devon' case (North Devon District Council v. Secretary of State (2003)). In that case, it was held that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves and so the use was more consistent with a Class C2 use than a C3 use. As that is also the case with the application under consideration, then the conclusion reached is the same, i.e., the proposed use described in the application is not a Class C3 use, but is a Class C2 use. This is consistent with how other such proposals have been assessed across Fylde Borough in recent years.

The principal reason for this conclusion that there is a change of use, is that the proposed use does not involve a 'single household', as is required by Class C3b, as the household will be run by staff who work on a rota and will change on a regular basis, with all staff residing elsewhere. This means that they are not part of the 'single household' at the application property and so prevents the proposed use from falling within Class C3.

Having established that the proposal represents a change of use, it is necessary to establish if that change of use is 'material' in planning terms as only a material change of use requires planning permission.

The council has received numerous previous applications for such uses across the borough. Many of these applications have been submitted as 'Certificates of Lawful Use', a mechanism under which the council is asked to conclude whether a particular use requires planning permission, or is lawful by other means. These decisions have often concluded that whilst the use of a residential property for the provision of care in the way described here does involve a change of use from Class C3 to Class C2, that change of use is not a material one as the day to day activity at the premises would be not be

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

significantly different to that experienced at a single family dwellinghouse.

This application is for planning permission and based on the planning statement it appears to have been submitted due to the physical alterations required which will need planning permission if the Use Class of the property is determined to be C2 even if that difference is not material. No further information has been supplied which states the use element of the application requires planning permission. The factors that could lead to that view will be examined in the remainder of this report.

### Principle of Development

Starting with the policy position, the application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of development within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

The purpose of this proposal is intended to provide a family home environment for children whose circumstances render them unable to live with the family of their own. It is considered that a residential area is the only area that this use could be considered appropriate, and as the application site is a typical residential property in an area of similar properties then it is entirely suitable for this use. The property is also located where there are good and convenient links to education, open space, transport, leisure and other facilities which are beneficial to support the development of young people. The general principle of a care use in this location use in a property in this location must therefore be appropriate.

Many objections raise the issue that the area is pre-dominantly inhabited by the elderly or retired generations however in planning terms the area is residential in nature rather than specific to a certain demographic of the population. Objections have also raised issue with a business being introduced to a residential area however in land use terms the use is akin to a residential use similar to if the property were rented out as a house with a landlord whose business was renting properties. Both uses generate an income to the owner/landlord but the use remains of a residential nature.

Fylde Council's Internal Affairs Scrutiny Committee recently undertook a review into the use of residential premises used as children's care homes. Their report can be found [here](#). This review accepted that the change of use of a dwelling to a children's home does not always require planning permission. Fylde Council does not currently have any specific planning policy which restricts the change of use to a children's home, where it is deemed to require planning permission. A recommendation from a study into the children's social care market by the Competition and Markets Authority in March 2022 recommended that *the UK Government considers removing any distinction, for the purposes of the planning regime, between small children's homes and domestic dwelling houses*. The review has ultimately recommended that Fylde Council consider drafting an advice note to assist all parties in the development of changes of use of an existing building to a children's home and that Fylde Council consider ways in which to assist and promote the placement of local children through working with Lancashire County Council's Children's Services.

Through consultation with LCC Children's Services, the response was supportive of the principle of this application. Despite the identified oversupply of children's homes within Fylde, LCC Children's Services conceded that this type of small children's home is the type of accommodation that they

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

struggle to source for local children. The applicant has confirmed to LCC Children's Services that they are willing to work with them and they are a provider that LCC Children's Services are already aware of. Ofsted are the regulator for any safety/safeguarding concerns and so these do not form part of the consideration of this application.

Concerns have been raised about the principle of a children's home in close proximity to the national railway network. Network Rail, in their Consultee response, have raised a number of obligations that the applicant will be required to adhere to if this planning permission is granted. However those obligations stem from legislation beyond the remit of Planning legislation and so an informative is proposed to bring this matter to the applicant's attention. One of the obligations raised was to erect a fence within the boundary of the property. Whilst the details of this will need to be discussed between the applicant and Network Rail, the applicant has indicated a willingness to fund the required fencing thereby ensuring the safety of the occupants from accessing the railway. There is no specific planning reason why a children's home cannot be located next to the national railway network, and it will fall within Ofsted's remit to decide if any safeguarding issues arise due to the location of the property should planning permission be granted.

### **Design and Appearance in the Streetscene**

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p).

The application property is a detached 3 bedroomed dwelling with the 2<sup>nd</sup> & 3<sup>rd</sup> bedroom provided in an attic served by an existing dormer. The proposal is to change this to a 5 bedroomed dwelling with the 2 extra bedrooms provided within the converted and extended garage. Externally there are gardens side and rear and parking arrangements around. Internally one of the first floor bedrooms will provide staff office & sleeping accommodation, with the other first floor bedroom used for one of the young persons. The fact that one of the proposed bedrooms is only just above the national minimum standards is not, of itself, a reason for refusal as, by definition, it exceeds the minimum standard albeit by a minimal amount.

Externally the removal of the parapet wall to the front of the garage and the removal of the current mono-pitch roof is proposed. The garage door would also be removed. A single storey rear/side extension is proposed to extend the garage to the rear to provide a large enough internal space to provide a further staff bedroom at the front and a young person's bedroom to the rear. On the front elevation a matching bay window to the western end of the front elevation is proposed with matching red facing brick and render above to mirror the existing property. A hipped roof is also proposed above the garage roof in matching roofing materials. The hipped roof remains subordinate to the hipped roof of the main dwelling and helps to provide a more balanced view of the property within the streetscene. The change from a parapet wall to the hipped roof is also considered to be an improvement in the design of the property and its appearance within the streetscene.

As the property will retain the appearance of a residential dwelling there are no design conflicts to consider within this application and it must accord with the requirements of criteria d), h) and i) of Policy GD7.

### **Impact on Neighbouring Amenity**

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

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

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The property fronts to St Andrews Road South. To one side/rear is 187 South Andrews Road South and to the other side is the Blackpool South railway line. This means that there is one direct neighbour, which is a detached dwelling. The vehicle access to the property is from St Andrews Road South and leads to a driveway to the front. Directly opposite there are 170, 172 and 174 St Andrews Road South which are all detached bungalows.

A use of this nature could bring impacts on neighbour amenity in two main ways: the disturbance and other activity generated within the dwelling and its garden, and the impacts of highway movements.

The property is clearly a dwelling offering accommodation over 2 floors set in a favourable plot. As such it is the type of property that could typically be occupied by a family of a couple of parents with 2 or 3 children, with the attended level of disturbance to neighbours that would create. In this case the level of occupation that is proposed is limited to no more than 3 young persons, and so is likely to be similar to the level of occupation that would normally be expected from a proposed 5 bedroomed dwelling. There will be some ‘comings and goings’ from staff, but the rota explains that shift changes, and manager attendance/departure, will be at typical commuting times of 08:00 (08:30 on weekends) and one at 14:00 for a part time worker so leading to a level of activity that would not be untypical for a residential property. Some shifts last over 2 or 3 days so only the comings and goings of the property will be apparent on those days where there is no shift changeover. The property has gardens to the side and rear to enable ample space for outdoor play within the property.

With regards the potential impact from traffic movements, in addition to the staff movements it is likely that there will be visitors to the property to provide additional care, but this is a common situation in a residential setting where occasional visitors come to many properties throughout the week. The property is very well located and whilst it will bring visitors onto St Andrews Road South there is ample parking in the daytime to accommodate monthly visits from the gardener or social worker and would not be any different to other elements of care at residential properties such as visits by district nurses.

A number of objections have been received from residents who anticipate that there will be an increase in anti-social behaviour following the use. Clearly such instances occur as part of the typical residential occupation of properties from time to time. The operation of a property such as this is managed with the intention that the young persons living at the property are provided with appropriate care and support, so that the potential of them being responsible for such disturbances is minimised. This management is under the scrutiny of OFSTED and the respective social / child services departments who will be placing young people into the home and so have the ultimate responsibility for their care.

The mere suspicion that such issues are likely to arise is not a reason for the change of use to be materially different to a C3 residential use or to refuse a planning application. To avoid this the application confirms that staff will be managing the operation of the home and the activities of young people outside of the home so that such issues should not arise. The officer assessment is that there

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

will not be any unacceptable increase in the level of noise or disturbance, or the level of vehicle movements, that could impact negatively upon neighbouring amenity.

The proposed extension and external alterations are located on the side of the property which faces the railway and so are not considered to have any impact on the neighbouring property. Taking these matters together the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7. A series of conditions are proposed to ensure that the development is undertaken as shown on the submission in terms of the compliance with the planning statement, that the use is for no more than 3 young people, and that the use is for C2 care only.

### **Highways and Car Parking Arrangements**

The property is proposing to provide 3 parking spaces within the front garden area of the property and leaving the driveway clear. These are to be available for the proposed use. Given the use proposed this is adequate to meet the needs of the proposed care staff members. The flexible visits of the Registered Manager are likely to be within the daytime when there is ample on street parking away from the bend on which the property is located. This may rise during shift handover however this is not a daily occurrence and is not always all staff changing at once. The rota indicates all staff will change on Tuesday and Saturday mornings. The remainder of the week it is 1 or 2 staff members changing. Cars can be rearranged at a convenient time for staff or when they may go on outings like any other young people might with their primary carer. The applicant has stated that shift changeover will be at 08.00 when it takes place with staff working sleep ins to reduce inconvenience to close neighbours. All staff, except the part time carer, work sleep ins when their shifts end at 22:00 so there is no point when the young people are left unsupervised.

