

Agenda

Planning Committee

Date:	Wednesday, 5 July 2023 at 9:30am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Richard Redcliffe (Chairman) Councillor Gavin Harrison (Vice-Chairman)</p> <p>Councillors Tim Armit, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Noreen Griffiths, Jordan Ledger, Jayne Nixon, Sandra Pitman, Vince Settle.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 7 June 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Reserve Planning Members	3-4
5	Planning Matters	5-112
	INFORMATION ITEMS:	
6	List of Appeals Decided	113

Email: democracy@fylde.gov.uk

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

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	PLANNING COMMITTEE	5 JULY 2023	4

RESERVE PLANNING MEMBERS

PUBLIC ITEM

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

SUMMARY

Following the confirmation of committee allocations at the Council AGM, held on 24 May 2023, there are vacancies to be filled in the pool of reserve planning members. Only a reserve planning member can act as a substitute at a meeting of the Planning Committee

In accordance with Standing Order 24 of the Rules of Procedure of the Constitution, the Committee is asked to nominate no more than ten members to serve as reserve planning members. The members appointed will be required to undertake the necessary planning training.

RECOMMENDATION

Members are invited to name no more than ten reserve planning committee members to act as substitute members at the Planning Committee in accordance with Standing Order 24 of the Rules of Procedure of the Constitution.

SUMMARY OF PREVIOUS DECISIONS

[Council AGM – 24 May 2023](#)
[Planning – 7 June 2023](#)

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	

REPORT

- Following the confirmation of committee allocations at the annual meeting of the council, held on 24 May 2023, there are vacancies to be filled in the pool of reserve planning members.
- Standing Order 24 of the Rules of Procedure of the Constitution allows the Committee to name up to ten councillors to serve as Reserve Planning Members.

3. Only a Reserve Planning Member can act as a substitute at a meeting of the Planning Committee.
4. The Planning Committee can only name as a Reserve Planning Member a member whom they consider
 - (i) has a sufficient level of experience or training to enable them to contribute to the work of the committee; and
 - (ii) is willing and available to frequently attend meetings of the committee (whether or not acting as a substitute).
5. If the committee decide to appoint a member who has not had the sufficient level of experience or training, then appropriate arrangements will be put in place to ensure that the elected member concerned is offered a comprehensive training package.
6. At the Planning Committee held on 7 June 2023 Councillors Andrews, Morris and Willder were confirmed as Reserve Planning Members.
7. The Independent group have nominated Councillors D Buckley, Bickerstaffe, E Collins and Brickles to serve as Reserve Planning Members and the committee is asked to confirm their appointment.
8. The Conservative group have nominated Councillor P Anthony to serve as a Reserve Planning Member and the committee is asked to confirm their appointment.

IMPLICATIONS	
Finance	None directly arising from this report.
Legal	None directly arising from this report.
Community Safety	None directly arising from this report.
Human Rights and Equalities	None directly arising from this report.
Sustainability and Environmental Impact	None directly arising from this report.
Health & Safety and Risk Management	None directly arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sharon Wadsworth	democracy@fylde.gov.uk	14/6/23

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Constitution	2023	Fylde Council Website

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05 July 2023

Item No.	Appn No.	Location and Proposal	Recommendation	Page No
1	21/0770	LAND NORTH OF HIGHBURY GATE AND EAST OF COPP LANE, ELSWICK RESIDENTIAL DEVELOPMENT OF 36 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE	Delegate to Officers	7
2	22/0875	12 ST THOMAS ROAD, LYTHAM ST ANNES, FY8 1JL CHANGE OF USE FROM AN 8 BEDROOM DWELLING (USE CLASS C3) TO A 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (USE CLASS SUI GENERIS)	Grant	71
3	23/0257	JUNCTION AT BROOKLANDS WAY AND WESTBY CLOSE WESTBY WITH PLUMPTON 1) ERECTION OF SINGLE STOREY BUILDING TO PROVIDE FOUR UNITS FOR LIGHT INDUSTRIAL (CLASS E(g)(iii)), OR GENERAL INDUSTRY (B2) OR STORAGE AND DISTRIBUTION (CLASS B8) USE, WITH ASSOCIATED ACCESS FROM BROOKLANDS WAY, CAR PARKING AND LANDSCAPING ARRANGEMENTS, 2) EXPANSION OF TRAVIS PERKINS COMPOUND AREA WITH ACCESS FROM AN EXTENDED PLUMPTON CLOSE, 3) VEHICULAR ACCESS FROM WESTBY CLOSE.	Delegate to Officers	84
4	23/0369	LIFEBOAT MUSEUM, EAST BEACH, LYTHAM ST ANNES, FY8 5EX INSTALLATION OF POLE MOUNTED CCTV CAMERA AND ANTENNA FOLLOWING THE REMOVAL OF EXISTING POLE MOUNTED CCTV CAMERA.	Grant	105
5	23/0370	LIFEBOAT MUSEUM, EAST BEACH, LYTHAM ST ANNES, FY8 5EX LISTED BUILDING CONSENT FOR INSTALLATION OF POLE MOUNTED CCTV CAMERA AND ANTENNA FOLLOWING THE REMOVAL OF EXISTING POLE MOUNTED CCTV CAMERA.	Grant	112

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Background Papers

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

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

These Background Documents are available online at www.fylde.gov.uk/resident/planning

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Item 1

Application No:	21/0770	Case Officer:	Matthew Taylor Area Team 2
Applicant:	Mr Cookson & Mark Wilkinson	Agent:	Mr Tunstall
Location:	LAND NORTH OF Highbury Gate AND EAST OF COPP Lane, Elswick		
Proposal:	RESIDENTIAL DEVELOPMENT OF 36 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE		
Ward:	Elswick and Little Eccleston	Parish:	Elswick
Statutory Expiry:	22 December 2021	Earliest Decision:	11 April 2023
Reason for any delay:	Officers negotiating design improvements	Online application file here	

Summary of Officer Recommendation: Delegate to Officers

Summary of Officer Assessment

The application relates to a broadly rectangular parcel of land extending to *circa* 1.86 hectares to the east of Copp Lane and north of Highbury Gate, Elswick. The site presently comprises open agricultural land but is located within the settlement boundary of Elswick and is identified as a non-strategic housing site (reference HS71) on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. Outline planning permission 16/0846 was granted on the southern part of the site for a residential development of up to 24 dwellings on 22.12.17, though this has now lapsed. The site is bordered by dwellings on three sides – to the north and west on Copp Lane, and to the south on Highbury Gate – and by agricultural land to the east.

The application seeks full planning permission for a residential development of 36 dwellings on the site. The proposed dwellings would be laid out around a cul-de-sac arrangement, including along the northern frontage of Highbury Gate and to the southern and central areas of the site, with a linear swathe of open space forming a buffer to the northern end. Access to the majority of the development would be gained through the creation of a central junction onto Copp Lane, with the improvement of the existing cul-de-sac of Highbury Gate providing a separate access for five dwellings. The proposal includes a mix of 13 x 2-bed, 5 x 3-bed, 9 x 4-bed and 9 x 5-bed dwellings, including 11 affordable housing units (equating to 30 % of the total) and 8 properties (22% of the total) which are wheelchair adaptable dwellings. The majority of dwellings are two storeys in height, though two bungalows are also proposed.

Although Elswick is identified as a Tier 2 Smaller Rural Settlement in the local plan, the principle of residential development on the site is established by its location within the settlement boundary and allocation as a non-strategic housing site. Accordingly, the site is a suitable location for housing and, whilst the allocation in policy SL5 anticipates the provision of 24 dwellings on the land (based on the scheme granted by outline permission 16/0846) for the purposes of calculating the site's contribution to the Council's housing land supply, this does not impose a limit on the number of dwellings that the site can accommodate. Indeed, the whole of the site falls within the settlement boundary and housing allocation HS71.

The proposed dwellings would occupy a developable area of *circa* 1.45 hectares at a density of 25 dwellings per hectare, reflecting the site's semi-rural setting to the northern edge of the settlement.

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The development layout would retain the soft landscaped edges to the northern and eastern boundaries of the site, with a replacement native hedgerow planted alongside the western boundary onto Copp Lane to compensate for the loss of an existing roadside hedgerow which is to be removed to allow the widening of the current footway and provision of a new bus shelter. Dwellings would follow a consistent building line reflecting the existing building frontage onto Copp Lane and, internally, be split into three perimeter blocks arranged around a T-shaped cul-de-sac and Highbury Gate. The layout, orientation and appearance of the dwellings would present active frontages to existing and proposed roads (including on corner plots), an appropriate balance of hard and soft landscaping with a tree-lined aspect to the street and a buffer of open space to the northern end where Copp Lane transitions into the countryside. Accordingly, the scheme achieves a high standard of design which integrates sympathetically with its surroundings.

The proposed access strategy would ensure a safe and suitable means of access to the development for all users, incorporating proportionate improvements to public transport and existing highway infrastructure, including the widening and provision of a footway on Highbury Gate. The level of traffic generated by the development would not have a severe, residual cumulative impact on the capacity of the surrounding highway network and the level of parking provision within the development would avoid any unacceptable congestion of surrounding streets.

Building scales, spacing distances and window arrangements both with existing properties and between the proposed dwellings would avoid any adverse effects on the privacy and amenity of existing and future occupiers through poor/lacking outlook, overshadowing and overlooking, and the development's relationship with existing land uses would not give rise to any harmful effects on the amenity of future occupiers through noise, odour, operating hours or any other nuisance, nor would the presence of the dwellings require unreasonable restrictions to be placed on existing nearby uses as a result of the development.

The proposed dwelling mix satisfies the requirements of local plan policy H2 with respect to the size of housing, including the requirement for a proportion of smaller dwellings applicable within Tier 2 settlements and the provision of specialist accommodation for the elderly. The level of affordable housing and open space provision (including a local area for play) within the development would also accord with the requirements in policies H4 and ENV4 of the local plan. In addition, financial contributions would be made towards healthcare and education to mitigate the development's effects on local services in accordance with policies HW1 and INF2.

The development's effects on designated nature conservation sites arising from added recreational disturbance can be mitigated through the imposition of appropriate conditions and measurable net gains for biodiversity would be secured as part of the scheme through a combination of on and off-site compensation. The site falls within flood zone 1 and so is at the lowest risk of flooding from fluvial sources. Issues concerning surface water drainage can be appropriately addressed via condition to ensure that the development is not at an unacceptable risk of flooding and would not increase flood risk elsewhere. Similarly, matters relating to contaminated land and impacts on utility infrastructure would also be dealt with by condition to ensure no detrimental effects occur in this regard.

For the reasons set out above, no adverse impacts would arise from the development that would outweigh its benefits in the planning balance. Accordingly, the proposal represents 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.

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Reason for Decision Level

The application is classified as major development and the officer recommendation is for approval. In addition, Elswick Parish Council have objected to the application and the ward Councillor (Paul Hayhurst) has requested that the application be determined by the Planning Committee.

Site Description and Location

The application relates to a broadly rectangular parcel of land extending to *circa* 1.86 hectares to the east of Copp Lane and north of Highbury Gate, Elswick. The site presently comprises open agricultural land enclosed by a continuous hedge flanking its western boundary with Copp Lane and a combination of linear tree and hedge lines along its northern and eastern boundaries. The southern boundary borders the cul-de-sac of Highbury gate and is marked by a post and wire fence with a narrow verge separating it from the carriageway. Ground level falls in general northerly and westerly directions across the site towards a low point in the northwest corner where there is an existing pond with tree planting around its banks.

The whole of the site falls within the settlement boundary of Elswick and is identified as a non-strategic housing site (reference HS71) on the Fylde Local Plan to 2032 (incorporating Partial Review) – the ‘FLPPR – Policies Map. This allocation followed the granting of outline planning permission (with access only) on 22.12.17 for a residential development of up to 24 dwellings on the southern part of the site (application reference 16/0846). However, no subsequent application for approval of reserved matters was submitted pursuant to the outline permission and so this has now expired.

While located to the northern periphery of the settlement, the site is bordered by dwellings to the south on Highbury Gate and to the west on the opposite side of Copp Lane. A separate group of dwellings front Copp Lane to the north and a collection of poultry buildings at Mirfield Farm are located to the northeast of the site. The site adjoins open agricultural land to the east which forms a buffer with Bonds Lane to the southeast. The site is presently accessed from Highbury Gate via a farm gate to the southeast corner.

Details of Proposal

The application seeks full planning permission for a residential development of 36 dwellings with associated infrastructure. The proposed housing mix includes a combination of 13 x 2-bed, 5 x 3-bed, 9 x 4-bed and 9 x 5-bed dwellings across 12 different house types. A total 11 dwellings would comprise affordable housing units and 8 houses would be designed to meet optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings) of the Building Regulations.

Access:

The principal means of access to the development would be from Copp Lane via the provision of a new priority (‘give way’) junction with a carriageway width of 5.5m, 1.8m footways on each side and visibility splays of 2.4m x 43m in both directions onto Copp Lane. The new junction will occupy a broadly central position to the western boundary and be positioned directly opposite ‘The Croft’ (no. 6 Copp Lane). This would open onto a T-shaped cul-de-sac forming an estate road serving 31 dwellings to the central and northern parts of the development. Access to a further five dwellings to the southern part of the site would be taken from the cul-de-sac of Highbury Gate.

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A separate pedestrian access would be created through the public open space to the northern end of the site to link Copp Lane with the footways of the internal estate road. A separate access off Copp Lane to a foul water pumping station would also be created in the northwest corner of the site.

The application includes the following off-site highway works as part of the development's access strategy:

- The widening of the existing footway on the east side Copp Lane to 2m where it borders the site's western boundary.
- The provision of a new bus stop with shelter and raised kerbs on the southbound carriageway of Copp Lane located equidistantly between the junctions of Highbury Gate and the new access.
- The widening of the carriageway of Highbury Gate to 5.5m and the provision of a 1.8m wide footway along its north side.

Appearance:

The proposed dwellings include a mix of 34 two storey houses and 2 bungalows across 12 different house types. There would be variety in house type layouts, facades would be articulated by a variety of protruding features at ground and first floor levels and consistent window proportions would ensure a sense of rhythm and legibility to the dwellings' elevations. Principal façades would be orientated to ensure active elevations to existing and proposed streets, including true dual-aspect elevations with protruding features (e.g. bay windows) on prominent corner plots. Roof spaces would be broken by a combination of facing gables, window pediments and narrow, pitch-roofed dormers within a 'catslide' roof above integral garages to the 'Windsor' house type on 5 plots.

Materials would include a mix of red/orange brick and render to external walls under grey roof tiles. A combination of stone headers and cills and brick soldier courses would frame windows.

Landscaping:

The soft landscaping strategy for the development includes the retention of an existing hedgerow along the site's eastern boundary and the cluster of tree planting flanking its northern boundary, including that surrounding an existing pond, within the areas of the development that are to be retained as open space. The removal of a *circa* 150m long stretch of existing roadside hedgerow along the site's western boundary with Copp Lane is, however, necessitated in order to allow the creation of the site access (including its visibility splays), widening of the footway and provision of the new bus stop/shelter. Nevertheless, this existing hedgerow is to be replaced by a new, continuous native species hedgerow at the back edge of the extended footway along the full length of the western site boundary (save for where the new accesses onto Copp Lane would be created).

The internal landscaping strategy includes a soft landscaped verge within a strip of public open space alongside the western site boundary to create a continuous buffer with Copp Lane, and the continuation of hedgerow planting interspersed with trees to create a tree-lined, garden -fronted aspect to the estate road and to the northern edge of the developable area where it meets the public open space. Additional planting within the open space is, however, limited by the presence of a water main (and its associated 10m easement) running through much of this area.

Boundary treatments include a mix of 1m high post-and-rail fencing behind hedgerows to the frontages with Copp Lane, and taller 1.8m high screen fences to rear garden boundaries. Where taller boundary treatments would be prominent from roadsides (e.g. corner plots within the estate road and those facing towards Copp Lane and the open space) these would comprise 1.8m high screen

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walls. All boundary treatments would align with the walls of the host dwellings to ensure they follow the prevailing building line.

Layout:

The proposed dwellings would occupy a developable area of *circa* 1.45 hectares at a density of 25 dwellings per hectare. Properties would be arranged to follow a consistent building line replicating the existing setback building frontage onto Copp Lane and, internally, be split into three perimeter blocks in a linear pattern arranged around a T-shaped cul-de-sac and Highbury Gate before giving way to a buffer of open space to the northern end.

Areas of public open space within the development would total 4130 sqm, including the provision of a Local Area of Play (LAP) within the northern open space, accessed via the estate road footway.

Scale:

The majority (34) of the proposed dwellings are two storeys in height, though two bungalows are also included (plots 19-20). The development would provide a varied mix of dwelling sizes ranging from 2 to 5 bed homes. In particular, 36% of the dwellings would be 2-bed properties and 50% would be 1-3 bed units to meet the dwelling mix requirements for Tier 2 smaller rural settlements set out in FLPPR policy H2.

Background and amendments to scheme:

Application 21/0770 was originally made valid on 22.09.21 and, at that time, involved a development of 38 dwellings by an individual applicant. The original application has, however, been revised on several occasions since in consultation with officers of the LPA and external consultees. The current scheme also includes McDermott Homes as a joint applicant. In summary, the current proposal includes the following amendments to the original scheme:

- A reduction in the number of dwellings from 38 to 36 and changes to their size and mix to meet the requirements of FLPPR policies H2 and H4.
- Changes to the siting of the new access, internal road layout, dwelling layout and landscaping (including the provision of a LAP within the public open space).
- Alterations to the proposed house types to incorporate McDermott Homes' house types.
- Provision of additional off-site highway improvements including a new bus stop with shelter and alterations to the geometry of Highbury Gate.
- Amendments to technical reports and/or provision of additional technical reports in relation to matters concerning transport, ecology, drainage and trees.

The proposal is to be assessed in accordance with the details shown in the revised scheme.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
16/0846	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 24 NO. DWELLINGS (ACCESS APPLIED FOR AND OTHER MATTERS RESERVED)	Approved Subject to 106	22 December 2017

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Parish/Town Council Observations

Elswick Parish Council – Notified of the original scheme on 27.09.21 and of the revised proposal on 21.03.23 following the receipt of amended plans. The Parish Council submitted comments on 03.11.21 and 20.01.22 in relation to the original scheme and on 22.05.23 in relation to the revised scheme as follows:

Representations dated 03.11.21 indicate that the Parish Council resolved to recommend refusal of the application and include the following comments:

- This will take Elswick's housing allocation well over FBC's previously prescribed quantity according to the Local Plan. Since allocation of 50 houses there has been 127 to date. Flooding issues are also prevalent in the area.
- However, if the planning is approved, the PC consider there should be a contribution to public realm for the benefit of Elswick residents – the parish council should be consulted on this matter. The ongoing project for the village Green, benefitting the greater Elswick community requires further funding due to a current shortfall. The parish council would request developer and planning authority consider a 106 contribution of £15,000 minimum toward this scheme.