It is not envisaged that there will be multiple car journeys a day as the children are expected to attend mainstream education in the same way as children in any other family dwelling. It is noted that some on site education provision may be provided but this is not intended as a long term solution. Again, this would take place in the daytime when the road is clearer and free from peak hour traffic movements. It is not anticipated that any of the young people will have cars so the proposed use is likely to result in a lesser number of car movements than could occur with the current use of the property as a family dwelling could generate with adult children.

The level of trip generation and parking demands are not envisaged to cause any noticeable impacts to the character of the property or the surrounding area, and will certainly not involve highway safety or amenity impacts to a degree that could justify a refusal of planning permission.

Despite a significant number of objections raising highway safety and parking as an issue Lancashire County Council Highways have raised no objection to the proposed development or parking provision, and officers agree with their assessment. The proposed use must be assessed against how this property could be used if fully utilised as a family dwelling. This has not been the case with the previous occupant as detailed by many objectors however if a family with adult children were to move into this property without the need for any planning permissions, the property could easily generate journeys and parking requirements from 3/4 vehicles. Therefore, the proposal is considered to provide an appropriate level and location of parking for the site and is not considered to compromise access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

### **Relationship of Planning Application to Certificate of Lawfulness**

Having assessed the issues raised by this particular proposal it would be a reasonable assumption that the implications of the change of use are at such a modest scale that they would not amount to a

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

material change of use. This means that if the applicant had submitted a Certificate of Lawfulness for the change of use only, rather than this planning application including the extension and physical external alterations, then the council would have been obliged to issue the Certificate and so confirm that planning permission would not be required for the change of use.

It is not clear why the agent in this case has chosen not to pursue that approach as the supporting information provided with the application does not cover that aspect. However, as the application has been submitted the council has a statutory duty to determine it, and so this report is presented to do that.

### **Conclusions**

The application relates to the change of use from a residential dwelling house (Use Class C3) to a home for up to 3 young people (under 18 years of age) with care provided by non-resident carers working in shifts (Use Class C2). It also includes external physical alterations resulting from converting the garage to 2 further bedrooms and a small extension to the rear of the garage. Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF.

This conclusion is on the basis that the proposed change of use is not considered to create any unduly harmful impacts to the relevant planning considerations, which in this case relate to the character of the area, the amenity of neighbours, and highway safety. As such planning permission should be granted subject to the conditions below.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 23136\_LOC
- Proposed Site Plan - Drawing no. 23136\_11S Rev B
- Proposed Elevations & Floor Plans - Drawing no. 23136\_110 Rev B

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

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

3. The property shall be used to provide care for no more than three young people (aged under 18 years of age) at any one time, along with the appropriate care support staff as required.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Reason: To provide control over the level of occupation of the property to ensure that there are no parking or other amenity considerations established that would require further assessment to establish compliance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

4. The use hereby approved shall at all times operate in accordance with the Planning Statement & Staff Rota recorded as received by the Council on 11 December 2023.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

5. Prior to the commencement of the use hereby approved, the 3 car parking spaces indicated on drawing 23132\_11S Rev B shall be made available for use, and shall be remain available for the parking of vehicles at all times that the proposed use is undertaken at the property.

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

6. The accommodation shall be used as a children's home within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose, including any other use with in use Class C2 and specifically shall not be used as supported living accommodation solely for 16 – 18 year olds.

Reason: To ensure that the future use of the premises is limited to one which can be carried out in any residential area without detriment to the amenity of that area in order that it remains compatible with and does not have any adverse amenity impacts upon the occupiers of nearby dwellings; to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; and to preserve the vitality and viability of neighbouring centres by preventing the building being changed to a main town centre use without the application of the sequential test in accordance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 incorporating Partial Review, and the National Planning Policy Framework.

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

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

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Informative(s)

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

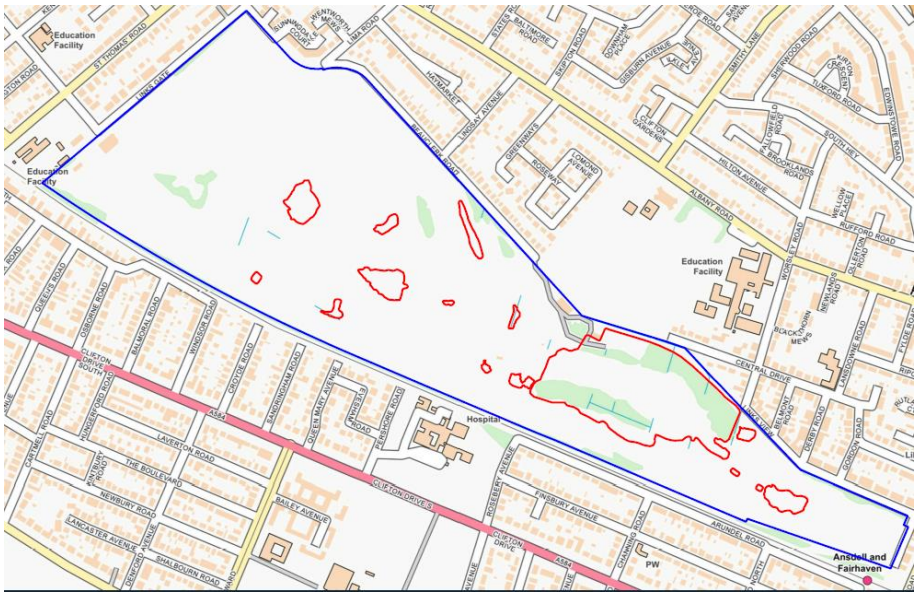
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

2. Network Rail Informative

The applicant is requested to take note of the Consultee response from Network Rail which requires consultation with Network Rail prior to any works going ahead at the property (independent of this planning permission) and reminds the applicant of any obligations they may have relating to carrying out development works in proximity to the national railway network.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Item 6

<b>Application No:</b>	23/0864	<b>Case Officer:</b>	Mark Evans Area Team 2
<b>Applicant:</b>	ROYAL LYTHAM & ST ANNES GOLF CLUB	<b>Agent:</b>	MR MIKE HUGHES
<b>Location:</b>	ROYAL LYTHAM AND ST ANNES GOLF CLUB LINKS GATE LYTHAM ST ANNES LANCASHIRE FY8 3LQ		
<b>Proposal:</b>	REMODELLING WORKS TO THE GOLF COURSE ASSOCIATED WITH HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, CONSISTING OF THE ADDITION OF A NEW PRACTICE GROUND AND PRACTICE TEE; BUILDING OF A NEW TEE ON THE 14TH HOLE; ALTERATIONS TO REROUTE THE 11TH FAIRWAY; WORKS TO IMPROVE THE ROAD SYSTEM TO PROVIDE ACCESS AROUND THE COURSE FOR ROUTINE MAINTENANCE AND FOR HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, ASSOCIATED PROVISION / ALTERATION IRRIGATION SYSTEMS, DRAINAGE TO BUNKER BASES AND ADDITIONAL MINOR LANDSCAPING WORKS.		
<b>Ward:</b>	Ansdell & Fairhaven	<b>Parish:</b>	St Anne's on the Sea
<b>Date Received:</b>	3 January 2024	<b>Earliest Decision:</b>	15 February 2024
<b>Reason for any delay:</b>	Need to determine at Committee and awaiting date of Committee	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Delegated to Officers to approve subject to s106 agreement		
<b>Location Plan</b>			

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

The on-going success of the Royal Lytham St Annes Golf Course is in line with the vision and strategic objectives set out in the Fylde Local Plan to 2032 (incorporating partial review). Improvements to maintain the attractiveness and prominence of the course are also supported by Policies ENV3 and HW3 of the local plan and Policy EN2 of the St Annes on the Sea Neighbourhood Development Plan. The proposed alterations to the course would help maintain the status of the course and so have the potential to bring significant benefits to the wider local economy.

The course sits within a biological heritage site (BHS) which contains important and rare habitat and species. The applicant's supporting studies and ecological survey work have been undertaken by suitably qualified ecologists and followed best practice guidance in the survey methodology and mitigation design. These studies indicate that the alterations to the course can be implemented in a sensitive manner, avoiding any adverse impact on the ecology of the site, whilst introducing and maintaining dune and heath habitat. Although some replacement tree planting is proposed, the alterations to the course would involve the felling of a significant number of trees. However, the application also proposes the introduction of new heath and dune habitat that is regarded as having a higher ecological distinctiveness. The council's ecological advisor, GMEU, has reviewed the submitted studies and surveys and is satisfied that, subject to the imposition of appropriate planning conditions, there should not be any negative impact on the conservation value of the Biological Heritage Site (BHS) or any protected species.

Members are, therefore, recommended to approve the application, subject to the imposition of suitable planning conditions.

### **Reason for Decision Level**

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

### **Site Description and Location**

The Royal Lytham St Annes Golf Course is located to the north of the South Fylde Rail Line between St Thomas' Road and Woodlands Road. Being a traditional links course, it is generally open in nature with the fairways running through the dune system within which there are several copses of trees.

The golf course is generally surrounded and overlooked by residential properties, with those on the south side of the course being on the opposite side of the railway line. The exceptions to this are St Thomas' C of E Primary School to the west, the playing fields associated with Lytham St Annes High School/Blackpool and Fylde Collage along part of the north-eastern boundary and the rear of several commercial and residential properties fronting onto Woodlands Road, Ansdell to the east.

The site falls within the settlement boundary as defined in the policies map of the Fylde Local Plan to 2032 (incorporating Partial Review), which also identifies the golf course as a Biological Heritage Site, being cited for its species rich dune grassland, heath and scrub that sits alongside the greens and fairways of the course.

A public footpath crosses the course between Arundel Road and Links View.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Details of Proposal

This application proposes a second phase of alterations to the course, following the approval of planning permission for the phase 1 works under reference 23/0508. The application seeks planning permission for a variety of works across the golf course to ensure that the course is up to the standard require to host future major championships.

The proposed works consist of:

The addition of a new Practice Ground and Practice Tee for future championships - This would include the removal of the existing trees and vegetation to the right (north)of the current 11<sup>th</sup> hole to make the required space available for the practice ground. The practice tee would be laser levelled to ensure it is flat, with the remaining practice ground also being largely flattened, with the exception of some minor shaping of five practice greens spread out over the hitting area.

Alterations to reroute the whole of the 11<sup>th</sup> fairway - The 11<sup>th</sup> hole is proposed to be re-routed further left (south) to facilitate the required space for the practice ground. The existing tees would be realigned, new bunkers built and the fairway routed back to meet the existing green position, which will remain untouched. This process would include the relocation of the existing vegetation on the hole and the shaping of subtle dunes to the right of the new 11<sup>th</sup> hole to screen the view of the practice ground.

Associated ground clearance and levelling north and east of the practice ground to form hardstanding and event infrastructure platforms - This process would include the removal of existing trees and vegetation and the levelling of the surrounding areas to make the land suitable to provide the required infrastructure requirements for future championships. The grandstand and other temporary buildings would be sited adjacent to the new practice ground and so require wide open, flattened areas on which to be erected.

Vegetation clearance and removal - Tree clearance and vegetation removal would take place across the site for a number of reasons, primarily infrastructure requirements, routing of new golf holes/features and the creation of open sand areas.

Ground levelling and course re-shaping / re-profiling engineering works including alterations to the 4<sup>th</sup>, 14<sup>th</sup> and 16<sup>th</sup> holes - In addition to the high-level works, phase 2 would also include the building of new tees on the 14<sup>th</sup> and 18<sup>th</sup> holes, reshaping of mounding to the 16<sup>th</sup> and the creation of ecologically valuable sand areas across the site.

Works to form platforms for on-course hospitality, catering and spectator facilities, support infrastructure and media equipment etc. - Areas outside the golf course would be required to host different infrastructure such as food vans, toilet facilities and spectator areas, these areas need to be clear of any thick vegetation and relatively flat to conform with health and safety requirements. During phase 2, clearance and regrading works would take place in these areas to soften the shape of the ground to accommodate future championships, whilst still having some gentle shape to them so they tie in naturally with the surrounding landscape outside these periods.

Works to provide access, parking, drop-off, deliveries, servicing and lay-down areas – A number of manufacturer trucks, event contractors and catering facilities are required throughout for the hosting

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

of major tournaments and championships and require suitable access, drop-off and parking areas for when they are on site.

Associated provision / alteration of any affected drainage, irrigation systems and other services - The adjustments to the golf course and surrounding areas will impact the existing irrigation and drainage systems. A Flood Risk Assessment and Drainage Strategy have been submitted to further outline the proposed changes.

The above works include the establishment of additional areas of dunes which are proposed to be formed utilising a significant amount, approx. 20,900m<sup>3</sup>, of imported materials.

The application is supported by a suite of documents including:

- Planning Statement
- Bat Roost and Transect Survey Report
- Biodiversity Enhancement Plan
- Preliminary Ecological Appraisal
- Reptile Survey Report
- Arboricultural Impact Assessment
- Flood Risk Assessment
- SuDS Pro-Forma

### Relevant Planning/Appeal History

There have been many applications at the golf course over the years, both to undertake alterations and extensions to the buildings associated with the course, and to make alterations to the course itself, many of which are not directly relevant to the current proposal. The most recent application to remodel the course itself was application **23/0508** which sought to remodel the 7<sup>th</sup> green and 10<sup>th</sup> fairway and was approved by Planning Committee on 4 October 2023. The conditions attached to that planning permission have been formally discharged and work to implement the permission have commenced. Prior to that, application **16/0007** was granted for the formation of a sand dune to the rear of the 9th hole to improve spectator facilities in that location which is at the extreme east of the course, whilst application **08/0810** proposed remodelling of the dunes adjacent to the second and third holes ahead of the 2012 Open Championship.

### Parish/Town Council Observations

Parish/Town Council	Observations
St Annes on the Sea Town Council	The Town Council recognises the need to upgrade the facility and Support the Application to encourage tourism and promote sporting events, (often major international tournaments), which, in turn, will benefit and improve surface water drainage, whilst ensuring no adverse effect on wildlife habitats and biodiversity. In keeping with Neighbourhood Plan EN1.

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
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**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