Representations dated 20.01.22 indicate as follows:

- In preparation of the Local Plan Fylde Borough Council designated the status of Elswick as a Tier 2 village (small rural settlement) with a projected allocation of just fifty new houses. It is understood that the former owner of the land at Highbury Gate originally applied for planning permission to build 37 houses on the plot but reduced this to 24 to keep within the stipulated 50. Unfortunately the original allocation for the village has been oversubscribed threefold as 157 new houses have now been approved in the village as the two 50 house plots in Mill Lane and Beech Rd were granted by the Secretary of State on appeal, having been refused by Fylde Borough Council. The lack of a Local Plan at the time being the main reason for granting both appeals.
- The expansion of our villages is causing considerable problems with local facilities and services. The current planning approvals will mean that Elswick will grow by a third but this is dwarfed by the huge expansion of the neighbouring Wyre villages of Great Eccleston and Inskip, which will both double in size. Hundreds of new houses have already been built in these villages without any increase or improvements in services. Whilst with Covid, all NHS facilities throughout the country are under pressure, the rapid population explosion in our community has meant that the Heath Centre and Dentist in Great Eccleston have had to close their doors to new patients. Even existing patients are having to travel to the walk in centres in Blackpool (9miles) and Fleetwood (11 miles) where they have to queue for hours to see a doctor. Elswick Parish Council has a duty of care to its residents and the message that the council is trying to convey to planning officers and developers is enough is enough.
- It is understood that a pond has either been filled in or has partially been filled in on the land and this is causing torrents of water to pour into Copp Lane in heavy rain, resulting in Copp gutter overflowing and causing flooding to a nearby property. Lancashire County Council drainage teams had to be called out on at least five occasions in the past twelve months.
- Copp Lane is also becoming a racetrack with speeding vehicles from the hundreds of new houses in Great Eccleston using Elswick village as a rat run to the A585. Sadly despite promises from Highways England, nothing has been done about the very dangerous junctions of the A585 with the B5269 and accidents continue to mount with increased traffic using these junctions daily.
- With the population explosion we find that more and more people are using the village's leisure facilities in Elswick which is one reason why we feel that a village green is necessary in the village. The parish council understands that a Section 106 contribution of £57500+ was

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made by Baxter Homes when nine houses were granted at The Orchard in Elswick High Street. As this application is for a further 14 houses, the parish council considers that a similar substantial contribution should be paid if this application is granted. For the record, the village's 'Village Green' project has recently been revalued after price rises following the pandemic and is estimated that the cost of the scheme has risen by £58,000. Whilst savings can possibly be made, the council's shortfall for the scheme currently stands at £73,000. Whilst the council has agreed to seek Public Loan Board funding for up to £15,000 the potential gap created by the explosion in costs is putting this important enhancement scheme for the village at considerable risk.

Representations received 22.05.23 indicate as follows:

- At the time that the Fylde Local Plan was under preparation the officers recommended that Elswick should be allocated up to 140 houses mistaking the village as a Tier 1 village. This error was subsequently amended by the planning committee, recognising that the correct status of the village was a Tier 2 smaller rural settlement and the correct allocation for the village was an estimated 50 new dwellings. The reassessment of the village as a Tier 2 village was upheld by the planning inspector at the inquiry into the Fylde Local plan. Since then, there have been a number of additional factors which supports the village Tier 2 status. They are the closure of the major employer in the village, Bonds of Elswick, and another employer Tiddlywinkles nursery. The village has also lost its main bus service to Blackpool, denying its major employment area to people who depend on public transport.
- The original Copp Lane development was submitted in the knowledge that the village allocation was estimated as 50 dwellings. The application for 24 dwellings took the number approved for the village to 50 and was subsequently approved by the planning committee. The committee also rejected two applications at this time for 50 houses off Beech Road and 50 off Mill Lane in the village as these numbers were outside the numbers envisaged for Tier 2 rural settlements in the Local Plan. Unfortunately, as the Council did not have a Local Plan in place at the time appeals were heard on these two developments, the Planning Inspectorate approved the applications under the Governments presumption in favour of development in Boroughs which had failed to adopt a Local Plan.
- We now find ourselves in a situation where a village which has been formally approved as a Tier 2 Smaller Rural settlement by both the Council and the Local Plan Inspector has already had 163 dwellings approved, which not only exceeds the 140 originally proposed by officers for a Tier 1 village but also exceeds by over 300% the estimated number of new dwellings proposed by the Council for Elswick as a Tier 2 smaller rural settlement. To further extend this site by a further 12 dwellings will not only be contrary to the Council's planning policy but also the agreed Local Plan approved by the planning inspector.
- The problem with the A585 Thistleton Junction. Highways England have confirmed that the junction is dangerous as there have been a number of very serious accidents at this junction and yet whilst improvements are planned the funds are not available at this time. Over 600 new dwellings have been approved by Wyre Borough Council at the next village of Great Eccleston which are estimated to add over 2000 additional movements per day to this junction. Further numbers must therefore be resisted.
- Village facilities such as the Health Centre in Great Eccleston are massively oversubscribed. Whilst most areas are struggling for doctors appointments, patients in Elswick are routinely advised to visit the walk in centres in Blackpool (10 miles away) or Fleetwood 9 miles away) to see a doctor.
- With the closure of Bonds and Tiddlywinkles employment prospects in the village are nil. The termination of the Blackpool bus service also denies the opportunity with people relying on public transport to take on employment in the nearest employment centre. Any development in Elswick simply puts more pressure on the already over congested A585.

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- The Parish Council notes that yet another mini Childrens Playground is proposed for this development making it five children’s playgrounds within a five-minute walk. The Parish Council considers that instead of simply adhering to apparent planning regulations, if this application is approved, the village would be better served by a contribution to expanding and improving existing children’s facilities in the village.
- The Council therefore asks the planning committee to honour its previous decision to treat Elswick as a Tier 2 Smaller Rural Settlement (as approved by the Inspector at the Local Plan inquiry) and to accordingly reject this application.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection 27.09.21 – No objections. Recommend the following conditions be imposed:

- **Contaminated land** – A desk study should be submitted which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases. If the desk study identifies potential contamination and ground gases this shall be followed by a detailed site investigation to address the nature, degree and distribution of contamination and ground gases. Should this reveal contamination it must be followed by a remediation strategy and verification report.
- **Noise** – The dwellings should be designed so that noise levels at each dwelling do not exceed the levels within British Standard 8233 (2014) and WHO guidelines.
- **Mitigation during construction period** – No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to set out how effects from dust, noise, vibration, lighting and traffic are to be minimised during the construction period. Construction times (and any associated vehicle movements/deliveries) shall be limited to between 08.00-18.00 Monday to Friday, 08.00-13.30 Saturdays and should not occur on Sundays or bank holidays.
- Comments from Environmental Protection (EP) dated 22.06.23 confirm that EP have no noise or odour complaints on record in relation to the operation of Mirfield Poultry Farm.

Lancashire and South Cumbria Integrated Care Board (ICB) – Latest comments on revised scheme dated 23.03.23 as follows:

- Lancashire and South Cumbria Integrated Care Board (ICB) has delegated co-commissioning responsibility for general practice services in Lancashire and South Cumbria and is the body that reviews planning applications to assess the direct impact on general practice.
- 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 calculated as follows:
 - 13 x 2 bedroom dwellings @ 2.0 persons/unit = 26 people
 - 5 x 3 bedroom dwellings @ 2.8 persons/unit = 14 people
 - 9 x 4 bedroom dwellings @ 3.5 persons/unit = 31.5 people
 - 9 X 5 bedroom dwellings @ 4.8 persons/unit = 43.2 people
 - Total 36 dwellings = 115 people

	Total chargeable units	Total	Project
General Practice	36 (115 persons)	£32,258	Towards new infrastructure

- This proposal will generate approximately 115 new patient registrations based on average household size of 2.4 ONS 2017. The proposed development falls within the catchment area of Great Ecclestone Medical Centre. The practice is located less than 1.4 miles from the

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development and would therefore be the practice where the majority of the new residents register for general medical services. The physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. The existing premises could not therefore accommodate the growth generated from this proposal. This need, with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. A site has been sourced and the scheme is currently at the design development stage.

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

Greater Manchester Ecology Unit (GMEU) – No objections Following submission of additional information. Comments on revised scheme dated 22.10.21 and 16.06.23 as follows:

Comments 22.10.21

- **Biodiversity net gain** – The applicant’s biodiversity metric shows that the proposals will result in a net loss of some 6.19 habitat units (or -55.5%) compared to the current benchmark, with the ecology report clarifying that it is not possible to incorporate habitat creation or enhancement within the scheme. This net loss in biodiversity is contrary to the NPPF and so off site compensation should be provided. The plans also need to be updated to show the provision of the bat and bird boxes mentioned in the ecology report.
- **Great Crested Newts** – The ecology report states that the development will enter the District Level Licence scheme for great crested newts because of the loss of terrestrial habitat for newts. However, no evidence of this has been submitted with the application in the form of a signed Impact Assessment and Conservation Payment Certificate.
- **Other impacts** – The ecology report outlines the necessary mitigation measures that will be required to protect retained habitats and species that may be present on site. To ensure that these measures are followed we would advise that they be incorporated into a Construction Environmental Management Plan for Biodiversity
- **Conditions** – Should be attached requiring: i) the submission of a Landscape and Ecological Management Plan (LEMP) for the long term management of on site habitats; and ii) the submission of a CEMP for biodiversity;

Comments 16.06.23

- **Biodiversity net gain (BNG)** – The BNG assessment submitted by the applicant demonstrates that the proposals will not result in a net gain for biodiversity, albeit a small one. As the 10% net gain requirement will not become mandatory until November, the applicants have demonstrated a “measurable net gain” and overall the proposals are acceptable.

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- **Great Crested Newts** – The submitted information on District Level Licensing is acceptable.
- **Bat/bird boxes** – The scheme for bat and bird boxes is also acceptable and should be installed before the dwellings are first occupied.
- **Conditions** – Should be attached requiring: i) A long term management plan, including monitoring, for the off-site habitats shown in the BNG assessment; ii) Reasonable avoidance measures to avoid harm to amphibians during site clearance works should be incorporated into the previously recommended CEMP; and iii) the installation of the bat tubes and bird boxes shown on the plan.

Lancashire Fire and Rescue Service - No objections. Comments 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'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.
- It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance.

LCC Highways – Latest comments on revised scheme dated 24.05.23 as follows:

- **Summary** – LCC Highways does not have any objections regarding the proposed development 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.
- **Proposal** – The application is for a residential development with the main access onto Copp Lane and additional access onto Highbury Gate. The amended plans submitted propose 36 dwellings with associated infrastructure. It is shown that 31 dwellings will be served from the proposed site access and 5 dwellings will be served by Highbury Gate following proposed enhancements. It is proposed to widen the footway on the frontage of the site with Copp Lane and to also relocate an existing bus stop and introduce a shelter. A pedestrian footpath is also proposed onto Copp Lane.
- **Private car parking** – It is recommended that all private drives fronting garages to be a minimum of 6m long and this must not include any of the required 2m wide service verge. The drive length can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision. The following plots would need to have roller shutters fitted and conditioned if the driveway lengths aren't increased to the recommended lengths; Plots 5, 28, 29, 30. The proposed integral garages are below the minimum recommended dimensions for LCC Highways to consider them useable car parking spaces. The proposed separate double garages are not acceptable as car parking spaces for any number of vehicles as it does not meet the minimum recommended dimensions for a single (6m x 3m) or double (6m x 6m) garage. The proposed separate single garage is in LCC Highways opinion acceptable as a car parking space. However, LCC Highways would not view parking on the proposed internal highway as unacceptable in this case if the garages were not modified.
- **Sustainable travel** – It is proposed to dedicate land on the site's frontage with Copp Lane for a pedestrian footway and space for a bus stop and shelter. It is requested that the proposed footway on the frontage to be increased from the proposed 1.8m in width to 2.0m in width. The off site works will need to be constructed under a section 278 agreement of the 1980 Highways Act.
- **Internal highway layout** – The proposed internal highway layout has a carriageway width of 5.5 metres and pedestrian footways of 1.8 metres in width on either side of the main internal highway. Several dwellings will be served by private shared accesses which do not have pedestrian footways. As the proposed footways do not meet LCC Highways minimum requirements to be considered for adoption (2 metre wide footways), the internal highway

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layout would not be considered for adoption. A suitable maintenance and management program will be necessary. LCC Highways are of the opinion that the proposed internal highway layout is acceptable. The amended plan showing vehicle tracking using a LCC specification refuse vehicle is acceptable.

- **Site access** – The proposals will use a total of three accesses to the site, two are combined site accesses and a pedestrian site access. The combined accesses provide access for all expected modes of travel. The pedestrian access allows for access to Copp Lane on the northern side of the development site. The proposed site accesses are acceptable in LCC Highways opinion. All the proposed site accesses will need to be joined to the adopted highway and as such a section 278 agreement will be necessary.
- **Frontage onto Copp Lane** – It is LCC Highways opinion that vegetation and walls / railings on the proposal's frontage with Copp Lane shall not be over 1m above road level. This is to ensure adequate visibility at the site access in the interest of highway safety.
- **Construction traffic** – Due to the scale of the development, were the proposals to be granted it is LCC Highways opinion that a Traffic Management Plan would be necessary during the construction phase.
- **Conditions** are recommended requiring: i) the submission of a traffic management plan; ii) the construction of car parking and manoeuvring areas; iii) the maintenance of visibility splays at the site accesses by avoiding obstructions over 1m in height within these splays; iv) a scheme for construction of the site accesses and off-site highway improvements works; and v) arrangements for the future management and maintenance of the estate road.

LCC School Planning Team – Latest comments on revised scheme dated 28.03.23 as follows:

- **Primary School Places** – There are 2 primary schools located within a 2 mile radius of the site. It is estimated that there will be a shortfall of 99 places in these schools in 5 years' time. With an expected yield of 9 places from this development the shortfall would increase to 108. Accordingly, LCC will be seeking a contribution towards the delivery of 9 primary school places as part of this development. Based on current rates this contribution would be £160,443. Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at St Mary's Catholic Primary School, Great Eccleston and/or Great Eccleston Copp Church of England Primary School. These are the closest primary schools to the development that have space to accommodate an expansion.
- **Secondary School Places** – There are no secondary schools within a 3 mile radius of this development. The nearest secondary school to this development is 4.16 miles away (walking routes could be further). Therefore, it is possible that pupils from this development could impose a home to school transport cost on LCC. Where there are no schools within 3 miles LCC will assess the projected capacity of the nearest school to the development. This is in line with LCC's Education Contribution Methodology – May 2016. The closest secondary school is Hodgson Academy. It is estimated that there will be a shortfall of 52 places in this school in 5 years' time. With an expected yield of 4 places from this development the shortfall would increase to 56. Accordingly, LCC will be seeking a contribution towards the delivery of 4 secondary school places as part of this development. Based on current rates this contribution would be £99,012. Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Kirkham Carr Hill High School and/or Millfield Science and Performing Arts College. These are the closest secondary schools to the development that have space to accommodate an expansion.
- This is an objection to the planning application. The objection will be withdrawn if the education requirements are met.

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Lead Local Flood Authority (LLFA) – Comments dated 31.03.23 indicated an objection to the application due to the drainage strategy placing geocellular storage tanks within the curtilage of individual properties, with the result that these would be privately owned assets and therefore not subject to adequate maintenance arrangements. Amended plans have been submitted which remove the geocellular storage tanks from the gardens of individual properties and locate this beneath shared drives. The LLFA's latest comments on the revised scheme dated 02.06.23 now advise as follows:

- The Lead Local Flood Authority wishes to withdraw its objection to the application. The application will be acceptable subject to the inclusion of conditions requiring submission of the following details: i) a final sustainable surface water drainage strategy for the development based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted. This strategy should include, among other matters, evidence of an agreement in principle with the third-party landowners to construct and connect to the off-site surface water culvert; ii) a construction surface water management plan containing details of how surface water and pollution prevention will be managed during the construction phase; iii) an operation and maintenance plan; and iv) a verification report of the constructed sustainable drainage system.

National Highways (formerly Highways England) – Latest comments on amended scheme dated 23.03.23 advise that “having considered the recent transport statement provided by PSA Design, there is nothing contained within it that would ultimately affect the recommendation we made previously to Fylde Council in our response dated 28 September 2021.” National Highway's response of 28.09.21 is summarised below:

- We note that the site has previously been granted planning approval for up to 24 dwellings in 2017, and so in theory the majority of this development proposal could be considered already committed, the difference being an increase of 14 dwellings over the previous 2016 application reference 16/0846 for the same site. The site is allocated in the current Fylde Local Plan to 2032 for housing.
- The site is located approximately 1.6 miles by road northeast of the A585 / B5269 staggered crossroads junction, known as the Thistleton junction. The A585(T) forms part of National Highways' Strategic Road Network (SRN). There are known issues with the Thistleton junction near to the application site, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) mainline at peak times. This also results in safety concerns as drivers may seek to enter the A585(T) in inappropriate gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.
- National Highways have previously commented on the Transport Statement (TS) in our response to the previous 2016 application and the same comments apply now. The results of capacity assessments undertaken for nearby development proposals at that time demonstrated that, when viewed as a whole, the Thistleton junction is shown to operate in excess of its capacity in all base scenarios, i.e. without the addition of the development traffic. In this respect, the addition of the development traffic will not result in any step change in operation of the junction. However, the new traffic which is forecast to use the junction as a result of the proposals must be given due consideration when reviewing the road safety of the junction.
- For the previous application, the applicants transport consultants, PSA Design, undertook a safety analysis of the Thistleton junction considering accident records from the previous 5 years at the junction in relation to the additional number of trip movements at the junction likely to be generated by the development at peak times - 10 new trips in the AM peak hour and 12 new trips in the PM peak hour. Notwithstanding periods of reductions on traffic over the 2020/21 period due to the effects of the COVID-19 pandemic, the safety record of the junction has not deteriorated since the time of the previous application. National Highways

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only accepts that the addition of this development in isolation would not be likely to result in a step-change in the operational safety of the junction. Despite this, the development will lead to an increase in usage (and by default, turning movements) at the junction. It can never be successfully argued that an increase in traffic using the junction will not increase the risk of accidents occurring at the junction. Therefore, however small these increases in traffic are, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by Thistleton junction in areas such as Elswick.

- **Conclusion and formal recommendation** – The main access to this development is via the A585(T) Thistleton junction. The A585 carries a high volume of traffic with limited gaps in flow. There is an issue at the junction whereby right turning traffic, both into and out of this priority junction, has a lower gap acceptance than most other locations leading to a higher risk of incidents. Any increase in traffic using this junction will undoubtedly raise this risk. A single development of 38 dwellings will possibly raise the risk only marginally. Indeed, based upon the forecast traffic flow impact of the proposals, in isolation, this proposal is unlikely to result in there being a step-change in the operation of the junction. As a result, our view is that we do not raise any objection to this application in isolation subject to a condition requiring a Travel Plan to be adopted that is to be agreed with the Local Planning Authority in conjunction with Lancashire County Council.

Natural England – Latest comments on revised scheme dated 24.04.23 as follows:

- The application site is approximately 3.3km of Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Wyre Estuary SSSI.
- Natural England notes that your 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). 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 following measures should be secured by suitably worded planning conditions: i) Advisory Homeowner Information Packs should be secured by a suitably worded planning condition to mitigate any increased recreational pressure on nearby designated sites.

Strategic Housing – Latest comments on revised scheme dated 30.04.23 as follows:

- The application proposes major scale residential development in a settlement location where growth is identified in the Fylde Local Plan to 2032 (incorporating Partial Review). As such it is appropriate that it should make a full contribution towards affordable Housing as required by Policy H4 of that Plan and the Affordable Housing SPD. The affordable housing should be provided within the development to deliver a balanced community.
- The submitted layout indicates that 11 of the 36 dwellings would be affordable housing with these all 2 bed properties. No details of tenure, occupation criteria, etc. are provided.
- The number of affordable houses provided is appropriate as it meets the 30% requirement in Policy H4.
- The provision of these all as 2 beds is acceptable as there is a high need for this size of property in that part of the borough.
- Consideration should be given to dispersing them through the site rather than grouped together.
- To reflect the high need for affordable rented properties the affordable housing should be such that there is at least a 70/30 split in favour of affordable rent, with shared ownership ideally providing any remainder.

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- Allocation process to follow Local Connection policy as set out in the SPD (lived in area 3+ years. Close family lived in area 5+ years. Permanent employment in area). After 3 months/3 cycles offered to Elswick, the units can be opened up to neighbouring parishes. This should be clarified through the submission of an Affordable Housing Statement.
- If the intention is to provide Shared Ownership units there is a need to ensure that these reflect the fact that Elswick is a location with Designated Protected Area status. This means that the ownership arrangements that are implemented will contain additional restrictions on staircasing so that the properties that are provided are not lost in the future. Further guidance on this is provided in para 3.17 to 3.24 of the SPD.

United Utilities – Latest comments on revised scheme dated 31.03.23 as follows:

- Following our review of a revised site layout, United Utilities has no objection to the proposal. It appears that our required access to the water main is provided. This is based solely on the information contained within the Site Layout DRAWING No. SL-02 that has identified the location of the water main to United Utilities satisfaction.
- Conditions should be imposed on any permission requiring: i) the submission of a detailed scheme for the protection of United Utilities water main that is laid within the site boundary to avoid this being damaged during the development; and ii) the submission of a surface and foul water drainage scheme.

Neighbour Observations

Neighbours notified:	27 September 2021
Site notice posted:	8 October 2021
Press notice:	21 October 2021
Amended plans notified:	21 March 2023
Responses Received:	10
Nature of comments made:	10 objections

The appropriate neighbouring properties were notified of the original application by letter on 27.09.21. Additional letters were sent to the same neighbouring occupiers on 21.03.23 following submission of the revised scheme. In addition, as the application involves major development notices have also been posted on site and in the local press. A total of 10 letters (4 in response to notification of the original scheme and 6 in response to the revised scheme, including one from Councillor Paul Hayhurst) have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- The previous application approved on the site (16/0846) allowed a development of 24 dwellings. However, this proposal seeks to increase that by over 50%. This is not acceptable and the scheme should be reduced back down to the 24 originally approved.
- The village does not have the infrastructure to cope with further houses.

Design, character and appearance:

- The application shows the addition of 5 new properties on the north side of Highbury Gate. It would, however, be more appropriate if this was reduced to 4 to mirror the existing development.
- The proposed dwellings are not in-keeping with the character of a small rural village.

Highways:

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- As Highbury Gate is to be used to access the dwellings to the southern end of the site the whole (rather than just part) of the road should be widened to 5m and a new footway provided on its north side to serve the new dwellings.
- Cars visiting the new properties fronting onto Highbury Gate may park on the road, thus narrowing the street and potentially restricting access to the driveways of existing dwellings.
- The parking arrangement for the plot at the eastern end of the cul-de-sac will encourage future occupiers and visitors to park within (and block) the existing turning head at the end of Highbury Gate making it unusable for residents. This turning area should be protected as part of the development and it would also be appropriate to prohibit its use as a parking space in the covenants for the new properties on Highbury Gate.
- The nearby poultry farm requires access for articulated vehicles. The increased number of houses close to the farm's access gate could generate additional on-street parking on Copp Lane that would obstruct access for these vehicles.
- School children making their way to the local infants and junior school would have another potentially dangerous road junction to cross due to the increase in traffic generation.

Amenity impacts:

- There is an intensive working poultry farm located to the northeast of the site which has existed since 1965. The closest of the proposed dwellings will be located approximately 50m from the poultry farm buildings. The farm occasionally operates at night, uses ventilation fans, generates odours from manure at times of turnaround and includes trips by articulated wagons. Therefore, this existing operation has the potential to cause nuisance to future occupiers of the dwellings due to added noise and odour, which could also generate complaints that would be detrimental to the operation of the agricultural business.
- The proposed foul water pumping station to the northwest corner of the site is located immediately adjacent to an existing residential property which could lead to noise and odour issues for the neighbouring occupiers. It should be re-located elsewhere within the development.

Flooding and drainage:

- The proposal refers to directing surface water from the development into the watercourse to the north of the site which then drains into the road drain on Copp Lane. The road drain is blocked, and cannot cope with heavy rain, resulting in water flowing down the gutter to the corner of Copp Lane with the danger of flooding to nearby properties.
- The current drains in the area cannot cope with heavy rainfall and often surcharge, causing flooding to surrounding dwellings and the need to pump water out of gardens. If further water is directed into these drains and the pond on the site then the existing issues will be exacerbated.
- The drain running through properties to the north of the site is restricted to 100mm in diameter, not 150mm as stated on the submitted drainage plans. The lack of capacity in this drain causes Mirfield, Belmont and Mayfield to flood and this would be exacerbated by the development connecting into it.
- The development should be served by a separate surface water outlet to that running through the gardens of existing dwellings.

Other matters:

- The part of the northern boundary which borders Mirfield Farm should be enclosed by a new fence to prevent trespass from the public open space along the northern edge of the site.
- Asbestos has been buried on the site some years ago that could be a health issue.
- The field is used by barn owls to hunt and would have a negative impact on nature conservation.

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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.

National Policy:

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

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy
DLF1 - Development Locations for Fylde
SL5 - Development Sites outside the Strategic Locations for Development
GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
GD9 - Contaminated Land
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
H4 - Affordable Housing
HW1 - Health and Wellbeing
INF2 - Developer Contribution
T4 - Enhancing Sustainable Transport Choice
T5 - Parking Standards
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity
ENV4 - Provision of New Open Space (Part of the Green Infrastructure Network)

Other relevant guidance:

Affordable Housing Supplementary Planning Document
Extending Your Home Supplementary Planning Document
Building for a Healthy Life
National Design Guide
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, but does not exceed the threshold in Column

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2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

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 within the local plan, the nature of the development applied for and the responses from interested parties, the main issues in this case are:

1. The principle of residential development on the site, including whether it is a suitable location for housing and the number of dwellings proposed, having regard to the spatial strategy of the development plan.
2. The scheme’s effects on the character and appearance of the area, including whether it achieves a high standard of design and provides a suitable mix of housing.
3. The development’s impact on surrounding occupiers and land uses and whether it would achieve a high standard of amenity for future occupiers.
4. The scheme’s effects on the surrounding highway network.
5. The development’s impact on designated nature conservation sites and existing ecological networks and features within and around the site, including whether the mitigation measures proposed to address these impacts are sufficient.
6. Whether the proposal makes appropriate infrastructure contributions as required by the development plan.
7. Other relevant matters including those relating to the development’s effects in respect of contamination, flood risk and impacts on utility infrastructure.

Each of these issues is addressed in turn below.

Principle of development:

Paragraph 60 of the NPPF sets out the Government’s objective of “significantly boosting the supply of homes”. FLPPR policy S1 identifies a four-tier settlement hierarchy comprising “Key Service Centres”,

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“Local Service Centres”, “Tier 1 Larger Rural Settlements” and “Tier 2 Smaller Rural Settlements”. The boundaries of these settlements are defined on the FLPPR Policies Map.

FLPPR policy DLF1 indicates that “the local plan will provide sites for a minimum of 7,275 new homes [...] over the plan period to 31 March 2032”. The policy identifies four “Strategic Locations for Development” which, with the exception of Freckleton, align with the locations of the “Key” and “Local” Service Centres identified in policy S1. FLPPR policy DLF1 also identifies the “Non-strategic Locations for Development, which comprise the Local Service Centre of Freckleton, the Tier 1 Larger Rural Settlements and the Tier 2 Smaller Rural Settlements.” Policy DLF1 indicates that “the Local Plan Development Strategy is to direct the majority of future growth to the most sustainable locations, specifically to the four Strategic Locations for Development” and states that this will result in “around 90% of homes to be developed in the plan period (including small sites) [being] located in the four Strategic Locations for development [and] around 10% of homes to be developed in the plan period (including small sites) [being] located in the Non-strategic Locations.”

FLPPR policy H1 a) and c) state that the Council will provide for and manage the delivery of new housing by:

- a) Setting and applying a minimum housing requirement of 415 net homes per annum for the period 2011-2019 and a minimum housing requirement of 305 net homes per annum for the period 2019-2032.
- c) Ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the “Liverpool” method from the start of each annual monitoring period and in locations that are in line with the Policy DLF1 (Development Locations for Fylde) and suitable for developments that will provide the range and mix of house types necessary to meet the requirements of the Local Plan.

The site falls entirely within the settlement boundary of Elswick as identified on the FLPPR Policies Map. FLPPR policy GD1 is permissive of schemes for residential development on sites within settlement boundaries providing that these comply with all other relevant local plan policies. In addition, the whole of the land is allocated as a non-strategic housing site in FLPPR policy SL5 (site reference ‘HS71’).

FLPPR policy SL5 refers to allocated housing site HS71 contributing 24 dwellings to the Council’s housing land supply. This is based on a resolution to approve outline application 16/0846 which was extant at the time the local plan was being prepared and is an estimate given for the purposes of evidencing the Council’s housing land supply across the plan period. The same approach is taken with all the housing allocations in policies SL1-SL5. It is not, however, the case that the number of dwellings which each allocated site is projected to deliver is fixed (either as a maximum or a minimum). In turn, it is not the case that the estimated contribution of 24 dwellings from site HS71 identified in policy SL5 is a cap, ceiling or limit on the amount of development that can be permitted on this site.

The estimate of 24 dwellings for site HS71 in policy SL5 stems from the quantum of development proposed by outline application 16/0846 which included a smaller developable area of *circa* 0.98 hectares within the southern part of the site. However, the settlement boundary of Elswick and the area of housing allocation HS71 shown on the FLPPR Policies Map extends beyond the developable area shown in application 16/0846 and, instead, covers the whole of the site in its entirety. As a result, development on the site is not limited to the area shown in application 16/0846, nor is it limited to the quantum of housing proposed by that application (and carried through the estimate in policy SL5).

Representations by the Parish Council refer to Elswick’s re-classification from a Tier 1 to a Tier 2 settlement during the evolution of the local plan’s preparation and the inclusion of a 50-dwelling limit

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for the Tier 2 smaller rural settlements within the local plan. Whilst the adopted version of the local plan identifies Elswick as a Tier 2 smaller rural settlement and the justification to policy SL5 in paragraph 6.21 cross references the Settlement Hierarchy Background Paper which includes “Tier 2: Smaller Rural Settlements which could accommodate around 50 homes over the plan period”, there is no settlement-specific quantitative restriction contained within any of the local plan’s policies. Indeed, paragraph 79 of the Inspector’s Report on the Fylde Local Plan to 2032 identifies that:

- “The supporting text to Policy SL5 states that Tier 1: Larger rural settlements could accommodate between 100 and 150 homes over the Plan period and Tier 2: Smaller rural settlements could accommodate up to 50 homes. **Following discussions at the hearings the Council agreed that these figures should be ‘around’ to allow an element of flexibility in line with national policy**” (emphasis added).

In addition, Main Modification 15 of the Inspector’s Report specifically removes the text “Elswick 50 Neighbourhood Development Plan Allocation 2017-18” from the proposed wording of policy SL5 contained in the submission version of the Fylde Local Plan to 2032 and replaces this with housing allocations estimated at a total of 124 dwellings across three sites at Copp Lane (HS71), Mill Lane (HS72) and Beech Road (HS73) as they now appear in the adopted version of the local plan. However, it remains the case that this figure is not a cap on the quantum of development that can occur within Elswick through the delivery of the housing allocations and/or as a result of other windfall housing development on unallocated sites in accordance with other policies of the local plan.

Accordingly, the 50-dwelling ‘limit’ referred to in the Parish Council’s representations is not carried through to the policies of the adopted local plan and cannot, therefore, represent sustainable grounds to resist the principle of the proposed 36 dwelling residential development on the site. Moreover, as the proposal involves the construction of only 12 additional dwellings beyond the estimate in policy SL5 for housing allocation HS71, there is no reason to conclude that this proposal would tip the balance of housing distribution across the borough to such an extent that it would fundamentally undermine the development strategy contained in policy DLF1 of the FLPPR.

As the whole of the site is located within the settlement boundary of Elswick and is allocated for housing in the FLPPR, the principle of residential development within the Tier 2 settlement accords with the development strategy in the local plan. In turn, the site is a suitable location for housing, including the number of dwellings proposed.

Character and appearance:

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). Criteria b), d), h), i), k) and m) are of greatest relevance in this case as follows:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates 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,

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sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

FLPPR policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare.

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 (as identified in the Lancashire Landscape Character Assessment, December 2000). 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. In particular, criterion a) of the policy states that “a landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development”.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f)) and paragraph 133 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for a Healthy Life” (BHL). Paragraph 134 of the NPPF indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [contained in the National Design Guide and National Model Design Code].” Where relevant, specific parts of BHL and the NMDC are referred to in each subsection below.

Paragraph 131 of the NPPF indicates that “planning policies and decisions should ensure that new streets are tree-lined [unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate], that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

Density:

When calculating housing density, paragraph 9.25 of the FLPPR clarifies that the ‘normal’ net residential density of 30 homes per hectare “excludes requirements for open space provision within developments and particularly the need on certain sites to provide sensitive transitions to areas of countryside and to retain site features” and, furthermore, that “lower net residential densities may be justified, where it would reflect and enhance the local character of the surrounding area”.

In this case, the overall site area of 1.86 hectares is to be split between a developable area of *circa* 1.45 hectares for buildings and roads, with the remainder comprising areas of open space totalling *circa* 0.41 hectares. As set out in paragraph 9.25 of the local plan, these areas of open space are to be excluded from the calculation of net residential density. In this case, therefore, the proposed

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development of 36 dwellings would deliver a net residential density of approximately 25 dwellings per hectare.

Although this falls below the 'normal' density requirement in policy H2, there are several reasons why a lower density layout is justified in this case. In particular, although the site falls within the settlement boundary of Elswick, it is located on the northern periphery of the village where the main built-up core gives way to lower density housing bordering open countryside. In particular, existing dwellings fronting each side of Copp Lane to the west and north of the site are laid out in spacious, elongated plots at a low density which reflects this transition into a semi-rural setting. Similarly, there is a need to retain a buffer of open space to the northern part of the site for both logistical (due to the presence of a water main in this area) and visual (to create a sense of separation with dwellings in the countryside to the north on Copp Lane along the edge of the settlement) reasons.

As set out in paragraph 9.25 of the FLPPR, the purpose of the 30 dwelling per hectare density target in policy H2 is "to ensure the creation of well-planned sustainable communities with high standards of amenity and to prevent the profligate use of land". Given the site-specific circumstances of this case, and having particular regard to its edge of settlement location bordering land within the countryside, there are other planning reasons which justify a reduced net residential density in order to respect local character without prejudicing the objective of FLPPR policy H2 to make efficient use of land.

Layout:

Sections M.1.i, N.1.iii, B.2.i, B.2.ii and U.1.iii of the NMDC (Part 2) relate to connected street networks, open space design, development blocks, building lines and active frontages.

Considerations 1 (natural connections), 5 (making the most of what's there), 7 (well defined streets and spaces), 8 (easy to find your way around), 9 (healthy streets) and 11 (green and blue infrastructure) of BHL advise that the following design principles should be followed with respect to the layout of developments:

- Connected street patterns. These work best when they include straight or nearly straight streets to makes pedestrian routes as direct as possible.
- Continuous streets (with public access) along the edges of a development.
- Using existing assets as anchor features, such as mature trees and other existing features.
- Protecting and enhancing existing habitats; creating new habitats.
- Streets with active frontages.
- Well defined streets and spaces, using buildings, landscaping and/or water to enclose and define spaces.
- Cohesive building compositions and building lines.
- Front doors that face streets and public spaces.
- Perimeter blocks.
- Simple street patterns based on formal or more relaxed grid patterns.
- Tree lined streets.
- A connected and accessible network of public open spaces with paths and other routes into and through.
- Provide natural surveillance opportunities.

Conversely, considerations 1 (natural connections), 4 (homes for everyone), 5 (making the most of what's there), 6 (a memorable character), 7 (well defined streets and spaces), 8 (easy to find your way around) and 11 (green and blue infrastructure) of BHL advise that the following should be avoided in development layouts:

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- Internal streets and paths that are not well connected or are indirect.
- Play and other recreational facilities hidden away within developments rather than in located in more prominent locations that can help encourage new and existing residents to share a space.
- Building orientations and designs that fail to capitalise on features such as open views.
- Arranging buildings next to each other in a way that does not create a cohesive street scene.
- Broken or fragmented perimeter block structure.
- Staggered and haphazard building lines that are often created by placing homes with a mix of front and side parking arrangements next to each other.
- Disorientating curvilinear street patterns.
- Disconnected streets, paths and routes.
- Buildings that turn away from open spaces.
- Cul de sac based street patterns.

The proposed layout is based around a linear, T-shaped street pattern where cul-de-sacs are connected to the existing highway via a network of straight-lined carriageways and footways, both within the estate road itself and through the open space to the northwest. This linear street pattern allows the creation of three distinct housing parcels organised in perimeter blocks following a consistent building line carried across garden frontages and around junctions on corner plots. Dwellings fronting onto Copp Lane would either replicate the building line of no. 1 Highbury Gate to the southwest (plots 31-32) or be set back behind a roadside landscaped strip and shared drive to the northwest (plots 1-4) to follow the building line of existing properties to the north.

Dwellings are arranged with an outward-facing aspect to existing and proposed roads and open countryside to the east, with interlocking rear gardens concealing these behind the building frontage. Properties on corner plots benefit from generous side gardens where they border roadsides and their garages and tall boundary treatments are set back or in-line with the walls of the main buildings to preserve a consistent building line and sense of space around junctions.

Open spaces to the eastern and northern peripheries of the site allow the retention of an existing hedgerow bordering farmland to the east and a cluster woodland to the north, including that surrounding a retained pond. Although the existing hedgerow to Copp Lane is to be removed to allow the widening of the footway, this would be replaced with a new continuous roadside hedgerow interspersed with tree planting spanning the full frontage with Copp Lane (save for the two accesses), extending around the perimeter of the proposed pumping station to the northwest corner and alongside the estate road to provide a tree-lined street and soft edge to the roadside. The LAP within the open space would be accessed via a short connection off the estate road footway and prominently located at the head of a central cul-de-sac to ensure good natural surveillance from both the estate road and neighbouring dwellings overlooking the open space.

The development layout is based around a linear street pattern with direct connections to the existing road network, seeks to relate the layout to existing residential development on Copp Lane and Highbury Gate through its density and building lines and either retains (along the eastern and northern boundaries) or replaces (along the western boundary) existing natural features and a buffer of landscaping and open space with surrounding land located within the countryside beyond the settlement boundary. Buildings would follow a consistent, legible pattern which, whilst suburban in character, follows the relevant principles of good design identified in the NMDC and BHL. Accordingly, the approach to the layout would satisfy the objectives in FLPPR policies GD7, H2 and ENV1 which relate to achieving good design in development.

Scale:

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The subsection of FLPPR policy H2 which relates to “mix” requires that “all developments of 10 or more dwellings will be required to include at least 50% of dwellings that are 1-, 2- or 3-bedroom homes. Developments within or in close proximity to the Tier 1 Larger Rural Settlements or Tier 2 Smaller Rural Settlements should include at least 33% 1- or 2- bedroom homes”. In addition, the subsection of policy H2 which relates to “specialist accommodation for the elderly” states that “in order to meet the needs of an ageing population in Fylde, at least 20% of homes within residential developments of 20 or more homes should be designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings), unless it is demonstrated that this would render the development unviable”.

Sections B.1.iii and B.2.iii of the NMDC (Part 2) relate to building types, forms and heights.

Considerations 4 (homes for everyone) and 5 (making the most of what’s there) of BHL advise that the following design principles should be followed with respect to building scale:

- A range of housing typologies supported by local housing needs and policies to help create a broad-based community.
- Homes with the flexibility to meet changing needs.
- Positive characteristics such as street types, landscape character, urban grain, plot shapes and sizes, building forms and materials being used to reflect local character.
- Sensitive transitions between existing and new development so that building heights, typologies and tenures sit comfortably next to each other.