<p><b>Natural England</b></p>	<p>To meet the requirements of the Habitats Regulations, Natural England advise that a likely significant effect can be ruled out in any decision and that the development will not have likely significant effects on statutorily protected sites and so has no objection to the proposed development.</p>
<p><b>Greater Manchester Ecology Unit</b></p>	<p>An ecologist from GMEU has visited the site to assess the application and the wider Biological Heritage Site (BHS) and reviewed the submitted information which includes:</p> <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal (PEA), Rev 1 (Pennine Ecological, September 2023)</li> <li>• Reptile Survey Report (Pennine Ecological, July 2023)</li> <li>• Breeding Bird Survey Report (Pennine Ecological, July 2023)</li> <li>• Bat Roost Potential and Transect Survey Report (Pennine Ecological, August 2023)</li> <li>• Biodiversity Enhancement Plan (Phase 2) (Pennine Ecological, October 2023)</li> <li>• Ecological Management Plan (Bob Taylor Ecology, May 2021)</li> </ul> <p>They confirm that the ecological survey work that has been submitted has been undertaken by suitably qualified ecologists and has followed best practice guidance in the survey methodology and mitigation design and comment as follows:</p> <p><b>Designated Sites</b></p> <p><b>Statutory Sites</b></p> <p>The site does not have any Statutory Nature Conservation Designations. It is however within 1km (800m) the Ribble Estuary (SPA, Ramsar, SSSI) designated for its coastal habitats and bird assemblages.</p> <p>The PEA has assessed the likely impact of the work on these designations and has considered the suitability of the application site for wintering bird assemblages to assess if the site could be functionally linked to the protected sites.</p> <p>As the golf course is separated from the estuary by an area of residential housing and there are no pathways between the sites (for example hydrological connections), no impacts on the designated sites are likely.</p> <p>The golf course was also found to be unsuitable for wintering birds given the busy recreation use (including in winter), unsuitable habitats for wintering wildfowl (closely mown sward), and presence of boundary features (woodland and tree lines for example) which would deter wintering birds.</p> <p>The PEA report concludes that there are no potential Likely Significant Effects (LSE) on the Ribble Estuary, and based on the</p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>submitted evidence, GMEU would agree with this conclusion. This is also supported by the planning consultation response received from Natural England (31/01/2024) which raised no objection to the application.</p> <p><b>Designated Sites Comments/Recommendation</b></p> <p>No LSE on the Ribble Estuary SPA/RAMSAR/SSSI is predicted. No further information is required with regards to Statutory Designated Sites.</p> <p><b>Biological Heritage Sites (BHS)/Habitats</b></p> <p>The planning application site is entirely within a Biological Heritage Site (Royal Lytham St Annes Golf Course) which is selected for species-rich dune grassland, heath and scrub, representing one of the few remaining examples of fixed dune and heath on the Lancashire coast.</p> <p>The ecology survey recorded fixed dune habitat, an Annex 1 habitat, within the boundary of the golf course. This was considered by GMEU in comments made on planning application 23/0508 in relation to phase 1 of the proposed works, and is therefore not considered again here.</p> <p>The main ecological impact of Phase 2 of the works, which this planning application relates to, will be the loss of two stands of mixed woodland on the site. Additional woodland planting and management is proposed on site and adjacent to the site, however there will be a residual net loss of woodland habitat as a result of the proposed works.</p> <p>The PEA and Biodiversity Enhancement Plan (BEP) have provided details of the habitat creation and management that is proposed in order to improve the overall ecological condition of the site to ensure the key interest of the BHS (fixed dune and heath habitat) are enhanced. Further detailed methodology is proposed to be provided via a Landscape and Habitat Management Plan, should the application be granted planning permission.</p> <p>The BEP proposes the creation of sand dune and heath habitat including dune grassland, bare sand, species rich acid grassland, creeping willow scrub and heather beds. Whilst not offering a like for like replacement for the loss of the woodland on the site, these habitats are of a higher ecological distinctiveness than the woodland that will be lost and are appropriate for the maintenance and enhancement of the BHS, as they are identified within the BHS citation as reasons for selection.</p> <p>The submission of the Ecological Management Plan (2021), along with evidence of previous dune creation observed during the site</p>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>visit, provides confidence that this habitat creation can be achieved on the site and that the personnel involved have the necessary expertise, experience and knowledge of the site to deliver such a project.</p> <p><b>Biological Heritage Sites (BHS)/Habitats Comments / Recommendation</b></p> <p>There will be a net loss of woodland habitat as a result of this proposals. This fact should be recognised and is acknowledged within the PEA and BEP.</p> <p>Given the location of the site within the BHS, and the proposed creation of habitats with a high ecological distinctiveness (such as species-rich acid grassland, dune habitats, bare sand, heath/heather etc) for which the BHS is selected, GMEU would not object to the proposal on this basis.</p> <p>The proposed submission includes outline details of appropriate working methodology and compensatory habitat creation. Assuming these measures are implemented there should not be a negative impact on the conservation value of the BHS or the associated habitats, in compliance with Strategic Policy ENV2 of the Fylde Local Plan to 2032 (adopted December 2021), and there is potential that the BHS will be enhanced through creation of sand dune habitats and grasslands.</p> <p>To ensure this is the case, I would advise that a pre-commencement condition is used to secure a Landscape and Habitat Management Plan, which should include details of the habitat creation and long-term habitat management and monitoring of the site. It should also include details of the species-specific measures that are proposed on the site, in addition to the habitat creation.</p> <p>A CEMP: Biodiversity should also be secured with via a pre commencement condition to ensure appropriate working methodology is followed to protect retained habitats on the site, and to incorporate measures for species which are referenced below.</p> <p><b>Protected Species</b></p> <p><b>Reptiles</b></p> <p>All species of reptile are protected under the Wildlife and Countryside Act, 1981 (as amended).</p> <p>Optimal habitat for reptiles was recorded on the site, and as such reptile surveys were undertaken between April-June 2023 using artificial refugia, placed in suitable habitats across the site.</p> <p>A small number of common lizard (2 adults and 1 juvenile) were recorded on the site, within the application boundary.</p>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>A precautionary method of works for reptiles is proposed within the reptile survey report, which provides outline measures for the works to safeguard individual reptiles from harm. Further detailed methodology is proposed to be provided in a detailed Precautionary Working Method Statement, should the planning application be granted.</p> <p><b>Reptile Comments/Recommendation</b></p> <p>The application site supports habitat that is suitable for reptiles, and a small number of common lizard have been recorded on the site. Assuming the outline measures provided in the reptile survey report are followed there should be no negative impact of the proposals on reptiles in the long term.</p> <p>No further survey work or ecological information is required prior to determination, with regards to reptiles.</p> <p>We would recommend that a pre-commencement condition is used to secure a Precautionary Working Method Statement (PWMS) for reptiles. This can be incorporated into the overall CEMP: Biodiversity for the site.</p> <p>Habitat management and creation of features for reptiles on the site are proposed within the BEP, which should be secured for any planning permission which is granted. These measures can be incorporated into the proposed Landscape and Habitat Management Plan.</p> <p><b>Bats</b></p> <p>The application site supports habitat that is potentially suitable for bats. However, the structures and trees on the site were considered to have negligible potential to support roosting bats, and therefore no further survey work is required in relation to roosting bats.</p> <p>A nocturnal transect of the site was walked once a month between April – August 2023 to record the level of bat activity in the area. A relatively low level of bat activity was recorded on the site, with the most activity noted around the woodland habitat to the north of the 11<sup>th</sup> tee.</p> <p>The woodland habitat in this area will be lost, however additional tree planting will be provided to maintain linear features in the landscape for foraging and commuting bats.</p> <p>As an enhancement, bat boxes are proposed with the BEP, which will provide roosting opportunities for bats which aren't currently present on the site.</p> <p><b>Bat Comments/Recommendation</b></p> <p>No potential roosting features for bats were identified on the site, and only a low level of bat activity was recorded during the bat</p>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>transects. No further information relating to bats is therefore required prior to determination of this application.</p> <p>Any proposed lighting of the site (either during construction or operation of the proposal) must be designed to limit impact on nocturnal mammals such as bats in line with best practice guidance on the topic.</p> <p>The proposed tree planting and provision of bat boxes, as identified in the BEP, should be secured within the Landscape and Habitat Management Plan for any planning permission that is granted.</p> <p><b>Breeding Birds</b></p> <p>Two breeding bird surveys were carried out on the site on 18<sup>th</sup> April 2023 and 16<sup>th</sup> May 2023. This found 8 species of birds which were confirmed breeding on the site and 11 species of probable breeder, including NERC species such as house sparrow.</p> <p>Although suitable bird nesting habitat will be lost as a result of the loss of the woodland habitat on the site, a nest box scheme is proposed with the BEP, which along with the tree and woodland planting and development of scrub habitat (gorse and creeping willow) that is proposed, should provide continued nesting opportunities for a range of breeding birds.</p> <p><b>Breeding Birds Comments/Recommendation</b></p> <p>The active nests of all wild birds are protected from destruction under the Wildlife and Countryside Act, 1981 (as amended). Site clearance or works to habitat that is suitable for nesting birds (including ground nesting birds) should not be undertaken in the main bird nesting period (March – August) unless nesting bird checks have been undertaken by a suitably qualified person.</p> <p>The proposed tree planting and provision of bird boxes, as identified in the BEP, should be secured via the Landscape and Habitat Management Plan for any planning permission that is granted.</p> <p><b>Other protected species</b></p> <p>Survey work/habitat assessment for a number of other protected species has been undertaken as part of the PEA.</p> <p>Amphibians and riparian mammals were scoped out of the survey due to lack of suitable waterbodies on and within 250m of the site.</p> <p>No evidence of badger was recorded during the ecology survey. A single mammal tunnel was located on the edge of the woodland, and is considered to be used by fox.</p> <p><b>Other protected species Comments/Recommendation</b></p> <p>No further survey work is required in relation to other protected species.</p>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>A pre commencement survey for badger prior to works commencing should be secured via condition, to ensure the continued absence of badger from the site.</p> <p>An informative should be attached to any planning permission which may be granted so the applicant is aware of the legislation that is in place to protect biodiversity. If at any time they find or suspect a protected species is present on site, work must stop immediately and the LPA/Ecologist contacted for advice.</p>
<p><b>Local Highway Authority (LCC)</b></p>	<p>The Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and they have considered areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the application site.</p> <p><b>Summary</b> The proposed remodelling of the golf course can be supported by LCC subject to highway related planning conditions being imposed.</p> <p><b>Comment.</b> The development proposal for the remodelling of part of the golf course involves the importation of a significant quantity of materials as well as moving material around the course.</p> <p>Once complete there would be no new traffic movements associated with the proposals. Accordingly, LCC Highways concerns are limited to the impact during the construction period.</p> <p>The developer has provided information indicating that around 20,900m<sup>3</sup> of material needs to be imported, and assumes that each tipper truck carries around 8.5m<sup>3</sup> of consolidated material leading to 2,462 deliveries over a 5-month period, equating to around 16 trucks per day (32 HGV movements).</p> <p>Typical tipper trucks come in 3 sizes, 4, 6 and 8 wheelers. Whilst the width of these vehicles are all the same, their lengths range from 6.9m to 9m and the weight of material they can carry, varies from 11 tonnes to 21 tonnes.</p> <p>Where large quantities of material are imported or exported such as landfill sites and quarries, it assumes that tipper trucks carry around 20 tonnes of material. Each cubic metre of material typically weighs around 1.6 to 1.7 tonnes. This would mean that a minimum of 1,775 deliveries by 8-wheeler tipper trucks would be required.</p> <p>The 8.5m<sup>3</sup> tipper truck the developer has assumed corresponds with a 6-wheeler and as such the 2,462 deliveries can be confirmed as a reasonable estimate of the number of deliveries needed. If the smallest tipper truck was used HGV deliveries would increase to around 3,500.</p>

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>The developer has indicated that deliveries would be expected over a 5-month period, however, due to the need to travel along residential roads weekend working may not be allowed due to its impact on residential amenity.</p> <p>Assuming an average of 22 working days per month, 5 months would allow 110 days of deliveries. If the 8-wheeler tipper truck was to be used 1,775 deliveries would equate to an average of 16 HGVs per day (32 movements in total each day).</p> <p>The use of 6-wheeler tipper trucks would lead to around 22 HGV deliveries per day (44 HGV movements), whereas the use of 4-wheeler tipper trucks equating to 32 HGV deliveries (64 movements per day).</p> <p>Vehicle movements will occur throughout the working day (10 hours is generally assumed) and as such on average between 3 and 6 HGV movements would occur each hour. This level of movement will have negligible impact on highway capacity.</p> <p>In addition to the HGV movements identified above there will be additional vehicle movements associated with the project. HGV movements for site cabins would be limited to the start and end of the project and those associated with drainage more of a one off or occasional and not raise any specific concerns.</p> <p>Movements associated with construction staff which are likely to be in cars and small vans and concentrated at the start and end of the working day.</p> <p><b>Access</b> There are a number of existing access points to the golf course that could be utilised by construction traffic. For the purpose of assessing this application it is assumed that the primary works access will be at the end of Beauclerk Road.</p> <p><b>Construction Traffic Routeing</b></p> <p>It is unlikely that imported material will be sourced locally and as such it is assumed that vehicles will arrive via M55 Junction 4. With the Heyhouses Link Road due to open in the coming months it makes this route more likely to be the preferred route. Therefore the route would be:-</p> <ul style="list-style-type: none"><li>M55 J4</li><li>A583 (Preston New Road)</li><li>B5410 (Lytham St Annes Way / Heyhouses Link Road / Lytham St Annes Way / Blackpool Road)</li><li>Albany Road / Church Road</li><li>Lindsay Avenue</li><li>Beauclerk Road</li></ul>
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## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>Construction vehicles would have little impact between M55 J4 and the junction of Blackpool Road / Albany Road. Once on Albany Road and Church Road construction traffic will be more noticeable, however this is a bus road and as such is accustomed to carrying large vehicles.</p> <p>Lindsay Avenue and Beauclerk Road are lightly trafficked residential roads and construction traffic would have a noticeable impact on residential amenity.</p> <p><b>Road Safety</b></p> <p>Given the existing traffic levels between M55 J4 and Albany Road construction traffic is unlikely to impact on road safety.</p> <p>The 5-year collision history for the Blackpool Road / Albany Road mini-roundabout shows 3 collisions resulted in serious injury 2 of which were cyclists. The junction has good all-round visibility, and its geometry is capable of accommodating HGV movements. It is considered that construction traffic will not have a noticeable impact on highway safety here.</p> <p>The 5-year collision history for Albany Road / Church Road between its junctions with Blackpool Road and Lindsay Avenue shows a total of 5 injury accidents. 4 of the collisions resulted in serious injury the other slight. There is no evidence to suggest that construction traffic would have a material impact on road safety along Albany Road and Church Road.</p> <p>There are no recorded injury accidents on Lindsay Avenue or Beauclerk Road in the last five years.</p> <p>The junctions of Lindsay Avenue with Church Road and Lindsay Avenue with Beauclerk Road have adequate sightlines and geometries to support the movement of HGVs.</p> <p><b>Highway Limitations</b></p> <p>In general, there are no highway limitation that would affect construction traffic the aforementioned route, however, Lindsay Avenue and Beauclerk Road do present some concerns.</p> <p>Lindsay Avenue has trees within roadside verges which do in part overhang the carriageway. Whilst this doesn't present a significant problem for the occasional HGVs, such as refuse vehicles and deliveries, LCC Highways are concerned that should two HGVs need to pass each other it could result in damage to the highway trees. A solution to avoiding damage to the highway asset needs to be presented prior to commencement of project.</p>
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**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

	<p>Beauclerk Road has a verge and footway along its northeasterly side and a verge along its southwesterly side. Part way along the carriageway narrows to around 4.5m. Whilst a carriageway that is 4.5m wide is sufficient to two-way car movements it cannot support two-way HGV movement. In its current form it is likely that some vehicle overrun off verges will occur unless mitigation is provided.</p> <p>It is suggested that a Highway Condition Survey be undertaken prior to commencement of development. This is so that any damage to the highway cause by the developer during construction can be readily identified and rectified at the developer's expense, ensuring that highway safety and highway integrity are maintained. It is suggested that the highway survey cover the adopted highway and its assets from the junction of Church Road / Lindsay Avenue to the site access.</p> <p>To maintain the integrity of the highway of Beauclerk Road some mitigation is required along the narrower section. The extent of the works required will need to be agreed and put in place prior to the commencement of development.</p> <p><b>Conclusion.</b></p> <p>LCC Highways support this proposal providing that suitable conditions are imposed on any planning permission.</p>
<p><b>Technical Services (Drainage)</b></p>	<p>Raise no objection in principle to the proposed remodelling works to the golf course from a drainage perspective.</p> <p>There is an effort to re-use runoff for irrigation purposes – which is good. So too the use of the SuDS Pro-Forma. A shame there is a reduction in tree cover, but it is a golf course. Perhaps the scope could have been a bit more ambitious but there may be other constraints.</p> <p>It is hoped that the contractor will be provided with a more detailed set of drainage construction drawings to enable effective construction of the drainage elements as well as the landscape proposals.</p> <p>The seasonal variation in level of the groundwater monitoring points is of interest as it varies substantially throughout the monitoring period. Depending on which part of the golf course it is east or west, the Ground water flood risk is identified by EA data supplied to LLFA's as &gt;50-75% or &gt;75% respectively.</p>
<p><b>LCC Rights of Way</b></p>	<p><b>Comments</b></p> <p>Footpath FP0502003 runs through the golf course. The public right of way should always remain clear and not be used to park or store materials, vehicles or machinery as this would be deemed an</p>

**AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

	<p>obstruction and the applicant would be subject to enforcement proceedings.</p> <p><b>Ground level/drainage</b></p> <p>Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.</p> <p><b>Landscaping</b></p> <p>Any trees or bushes need to be at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.</p> <p><b>Temporary closure</b></p> <p>If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.</p> <p><b>Diversion</b></p> <p>If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.</p> <p><b>Publicity of Application</b></p> <p>All applications that affect a public right of way (footpath, bridleway or byway), must be publicised by site notice in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.</p> <p>[Officer Note – the necessary site and press notices have been published and posted]</p>
<p><b>Network Rail</b></p>	<p>Highlight that the works are proposed in close proximity to the operational railway and so the developer needs to liaise with Network Rail to ensure that the works on site do not impact the safe operation, stability and integrity of the railway &amp; its boundary.</p>



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

	<p>To facilitate this they provide a ‘basic Asset Protection Agreement’ which is for the developer to complete to set out the operational details of the proposed works so that these can be considered by Network Rail.</p> <p>This agreement has been passed to the developer for their attention, who is liaising directly with Network Rail in regard to these requirements and appropriate conditions are set out in the recommendation.</p>
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### Neighbour Observations

<b>Neighbours notified:</b>	24 January 2024	
<b>Site Notice Date:</b>	16 January 2024	
<b>Press Notice Date:</b>	25 January 2024	
<b>Number of Responses</b>	Total number of comments	14 letters have been received from 11 individuals
	Total Number Objecting	12
	Total Number supporting	2

**Summary of Comments**      The comments received to the application, which have been loosely grouped by theme, can be summarised as:

#### Overall Principle of development

- There is no guarantee that the significant alterations would secure a future open tournament along with its economic benefit and so the proposed changes are not justified.
- If this scheme is approved, there is nothing to say that the Royal and Ancient will not ask for further significant course alterations in the future.
- The economic benefit of the works to the wider economy and the golf club itself resulting from attracting the open are not material planning considerations and should be disregarded.
- Any economic benefit should not be given significant weight in the final decision.
- Planning permission should only be granted if and when the open is secured or planning conditions imposed to this effect.
- The alterations to the course would adversely affect the symmetry of the course and adversely affect its character.
- The alleged economic benefits would only be realised once every ten years.
- The proposal represents over development of the course/club facilities.
- Are all the alterations proposed required to secure the open, or are some elements not necessary and just for the day-to-day benefit of the club?
- The previous reason given for the open not returning to RLSA since 2012 is the urban surroundings and tightness of the course.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The changes proposed in the application will not address these issues.

- Loss of Trees (Visual/physical impact and quantum)
- Where trees are removed, an equal area of planting should be provided.
- Increased exposure of neighbouring properties to weather/high winds following removal of woodland shelterbelt.
- The trees could be removed closer to the event itself.
- Loss of trees will reduce their benefit to site drainage and the level of the water table.
- Planting large trees, especially Scots Pine close to the boundary will lead to loss of light.
- The planting of trees adjacent to LSA High School would impact on their emergency evacuation procedures and the playing field access.
- Many replacement trees are likely to die before reaching maturity.
- There will be a significant loss of trees and grassland to provide the proposed access track.
- The loss of trees represents further erosion of the sylvan (and the previously rural) character of the area.
- The trees that will be lost are a distinctive feature of the golf course.
- The trees should only be removed if there is an overwhelming case to do so.

### Ecology Impacts

- Loss of biodiversity, impact on bats and other wildlife, including hedgehogs.
- Loss of 22,000m<sup>2</sup> of woodland habitat supporting birds, bats, mammals and insects.
- Replacement of habitat with barren sand and grass environment would only support small number of specialist species.
- Other areas of woodland have been lost, making what remains more valuable.
- Fragmentation of remaining habitat and loss of wildlife corridors contrary to Biodiversity SPD.
- Ecology report recognises that scrub and tree removal is not recommended.
- NPPF requires Biodiversity Net Gain (BNG) – this proposal shows a huge net loss.
- Contrary to NPPF paras 136 - planting and maintaining trees, 185 - habitat and biodiversity, 185a - safeguarding ecological networks and corridors, 185b - securing BNG.
- Birds are mostly absent from areas where trees have been removed, open grass has very low biodiversity value.
- Additional activity will have a further impact on wildlife, which has already declined.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- New planting cannot compensate for mature woodland which supports birds and small mammals, particularly hedgehogs.
- Adverse impact on foxes, insects, moths and butterflies.
- There may be other species present that were not detected in a limited survey visit, for example long tailed tit, wren, woodpecker, jay, various warbler species, tawny owl, red grouse, tree sparrow, brambling, song thrush, grey heron, sparrow hawk, kestrel – all of which have been seen on the course.

### Proposed Practice Ground

- There is no need for a new/further practice ground as the existing one has sufficed for many years.
- The existing practice ground is larger than the one at St Andrews and so a new facility if not necessary.
- The juxtaposition of the practice ground and public right of way are inappropriate.
- The length of the practice ground could be reduced to accommodate the proposed truck compound in an alternative location.

### Construction

- Use of heavy equipment will cause property to shake causing possible subsidence and movement damage.
- Speeding vehicles may cause disturbance/vibration damage to adjacent properties.
- Possible damage to land drains during construction activity with subsequent flooding.
- Disruption due to potential parking of construction vehicles on adjacent roads.
- Potential for large construction vehicles and plant to damage surrounding roads.
- Manufacturers Truck Compound, “Sky Zone” and access track
- Manufacturer Truck Compound and Practice Ground could be located elsewhere on the course.
- What will truck park be used for outside competitions?
- Loss of privacy and increased noise from machinery due to clearance of existing screening woodland.
- Increase in hard surfaced areas would be unsightly, is not necessary for temporary uses, temporary tracking should be utilised for major events and will lead to increased surface water runoff.
- Potential light pollution and disturbance from the manufacturers truck parking area.
- The truck compound will not be left unused when there are no exhibition trucks and it will become an extension of the grounds maintenance area.
- Noise and fumes from generators, reversing vehicles, engines left running and an increase of the smell of chemicals.
- An increase of machinery moving along the new boundary road possibly at anti-social times.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Loss of outlook, which would be over the proposed truck compound.
- Detrimental impact and disturbance to occupiers of adjacent properties from truck park and use of the proposed roadway.
- Access from Worsley Road is not appropriate and there is a potential safety hazard for highway users and children travelling to school on foot or by cycle.
- The truck compound should be located closer to the existing club house, away from residential properties.
- Unnecessary hard surfacing of this area as the existing maintenance compound could be utilised and if necessary extended.
- A relocated truck compound would require a shorter access via Beauclerk Road and the money saved used for further tree planting.
- Any buildings constructed on the compound would increase the impact on neighbouring properties.
- The formation of a compound in this location would create precedent for future expansion of club facilities in this area.
- An alternative arrangement could be reached with the high school to use the playing field as a truck compound.
- The purpose and operation of the truck compound is not clear.
- The truck compound is likely to be used for manufacturers trucks on a regular basis not related to tournaments.

### Events

- Potential disturbance through noise and lighting during preparation for The Open tournament
- General Amenity
- Potential to attract trespassers and illegal activity once the course is “opened up”.
- The houses along adjacent roads are, in the main, occupied throughout the day and some days it is not possible to leave the windows open.
- The new hedges along the boundary will not offer any protection from pollution (noise or fumes) until they become established and the proposed removal of the trees will also add to this problem.