Conversely, considerations 5 (making the most of what’s there) and 6 (a memorable character) of BHL advise that the following should be avoided in relation to scale:

- Not being sensitive to existing neighbouring properties by responding to layout arrangements, housing typologies and building heights.
- Using a predetermined sequence of house types to dictate a layout.

The development would deliver a range of dwelling sizes and types including a mix of 13 x 2-bed, 5 x 3-bed, 9 x 4-bed and 9 x 5-bed homes. The majority (34) of these would be two storeys in height to mirror the prevailing building height along the Copp Lane/Highbury Gate frontage (although Copp Lane also includes a limited number of true/dormer bungalows), though two ‘true’ bungalows would also be provided to the eastern end of the site (plots 19-20). The mix of dwelling sizes would provide 36% 2-bed dwellings and 50% 2-3 bed dwellings. Accordingly, the proposal would satisfy the “mix” requirements of FLPPR policy H2 with respect to dwelling size, including the need to provide a proportion of smaller homes within the Tier 2 settlement of Elswick.

In terms of the requirement in policy H2 relating to the provision of specialist accommodation for the elderly, the development includes a total of 8 dwellings – equating to 22% of the total – that are designed to be compliant with optional technical standard M4(3(2a)) of the Building Regulations relating to wheelchair adaptable dwellings. For clarity, optional technical standard M4(3(2a)) of the Building Regulations requires that “the provision made must be sufficient to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs”. Accordingly, the requirement in policy H2 is for the designated M4(3(2a)) dwellings to be built to a specification where their physical structure is capable of being adapted in the future with minimal retrofitting (i.e. that the dwellings are capable of being easily adapted in the future without the need for major rebuilding works or extensions etc.). The dwellings do not need to be built ‘as adapted’ at this stage.

As set out in paragraph 0.3 of Approved Document M of the 2010 Buildings Regulations (as amended), optional requirement M4(3) “only applies where a condition that one of more dwellings should meet

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the relevant optional requirement is imposed on new development as part of the process of granting planning permission.” Accordingly, an appropriate condition has been imposed to require the 8 dwellings identified on the submitted plans to be constructed so that they comply with that standard. With this condition in place the development will also comply with the requirements of FLPPR policy H2 relating to the provision of specialist accommodation for the elderly.

The proposed layout places detached dwellings with the largest footprints and garden areas along the site’s western frontage with Copp Lane to reflect the more spacious plot sizes of existing properties along that roadside. Similarly, the five dwellings fronting onto the north side of Highbury Gate would be house types with a generally greater width and separation afforded by intervening side driveways and outbuildings to reflect the existing dwelling layout on the cul-de-sac’s southern frontage. Ground level falls away from south to north across the site and the finished floor levels of the dwellings would step down to follow the natural change in levels along the Copp Lane frontage. Similarly, east-west cross sections demonstrate a proposed building height consistent with that of existing dwellings on the west side of Copp Lane.

The development’s scale would ensure that the mix of housing satisfies the requirements of FLPPR policy H2 with respect to both the size and type of dwellings provided, while respecting the prevailing scale of surrounding development on Copp Lane and Highbury Gate to ensure that this integrates sympathetically with the character and appearance of the area in accordance with the objectives of policy GD7 and the NPPF.

Appearance:

Considerations 6 and 7 of BHL encourage developments to ensure they “[reflect] character in either a traditional or contemporary style”; “[draw] inspiration from local architectural and/or landscape character”; and create “memorable spaces and building groupings”; “streets with active frontages”; and “dual aspect homes on street corners with windows serving habitable rooms”.

In contrast, Considerations 6 (a memorable character) and 7 (well defined streets and spaces) of BHL advise that the following should be avoided:

- “Attempting to create character through poor replication of architectural features or details.
- Presenting blank or largely blank elevations to streets and public spaces.
- Lack of front boundaries, street planting and trees.
- Street corners with blank or largely blank sided buildings.”

Existing dwellings in the area have a mixed character in terms of scale, materials, roof profile, architecture and era. Properties on Copp Lane are typically more rural vernacular with a prevalence of render, though these give way to dormer bungalows at the southern end around the junction with Ash Road, whereas those on Highbury Gate are more contemporary suburban style houses in red brick and stone dressings. The existing dwelling at no. 1 Highbury Gate occupies the corner plot at the junction with Copp Lane. It is orientated with its front elevation and porch facing Copp Lane, but also includes several windows and a protruding bay to the ground floor to ensure active frontages to both roads.

Twelve different house types are proposed across the development which seeks to respond to the appearance of surrounding properties through its layout, distribution of building scales, house type design and proposed materials. In particular, its layout would ensure consistency with established building lines on Copp Lane and Highbury Gate while achieving a spacious, soft landscaped frontage to existing and proposed roads. The height of dwellings would replicate those of existing properties, including following the natural south-north stepping down of finished floor levels along Copp Lane.

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Dwellings would be orientated and designed with window arrangements which achieve an outward facing aspect onto the highway network, surrounding countryside to the east and the open space to the north. In particular, properties located on corner plots (including those bordering the estate road and adjoining countryside/open space) would have true dual-aspect elevations with generously proportioned habitable room windows, including protruding features, in both their front and side elevations to present active frontages to the roadside and public areas. Tall boundary treatments to rear gardens would be concealed through the use of interlocking rear gardens and where these would be visible to the side of properties on corner plots, boundary walls set in line with side elevations and treated in matching brick to the main dwellings would be used to preserve the building line and sense of openness around junctions, and to avoid a contrasting appearance with the materials of the host dwelling.

Buildings would incorporate a mix of dual-pitched and hip-roofed profiles with facing gables, bay windows, porches and canopies picking up the features of neighbouring dwellings. The Windsor house type on 5 plots would also include small, pitch-roofed dormers above sweeping 'catslide' roofs to contribute variety to the roofscape similar to that evident along Copp Lane. Building frontages would comprise generous window proportions aligned to achieve a strong degree of rhythm, symmetry and legibility to façades. A mix of red/orange brick and white render to external walls below grey tiled roofs would integrate with the mixed palette of materials to neighbouring dwellings in the area. Accordingly, the development's appearance would integrate successfully with the mixed character of the site's surroundings.

Landscaping:

Considerations 5 (making the most of what's there), 7 (well defined streets and spaces), 9 (healthy streets) and 10 (cycle and car parking) of BHL advise that the following design principles should be followed with respect to landscaping within developments:

- Using existing assets as anchor features, such as mature trees and other existing features.
- Protecting and enhancing existing habitats; creating new habitats.
- Well defined streets and spaces, using buildings, landscaping and/or water to enclose and define spaces.
- Tree lined streets. Make sure that trees have sufficient space to grow above and below ground, with long term management arrangements in place.
- Landscaping to help settle parked cars into the street.
- Frontage parking where the space equivalent to a parking space is given over to green relief every four bays or so.

Conversely, the same considerations of BHL advise that the following landscaping issues should be avoided:

- Placing retained hedges between rear garden boundaries or into private ownership.
- Lack of front boundaries, street planting and trees.
- Street edges with garages, back garden spaces enclosed by long stretches of fencing or wall.
- Frontage car parking with little or no softening landscaping.
- Views along streets that are dominated by parked cars, driveways or garages.

With the exception of a single specimen on the western boundary, the proposed landscaping scheme provides for the retention of all existing trees within the site, along with the full length of a *circa* 115m long hedgerow alongside the eastern site boundary. A pond to the northern part of the site would also be retained within the open space. The retention of these natural features and the screening they provide would ensure a landscaped buffer of appropriate depth and species where the development

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falls adjacent to land within the countryside. These areas are within the public open space, outside the curtilage of the dwellings and would be maintained by a private management company to secure their ongoing retention.

The widening of the footway of Copp Lane alongside the site's western boundary, together with the provision of a new bus shelter, necessitates the removal of a *circa* 150m long roadside hedgerow in this location. The removal of this hedgerow is, however, to be compensated for by the introduction of a replacement hedgerow at the back edge of the widened footway for the full length of the re-configured western boundary (save for the access points). This hedgerow would also extend around the edges of a pumping station to the northwest corner of the site to screen the fencing to the perimeter this feature, along the northern fringe of the developable area where it meets the public open space and would form the means of enclosure to front gardens of the dwellings. Accordingly, the proposed landscaping strategy would retain existing natural features as an integral part of the development where possible and provide suitable compensatory planting where this cannot be avoided.

The internal soft landscaping strategy would ensure a soft edge to the estate road lined with a combination of hedgerow interspersed with roadside trees along with a *circa* 100m long stretch of hedgerow in two sections to either side of a central cul-de-sac marking the boundary with the public open space to the north. Front and side gardens of individual dwellings include generous areas of soft landscaping which form the prevailing treatment to the roadside frontage and break up a combination of frontage and tandem side parking spaces for individual dwellings. Where parking spaces are grouped more closely, particularly for the smaller units, these would be separated by strips of hedging running between them to screen parked cars.

In terms of hard landscaping, visual relief from the prevailing tarmac surface of the estate road could be achieved through the use of a contrasting surface (e.g. block paving) to the shared drives at the front of plots 1-4, 20-22 and 23-25 where these areas would not be adopted by the Local Highway Authority. A condition has been imposed requiring details of all hard surfaces to the estate road, shared drives and private car parking spaces to achieve this. Boundary treatments include a low (1m high) post-and-rail fence behind the roadside hedgerow to Copp Lane and the footpath through the open space to the northwest corner, with taller boundary treatments to rear gardens. Where these would be exposed in views from surrounding streets and across the open space, 1.8m high brick walls with curved edges in matching brick to the host dwellings are proposed to soften their visual impact and provide a superior means of enclosure in more prominent locations.

Summary:

For the reasons set out above the proposed development, by reason of its density, layout, scale, appearance and landscaping, would assimilate sympathetically with its surroundings by integrating successfully with the varied character of neighbouring buildings, responding to the sensitivities of the site's rural fringes and retaining/compensating for those existing natural features of greatest value as part of the scheme. Accordingly, the scheme is considered to comply with the principles of good design set out in FLPPR policies GD7, H2 and ENV1 and the NPPF (including the NMDC and BHL).

Impact on amenity:

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" and "being sympathetic to surrounding land uses and occupiers". In addition, criterion o) states that "all new housing developments should result in a high standard of amenity for occupiers.

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The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.”

While used principally in the assessment of applications involving extensions to existing dwellings, the guidance in Design Note 1D iii) of the Council’s ‘Extending Your Home’ Supplementary Planning Document (the ‘SPD’) indicates that:

- “Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.”

Furthermore, paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 185 of the NPPF states 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:

- a) 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;”

In addition, paragraphs 187 and 188 of the Framework indicate that:

- “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”
- “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

The site is bordered by open agricultural fields to the east and by dwellings on Copp Lane to the north and west and on Highbury Gate to the south. The site of Mirfield Poultry Farm lies to the east (rear) of the dwelling at Mirfield and to the northeast of the development site.

Effects on neighbouring occupiers and land uses:

The proposed layout places a row of five dwellings orientated with their front elevations directly facing the front of nos. 1-4 Highbury Gate across the cul-de-sac. Similarly, those properties flanking the western site boundary would be orientated with active front/side facing aspects towards existing dwellings on the west side of Copp Lane. The proposed layout indicates that the following minimum and maximum spaces distances would be achieved between the existing and proposed dwellings:

- A minimum of approximately 20.6m between the front of plot 35 and no. 3 Highbury Gate and a maximum of approximately 23m between the front of plot 32 and no. 1 Highbury Gate.

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- A minimum of approximately 26.5m between the side of plot 32 and the front of the dwelling 'Finlandia' and a maximum of 29m between the side of plot 31 and the front of the dwellings at nos. 3-4 Copp Lane.

Whilst the minimum spacing distance between the two storey facing gable on the front of plot 35 and no. 3 Highbury Gate falls marginally (*circa* 0.4m) below the 21m separation distance recommended in Design Note 1D iii) of the Council's 'Extending Your Home' SPD, this spatial relationship would not result in any adverse impact on the amenity of existing occupiers at no. 3 Highbury Gate through overlooking. In particular, the main front wall of plot 35 which is set back from the facing gable would be 21.5m away from the same dwelling and the front elevation of no. 3 is already exposed in public views from the street. In addition, existing dwellings on Highbury Gate are set at a higher level in the relation to the site and the submitted details of finished floor levels indicate that they would retain this elevated aspect in relation to the proposed dwellings. They are also located due south of the proposed dwellings. Accordingly, the proposed houses would not appear as unduly dominant, oppressive or imposing features in the outlook of existing dwellings on Highbury Gate through loss of outlook, daylight or overshadowing.

As the development's spacing distance with existing dwellings to the west on Copp Lane would exceed the guideline in the SPD and there would be no appreciable difference in levels between them, the proposal would also avoid any harmful effects on the privacy and amenity of those existing occupiers.

The closest dwelling to the north of the site is located on the east side of Copp Lane at Mirfield. This is the southernmost property in a row of 6 buildings (5 dwellings and a telephone exchange building) extending in a northerly direction away from the site up to the junction with Langtree Lane. The dwelling at Mirfield is orientated with its side elevation facing in a southerly direction onto the site and would be located *circa* 17.5m from the pumping station in the northwest corner of the site, and approximately 52m from the northern elevation of plot 1.

The occupiers of Mirfield have suggested that the pumping station should be re-located further away from that property due to potential issues with noise and odour. However, the majority of apparatus associated with pumping stations is located below ground and they are sealed units which emit very little noise and odour. Foul water pumping stations are common features of most modern housing developments and, with proper screening and maintenance in place, there is no reason why the siting of the proposed pumping station would adversely impact the amenity of neighbouring occupiers by reason of noise, odour or any other nuisance.

Mirfield Poultry Farm:

Four agricultural buildings located to the northeast of the development form the site of Mirfield Poultry Farm. Objections to the application indicate that the poultry farm includes working practices such as depopulation at night, the use of ventilation fans, access by articulated wagons and removal of manure at times of turnaround, all of which have the potential to generate nuisance for and complaints from future occupiers due to noise and odour which could, in turn, undermine the operation of the business.

The closest of the proposed dwellings to the poultry farm (plot 22) would be located approximately 64m away from the nearest of the four buildings. In addition, the poultry farm buildings are extensively screened from the site by woodland planting buffers both within (which are to be retained) and outside (along the southern edge of the poultry farm buildings) the site. In contrast, other dwellings within the group to the north on the east side of Copp Lane have a clear line of sight towards the poultry farm buildings from their rear elevations and the foundations of a new dwelling approved

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within the rear garden of Mirfield under planning permission 15/0846 place this *circa* 46m from the same buildings.

The site has been visited on two separate occasions, both during daytime hours. No olfactory signals of odours were observed during either visit, nor was any specific noise source from the farm readily detectible when stood within the site. While it is appreciated that this represents a snapshot in time, it is also the case that no objections to the application have been received from the Council's Environmental Protection Service (EPS) subject to the imposition of a condition relating to noise limits being achieved to meet WHO guidelines, the EPS have advised that there is no recent history of noise or odour complaints arising from the operation of the poultry farm from existing surrounding dwellings and another dwelling (without any occupancy restriction) has been approved in much closer proximity with a direct line of sight to the poultry farm buildings. It is also the case that, although the poultry farm may operate at night during depopulation and there is potential for greater odour nuisance during turnaround, these events are limited in their frequency and duration rather than being a daily occurrence which would have a sustained impact on the amenity of future occupiers.

Taking all these factors into account, and in combination with the minimum *circa* 64m spacing distance and screening that would be achieved between the poultry farm and the proposed dwellings, there is no reason, on balance, to conclude that the continued operation of the poultry farm and its relationship with the proposed dwellings would give rise to "significant adverse impacts on health and the quality of life" of future occupiers of the development due to noise (for the purposes of paragraph 185 of the NPPF) or odour emissions. Similarly, there is no reason to conclude that the proposed development is likely to result in unreasonable restrictions being placed on the existing business at Mirfield Poultry Farm which could have a prejudicial impact on the continued operation of that business.

For the reasons set out above, it is considered that the proposed residential development can be integrated effectively with the existing poultry farm without the need for additional restrictions to be imposed on that established use. In addition, appropriate mitigation measures (through a combination of separation distances, screening and conditions) would be incorporated into the scheme to ensure that the continued operation of the existing poultry farm in the vicinity of the proposed development would not have a significant adverse effect on future occupiers for the purposes of the 'agent of change' principle in paragraph 187 of the NPPF.

Effects on future occupiers:

As set out above, the proposed dwellings would achieve an appropriate layout, spacing and relationship with existing properties surrounding the site to ensure that they do not adversely affect the amenity, privacy and living conditions of existing occupiers. The same factors would ensure a high standard of amenity for future occupiers in relation to surrounding buildings outside the site.

Internally, spacing distances between the principal elevations of the proposed dwellings (those featuring windows to habitable rooms) vary from a minimum of *circa* 19m (between the front elevations of opposing terraces on plots 7-12 and 13-17) and a maximum of approximately 33m. In instances where the 21m spacing guideline in the SPD is not achieved, this would be limited to relationships between opposing front elevations where views are already in the public domain and so mutual overlooking is more prevalent. However, separation distances between back-to-back rear elevations of dwellings would consistently achieve the 21m guideline in the SPD and privacy between private gardens to the rear of the dwellings would be achieved through the use of solid, 1.8m high boundary treatments. Similarly, the size of garden spaces would ensure appropriate buffers between dwellings and provision of outdoor amenity space commensurate to the size of each dwelling.

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For the same reasons set out above in relation to the development's impacts on the operation of existing land uses, the proposed dwellings would be successfully integrated, separated and screened from neighbouring uses to ensure that future occupiers do not experience any unacceptable amenity impacts as a result of these uses with respect to noise, odour, operating hours, interface distances or any other nuisance.

Accordingly, the proposal would achieve a high standard of amenity for future occupiers in accordance with the objectives of FLPPR policy GD7 and the NPPF.

Highways:

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

- 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).
- 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.

In addition, FLPPR policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes, including by supporting the shift towards new technologies and fuels by promoting low carbon travel choices and encouraging the development of ultra-low carbon / electric vehicles and associated infrastructure (criterion i)).

Paragraph 104 c) of the NPPF states that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that: opportunities to promote walking, cycling and public transport use are identified and pursued". Paragraph 110 of the NPPF indicates that, in assessing applications for development, it should be ensured that:

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

Paragraph 111 of the Framework stipulates that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Paragraph 112 of the Framework indicates that, within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality

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public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Access:

Access to the development would be gained via three connections onto Copp Lane. The most southerly would be onto the cul-de-sac of Highbury Gate, where the existing carriageway would be widened in a northerly direction from *circa* 4.1m (with no footway) to 5.5m with a 1.8m wide footway on its north side. The Widened access would achieve visibility splays of 2.4m x 43m in both directions at the junction onto Copp Lane and would serve five of the proposed dwellings, and a total of 11 on Highbury Gate. A central junction merging with a 5.5m wide estate road with 1.8m footways would provide vehicle access to the remainder of the development (31 dwellings) via a T-shaped cul-de-sac with turning heads to each termination point and shared private drives fronting the properties to the far eastern and western ends of the site. This access would also achieve visibility splays of 2.4m x 43m at its junction with Copp Lane. Finally, a pedestrian only access is proposed onto Copp Lane to the northwest corner of the site via a 2m wide footpath curving through the open space to join the estate road footway.

The existing footway on the east side of Copp Lane ranges from a maximum of approximately 1.8m in width to the southern end of the site (where it borders the bus stop) to a minimum of *circa* 1m along the remainder of its length up to the northern end of the site. The usable width of the narrowest part of the footway is further restricted by the overhanging branches of a roadside hedgerow. Accordingly, the scheme includes the widening of the existing footway on the east side Copp Lane to 2m where it borders the site's western boundary to improve pedestrian access for all users. This also necessitates the removal of the existing roadside hedgerow.

Two bus stops (northbound and southbound) are located on Copp Lane in close proximity to the site. These stops are served by two separate bus services as follows:

- The no. 74 between Preston and Fleetwood which runs a service stopping hourly on Copp Lane from 06:19 to 20:19 Monday to Saturday, with a reduce service on Sundays.
- The no. 78 between St Annes and Great Eccleston which runs a service stopping hourly on Copp Lane from 06:42 to 19:47 Monday to Saturday, with no service on Sundays.

While the bus stop on the northbound carriageway (west side of Copp Lane) includes a shelter, that on the southbound carriageway (east side of Copp Lane) lacks a shelter and is located at the back edge of the 1.8m wide stretch of footway in this area. Therefore, the proposal includes the provision of a new bus stop with shelter at the back edge of the widened 2m footway and raised kerbs on the southbound carriageway of Copp Lane. The shelter would be located equidistantly between the junctions of Highbury Gate and the new central access, slightly further north of the current bus stop, to avoid obstruction of visibility splays from these junctions.

The Local Highway Authority's (LHA) comments dated 24.05.23 indicate that they have no objections to the proposed access strategy, both within and outside the site, on safety grounds. Those comments

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do, however, request amendments to the plans to increase the width of the new footway on the east side of Copp Lane from 1.8m to 2m and to avoid any obstructions (including planting and/or enclosures) over 1m in height along the site's frontage with Copp Lane. Revised layout, landscaping and boundary treatment plans have been provided to address the LHA's requests in this regard (as referenced in the details given above). Appropriate conditions are also recommended in this regard, along with those to secure the necessary off-site improvements to current highway and public transport infrastructure.

The LHA's comments dated 24.05.23 also opine that the internal estate road may not be suitable for adoption by the LHA in the future as the 1.8m wide footways proposed to the estate road do not meet LCC's standard 2m width requirement for adoption. However, the applicant has entered into separate discussions with the LHA's S38 officer and has provided correspondence from them indicating that the proposed 1.8m footways would be considered suitable for adoption in this case. That notwithstanding, issues relating to the future adoption of the estate road are not matters which affect the development's impact on highway safety insofar as it is a material planning consideration and are, instead, dealt with separately under S38 of the Highways Act 1980.

With the above measures in place, the proposed development would ensure a safe and suitable means of access to the development for all users, have no unacceptable impact on highway safety and maximise opportunities for use of public transport by providing enhanced facilities for pedestrians and buses proportionate to the development's scale and impact.

Traffic generation and network capacity:

With reference to the Trip Rate Information Computer System (TRICS) database and applying the 'North Preston' trip rates requested by the LHA, the applicant's Transport Statement (TS) estimates that the proposed residential development of 36 dwellings would generate a total of 21 additional two-way vehicle trips in the peak morning period and 24 two-way vehicle trips in the peak evening period. The TS concludes that "with a peak of just 24 vehicular movements per hour [...], the current proposals would not have a material impact on the capacity of the local highway network in the vicinity of the site."

The trip generation figures in the TS are not challenged by the LHA, who opine that the development will not have a significant impact on highway capacity in the immediate vicinity of the site. The Parish Council's objection to the application refers to safety and capacity issues at the Thistleton junction onto the A585 (Fleetwood Road) when approaching Elswick from the west being worsened by the additional traffic generated by the development.

With respect to the development's impact on the operation of the Thistleton Junction, the response to the application from National Highways recognises that "there is an issue at the [Thistleton] junction whereby right turning traffic, both into and out of this priority junction, has a lower gap acceptance than most other locations leading to a higher risk of incidents. Any increase in traffic using this junction will undoubtedly raise this risk." However, the response concludes that "a single development of 38 dwellings will possibly raise the risk only marginally [and] based upon the forecast traffic flow impact of the proposals, in isolation, this proposal is unlikely to result in there being a step-change in the operation of the junction. As a result we do not raise any objection to this application in isolation subject to a condition requiring a Travel Plan to be adopted".

In the absence of any objections from the LHA or National Highways there is no reason to conclude that the amount of additional traffic likely to arise from the development would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the surrounding road network

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would be severe. An appropriate condition has been recommended to secure the travel plan referred to in National Highways' response.

Parking:

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". Whilst a draft version of the SPD has been prepared, this has not yet been adopted and due to its early stage of preparation carries limited weight in planning decisions. Nevertheless, the following parking standards in Table 2 of the draft SPD relating to developments in "rural areas/low accessibility" are of relevance in this case:

Proposed development/use	Standard for rural areas/ low accessibility
1-2 bed affordable rented housing	1 per dwelling
2-bed houses	2 per dwelling
3-bed houses	2 per dwelling, not including garage
4+-bed family housing	3 per dwelling, not including garage

The proposed layout includes two off-road, in-curtilage parking spaces for each dwelling within private driveways to the front (side-by-side) or side (tandem) of each dwelling. Amended plans showing increased driveway lengths of 6m on approaches to garages have been submitted to address the LHA's comments dated 24.05.23 in relation to plots 5, 28, 29 and 30.

Whilst this level of parking provision meets or exceeds the standard in the draft SPD for the 18 proposed 1-3 bed houses, the standard for the 18 remaining 4-5 bed houses would not be met via driveway provision alone. Although all the 4+ bed house types would also benefit from a combination of detached and integral single/double garages, the LHA's comments indicate that on the "separate single garage" (the detached single garages on plots 21, 22 and 35 are of a sufficient internal size to provide a car parking space. However, Table 2 of the draft SPD indicates that parking within garages should not be relied upon in rural/low accessibility areas, though the rationale for that is not clarified within the document. In this case, even if the detached single garages on plots 21, 22 and 35 are counted as a third parking space for those properties, 15 of the proposed 4+ bed dwellings include a level of parking provision below the standard in Table 2 of the draft SPD.

It is not, however, the case that non-compliance with the standards in Table 2 of the draft SPD should automatically result in refusal of planning applications. Indeed, the SPD is presently in draft form and so carries limited weight in planning decisions at present. That notwithstanding, paragraph 4.1 of the draft SPD makes clear that the purpose of the parking standards is "to assist decision-making by providing an indication of likely need; however, the decision as to acceptability will be based on policy compliance. Generally, this will not be about numbers of spaces but whether the development proposal complies with policy requirements." In this respect, the overarching objective of policy T5 (and, laterally, GD7 r)) is to ensure that developments provide adequate parking on site so that "there is no detrimental effect on highway safety". Accordingly, the principal test to be applied in this case is whether the level of off-street parking provision proposed by the development would be so deficient as to give rise to an unacceptable impact on the safety of the highway network.

Although the LHA acknowledge the lack of availability of a third parking space within the undersized garages proposed on 15 plots, they opine that they "would not view parking on the proposed internal

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highway as unacceptable in this case if the garages were not modified". In this respect, it is noted that the estate road is 5.5m wide and so capable of accommodating on-street parking without causing an undue obstruction to vehicles passing along it. Given the availability of on-street parking along the estate road, the over-provision of parking for the 8 affordable rented dwellings which is likely to avoid any overspill on-street parking from those units and the comments of the LHA, it is considered that the provision of at least two off-road parking spaces for each dwelling would not result in a level of parking congestion on the surrounding highway network which would give rise to an unacceptable impact on highway safety in conflict with the objectives of FLPPR policies T5 and GD7, or the NPPF.

Ecological impacts:

Paragraph 174 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 180 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.

Paragraph 182 of the Framework indicates that "the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

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.

Impact on designated nature conservation sites:

The site is located approximately 3.3km from the Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Wyre Estuary SSSI. Accordingly, the development has the potential to cause both direct and indirect impacts on these designated sites and/or land that is 'functionally

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linked' to it. As the proposal is not necessary for the management of the European site, a Habitat Regulations Assessment (HRA) is required to determine the significance of any impacts and 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's ecologist has prepared a 'shadow HRA'. The latest version of this (report reference JWP025.04 Rev01) was updated to address previous deficiencies identified in Natural England's comments dated 30.03.23. The updated version of the HRA concludes that, owing to the development's separation from the designated sites, the scheme's only likely significant effect on them is that associated with increased disturbance of qualifying bird species who feed on the intertidal mudflats or River Wyre estuary as a result of recreational activities such as walking, dog walking, bait digging and angling which would become more frequent as a result of the increased population arising from the development. The collective term for this impact is 'recreational disturbance'.

The shadow HRA concludes that, in order to mitigate any adverse effects on the integrity of the designated sites arising from recreational disturbance, homeowner information packs concerning the nearby Morecambe Bay and Duddon Estuary SPA should be produced and supplied to new residents of the housing development, and also made available to future homeowners. The purpose of the homeowner information packs will be to minimise or avoid any potential impacts as a result of added recreational disturbance by informing residents of the sensitivity of those sites, promoting responsible use and activities, promoting alternative recreational opportunities away from sensitive areas, suggesting suitable locations for bird watching where this would not cause any disturbance to feeding birds and highlight the potential impacts of bait digging and angling.

Natural England's response dated 24.04.23 confirms that they concur with the conclusions in the shadow HRA that, with the mitigation of the homeowner information packs in place, the proposal will not result in adverse effects on the integrity of any of the designated sites in question. A planning condition is proposed to secure the provision of the homeowner information packs referred to in the HRA as recommended by Natural England. In addition, an informative note confirms the LPA's adoption of the applicant's shadow 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 will also ensure compliance with the requirements of FLPPR policy ENV2 and the NPPF in relation to the development's impact on designated nature conservation sites.

Site-specific impacts:

The application is accompanied by an ecological impact assessment which considers the development's effects on the value of existing habitats and ecological features both within and surrounding the site, along with the potential for the presence of protected species. The ecological impact assessment includes the following conclusions and recommendations in this regard:

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- **Woodland** – Construction activities in the vicinity of the woodland, and in particular the pond, may impact the habitat through pollution and negatively impact aquatic habitats. There is also a risk of damage to trees during construction, due to earth excavation or compaction by vehicles, and during operation due to an increase in recreational use of the woodland. This should be mitigated through the use of pollution prevention methods and protection of tree root protection areas with temporary fencing during construction, along with permanent fencing between the open space and the retained pond and woodland to the northern edge of the site to discourage recreational use of these habitats.
- **Hedgerows** – The development requires the removal of *circa* 200m of priority habitat hedgerow. There is also a risk of damage to *circa* 128m of retained hedgerow during construction due to earth excavation or compaction by vehicles. Retained hedgerows should be protected throughout the construction period by temporary fencing to avoid encroachment into root protection areas, and secured by a Construction Environment Management Plan (CEMP). To compensate for the loss of hedgerow, a total of 313m of new native species rich hedgerow will be planted along the northern edge of the housing and along the western site boundary, close to the location of removed hedgerow. Where possible, new hedgerows will incorporate tree specimens translocated from the removed hedgerow. This should be secured by the production of a Biodiversity Enhancement Management Plan (BEMP).
- **Ground Elder (invasive species)** – Earthworks risk distributing ground elder around the site and removal of soil also risks spreading ground elder to the wider area. A strict biosecurity protocol, to be secured by a CEMP including an invasive species method statement, will be adhered to during site clearance to ensure ground elder is not distributed as a result of the works.
- **Great Crested Newt (GCN)** – GCN are absent from the on-site pond. However, vegetation clearance and site preparation has the potential to harm GCN and the loss of grassland, scrub, hedgerow and refugia will result in a reduction in the available terrestrial habitat for GCN. The site lies within an amber risk zone for GCN district licencing and so these impacts can be mitigated by applying for a district level licence to ensure that the development is in accordance with legislation and will compensate for the loss of terrestrial habitat on the site by a payment for the off-site creation of additional ponds. Natural England has issued an Impact Assessment and Conservation Payment Certificate for this scheme which confirms that district level licencing will be possible for the scheme and details the need for a conservation payment of £29,290.80. A district level licence will be applied for in accordance with these requirements.
- **Nesting birds** – Site preparation and vegetation clearance – during the nesting bird season has the potential to destroy active nests and kill/disturb birds using them. Therefore, site preparation will be timed to avoid the nesting bird season (typically March to August inclusive). Where this is not possible a pre-commencement inspection will be undertaken by a suitably qualified ecologist to search for the presence of nesting birds. Where nesting birds are identified, works will be delayed until after dependent young have fledged. The inclusion of additional hedgerow creation will provide compensation for lost nest building opportunities at the site.
- **Bats** – Woodland within the site may support features suitable for roosting bats and increased lighting associated with the development may reduce the viability of roosting features present within the woodland. As woodland is to be retained and protected throughout the construction and operational phase, there will be no direct loss of roosting features. The proposed lighting design should be reviewed by a suitably qualified ecologist to ensure that there will be no significant impact on bats and surrounding area as a result of increased lighting levels post-development. There shall be no direct illumination of potential roosting

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habitat or important foraging or commuting habitat and light spillage shall be reduced as much as possible.

- **Badger** – Although badgers have previously been confirmed to be absent from the site, if they have become established prior to the start of works, construction activities risk the destruction of a sett(s) and disturbance/harm to individual badgers. A pre-works badger survey will be undertaken no more than three months prior to the commencement of works. Where badgers are confirmed to be present within or adjacent to the site and the works risk contravening legislation, the badger sett(s) will be closed under licence following appropriate methodologies.
- **Hedgehog** – Although grassland and hedgerow habitats will be lost, these habitats are abundant in the wider area and residential gardens within the site will continue to provide suitable habitat for this species. Existing piles of building materials within the site may be suitable for hibernating hedgehog. If removed during the hibernation period, it risks harm to individual hedgehogs. If the removal of existing piles of building material is to be undertaken during winter (November to March inclusive), when hedgehogs may be unable to find alternative shelter if disturbed, a pre-commencement inspection will be undertaken by a suitably qualified ecologist and the materials removed by hand. Where hibernating hedgehog are identified, works will be delayed until the end of the hibernation period.

GMEU have commented on the application on several occasions. Their initial responses raised issues with the scope of previous ecology surveys, the lack of evidence relating to district level licensing for Great Crested Newts, a lack of off-site compensation to offset a 55.5% net loss in biodiversity at the site and need to provide a scheme for the installation of bat and bird boxes within the development.

These matters have, however, been addressed through the provision of additional information and amended plans, with GMEU's latest response dated 16.06.23 indicating that they have no objection to the application in ecological grounds subject to the imposition of conditions requiring: i) the submission of a Landscape and Ecological Management Plan (LEMP) for the long term management of on site habitats; ii) the submission of a CEMP for biodiversity; iii) reasonable avoidance measures to avoid harm to amphibians during site clearance works; and iv) the installation of the bat tubes and bird boxes shown on the latest plan.

Given the latest response from GMEU, it is considered that the implementation of appropriate and proportionate mitigation measures as set out in the applicant's ecological impact assessment can be dealt with through the imposition of conditions to ensure that the proposed development does not adversely affect existing habitats and/or the favourable conservation status of protected species on the site in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

Biodiversity net gain:

The Environment Act 2021 makes a 10% biodiversity net gain (BNG) mandatory for all but exemptions and small sites from an as-yet unconfirmed date, currently anticipated in November 2023. This 10% uplift is set against a benchmark figure for the site's pre-development habitat value, with both calculated using the biodiversity metric published by central government. The metric calculates values as 'biodiversity units' which are influenced by the size of the habitat, its quality and location.

At present, the secondary legislation to mandate the 10% BNG requirement in the Environment Act has not yet come into force. However, paragraphs 174 d) and 180 d) of the NPPF state that planning decisions should "[minimise] impacts on and [provide] net gains for biodiversity" and that "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**" (emphasis

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added). Accordingly, developments should deliver at least some measurable net gain in biodiversity to meet these objectives. In practical terms, this could be very limited (e.g. 0.01%), but it must ensure an uplift against the current benchmark, rather than a net loss or neutral ('break even') position.

The applicant has provided a BNG assessment as part of the application. Using the BNG metric, the assessment identifies the following on-site net biodiversity unit and percentage changes arising from the development:

Total net unit change	Habitat units	-6.09
	Hedgerow units	-0.14
	River units	0
Total on-site net % change	Habitat units	-55.54%
	Hedgerow units	-3.73%
	River units	0

The BNG metric indicates that the proposed development would result in a net loss of 6.09 habitat units (or 55.54%) against the re-development benchmark. As there is insufficient space (and/or due to other constraints within the site) to offset this impact to a position where the development would secure a measurable net gain in biodiversity, off-site compensation is required. This compensation for losses at the site is to be achieved via the enhancement of habitats within the areas of public open space at another of McDermott Homes' ongoing development sites in Wyre (White Carr Lane, Norcross), above any beyond those required by that planning permission (Wyre reference 18/00860/FULMAJ).

The BNG assessment includes a baseline assessment of the habitats present at the White Carr Lane site and recommends enhancements to secure an overall net gain of habitat and hedgerow units (when the on and off site habitats are combined). The proposed enhancements are also shown on updated landscaping plans for the White Carr Lane development and, in summary, include:

- A 1.56 area of seeded grassland will be enhanced to provide a greater diversity of wildflower species.
- Areas of unmanaged grassland and bramble scrub covering a combined area of 1.07 hectares will be cleared and replaced with species rich-wildflower grassland and mixed native scrub.
- A total of 40 moderate sized urban trees are to be planted across two areas spanning 1.47 hectares.
- 50 metres of native species-rich hedgerow are to be created.
- The off-site compensatory habitats to be enhanced by the client will be subject to a long-term habitat management plan.

The BNG metric indicates that, with these off-site enhancements in place, the development will deliver a net gain of 0.09 (or 0.86%) habitat units and 0.12 (or 3.16%) hedgerow units to ensure compliance with the "measurable net gain" requirement in the NPPF.

Although the off-site enhancements are to be located on land in the neighbouring authority of Wyre, there is no locational restriction in the NPPF which requires off-site compensation to be provided in the same local authority area as the proposed development. As the applicant is the owner of the public open space for the White Carr Lane site, the delivery (and future maintenance) of the proposed enhancements can be secured by a 'Grampian' planning condition (i.e. one which prohibits development authorised by the planning permission or other aspects linked to the planning permission, such as occupation, until a specified action has been taken) as recommended by GMEU.

Infrastructure contributions:

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Paragraph 34 of the NPPF indicates that “plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

The number of dwellings proposed by the development exceeds the 10-unit threshold where infrastructure contributions towards affordable housing, public open space, education and healthcare may be required in accordance with the provisions of policies H4, ENV4, INF2 and HW1 of the FLPPR. In this case, the following are required to deliver policy-compliant infrastructure contributions as part of the scheme:

Affordable housing:

FLPPR policy H4 states that “all market housing schemes of 10 or more homes will be required to provide 30% affordable housing, unless robust viability testing has demonstrated that the cost of the affordable housing provision would prevent the development from being delivered.” In addition, policy H4 indicates that “the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing.” Subsection b. of policy H4 relates to local connection criteria and clarifies that “for residential developments within rural areas, the provision of affordable housing will be primarily to meet the requirements identified for the closest Tier 1 or Tier 2 settlement. If, having regard to an agreed assessment, the level of identified local need is less than the equivalent of 30% of the homes proposed, the balance of the provision will be delivered for borough wide needs”.

Annex 2 of the NPPF contains a definition for “affordable housing”. In addition, paragraphs 63 and 65 of the Framework indicate that:

- “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The submitted layout indicates that the scheme includes the provision of 11 dwellings that would meet the definition of affordable housing contained in the NPPF. These would comprise the 2-bed properties on plots 7-17 grouped towards the northern end of the central cul-de-sac approaching the public open space. A draft affordable housing statement provided by the applicant indicates that the tenure of the affordable housing would comprise a mix of 8 units for affordable rent and 3 for shared ownership (a 73:27 percentage split in favour of affordable rent).