### Procedural Issues

- Not included in original consultation.
- No access to computer to view plans so had to visit town hall.
- The application includes multiple proposals rather than a single proposal.
- Planning permission would be required for the change of use from woodland to a truck compound along with the new access/service road.
- The golf club should have consulted residents before submitting their application.

### Comments and questions:

- More detail requested, especially location of practice ground.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- Are the spectator stands shown on phase 2 practice tee document temporary or permanent?
- The trees to be planted should be equivalent or better than the ones they are replacing.
- More detail of the surfacing, fencing, lighting, security and frequency of use of the manufacturers truck parking area is required.
- Will the manufacturers truck parking area only be used during tournaments and not for general parking or storage of equipment?

### Comments received in support of the application:

- Appreciate improvements to course are needed to maintain viability, but need to have regard to neighbours' amenity.
- Support the return of the open and its wider economic benefits but without damage to environment and neighbours.

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

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

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

On 24 May 2017 Fylde Borough Council agreed to make the Saint Anne's on The Sea Neighbourhood Plan under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004. The Saint Anne's on The Sea Neighbourhood Plan now forms part of the Development Plan for Fylde Borough Council.

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

GD1 - Settlement Boundaries

ENV2 - Biodiversity

ENV3 - Protecting Existing Open Space (Part of the Green Infrastructure Network)

EC6 - Leisure, Cultural and Tourism Development

HW3 - Protection and Provision of Indoor and Outdoor Sports Facilities

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

EN1: Sites of biological and geological importance.

EN2: Green Infrastructure, Open Spaces, Local Green Space and Outdoor Recreational Facilities

### **Other Policies and Guidance**

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

Fylde Biodiversity SPD

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Environmental Impact Assessment

Golf courses and associated developments are listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, with an indicative threshold of 1 hectare. Officers have screened the development for any potential environmental impact and concluded that, principally as the works are within the boundaries of an already established course, the application need not be accompanied by a formal Environmental Statement.

### Comment and Analysis

#### **Background**

Royal Lytham St Annes Golf Club are proposing to make a series of alterations and improvements to the course so that it continues to meet organisers' expectations and requirements to host major international competitions and championships. The alterations have been proposed in two phases with the phase 1 works previously approved by committee under application reference 23/0508, having recently commenced. The application currently before the council for consideration relates to the second phase of works which are much greater in scale (and so potential impact) than phase 1 and include works to remodel the course itself, the provision of a new practice ground and works to facilitate the infrastructure required to support future international tournaments including television coverage.

Whilst the application presents a range of issues that need to be addressed, the key issues for consideration in the determination of this application are:

- The alignment of the proposal with planning policies set out in the development plan and National Planning Policy Framework.
- The potential benefits of the proposed works in seeking to attract future international tournaments to the area.
- Impact of the works on biodiversity and the loss of tree canopy cover, including the changes to the visual character of the area.
- Impact of the proposed manufacturers truck compound, television broadcasting facility and associated access track on neighbouring occupiers.
- Impact on neighbour amenity during construction works.
- The highway impact of the development during the proposed works and during future tournaments.

#### **Planning Policy**

The Vision for Fylde set out in the FLPPR envisages that: *"Fylde will have enhanced its unique qualities including its historic and built environment, the classic seaside resort towns of Lytham and St Annes, the historic market town of Kirkham, tranquil coastline, high quality golf courses, tourism offer, picturesque rural settlements and attractive landscapes. The visitor economy will have been strengthened by the area's resort appeal, its reputation as a centre for world famous golf championships and its attractive rural areas."*

In order to achieve this vision, the FLPPR contains 5 strategic objectives that address the key issues that have been identified for the Borough. Strategic Objective 4 (g) seeks to maximise *"the potential of the visitor economy through the development of a widely recognised image of the Borough as a*

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

*quality regional tourism and visitor destination, based on existing assets such as the high quality hotels and the coastline (including the championship golf courses, and implementing the Coastal Strategy)."*

The golf course forms an important part of the Green Infrastructure Network which policy ENV3 of the FLPPR seeks to protect. Paragraph 13.40 of the Plan advises that the council will work with owners of privately owned golf courses to ensure their long term viability.

Policy EN2 of the St Anne's on the Sea Neighbourhood Development Plan (the neighbourhood plan) identifies the golf course as an area of Green Infrastructure, Open Space, Local Green Space, and an Outdoor Recreational Facility. The policy seeks to protect the green infrastructure of the area from inappropriate development that would compromise the Green Infrastructure Network.

Policy HW3 of the Local Plan supports the provision (and by association, the improvement) of outdoor sports facilities, including golf courses, in Fylde, whilst Policy EC6(f) seeks to "*protect tourism, cultural, heritage and leisure assets, such as golf courses and the seaside resort facilities, with a view to helping them to adapt to new challenges by the use of development briefs.*"

### **Principle of Development**

Whilst the site is not specifically allocated as a golf course in the FLPPR, it is clearly a key facility in the borough from a sporting, landscape, heritage and economic perspective. There is a specific reference to this in Policy EC6 relating to 'Leisure, Culture and Tourism Development'. This scheme is driven by a desire to enhance the attractiveness of the course to staging future major championships and to retain its status as one of the premier sporting facilities in the region. As such the works satisfy the aims of Policy EC6 and so are acceptable in principle, subject to satisfying other policy and legislative requirements. The proposed works would retain and improve the golf course and so would be in line with the objectives of Policy EN2 of the neighbourhood plan.

### **Social and Economic Benefits**

The Golf Club consider that the improvement works will help to deliver a range of long term social and, primarily, economic benefits to the local St Anne's area and wider Fylde local economy with The Royal Lytham & St Anne's golf course being a major economic asset to Fylde Borough as a leisure and tourism destination that attracts golfers to the area from across the UK and internationally. This generates business for local shops, restaurants, pubs and bars, hotels and accommodation providers, and other businesses, and supports full and part time jobs (directly and indirectly) in the golf, tourism, leisure and hospitality sectors. The importance of the golf course and its status is reflected in various Fylde Council policies and plans and these reflect the view of the Club. The NPPF highlights that the economic objective of the planning system is one of the three key aspects of sustainable development alongside its social and environmental objectives and so the economic benefits of the scheme are clearly a material consideration in the determination of this application.

Although the works are specifically required to enable the Club to continue hosting major international tournaments and championships by meeting the requirements and expectations of organisers, professional players and the media, the primary benefits are those which hosting competitions of this calibre bring to St Anne's, Lytham and the wider Fylde area. According to the Open Impact Report 2012, the last Open Championship held at Royal Lytham & St Annes attracted 181,400 visitors and generated over £27.62 million for the Lancashire economy.

The ability of the Club to maintain its status as a host venue for major international tournaments and championships, and to increase the number and frequency of competitions in the future, is a

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

significant benefit of the proposed course improvements and so are an important material consideration in determining this application.

The modern game sees professional golfers hitting balls over ever-increasing distances. This means that the practice ground used in previous elite tournaments is not sufficient to meet the requirements of hosting future events such as The Open. In addition, the area around the club house would also be required to facilitate temporary facilities during major tournaments and the relocation of the practice ground would provide additional space close to the main club house facilities. If The Open is to return to Royal Lytham St Annes in future years, the club has identified that a number of improvements will need to be made to accommodate such events. The works proposed in the application would not necessarily guarantee that The Open would return to Royal Lytham St Annes, but it is clear that without the proposed alterations, there would be little or no chance of the tournament returning and its direct and indirect economic benefits to the local area would be lost. These wider economic benefits are a material planning consideration that weighs in favour of granting planning permission.

### Ecological Implications

The majority of the golf course sits within a Biological Heritage Site (BHS), therefore, an assessment of the potential impact of the proposals on the BHS is required in line with Policy ENV2 of the local plan and Policy EN1 of the neighbourhood plan. The site is important as it is one of the few remaining examples of fixed dune and heath on the Lancashire coast, a habitat which was once extensive on the inland sand dune systems before the 19th and 20th century resort development and coastal defence works. Botanically, the site is most important for the occurrence of fine-leaved sheep's-fescue (*Festuca filiformis*), slender parsley-piert (*Aphanes inexpectata*) and sand cats-tail (*Phleum arenarium*) which are all included in the Provisional Lancashire Red Data List of Vascular Plants.

In addition to the dune habitat cited in the BHS designation, there are significant areas of woodland and tree cover across the course. The main ecological impact of the proposed Phase 2 works, to which this planning application relates, would be the loss of two stands of mixed woodland on the site. Although additional woodland planting and management is proposed to help mitigate this impact, both on site and adjacent to the site, there would still be a residual net loss of woodland habitat as a result of the proposed works. The issues relating to the quantum of tree canopy cover are addressed separately below, but in terms of the impact on the designation of the BHS, the proposal has been carefully assessed by the council's ecological consultant.

The GMEU ecologists note that *"The Preliminary Ecological Appraisal (PEA) and Biodiversity Enhancement Plan (BEP) have provided details of the habitat creation and management that is proposed in order to improve the overall ecological condition of the site to ensure the key interest of the BHS (fixed dune and heath habitat) are enhanced."* And that *"Further detailed methodology is proposed to be provided via a Landscape and Habitat Management Plan, should the application be granted planning permission."*

They are satisfied that, whilst there would be adverse impacts as a result of the loss of tree cover, and that the creation of sand dune and heath habitat proposed in the Biodiversity Enhancement Plan would not offer a like for like replacement for the loss of the woodland on the site, the habitats that will be created and enhanced are of a higher ecological distinctiveness than the woodland that will be lost. Accordingly, it is considered that these habitats are appropriate for the maintenance and enhancement of the BHS, as they are identified within the BHS citation as reasons for selection.