The level of affordable housing provision satisfies the minimum quantitative (30%) requirement in FLPPR policy H4. Although all the affordable housing would comprise smaller (2-bed) dwellings, the Council’s Housing Services have identified a specific need for smaller affordable units within the “Rural North” area of the borough (including Elswick) evidenced by the Council’s Housing Needs Survey (September 2022) and are satisfied that the proposed tenure balance in favour of affordable rent also reflects the need identified in the survey. In addition, policy H4 specifies that “affordable housing

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provided for social rent or affordable rent should be 1, 2 or 3-bedroom homes". As Elswick is identified as a Designated Protected Area in Schedule 5, Part 6 of The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009, restrictions on staircasing will apply to the shared ownership units that either:

- restrict staircasing to no more than 80%; or
- in instances where the leaseholder is permitted to acquire more than 80% (i.e. up to full ownership), then there is an obligation on the landlord specified in the lease that commits them to repurchase the property when the leaseholder wishes to sell.

Accordingly, additional restrictions will be imposed on staircasing for the 3 proposed shared ownership units as set out in paragraph 3.21 of the Affordable Housing SPD. This restriction would be secured as part of the planning obligation.

The grouping of the affordable housing units would place these along opposite sides of an individual cul-de-sac. Paragraph 7.21 of the Council's Affordable Housing SPD advises that "normally the expectation will be for affordable housing to be distributed in several small groups throughout the development site. Such groupings should not result in segregation (i.e. for instance in a cul-de-sac just consisting of affordable housing)." In addition, consideration 4 (Homes for Everyone) of BHL indicates that 'tenure blindness' for affordable housing should be achieved by avoiding:

- Grouping affordable homes in one place (except on smaller developments).
- Revealing the different tenure of homes through architecture, landscape, access, car parking, waste storage or other design features.

While BHL does not define the term "smaller developments" by reference to a quantitative threshold, it is reasonable to classify the proposed 36 dwelling scheme as a "smaller development" in the context of the other housing allocations in the FLPPR. Although the proposed distribution of the affordable housing units which groups these together along the northern cul-de-sac results in a degree of conflict with the advice in paragraph 7.21 of the SPD, it is also the case that the applicant's draft affordable housing statement indicates that the units are to be transferred to a single Registered Provider (Progress Housing Group) where clustering assists with management, that the number of affordable units proposed in this case is, itself, a "small group" and that the limited size of the development and the siting of the affordable units within a prominent, central part of the site would avoid these being located in a segregated part of the site. Similarly, the affordable housing would be constructed in the same materials as the market dwellings, their parking arrangements would include a mix of frontage and side in-curtilage parking (rather than courtyard parking) and their tenure would not be readily distinguishable by reason of their design. Accordingly, on balance, it is considered that the distribution of affordable housing within the development would not undermine the overarching objective of creating mixed and balanced communities contained in FLPPR policy H4, the Council's Affordable Housing SPD and the NPPF.

Education:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include "community facilities providing for the health (i.e. new or enhanced healthcare facilities) and wellbeing, social, **educational (i.e. schools)**, spiritual, recreational, leisure and cultural needs of the community" (emphasis added).

In addition, paragraph 95 of the NPPF states that "it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to

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create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

The latest response from the County’s School Planning Team dated 28.03.23 indicates that, based on the proposed dwelling size mix, a predicted shortfall in the provision of both local primary and secondary school places in 5 years’ time results in a requirement for the development to make a financial contribution towards the delivery of 9 new primary school places and 4 new secondary school places. At current rates, this would require a contribution of £160,443 towards new primary school places and £99,012 towards new secondary school places. The School Planning Team’s response indicates that LCC “intend to use the primary education contribution to provide additional primary places at St Mary’s Catholic Primary School, Great Ecclestone and/or Great Ecclestone Copp Church of England Primary School” and “intend to use the secondary education contribution to provide additional secondary places at Kirkham Carr Hill High School and/or Millfield Science and Performing Arts College” as these are the closest primary/secondary schools to the development that have space to accommodate an expansion.

Healthcare:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include “community facilities providing for the **health (i.e. new or enhanced healthcare facilities)** and wellbeing, social, educational (i.e. schools), spiritual, recreational, leisure and cultural needs of the community” (emphasis added).

FLPPR policy HW1 d) states that “the Council will integrate public health principles and planning to help reduce health inequalities by: seeking land or financial contributions, where appropriate and viable, towards new or enhanced healthcare facilities from developers where new housing results in a shortfall or worsening of provision”.

In addition, paragraph 93 b) of the NPPF states that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

The latest response from the Lancashire and South Cumbria Integrated Care Board (ICB) dated 23.03.23 indicates that the proposed dwelling mix is anticipated to generate 115 new patient registrations within the catchment area of Great Ecclestone Medical Centre. However, the ICB indicate that “the physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken”. In turn, the “need [arising from the development], with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. A site has been sourced and the scheme is currently at the design development stage.” A contribution of £32,258 is sought from the ICB towards the development of a new practice premises to provide additional clinical capacity for the anticipated population generated by the development.

Public Open Space:

The subsection of FLPPR policy ENV4 relating to “amenity open space” indicates that “within new housing developments comprising ten or more homes the provision of amenity open space with

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facilities for children's play (i.e. playgrounds and Multi-Use Games areas including LAPs and LEAPs), will be required to the following minimum standards:

- 16m² per 1 bedroom home
- 24m² per 2 bedroom home
- 32m² per 3 bedroom home
- 40m² per 4 bedroom home
- 48m² per 5 bedroom home"

In this case, the proposed mix of dwelling sizes would generate a requirement for a minimum of 1,264 sqm of amenity open space provision in accordance with the above standards. In addition, paragraph 60i. of the NMDC (Part 1) indicates that "all housing schemes over 15 dwellings should include a Local Area of Play (LAP)".

The applicant's submission includes a plan (drawing no. POSMP-01a) identifying the areas of the site which are to form the public open space for the development, along with the provision of a LAP within the main area of open space to the northern end of the site. The total area of this open space extends to approximately 4,131 sqm, and so exceeds the minimum quantitative requirement in policy ENV4. The provision of this level of amenity open space is also driven by the need to maintain an easement with the water main which runs through the northern part of the site. Nevertheless, the level of amenity open space provision and inclusion of a LAP satisfies the requirements of policy ENV4 and the NMDC. A scheme for the provision and future maintenance of the open space and play area shown on drawing no. POSMP-01a is to be secured through condition.

Monitoring fees:

Paragraph 036 of the 'Planning Obligations' chapter to the NPPG (ID 23b-036-20190901) identifies a mechanism for local authorities to support the monitoring and reporting of planning obligations by charging a monitoring fee within S106 agreements. Specifically, the relevant paragraph of the NPPG states that:

- "Authorities, including county councils, should work together to ensure that resources are available to support the monitoring and reporting of planning obligations. Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. Monitoring fees should not be sought retrospectively for historic agreements. Fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation; or **could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions)**. Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive."

The Council's strategy for monitoring fees follows the process highlighted in bold above – that a fixed fee will be charged per obligation contained in each agreement for in-kind contributions. This fee is charged at a rate of £300 per trigger for each contribution that Fylde Council is responsible for monitoring (for example, if the commuted sum payment towards healthcare was made in two separate instalments on the occupation of the 10th and 20th dwellings, the monitoring fee would be £600) and will be payable prior to commencement of the development.

As the precise triggers for each contribution required in this case are unknown at this stage (they are to be determined through the drafting of the S106 agreement), the resolution sets out the approach and charges that will be applied rather than specifying a figure.

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Other matters and mechanism for securing contributions:

Representations from Elswick Parish Council dated 03.11.21 and 20.01.22 opine that a contribution of “£15,000 minimum” towards public realm improvements comprising the provision of a village green should be sought from the development. The Parish Council’s representations dated 22.05.23 also state that “yet another mini Childrens Playground is proposed for this development making it five children’s playgrounds within a five-minute walk. The Parish Council considers that instead of simply adhering to apparent planning regulations, if this application is approved, the village would be better served by a contribution to expanding and improving existing children’s facilities in the village.”

The village green referred to in the Parish Council’s comments of 03.11.21 and 20.01.22 has now been completed and is in place on the southeast side of the junction between Lodge Lane and Roseacre Road. Therefore, no contribution is required for this development to allow that project to be brought forward. That notwithstanding, although FLPPR policy INF2 i) allows the collection of contributions for public realm enhancements as a matter of principle, such contributions also need to satisfy the following tests (the ‘CIL tests’) set out in paragraph 57 of the NPPF:

- 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.

It is unclear how the Parish Council’s aspiration for the development to contribute “a minimum of £15,000” towards the village green project dovetails with the above tests, but as the village green has now been completed it appears that such a contribution is no longer required in any case.

The requirement for “all housing schemes over 15 dwellings [to] include a Local Area of Play (LAP)” is set out in paragraph 60i. of the NMDC (Part 1), published July 2021. While it is the case that this approach will result in multiple, individual play areas being created across different developments, this is based on the government’s open space and recreation guidance found within the Fields in Trust publication “Guidance for Outdoor Sport and Play Beyond the Six Acre Standard” which includes an accessibility aspiration indicating that a LAP should be made available within 100m walking distance of new dwellings. This standard would not be met through reliance on existing play areas elsewhere within the village or on other implemented developments nearby.

With the exception of public open space provision (including the integrated play area) which is to be secured by condition, the resolution at the end of the report requires the above mentioned contributions towards affordable housing, education and healthcare, along with payment of the monitoring fee, to be secured through a planning obligation entered into pursuant to S106 of the Town and Country Planning Act 1990.

Other matters:

Contamination:

FLPPR policy GD9 states that development will be encouraged on previously developed land that may be contaminated as result of previous uses provided that three criteria relating to: a) evidence of satisfactory site investigation; b) the stability of surrounding areas; and c) evidence of remedial and mitigation measures, are met. Similar requirements are identified in paragraphs 120 c), 174 f) and 183 of the NPPF.

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The application relates to a greenfield site comprising agricultural land which does not appear to have been previously developed. It has, however, been noted during site visits that machinery, building materials and storage containers have, at various times, been kept on part of the site and letters of representation suggest that asbestos has previously been buried on the land.

In the absence of any details having been submitted with the application, the Council's EPS have recommended the imposition of a condition requiring the submission of a site investigation for contaminated land to follow a stepped process requiring, firstly, the submission of a Phase I desk study to be followed by a Phase II ground investigation and, dependent upon the findings of the ground investigation, a Phase III remediation statement and Phase IV validation report may be required. Accordingly, a suitable condition has been imposed to deal with contamination in accordance with the sequencing recommended by the EPS in order to meet the objectives of FLPPR policy GD9 and the NPPF.

Flood risk and surface water drainage:

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development, as required by the NPPF (paragraph 159). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

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

The site is located in flood zone 1 as defined on the Flood Map for Planning and so is in an area at the lowest risk of flooding from fluvial and tidal sources. However, as it exceeds 1 hectare in area, the application is accompanied by a flood risk assessment (FRA) and indicative drainage. These set out the following principles:

- The finished floor levels of the dwellings should be set at a nominal height above the finished ground levels to allow for overland flow routes in extreme events and drainage failures.
- Potential for soakaway use for rainwater disposal is low. Surface water flowing from the site will, instead, discharge into the existing watercourse to the north of the site.
- The rate of surface water discharge will need to be attenuated to cater for storm events in excess of the 1 in 30 year event up to and including 1 in 100 year event, plus a 50% allowance for climate change. This is to be achieved through the installation of cellular storage tanks in two locations below the shared drives to the front of plots 1-4 and 21-22.
- An existing 100mm diameter surface water pipe running through the rear of properties on Copp Lane to the north of the site is to be replaced by a 225mm diameter pipe.
- Surface water from the development will discharge to a new surface water drain separate to that located at the rear of properties on Copp Lane, joining an existing 225mm diameter surface water pipe to the rear of 'Copsyde' before discharging into the nearby watercourse. The rate of discharge from the site will be limited to 5.1 l/s by a hydrobrake.

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- Foul water will be discharged into an on-site pumping station before being conveyed into a combined sewer on Ash Road.

Both the Lead Local Flood Authority (LLFA) and United Utilities (UU) have been consulted on the application. The LLFA's latest response dated 02.06.23 indicates that the proposed surface water drainage strategy is acceptable subject to the imposition of conditions requiring: i) the submission of a final sustainable drainage strategy; ii) a report verifying the construction of the sustainable drainage system; iii) a construction phase surface water management plan; and iv) an operation and maintenance plan for the surface water drainage system.

The LLFA note that the indicative drainage strategy relies on agreement with third party landowners to replace an existing drain and construct a new drain in order to connect to the off-site surface water culvert. Accordingly, the wording of the LLFA's recommended condition i) includes a requirement to provide "evidence of an agreement in principle with the third-party landowners to construct and connect to the off-site surface water culvert". Given that the implementation of the proposed surface water drainage strategy relies on this agreement with adjoining landowners being reached (and would require an entirely alternative solution otherwise), this is not considered to be an unreasonable requirement.

The response from UU also requests that a condition be imposed requiring the submission of a final foul and surface water drainage scheme that comprises an investigation of the hierarchy of drainage options in the NPPG, including evidence of an assessment of ground conditions and the potential for infiltration of surface water, a restricted rate of surface water discharge, levels of the system apparatus, mitigation measures to manage the risk of sewer surcharge and separate systems for the disposal of foul and surface water drainage. As the approach suggested by UU accords with the surface water drainage hierarchy set out in FLPPR policy CL2, this condition is both reasonable and necessary to demonstrate compliance with the development plan.

Objectors refer to issues relating to localised surface water flooding during heavy rainfall events, particularly to the rear of properties on Copp Lane located to the north of the site. Objectors also make reference to an error on previous versions of the drainage plans which incorrectly indicated the existing surface water drain to the rear of their properties being 150mm in diameter, when it is actually 100mm. This discrepancy has been corrected on the latest versions of the indicative drainage plans, which also show the replacement of the current 100m diameter surface water drain to the rear of properties on Copp Lane with a 225mm diameter drain, along with the provision of a new surface outfall and drain for the development itself, which will be separate to that serving the existing buildings to the north. The replacement of the current drain with a wider diameter pipe and the provision of a separate outfall and drain for the development itself will, in combination with restricting the rate of surface water discharge from the development, create additional capacity that will improve the present situation for the existing properties.

Accordingly, there are no specific reasons to suggest that, with the conditions recommended by UU and in the LLFA in place, 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.

Impacts on utility infrastructure:

United Utilities (UU) have identified the presence of a water main running in a general east-west direction across the norther part of the site. The subsection of FLPPR policy DLF1 relating to "existing

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land uses” states that “development will not be permitted which would prevent or undermine the operation of existing land uses”.

The water main is subject to an easement which prohibits the siting of buildings within 10m of the main itself (5m to either side of its centreline). Accordingly, the easement surrounding the water main is shown to be free from development (other than roads/driveways), with the northern part of the site retained as open space to avoid encroachment upon the water main. Additional information concerning the precise location of the water main has been provided to address a previous objection by UU, whose latest response dated 31.03.23 confirms they have no objections to the application subject to the imposition of a condition requiring the submission of “a detailed scheme for the protection from damage of United Utilities water main that is laid within the site boundary”. It is considered reasonable to impose the requested condition in the interests of safeguarding water supply infrastructure.

Conclusion

The application relates to a broadly rectangular parcel of land extending to *circa* 1.86 hectares to the east of Copp Lane and north of Highbury Gate, Elswick. The site presently comprises open agricultural land but is located within the settlement boundary of Elswick and is identified as a non-strategic housing site (reference HS71) on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. Outline planning permission 16/0846 was granted on the southern part of the site for a residential development of up to 24 dwellings on 22.12.17, though this has now lapsed. The site is bordered by dwellings on three sides – to the north and west on Copp Lane, and to the south on Highbury Gate – and by agricultural land to the east.

The application seeks full planning permission for a residential development of 36 dwellings on the site. The proposed dwellings would be laid out around a cul-de-sac arrangement, including along the northern frontage of Highbury Gate and to the southern and central areas of the site, with a linear swathe of open space forming a buffer to the northern end. Access to the majority of the development would be gained through the creation of a central junction onto Copp Lane, with the improvement of the existing cul-de-sac of Highbury Gate providing a separate access for five dwellings. The proposal includes a mix of 13 x 2-bed, 5 x 3-bed, 9 x 4-bed and 9 x 5-bed dwellings, including 11 affordable housing units (equating to 30 % of the total) and 8 properties (22% of the total) which are wheelchair adaptable dwellings. The majority of dwellings are two storeys in height, though two bungalows are also proposed.

Although Elswick is identified as a Tier 2 Smaller Rural Settlement in the local plan, the principle of residential development on the site is established by its location within the settlement boundary and allocation as a non-strategic housing site. Accordingly, the site is a suitable location for housing and, whilst the allocation in policy SL5 anticipates the provision of 24 dwellings on the land (based on the scheme granted by outline permission 16/0846) for the purposes of calculating the site’s contribution to the Council’s housing land supply, this does not impose a limit on the number of dwellings that the site can accommodate. Indeed, the whole of the site falls within the settlement boundary and housing allocation HS71.

The proposed dwellings would occupy a developable area of *circa* 1.45 hectares at a density of 25 dwellings per hectare, reflecting the site’s semi-rural setting to the northern edge of the settlement. The development layout would retain the soft landscaped edges to the northern and eastern boundaries of the site, with a replacement native hedgerow planted alongside the western boundary onto Copp Lane to compensate for the loss of an existing roadside hedgerow which is to be removed to allow the widening of the current footway and provision of a new bus shelter. Dwellings would

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follow a consistent building line reflecting the existing building frontage onto Copp Lane and, internally, be split into three perimeter blocks arranged around a T-shaped cul-de-sac and Highbury Gate. The layout, orientation and appearance of the dwellings would present active frontages to existing and proposed roads (including on corner plots), an appropriate balance of hard and soft landscaping with a tree-lined aspect to the street and a buffer of open space to the northern end where Copp Lane transitions into the countryside. Accordingly, the scheme achieves a high standard of design which integrates sympathetically with its surroundings.

The proposed access strategy would ensure a safe and suitable means of access to the development for all users, incorporating proportionate improvements to public transport and existing highway infrastructure, including the widening and provision of a footway on Highbury Gate. The level of traffic generated by the development would not have a severe, residual cumulative impact on the capacity of the surrounding highway network and the level of parking provision within the development would avoid any unacceptable congestion of surrounding streets.

Building scales, spacing distances and window arrangements both with existing properties and between the proposed dwellings would avoid any adverse effects on the privacy and amenity of existing and future occupiers through poor/lacking outlook, overshadowing and overlooking, and the development's relationship with existing land uses would not give rise to any harmful effects on the amenity of future occupiers through noise, odour, operating hours or any other nuisance, nor would the presence of the dwellings require unreasonable restrictions to be placed on existing nearby uses as a result of the development.

The proposed dwelling mix satisfies the requirements of local plan policy H2 with respect to the size of housing, including the requirement for a proportion of smaller dwellings applicable within Tier 2 settlements and the provision of specialist accommodation for the elderly. The level of affordable housing and open space provision (including a local area for play) within the development would also accord with the requirements in policies H4 and ENV4 of the local plan. In addition, financial contributions would be made towards healthcare and education to mitigate the development's effects on local services in accordance with policies HW1 and INF2.