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

The submitted Ecological Management Plan (2021), along with evidence of previous dune creation observed during the site visits by the council's ecology adviser, provides confidence that this habitat creation can be achieved on the site and that the personnel involved have the necessary expertise, experience and knowledge of the site to deliver such a project.

Both Natural England and GMEU have confirmed that they consider that there would be no likely adverse impact on wider ecological designations, in particular the Ribble Estuary SPA/RAMSAR/SSSI, and so any likely significant effect can be ruled out in any decision. They also confirm that the development will not have likely significant effects on statutorily protected species and so have no objection to the proposed development, subject to the imposition of suitable conditions to secure the works set out in the supporting ecological statements.

### **Loss of tree canopy cover and impact on landscape character**

The development surrounding the course restricts the opportunities to provide such facilities on site, with the club having identified an area abutting the school playing fields and properties on Central Drive as being the only space large enough to provide a practice ground of the length required. This area is currently occupied by a service area for the ground maintenance team, the 11<sup>th</sup> fairway and an area of woodland.

The proposed alterations to the course would entail the loss of a significant number of trees. Additional tree planting is proposed to compensate for this loss, but even taking into account this mitigation, there would be an overall reduction in the tree canopy cover as a result of the proposal. The Borough of Fylde has been identified as being amongst the 10 district authorities with the lowest percentage of tree cover in the country and so a further reduction in tree cover is clearly a negative issue in the overall planning balance.

There are, however, opportunities that can be explored with the applicant to provide additional off site tree planting opportunities working in conjunction with the council's parks service.

The loss of these two stands of trees would also impact on the landscape character of the course. The character of the area of trees to the north of the 11<sup>th</sup> fairway that would be lost principally to provide space for the proposed new practice ground is that of a small mixed woodland. Visually, the value of these trees is their group value, rather than the individual value of any specific trees. The area of trees between the 7<sup>th</sup> and 11<sup>th</sup> fairways also has value as a group, but there are several semi-mature trees that would become specimen trees within their own right if left to mature.

There is extensive tree planting around the boundaries of the course that would remain and which in some areas would be enhanced as a result of the proposal. This boundary tree cover restricts general views across the course, although views of the central areas of trees are available including when crossing the course by the public footpath.

The proposed would result in a more open landscape that would be more reflective of a traditional links course, dominated by dune and heath rather than trees. However, several copses of trees would remain within the course, which include a number of attractive specimen trees, and additional planting around the boundary of the site course would mean that from most external vantage points the landscape character would be retained.

It should be noted that this planning application was submitted prior to the enactment of those provisions of the Environment Act 2021 which mandate the provision of biodiversity net gain.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Accordingly, the assessment of the impact of the scheme on biodiversity has been made having regard to policy provisions rather than the legislative requirements set out in the Environment Act.

### **Manufacturers' Truck Compound, Skyzone and access track.**

The application proposes the establishment of a manufacturers' truck compound and television broadcasting area adjacent to the proposed practice ground. The Club advises that it is essential for the manufacturers' truck compound to be adjacent to the new practice ground as the two uses are interrelated with alterations and fine tuning of clubs being carried out at the compound.

The area would be relatively close to residential properties on Central Drive and Links View and so there is potential for the occupiers of these properties to be disturbed from activity in this area. However, these areas would not be in general use and a belt of tree planting which is proposed along this southern boundary of the course would be provided to screen the area. As it is likely to be some years before a championship such as The Open could be staged at the course, the trees will have a number of years to mature before the area is required for use. The club have confirmed that this area would not be permanently surfaced, with a temporary steel mat being utilised when the area is in use. This would mean that the area would remain open when not in use, would not be used for general purposes outside tournaments and would not be utilised for alternative purposes when not required to support major tournaments. The absence of a sealed surface would also prevent any issues related to surface water run-off.

The boundary tree planting, together with the limited use of this area would mean that the impact on neighbouring residents to this part of the course would be infrequent and, on balance, this aspect of the proposal is considered to be acceptable. It should also be noted that major golf tournaments tend to be held during the summer months, when daylight hours are longer, and so the use of flood lighting for this area would be limited.

The proposed trackway would run in an east-west direction and be located between the proposed planting belt and the truck compound/practice ground. The provision of a permanent track would encourage vehicles to use a predetermined route and, by avoiding general vehicle access across the course would help in preventing damage to the habitat value of the wider course. Any access via Links View following the completion of construction works would be limited and so the risk to highway safety would be low.

The Club have also confirmed that they will be able to accommodate their ground maintenance facilities within a condensed area and that it will not be necessary for them to utilise this area for general day to day maintenance purposes.

### **Highway Safety**

The local highway authority has advised that Beauclerk Road has a verge and footway along its northeasterly side and a verge along its south-westerly side. Part way along the carriageway narrows to around 4.5m. Whilst a carriageway that is 4.5m wide is sufficient to two-way car movements it cannot support two-way HGV movement. In its current form it is likely that some vehicle overrun of verges will occur unless mitigation is provided.

They have suggested that a Highway Condition Survey be undertaken prior to commencement of development so that any damage to the highway cause by the developer during construction can be readily identified and rectified at the developer's expense, ensuring that highway safety and highway integrity are maintained.

## **AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE**

To maintain the integrity of the highway of Beauclerk Road some mitigation is required along the narrower section. The extent of the works required will need to be agreed and put in place prior to the commencement of development. Again, the highway authority suggest that a condition could be used to secure this mitigation and raise no objection to the proposal.

### **Neighbour Amenity**

In addition to the potential impact of the manufacturers truck compound set out above, the main impact on neighbouring amenity would be through noise and disturbance during the construction period, in particular from the significant number of HGV movements that would be required to import the necessary materials to remodel the course. This would be for a temporary period, expected to last in the region of 5 months, and could be controlled to some extent through a construction management plan that could restrict vehicle movements to certain times of day, as well as determining access points to the course and routes for construction traffic to and from the strategic road network. A Construction Management Plan could be secured by condition.

There is likely to also be an element of disturbance during major tournaments but this would be on an infrequent basis with major competitions being hosted a the course every few years.

### **Public Right of Way**

Public footpath LSA50 2003 crosses the golf course between Arundel Road and Links View. None of the areas of works would directly impact on the line of the footpath, although it would be necessary for construction traffic to cross the line of the footpath to access the some of the areas of works. The applicants have confirmed that a construction management plan would be produced which will include measures to ensure the safety of users of the footpath during construction and an informative note could be added to any planning permission setting out the requirements relating to any temporary closure or diversion of the footpath.

### **Drainage Arrangements**

Although the council's drainage engineer has express disappointment that the proposed loss of tree cover may have an adverse impact on the level of the local water table, he is positive about the use of runoff for irrigation purposes and the use of the SuDS Pro-Forma. Overall, he raises no objection to the drainage aspects of the proposal. A condition could be imposed requiring the detailed construction details of the drainage system to ensure they are suitable.

### **Rail Safety**

Network Rail have highlighted that the works are proposed in close proximity to the operational railway and so, notwithstanding any grant of planning permission, the developer needs to liaise with them to ensure that the works on site do not impact the safe operation, stability and integrity of the railway and its boundary. Network Rail require the developer to enter into an 'Asset Protection Agreement' which is for the developer to complete to set out the operational details of the proposed works so that these can be considered by Network Rail. This agreement has been passed to the developer for their attention and they are liaising directly with Network Rail in regard to these requirements.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### Conclusions

The on-going success of the Golf Course is in line with the vision and strategic objectives set out in the Fylde Local Plan to 2032 (incorporating partial review). Improvements to maintain the attractiveness and prominence of the course are also supported by Policies ENV3 and HW3 of the local plan and Policy EN2 of the neighbourhood plan.

The course sits within a biological heritage site (BHS) which contains important and rare habitat and species. The applicant's supporting studies and ecological survey work have been undertaken by suitably qualified ecologists and followed best practice guidance in the survey methodology and mitigation design. These studies indicate that the alterations to the course can be implemented in a sensitive manner, avoiding any adverse impact on the ecology of the site. The council's ecological advisor has reviewed the submitted studies and surveys and is satisfied that, subject to the imposition of appropriate planning conditions, there should not be any negative impact on the conservation value of the Biological Heritage Site (BHS) or any protected species.

Whilst the loss of existing stands of trees is unfortunate, mitigation planting and the provision of new dune and heath habitat which is considered to be of a higher ecological distinctiveness proposal would maintain and enhance the key ecological functions of the BHS designation/citation.

As the application proposes off site tree planting, it is considered appropriate to secure these area by way of a section 106 agreement. This could also be utilised to secure additional off site planting, for example to supplement the council's own tree planting projects and so further lessen the impact of the proposal on the tree canopy cover of the borough.

Members are, therefore, recommended to delegate authority to approve the application to the Head of Planning, subject to the imposition of suitable planning conditions and the completion of a section 106 agreement.

### Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning with that decision being subject to the completion of a Section 106 agreement to secure a scheme of off site tree planting and the following conditions.

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

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

2. This permission relates to the following plans:

#### Drawings:

- MacKenzie and Ebert: Site location plan (whole site)
- MacKenzie and Ebert: Detailed Site Location Plan
- MacKenzie and Ebert: Phase 2 - 3rd and 4th Sand Area

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- MacKenzie and Ebert: Phase 2 – 4th, 5th and 6th Sand Area
- MacKenzie and Ebert: Phase 2 – 5th Hole Sand Area
- MacKenzie and Ebert: Phase 2 – 7th Hole sand area
- MacKenzie and Ebert: Phase 2 – 10th Fairway
- MacKenzie and Ebert: Phase 2 – 10th Hole
- MacKenzie and Ebert: Phase 2 – 10th Hole Sand Area
- MacKenzie and Ebert: Phase 2 – 11<sup>th</sup> Tees
- MacKenzie and Ebert: Phase 2 – 11<sup>th</sup> Approach
- MacKenzie and Ebert: Phase 2 – 11<sup>th</sup> Fairways and Rough
- MacKenzie and Ebert: Phase 2 - 11<sup>th</sup> Hole
- MacKenzie and Ebert: Phase 2 – 13<sup>th</sup> Hole Ditch Filling and Sand Area
- MacKenzie and Ebert: Phase 2 – 13<sup>th</sup> Carry Sand Area
- MacKenzie and Ebert: Phase 2 – 14<sup>th</sup> Tee
- MacKenzie and Ebert: Phase 2 – 14<sup>th</sup> Carry sand Area
- MacKenzie and Ebert: Phase 2 – 16<sup>th</sup> Sand Area
- MacKenzie and Ebert: Phase 2 – 18<sup>th</sup> Tee
- MacKenzie and Ebert: Phase 2 – Open Practice Ground
- MacKenzie and Ebert: Phase 2 – Practice Ground Target Greens
- MacKenzie and Ebert: Phase 2 – Practice Ground Tee
- MacKenzie and Ebert: Phase 2 – Proposed Road Routes Plan
- MacKenzie and Ebert: Phase 2 – Site Plan (East)
- MacKenzie and Ebert: Phase 2 – Site Plan (West)
- MacKenzie and Ebert: Phase 2 - Proposed Drainage
- MacKenzie and Ebert: Phase 2 – Site Location Plan (works)
- MacKenzie and Ebert: Phase 2 – Site Location Aerial
- MacKenzie and Ebert: Phase 2 – Location of Works Key Plan (West)
- MacKenzie and Ebert: Phase 2 – Location of Works Key Plan (East)
- MacKenzie and Ebert: Phase 2 – Topsoil Spread
- MacKenzie and Ebert: Phase 2 – Earth Movement
- MacKenzie and Ebert: Phase 2 – Topsoil Strip
- MacKenzie and Ebert: Phase 2 – Rights of Way

### Studies:

- Smith & Love Planning Statement - December 2023
- Smith & Love Supplementary Planning Statement - February 2024
- Pennine Ecological: Preliminary Ecological Appraisal (Rev 1) - September 2023
- Pennine Ecological: Bat Roost Potential and Transect Survey Report – August 2023
- Pennine Ecological: Biodiversity Enhancement Plan (Phase 2) - October 2023
- Pennine Ecological: Breeding Bird Survey Report - July 2023
- Pennine Ecological: Reptile Survey Report - July 2023
- MP Trees Arboriculture Impact Assessment - November 2023
- Pluvium Environmental Phase 2 Flood Risk Assessment - December 2023
- North West SuDS Pro-Forma Template

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown the Biodiversity Enhancement Plan (October 2023) and the tree planting indicated in the Arboriculture Impact Assessment (Nov 2023 revA), shall be carried out during the first planting season that occurs before the development is substantially completed. The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the local planning authority before any of the dwellings are first occupied. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

4. No development, ground works or vegetation clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
  - a) A risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Pollution prevention measures to avoid contaminated water run-off entering nearby watercourses.
  - j) a Precautionary Working Method Statement (PWMS) for reptiles

The duly approved CEMP shall be adhered to throughout the construction period in strict accordance with the details contained therein.

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

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
- a) hours and days of work for site preparation, delivery of materials and construction;
  - b) areas designated for the loading, unloading and storage of plant and materials;
  - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
  - d) arrangements for the parking of vehicles for site operatives and visitors;
  - e) arrangements for vehicle manoeuvring to be made within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
  - f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
  - g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
  - h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
  - i) measures to protect vulnerable road users (pedestrians and cyclists);
  - j) measures to control the emission of dust and dirt during the construction period;
  - k) measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
  - l) a nominated person who will act as the 24 hour point of contact in the event of any emergencies;
  - m) the siting, luminance and design of any external lighting to be used during the construction period;
  - n) the erection and maintenance of security hoarding;
  - o) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

Reason: To ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance which may harm the amenity of surrounding occupiers and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

6. Non of the revised holes shall be brought into use, until a scheme for the installation of bat and bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, location, height, aspect and specification of the bat and bird boxes, and a timetable for their provision. The bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements as recommended in Pennine Ecological Biodiversity Enhancement Plan dated October 2023 in

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

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

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

8. No development shall take place until a Habitat and Landscape Management Plan (HLMP) for all landscaped areas of the development (excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The HLMP shall include details of the following:
  - a) Habitat management and creation of features for reptiles on the site are proposed within the BEP
  - b) Details of the habitat creation and long term habitat management and monitoring of the site, including details of the species specific measures that are proposed on the site, in addition to the habitat creation.
  - c) The proposed tree planting and provision of bat and bird boxes, as identified in the BEP, should be secured within the Landscape and Habitat Management Plan for any planning permission that is granted.
  - d) long term design objectives, management responsibilities, maintenance schedules; and a timetable for implementation.

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

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

9. Prior to the commencement of development, a grassland translocation method statement containing details of the working methods to be followed in order to ensure that the species-rich turf is stored, translocated, and re-laid appropriately shall be submitted to and approved in writing by, the local planning authority. The development shall be carried out in full accordance with the approved method statement.

Reason: In order to preserve and safeguard the flora associated with this sensitive grassland habitat and prevent the degradation of the Biological Heritage Site in accordance with Policy ENV2 of the Fylde Local Plan to 2032 (incorporating partial review) and Policy EN1 of the St Annes on the Sea Neighbourhood Development Plan



## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

10. No development shall take place until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained in the Arboriculture Impact Assessment (November 2023). The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed in the positions indicated in the Arboriculture Impact Assessment (November 2023). The CEZ shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in order to safeguard existing natural assets at the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

11. No external lighting shall be installed on the site unless and until a scheme for the installation of any exterior lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with Network Rail Guidance and best industrial practice contained in the Institution of Lighting Professionals and Bat Conservation Trust publication – Guidance Note 08/18: Bats and artificial lighting in the UK, and shall include details of the lighting's: i) position and height on the building and/or site; ii) spillage, luminance and angle of installation, which shall be designed to avoid light spillage towards those areas/features on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and iii) any shields, hoods or timers to be fitted to the lights. All exterior lighting shall thereafter be installed in accordance with the duly approved scheme.

Reason: To ensure that any exterior lighting to be installed at the site does not cause a nuisance to surrounding occupiers, the adjacent rail line or undermine the value and use of retained and enhanced habitats within the site for protected species (specifically bats) as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV2, and the National Planning Policy Framework.

12. If development has not commenced within 6 months of the date of this permission then no development shall take place until further survey(s) have been undertaken to establish whether features/habitats on the site are utilised by protected species including bats, breeding birds, reptiles and badgers and the results submitted to and approved in writing by the Local Planning Authority. Any further survey(s) shall take place during the optimum period for the activity of the relevant species. If such a use is established, then no development shall take place until a comprehensive method statement indicating how the relevant species are to be safeguarded during the construction period and how appropriate mitigation measures (including the siting and design of habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the revised holes hereby approved are first brought into use, and retained as such thereafter.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

Reason: The existing ecological surveys undertaken are valid for a limited period of time. In the event that development is delayed, further surveys are required to establish whether habitats on the site which are potentially suitable to support the relevant species are (or have become) used by these species since the initial surveys were carried out. If the additional surveys reveal that such a presence has become established, then there will be a requirement to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

13. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway (and its assets eg street furniture, trees, etc) has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
- A plan to a scale of 1:1000 showing the location of all defects identified;
  - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

14. Following the completion of construction works, there shall be no general vehicular access permitted to the course by maintenance vehicles via Links View.

Reason: In the interests of highway safety having regard to the position of this access point on the corner of Links View and the start of the public right of way that crosses the course.

15. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users or damage to the highway.

16. No above ground works of development shall take place until a scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options contained in the Planning Practice Guidance and, where relevant, shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

- a) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- b) Details of the construction of the proposed surface water drainage system
- c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- d) Measures to ensure that the post-development surface water run-off rate will not exceed the pre-development green field run-off rate.
- e) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- f) Flood water exceedance routes, both on and off site.
- g) Details of water quality controls, where applicable.
- h) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented as part of the works hereby approved.

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

17. There shall be no hard surfacing of the proposed Manufacturer's Truck Compound or Sky Zone Broadcasting Area. These areas shall be surfaced with a temporary matting or grid which shall be removed from site as soon as reasonably practical following the holding of any tournament or championship that requires the use of these areas. The areas shall remain open and free of any development when not required for use by Manufacturer's Trucks or Broadcasting Facilities.

Reason: To ensure these areas are utilised only for the purposes set out in the application documents and to ensure satisfactory surface treatment in the interests of visual amenity, the amenity of occupiers of neighbouring properties and to prevent excessive surface water run off in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

### **Informative(s)**

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions in order to ensure that the proposal comprises sustainable development and would improve the economic, social and environmental conditions of the area in accordance with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 38 and 39 of the National Planning Policy Framework.

## AGENDA FOR 17 APRIL 2024 PLANNING COMMITTEE

### 2. Network Rail Risk Assessment Informative

Network Rail advises that the developer submits a risk assessment and method statement (RAMS) to Network Rail Asset Protection once construction works commence. The RAMS should consider all works to be undertaken within 10 metres of the operational railway. Network Rail will review the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

### 3. Network Rail Fencing Informative

Network Rail's existing fencing/wall which runs adjacent to the site's boundary with the railway line must not be removed or damaged and at no point (either during construction or after works are completed on site) should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. A minimum 2 metre gap should be maintained between any buildings or structures on the site and Network Rail's boundary fencing.

### 4. Public Right of Way informative

Existing Public Rights of Way on/adjacent to the site should remain unobstructed and available for use during both the construction and operational phases of development unless and until an application is approved by Lancashire County Council's Public Rights of Way Officer to allow the diversion or stopping up (whether temporary or permanent) of any such Public Right of Way. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Right of Way.