The development's effects on designated nature conservation sites arising from added recreational disturbance can be mitigated through the imposition of appropriate conditions and measurable net gains for biodiversity would be secured as part of the scheme through a combination of on and off-site compensation. The site falls within flood zone 1 and so is at the lowest risk of flooding from fluvial sources. Issues concerning surface water drainage can be appropriately addressed via condition to ensure that the development is not at an unacceptable risk of flooding and would not increase flood risk elsewhere. Similarly, matters relating to contaminated land and impacts on utility infrastructure would also be dealt with by condition to ensure no detrimental effects occur in this regard.

For the reasons set out above, no adverse impacts would arise from the development that would outweigh its benefits in the planning balance. Accordingly, the proposal represents 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.

Recommendation

That authority be delegated to the Head of Planning to GRANT planning permission subject to stipulation 1 below being satisfied and the suggested conditions in stipulation 2 (including any amendment to the wording of these conditions or additional conditions that the Head of Planning

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considers necessary to make otherwise unacceptable development acceptable), or otherwise to refuse permission:

Stipulation 1:

The completion of a planning obligation entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) Provision for a minimum of 30% of the total number of dwellings within the development to comprise affordable housing as defined in Annex 2 of the National Planning Policy Framework.
- b) A contribution of £32,258 towards addressing the expected shortfall in primary care capacity to serve the occupants of the development to be spent towards the provision of new healthcare infrastructure associated with the development of a new practice premises to replace Great Ecclestone medical Centre.
- c) A contribution of £160,443 towards addressing the expected shortfall in primary education capacity to serve the occupants of the development to be spent at St Mary's Catholic Primary School, Great Ecclestone and/or Great Ecclestone Copp Church of England Primary School as identified in the assessment from Lancashire County Council dated 28.03.23 (or any other named infrastructure project in any subsequent assessment that succeeds it).
- d) A contribution of £99,012 towards addressing the expected shortfall in secondary education capacity to serve the occupants of the development to be spent at Kirkham Carr Hill High School and/or Millfield Science and Performing Arts College as identified in the assessment from Lancashire County Council dated 28.03.23 (or any other named infrastructure project in any subsequent assessment that succeeds it).
- e) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in a) and b) above.

Stipulation 2:

The following conditions (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

Drawing no. L0-01 – Location plan
Drawing no. SL-02c – Site layout
Drawing no. POSMP-01a – POS management plan
Drawing no. BTP-02b – Boundary treatments plan
Drawing no. 7120.01 Rev F – Landscape proposals
Drawing no. ML-02a – Materials layout
Drawing no. SS-01b – Street scenes
Drawing no. SD K1 A – 1.0m post and rail fence detail
Drawing no. SD-F1a – 1.8m featheredged boarded fence (F1)
Drawing no. SD 24 – Brick screen wall 1.8m high
Drawing no. DGD 05 C – Double garage detail

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Drawing no. SGD 07 G – Single garage detail
Drawing no. T4023-01 Rev P2 – Swept path refuse vehicle

Drawing no. ARB 1.7 – The Arbury
Drawing no. BOU 1.7 – Boulsworth (brick)
Drawing no. BOW 1.7 – Bowfell-brick
Drawing no. BOW 1.7 – Bowfell (brick render)
Drawing no. DAL 1.7 – Dalton (brick render)
Drawing no. ELS 1.7 – The Elston (brick)
Drawing no. HOWHE 1.7 – Howgill & Wherside (semi)
Drawing no. KEL 1.7 – The Kellet
Drawing no. LIN 1.7 – Linton
Drawing no. PAR 1.7 – The Parbold (brick)
Drawing no. WHERN 1.7 – The Wherside
Drawing no. WDS 1.7 – The Windsor (brick)
Drawing no. WYC 1.7 – Wycombe (brick render)
Drawing no. WYC SP 1.7a – Wycombe SP

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the buildings shall be constructed in accordance with the materials detailed on drawing no. ML-02a.

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

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- h) measures to control the emission of dust and dirt during the construction period;
- i) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- j) the siting, luminance and design of any external lighting to be used during the construction period;
- k) a strategy to inform neighbouring occupiers (which as a minimum, shall include those properties adjacent to and/or facing the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

- 5. No development shall take place until a scheme to deal with the risks associated with contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) A preliminary risk assessment which identifies:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation based on the results of a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site.
 - c) The results of the site investigation and the detailed risk assessment referred to in b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the duly approved scheme and a verification report confirming its implementation shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: In order that appropriate investigations are undertaken to determine whether the site (or part of it) is contaminated before any development takes place, to avoid any disturbance of contaminated land while carrying out the development, to ensure the safe development of the site and to secure appropriate remediation of any contamination before development takes place in order to prevent pollution of the surrounding environment in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 and the National Planning Policy Framework.

- 6. No above ground works of development shall take place until details of the finished floor levels for each dwelling and the ground levels for the external areas of the site (including those for the

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gardens of each plot), above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The finished floor levels for the dwellings shall demonstrate compliance with the levels details shown on drawing nos. SL-02c and SS-01b. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. No above ground works of development shall take place until a scheme to protect dwellings within the site from noise emanating from the operation of Mirfield Poultry Farm has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure noise levels of not more than:
 - a) 30 dB(A) Leq (8 hours) and 45 dB(A) Lmax in bedrooms between 23:00 and 07:00;
 - b) 35 dB(A) Leq (16 hours) in habitable rooms between 07:00 and 23:00; and
 - c) 50 dB(A) Leq (16 hours) in garden areas between 07:00 and 23:00.

Where windows need to remain closed to achieve these levels and alternative means of ventilation are to be provided, the scheme shall include details of the siting, number, design and specification of any vents required for this purpose. The scheme shall thereafter be implemented in accordance with the duly approved details before each associated dwelling where the installation of mitigation measures is required is first occupied.

Reason: To ensure that appropriate noise mitigation measures and, where required, alternative means of ventilation for the dwellings are incorporated into the development due to potential noise disturbance arising from with the operation of existing nearby land uses in order to achieve a high standard of amenity and living conditions for future occupiers and to avoid the potential for existing businesses to have unreasonable restrictions placed on them as a result of development permitted after they were established in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

8. No development shall take place until a scheme to protect United Utilities' water main located within the site from damage during both the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) A survey that identifies the exact location of the water main;
 - b) An assessment of the potential impacts on the water main from construction activities (including the construction compound);
 - c) An assessment of the post completion impacts of the development on the infrastructure that crosses the site;
 - d) Identification of mitigation measures, including a timetable for their implementation, to protect and prevent any damage to the asset both during construction and post completion of the development; and
 - e) A pre-construction condition survey of the water main within the site boundary.

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The development shall thereafter be carried out in accordance with the details, mitigation measures and timetable contained in the duly approved scheme, and the duly approved post completion measures shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to protect existing water supply infrastructure that crosses the site before, during and after the construction period, and to secure appropriate maintenance arrangements for this infrastructure in the interests of safeguarding existing water supply assets in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy DLF1.

9. No development shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the indicative drainage strategy shown on drawing nos. 21009/101/1 Rev A, 21009/101/2 Rev A and 21009/101/6, the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems, and shall include:
 - a) Evidence of an assessment of site conditions including site investigation and test results to confirm infiltration rates and groundwater levels in accordance with BRE 365, and the potential to dispose of surface water through infiltration.
 - b) Measures to ensure that foul and surface water will drain on separate systems, that no surface water will discharge to the public foul sewers(s) directly or indirectly and, where applicable, to manage the risk of sewer surcharge.
 - c) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep; and
 - iii. 1% (in in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.
 - d) Final sustainable drainage plans appropriately labelled to include:
 - i. A plan identifying all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the site as necessary;
 - ii. The sustainable drainage system layout showing all pipe and structure references, dimensions and design levels, including all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including drawings showing their topography and slope gradient as appropriate.
 - iv. A plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of the buildings to confirm a minimum 150mm+ difference for FFL.
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.
 - e) Identification of all third-party landowners whose land is required to construct the surface water drainage system and connect it to the off-site surface water culvert and evidence of an agreement in principle with all those third-party landowners to allow the relevant infrastructure to be provided across their land.

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The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, that adequate measures are put in place for the sustainable disposal of foul and surface water and that the agreement of the relevant third party landowners required to deliver the drainage strategy can be gained before any development takes place in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

10. No development shall take place until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the local planning authority. The CSWMP shall set out how surface water and stormwater will be managed on the site to prevent pollution during the construction period (including site clearance operations) and shall include the following details:

- a) Measures taken to ensure surface water flows are retained on-site during the construction period, including temporary drainage systems, or, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate that does not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.
- c) Method statements and scaled plans (including dimensions) detailing the surface water management proposals in a) and b).

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

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

11. None of the dwellings hereby approved shall be occupied unless and until an Operation and Maintenance Scheme for the lifetime of the surface water drainage system to be installed pursuant to condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Operation and Maintenance Scheme shall include:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirements for all SuDS components and connecting drainage structures, including all watercourses, and their ownership;
- c) A pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) Arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage system in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

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- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved Operation and Maintenance Scheme.

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

12. None of the dwellings hereby approved shall be occupied unless and until a Verification Report for the construction of the surface water drainage system to be installed pursuant to condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall: i) demonstrate that the surface water drainage system installed pursuant to condition 9 of this permission has been constructed in accordance with the duly approved scheme (or detail any variations) and is fit for purpose; and ii) contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures). The surface water drainage system shall thereafter be retained in accordance with the details in the duly approved Verification Report.

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

13. The dwellings which are identified as demonstrating “M4(3) compliance” on drawing no. SL-02c (8 dwellings in total) shall be constructed to comply with optional requirement M4(3)(2)(a) contained in Part M, Schedule 1 of the Building Regulations 2010 (as amended).

Reason: To ensure that the development delivers a suitable proportion of dwellings that are designed to provide specialist accommodation for the elderly to satisfy the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy H2 and to provide an appropriate mechanism to secure compliance with optional requirement M4(3)(2)(a) under Part M, Schedule 1 of the Building Regulations 2010 (as amended).

14. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing no. 7120.01 Rev F shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings hereby approved, after the dwelling on each associated plot is first occupied; and ii) in the case of landscaping on all the other areas of the site located outside the curtilages of the dwellings, 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

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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.

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. BTP-02b, SD K1 A, SD-F1 a and SD 24 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve a high standard of design and appearance in the street scene in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

16. The on and off-site biodiversity net gain habitat creation measures identified within the documents and plans listed in a) – d) below shall be implemented within the following timescales: i) in the case of the off-site measures, before any of the dwellings hereby approved are first occupied; and ii) in the case of the on-site measures, before the development is substantially completed.

- a) Document titled “Updated Assessment of Biodiversity Net Gain” by “ERAP LTD” (report reference 2023-131, dated May 2023)
- b) Drawing nos. 5798.16 Rev A and 5798.17 Rev A – Landscape proposals: POS area sheets 1 and 2.
- c) Drawing nos. 5798.18 Rev A and 5798.19 Rev A – Landscape proposals: changes from approved drawings sheets 1 and 2.
- d) Drawing no. 7120.01 Rev F – Landscape proposals.

A report verifying the implementation of the on and off-site biodiversity net gain habitat creation measures in a) – d) shall be submitted to and approved in writing by the Local Planning Authority prior to the expiration of the relevant timescales in i) and ii).

Reason: To ensure that the development achieves measurable net gains in biodiversity through the provision of proportionate habitat creation measures which compensate for the development’s impact on existing habitat features within the site and deliver appropriate enhancements to achieve biodiversity net gain in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

17. Before any of the dwellings hereby approved are first occupied, a Habitat Management Plan (HMP) containing a strategy for the future management and maintenance of the on and off-site biodiversity net gain habitats to be created pursuant to condition 16 of this permission shall be

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submitted to and approved in writing by the Local Planning Authority. The HMP shall include the following details:

- a) A description and evaluation of the features to be managed;
- b) An analysis of ecological trends and constraints on the site that might influence management;
- c) Aims, objectives and targets for management;
- d) A description of the management operations necessary to achieve the aims and objectives in c);
- e) Prescriptions for management actions;
- f) A works schedule and timetable for implementation (including an annual work plan capable of being rolled forward).
- g) Details of the persons, body or organisation responsible for implementation and monitoring;
- h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the HMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- i) Mechanisms of adaptive management to account for necessary changes in work schedules to achieve the required targets;
- j) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery.
- k) Provisions for reporting to the Local Planning Authority in years 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

The duly approved HMP shall thereafter be implemented in accordance the details, monitoring/reporting regime, remedial measures and timetable contained therein.

Reason: To ensure that an appropriate long term plan for the management and maintenance of the on and off-site biodiversity net gain habitat creation measures to be delivered by the development is put in place in order to secure the ongoing protection and effective management of the new habitat features to be created as part of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

18. No development shall take place unless and until an up-to-date, complete and effective (non-provisional) Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate measures for the provision of adequate habitat compensation and mitigation for great crested newts as part of the development in order that it does not adversely affect the favourable conservation status of protected species 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).

19. 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:

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- a) A method statement detailing the reasonable avoidance measures to be put in place to avoid and/or minimise any impacts on amphibians during the construction period.
- b) Protection measures for the trees and hedgerows on/overhanging the site which are shown to be retained on drawing no. 7120.01 Rev F and within the document titled "Arboricultural Impact Assessment" by "Bowland Tree Consultancy Limited" (report reference BTC2661, dated February 2023) during the construction period including: i) details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements of BS 5837:2012) to be formed around the root protection areas of retained trees and hedgerows; ii) details of any excavation to take place within the root protection areas of retained trees and hedgerows; and iii) details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of retained trees and hedgerows.
- c) A biosecurity protocol to be followed during site clearance to ensure ground elder is not distributed during the construction period.
- d) Identification of 'biodiversity protection zones' and the siting and design of protective fences, exclusion barriers and warning signs.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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 protected species, retained habitats of biodiversity value and retained trees and hedgerows in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

20. With the exception of those specimens identified on drawing no. 7120.01 Rev F and within the document titled "Arboricultural Impact Assessment" by "Bowland Tree Consultancy Limited" (report reference BTC2661, dated February 2023), 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/or 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

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

21. The scheme for the installation of bat tubes and bird boxes on the dwellings shown on drawing no. SL-02c and identified in paragraph 7.3.2 of the document titled "Ecological Impact Assessment Report" by "Haycock & Jay Associates Ltd" (report reference JWP025.04, dated March 2023) shall be implemented prior to the first occupation of each associated dwelling. The duly installed bat tubes and bird boxes shall be retained as such thereafter.

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

22. None of the dwellings hereby approved shall be occupied until a scheme for the distribution of homeowner information packs to inform new occupiers of the development of the importance of surrounding designated nature conservation sites has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a copy of the homeowner information pack and details of when, how and to whom these will be distributed (including provisions for future occupiers). The homeowner information packs shall be distributed in accordance with the duly approved scheme, and shall be maintained as such thereafter.

Reason: To ensure that future occupiers of the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation sites – particularly the Morecambe Bay Ramsar, Morecambe Bay and Duddon Estuary Special Protection Area and Wyre Estuary Site of Special Scientific Importance and land which is functionally linked to those sites – and to ensure appropriate measures are taken to mitigate the development's potential effects on designated nature conservation sites through recreational disturbance 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).

23. None of the dwellings hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:
 - a) details of a Travel Plan co-ordinator;
 - b) details of measures to be introduced to promote a choice of travel modes to and from the site;
 - c) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
 - d) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

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Reason: To promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy T4 and the National Planning Policy Framework.

24. No above ground works of development shall take place until a scheme for the design and construction of the development's vehicular accesses onto Copp Lane (the siting, layout and geometry of which are shown on drawing no. SL-02c) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for minimum visibility splays of 2.4 metres x 43 metres in both directions at the junction of the site accesses with Copp Lane. The development's accesses shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splays shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access to the site for all users and to achieve a satisfactory standard of engineering works 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.

25. None of the dwellings hereby approved shall be occupied until a scheme for the siting, layout, design and construction of the following highway improvement works shown on drawing no. SL-02c has been submitted to and approved in writing by the Local Planning Authority:
- a) The widening of the footway on the east side of Copp Lane to 2 metres for a total length of approximately 166 metres from its junction with Highbury Gate along the full length of the development's western boundary with Copp Lane.
 - b) The provision of a new bus stop including raised kerbing to quality bus stop standard and a bus shelter on the southbound carriageway of Copp Lane.

The highway improvement works shall be implemented in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied, or within any other timescale that has first been approved in writing by the Local Planning Authority.

Reason: To enhance the usability of walking routes and public transport facilities surrounding the site in order to encourage modal shift and to maximise opportunities for travel by sustainable modes of transport in the interests of ensuring a safe and suitable means of access to the site for all users in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

26. No above ground works of development shall take place until a scheme for the design, construction, drainage and phasing of all new estate roads and their associated footways shown on drawing no. SL-02c has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full engineering, drainage, street lighting and constructional details. Each estate road and their associated footways shall be constructed in full accordance with the duly approved scheme before any of the dwellings to be served by that road are first occupied.

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Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for access and circulation of all road users 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.

27. None of the dwellings hereby approved shall be occupied until a scheme setting out arrangements for the future management and maintenance of all the estate roads and associated footways to be constructed pursuant to condition 26 of this permission has been submitted to and approved in writing by the Local Planning Authority. The estate roads and associated footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that satisfactory measures are put in place for the future management and maintenance of estate roads and footways to serve the development in order to provide satisfactory facilities for access and circulation of all road users 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.

28. Before each dwelling hereby approved is first occupied, a scheme for the design and construction (including surface treatment) of its associated vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority. The vehicle parking areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies T5 and GD7, and the National Planning Policy Framework.

29. Before any of the dwellings hereby approved are first occupied a scheme for the provision of charging points for plug-in and other ultra-low emission vehicles within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, siting, design and a timetable for the provision of the charging points. All the charging points shall be provided and made available for use in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

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

30. None of the dwellings hereby approved shall be occupied until a scheme for the provision of the 2 metre wide footpath extending in an easterly direction into the site from its junction with Copp Lane (the location and layout of which is shown on drawing no. SL-02c) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details for the footpath:

- a) A specification for its design, construction (including surface treatment) and lighting.
- b) Details of the layout and design of the footpath's junction onto Copp Lane including any changes in levels, gradients and ground markings.

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- c) Details of the siting, layout, height, design, materials and finish of a barrier (or barriers) to prevent the footpath's use by vehicular traffic.
- d) A timetable for the footpath's completion.

The footpath shall be constructed and made available for use in full accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To encourage pedestrian access to and from the by ensuring that the footpath provides a safe and attractive route for pedestrians in the interests of highway safety, to ensure that opportunities for crime are limited through the detailed design of the route and to achieve a high standard of design for the construction and surfacing of the footpath in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

31. None of the dwellings hereby approved shall be occupied until a scheme for the provision and future maintenance of the areas of public open space and Local Area for Play identified on drawing no. POPMP-01a has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Details of future maintenance arrangements for the areas of public open space to be laid out in accordance with the landscaping scheme detailed on drawing no. 7120.01 Rev F and for the Local Area for Play.
- b) Details of the siting, size, layout, design and materials of the Local Area for Play, including its associated play equipment, which shall demonstrate compliance with the guidance set out in the Fields in Trust publication "Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard" (October 2015).
- c) A timetable for the provision of the areas of public open space and the Local Area for Play.

The areas of public open space and Local Area for Play shall thereafter be provided, made available for use and subsequently maintained in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that the development makes an appropriate contribution towards the provision of public open space in order to avoid a deficiency in the quantity and quality of public open space in the locality, to ensure that the impact of the development on existing public open space is adequately mitigated and to secure appropriate arrangements for the ongoing maintenance of public open space at the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV4 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 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.

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Ordinary Watercourse (Land Drainage) Consent:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Lead Local Flood Authority - Site-Specific Advice:

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

- **Climate change allowances** – the submitted drainage strategy includes climate changes that do not reflect the current allowances recommended by the Environment Agency. The LLFA's recommended conditions include the requirement for calculations showing that the correct climate change allowances have been applied.
- **Contributing area and storage volume** – the submitted contributing area plan excludes gardens, public open space and green/landscaped areas. The SuDS manual recommends that the entire site area should be included within the drainage calculations unless any area can be demonstrated to not contribute to the drainage system. The contributing area plan required by the LLFA's recommended condition should be accompanied by evidence to demonstrate that any areas that have been excluded from the calculations will not contribute to the drainage system. If this cannot be provided the drainage calculations should be based on the entire site area using the default runoff coefficient of 0.750, which is representative of a typical suburban catchment. If the applicant wishes to use the contributing area plan submitted with this application, then a runoff coefficient of approximately 1.000 must be applied to reflect that the catchment area represents the impermeable areas only. Failure to do so would result in inadequate storage to ensure that the post development discharge volumes do not exceed greenfield volumes.

Advice concerning contents of homeowner information packs for condition 22:

The applicant is advised that any homeowner information pack (including the one which will need to be submitted to discharge condition 22 of this permission) should include, but not necessarily be limited to, the following:

- Introduction letter to the pack, setting out the issue and providing a contents page of included documents.

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- Description of the designated sites and their features, this should include a map explaining the boundaries of the designated sites.
- An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the designated sites.
- List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).
- Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).

The following principles should also be followed for the packs;

- The homeowner packs are tailored to the location of the development and the designated sites in the area.
- Tailored to the audience using clear and easy to understand language.
- An appropriate format is used to present the homeowner packs (i.e. print, size).

Highways (conditions 24-27):

With respect to the requirements of conditions 24-27 of this permission, the applicant is advised to contact the Local Highway Authority (Lancashire County Council) in order to determine the need, requirements and/or timescales for section 38 and/or 278 Agreements under the Highways Act (1980) to be entered into with respect to the adoption of the proposed highways and carrying out of any engineering works within the adopted highway in order to satisfy the requirements of these conditions.

Adoption of Habitat Regulations Assessment:

In issuing this decision the local planning authority has had regard to the document titled "Habitat Regulations Assessment" prepared by "Haycock & Jay Associates Ltd" (document reference JWP025.04 Rev01, dated April 2023) and the comments from Natural England in their letter dated 24.04.23 confirming that they are in agreement with the conclusions in the Habitat Regulations Assessment that, with appropriate mitigation in place (as secured by condition 22 of 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 Morecambe Bay and Duddon Estuary Special Protection Area, Morecambe Bay Ramsar and Wyre Estuary Site of Special Scientific Importance, 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 Habitat Regulations Assessment by "Haycock & Jay Associates Ltd" as part of its decision.

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Location Plan for Item 1 – 21/0770



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Item 2

Application No:	22/0875	Case Officer:	Katie Halpin Area Team 2
Applicant:	MR ROBINSON	Agent:	PWA Planning
Location:	12 ST THOMAS ROAD LYTHAM ST ANNES LANCASHIRE FY8 1JL		
Proposal:	CHANGE OF USE FROM AN 8 BEDROOM DWELLING (USE CLASS C3) TO A 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (USE CLASS SUI GENERIS)		
Ward:	Central	Parish:	St Anne's on the Sea
Statutory Expiry:	30 January 2023	Earliest Decision:	31 May 2023
Reason for any delay:	Officers negotiating design improvements	Online application file here	

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application relates to the change of use of a property from an 8 bedroomed dwelling house (Use Class C3) to an 8 bedroomed House in Multiple Occupation (referred to as a 'HMO' and a Sui Generis Use in planning terms). The application property is a large 8 bedroomed, brick built, semi detached dwelling house located on the south-western side of St Thomas' Road. It is located within the settlement of Lytham St Annes where development is assessed against the criteria of Policies GD7 & H3 of the Fylde Local Plan to 2032 (incorporating Partial Review) and Policies HOU2, TR3 & DH1 of the St Annes Neighbourhood Plan 2016-2031.

Many objections have been received from local residents as well as from St Annes Town Council based on the original submission which was for a change of use to a 15 bedroomed HMO. This has subsequently been amended via ongoing negotiation to the 8 bedroomed HMO proposal that is assessed below. Upon receipt of the latest plans a re-consultation exercise was undertaken and St Annes Town Council maintained their objection to that scale of use. The objections received cover a range of subjects, but most commonly relate to the use being out of character with the area, a perceived unacceptable impact on the amenity of neighbouring properties, a shortage of car parking proposed, and noise disturbance due to lack of private amenity space.

Compared to the original scheme the revised submission has reduced the number of bedrooms, provided each room with an en-suite, made provision for a laundry room and bicycle store, and ensured every room has an acceptable outlook for its residents. LCC Highways have stated that with the property being in a highly accessible location there is no need for any car parking due to the ease of access to public transport and the proximity of St Annes Town Centre. The road is a mix of dwellings and flat conversions and it is not considered that the conversion of 1 property to a HMO will adversely impact the character of the area. All residents will have access to the rear garden and are within 500m of Inner Promenade and the open space areas beyond. Lack of access to ample private amenity space cannot be relied upon as a reason for refusal as flats routinely do not benefit from this but are granted planning permission due to their proximity to accessible open space.

Having assessed the application and the issues raised by the objectors, it is considered that the application is in accordance with Policies GD7, and H3 of the Fylde Local Plan to 2032 (incorporating

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Partial Review) and Policies HOU2, TR3 & DH1 of the St Annes Neighbourhood Plan 2016-2031. Conditions relating to the provision of the bicycle store and all the internal and external works approved being carried out prior to occupation are all considered to be appropriate and with their inclusion the officer recommendation is for approval.

Reason for Decision Level

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

Site Description and Location

The application property is a large 8 bedrooomed, brick built, semi detached dwelling house located on the south-western side of St Thomas' Road. The junction with All Saints Road is close by and the traffic light junction with Clifton Drive South is approximately 170m to the west.

It is located within the settlement of Lytham St Annes in accordance with Policy GD1 of the Fylde Local Plan to 2032 (incorporating Partial Review), adopted 6th December 2021.

Details of Proposal

When originally submitted the application proposal was for the change of use of the property from an 8 bedrooomed dwelling to a 15 bedrooomed House in Multiple Occupation (HMO). The original proposal featured a layout of 3 bedrooms, lounge kitchen, W/C and shower room to ground floor, 6 bedrooms and a shower room to first floor and 6 bedrooms and a shower room to the second floor. The increased number of bedrooms resulted from sub dividing existing larger rooms. This proposal raised planning concerns along with objections from Environmental Protection, Housing and St Annes Town Council along with a number of residents.

After a period of negotiation with the planning agent an amended proposal has now been submitted for the change of use of the property from an 8 bedrooomed dwelling to and 8 bedrooomed HMO. This amended proposal no longer involves any of the existing rooms being sub-divided and proposes the following layout:

- Basement – Plant room
- Ground Floor – 2 en-suite bedrooms, communal lounge, kitchen, laundry room, bicycle store and bin storage area in the rear garden
- First Floor – 3 en-suite bedrooms
- Second Floor – 3 en-suite bedrooms and a kitchen

The proposal includes a small extension to the rear at single storey to provide a cycle store.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
08/0359	conversion to 6 self contained apartments together minor external alterations	Withdrawn by Applicant	17 June 2008
08/0714	Conversion to 3 self contained flats (Resubmission of application 08/0359)	Granted	14 October 2008

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Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<p><u>Comments received on 21 December 2022 (original scheme)</u></p> <p><i>There is no mention of the Neighbourhood Plan in the Planning Statement, and 5.12 therein, refers to the presumption in favour of sustainable development, which carries little weight now Fylde Borough Council's Local Plan demonstrates a housing supply beyond 5 years. Bedroom 4 is 7.5 square metres, bedroom 6 is only 7.2 square metres, and bedroom 10 only 7.3 square metres. with a kitchen and lounge on the ground floor, serving 15 occupants over 3 storeys.</i></p> <p><i>This is an unacceptable standard of size of "living accommodation" and therefore in conflict with Neighbourhood Plan Policy HOU2.</i></p> <p><i>Overcrowding such as this cannot be acceptable either to occupants or neighbouring properties.</i></p> <p><i>The Town Council strongly disagree with 6.12 - "The HMO will function as per any other large family dwelling with several people residing in the house, sharing facilities such as the kitchen and bathrooms, each having their own bedroom.</i></p> <p><i>It is considered that the change of use is unlikely to result in any impacts on amenity than the position of the 8-bedroom family home would and it is not considered that the surrounding residential uses would result in any negative impacts on the amenity of occupiers of the HMO."</i></p> <p><i>Where do 15 occupants do their washing and drying? Who takes ownership of cleaning the shared kitchen and bathrooms?</i></p> <p><i>Also 6.4 refers to the "immediate need is to provide good quality accommodation for people living in the borough." This is agreed. However, this application falls far short of this statement, unlike the previous Granted application 08/0714 for conversion to 3 flats.</i></p> <p><i>There is no off-road parking on a busy road with a primary school and is within proximity to the Grade II Listed Church of St Thomas.</i></p> <p><i>In summary this application does not meet Neighbourhood Plan, Design guides, or other HMO documentation & guides - for example - 'Amenity / Space Standards for Houses in Multiple Occupation' inadequate living/bedroom space, insufficient kitchens, and kitchen access via 2 staircases etc.</i></p> <p><u>Comments received on 24 May 2023 (current scheme)</u></p> <p><i>The Application form needs amending to reflect the current application.</i></p>

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	<p><i>This is not a desirable proposal for (Houses of Multiple Occupancy) HMO in this area as previously stated in the Town Council's Objection. (Please see Observations).</i></p> <p><i>The original Application 08/0714 Approved for Conversion to 3 self-contained flats over 3 floors is a much more suitable proposal and does not set an undesirable precedent. (This is a semi-detached property).</i></p> <p><i>The claims made in the Rebuttal Statement are not evidence based (use of the communal kitchen, and parking), and the revised plans do not show where "additional space can also be made to allow for additional storage space, including additional fridges/freezers to cater for the occupants."</i></p> <p><i>The rear yard offers little/no amenity space for residents, and there are no public parks or Gardens in the immediate area. The nearest open space is the Promenade Gardens and Beauclerk Gardens which is over half a mile away.</i></p> <p><i>This Application does not meet the criteria of Neighbourhood Plan Policy HOU2 (listed a-f), TR3 Parking for residents and visitors, or DH1 Creating a Distinctive St. Anne's. No regard has been made to the Neighbourhood Plan Design Guide.</i></p> <p><i>The current application does not have the information required to enable councillors to approve the request. The previous application was objected to on grounds of the density of the living space and lack of amenities. As these are not addressed in what we see before us, in our view we have no alternative but to object again.</i></p> <p><i>The Application Title (15 beds) and Application form does not reflect the changes in the revised plans (8 bed)</i></p>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p><u>Initial consultation on 7 December 2022</u></p> <p><i>LCC Highways does not have any objections regarding the proposed change of use from an 8 bedroom dwelling (use class C3) to a 15 bedroom house in multiple occupation (use class Sui Generis) 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>The site is within a sustainable location and no off street parking is requested. A minimum of one secure and covered cycle spaces for each one bedroom property is requested, to support social inclusion and promote sustainable forms of transport.</i></p>

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	<p><u>Re-consultation on 17 May 2023</u></p> <p><i>LCC Highways does not have any objections regarding the proposed change of use from an 8 bedroom dwelling (use class C3) to a 15 bedroom house in multiple occupation (use class Sui Generis) 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>Drawing No 7245-07 Rev B Proposed Basement and Ground Floor Plans shows the previously requested cycle storage which is acceptable.</i></p>
<p>Environmental Protection</p>	<p>They raised objection to the initial proposal on the basis that the intensity of the use as a 15 bedroom HMO would raise an unacceptable risk of excessive noise harming the quality of life of all residents.</p> <p>That objection was withdrawn in respect of the reduced scale of development proposed in the revised proposal now under consideration.</p>
<p>Strategic Housing</p>	<p><u>Initial consultation on 7 December 2022</u></p> <p>Having looked at the plans for the above my concerns are:</p> <ul style="list-style-type: none"> • The size of the lounge/kitchen area for use by 15 tenants is inadequate. The kitchen will need to be of reasonable size so not to cause a risk of accident at busy times. • The tenants on the ground floor will be subjected to noise from traffic coming and going to the lounge/kitchen area from the other 12 tenants. Noise from plumbing, including from water closets and cisterns, can be reduced by siting them away from a separating wall. Bathrooms and wc compartments in flats should not be sited above living rooms or bedrooms, this is the case for bedroom 4 of the floor plan. • Tenants on the ground floor having to cross through the lounge/kitchen to access the bathroom is not ideal. The HHSRS states Personal space and privacy needs are important for the individual members of the same household as well as for individuals or households sharing rooms and/or facilities. These needs vary reflecting both individual and cultural perceptions. In multi-occupied accommodation, most of these issues may be compounded by sharing of some spaces. <p><u>Re-consultation on 17 May 2023</u></p> <p>I can see the planned layout is an improvement from the original planning application taking in to account my previous concerns. However, Housing Enforcement carried out an inspection of the</p>

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	<p>property following concerns of disrepair which had been reported by members of the public; enforcement action was taken on the 6 June 2023.</p> <p>HMOs have strict conditions that must be complied with. The recent inspection of the property under HHSRS legislation gave significant cause for concern. The property is currently a rented and has occupying tenants. Standards are not being met and there appears to be a relaxed approach to compliance as actioning Gas Safety Certs, EICR Certs, EPC, integrated fire alarm, or Carbon Monoxide Monitors have not been complied with within the required legislative time frames.</p> <p>The property has significant disrepair, the landlord has submitted plans for a large HMO with shared facilities. I object to the plans on the grounds that I am not confident the property will be kept to the standards and regulations required in accordance with The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.</p>
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Neighbour Observations

Neighbours notified:	7 December 2022
Amended plans notified:	17 May 2022
Site Notice Date:	13 December 2022
Number of Responses	Initial Consultation 12 in objection Re-consultation 5 in objection
Summary of Comments	The comments received in opposition to the application can be summarised as:

Initial Consultation Objections

- No off road parking required could increase traffic problems close to local primary school
- Mainly owner occupied family properties where a HMO will have a negative impact of the value of these surrounding properties
- Extra noise and ASB due to increase in number of households will impact on surrounding properties
- Lack of private amenity space will impact on occupants
- Without a landlord on site the upkeep of the property will suffer
- Number of bins will be unkempt
- St Annes is an upmarket area which does not need HMOs
- The adverse effect on residential amenity of neighbours by reason of unacceptably high density/overdevelopment of the site will certainly be detrimental and will NOT enhance the area
- The application is over-bearing, out of scale and out of character compared with existing developments in this vicinity

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- The effect on the character of the neighbourhood is unacceptable and is likely to create noise, disturbance, loss of privacy, overlooking or even nuisance & waste issues
- Residents could have complex issues
- Overcrowding and lack of fire escapes could be hazardous
- Issues with drains and sewage – old properties not designed for this level of occupancy

Re-consultation Objections

- Property is in a poor state of repair
- Still no off road parking required could increase traffic problems close to local primary school
- Mainly owner occupied family properties where a HMO will have a negative impact of the value of these surrounding properties
- Extra noise and ASB due to increase in number of households will impact on surrounding properties
- Lack of private amenity space will impact on occupants
- Without a landlord on site the upkeep of the property will suffer
- St Annes is an upmarket area which does not need HMOs
- The adverse effect on residential amenity of neighbours by reason of unacceptably high density/overdevelopment of the site will certainly be detrimental and will NOT enhance the area
- The proposed development, by significantly intensifying the use of the property, will continue to alter the character and aesthetic of our neighbourhood, which historically has been family houses. This change would be out of keeping with the existing character of the area, disrupting the harmony and residential feel of the locale
- Concerns about impact on local infrastructure and services
- No description of the nature of the tenants
- Increased fire risk
- 8 toilets will put pressure on sewage system
- No details about upkeep of outdoor spaces

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.

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Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries Lytham St Annes

GD7 - Achieving Good Design in Development

H3 - Conversions and Change of Use to Residential

STANP - St Annes on the Sea Neighbourhood Plan

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The application site is located in the settlement of Lytham St Annes and within the settlement boundary as defined by Policy GD1 of FLPPR where development is assessed against all relevant Local Plan policies. In this case that would be Policy H3 regarding the conversion of and change of use of properties to residential use and Policy GD7 which cover general design principles required for development to be looked upon favourably. As such if these policies are satisfied there is no reason to object to the principle of the development. Assessment of the proposal against Policies GD& and H3 can be found below.

Impact on the Streetscene and Design

The application property is a large 8 bedroomed, brick built, semi detached dwelling house located on the south-western side of St Thomas' Road.

The only external changes to the property itself are to the rear elevation. These are the addition of a roof light into Room 6 on the rear roof plane and the addition of a small single storey rear extension to house the new laundry room and cycle store. The extension features a flat roof and measures 2.7m in height. It is proposed to project along the boundary for 7.8m. This will involve the repair and amendment of existing outbuildings in poor repair and is considered to be an improvement to the property. From a design perspective both external proposals are considered to be acceptable.

The proposed internal layout is as follows

- Basement – Plant room
- Ground Floor – 2 en-suite bedrooms, communal lounge, kitchen, laundry room, bicycle store and bin storage area in the rear garden
- First Floor – 3 en-suite bedrooms
- Second Floor – 3 en-suite bedrooms and a kitchen

The design has been amended to ensure every room has access to a view that faces either to the front or rear of the property which results in no resident left looking at a blank wall from a side elevation as their only outlook. This has been achieved by reducing the intensity of the development from 15 rooms down to 8. Similarly all the rooms now feature en-suite facilities which provides the residents with an element of privacy that did not exist in the original plans. Objections have been raised

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regarding whether the drains can cope with 8 toilets however this is not a matter that this application can take into consideration.

The application has shown where bins will be located to the rear on the property. The emptying of the bins is to continue from the rear of the property as is the current collection. This is considered to be acceptable.

Housing have commented that the revised proposal is *“an improvement from the original planning application taking in to account my previous concerns.”* Housing then further highlight existing concerns over the condition of the property which they are currently seeking to resolve. Any comments made about the applicant specifically cannot be taken into account during the planning process as it is the use that is being assessed rather than the applicant.

If planning permission is granted for this proposal a HMO Licence would also be required from the Housing Department who would then assess both the property and the applicant's suitability to hold such a Licence. The property does have the opportunity to house up to 16 residents due to all rooms being capable of accommodating a double bed. The legislation which will ultimately control how many people can reside in the property is the Housing Act 2004 and the Licensing and Management of Houses in Multiple Occupation (HMO) regulations 2006 SI 373.

The fallback position is relevant here and is also referenced by many objectors as a preferable option over the current proposal. Application 08/0714 was granted for the conversion of the property to 3 flats. When looking at the plans for these flats, if fully occupied, there is space for 12 residents. Whilst these could be family dwellings, this is not necessarily the case and they could easily also be used as flat shares. Whilst it is acknowledged that there is the possibility of the 16 residents in the current proposal, it is more likely that there will be a mix of some couples and singles occupying the rooms thereby giving an occupancy of around 12 people in the building which is the same as the full occupancy of the previous planning permission. This is of course subject to any restriction that Housing legislation may impose on the occupancy number.

Based on the above the proposal complies with criteria b), d), h) & i) of Policy GD7 of FLPPR and HOU2 and DH1 of the St Annes Neighbourhood Plan 2016-2031.

Impact on Neighbour Amenity

The directly attached property is 14 St Thomas Road. Unattached to the west is No 10 St Thomas Road. Both of these properties appear to be laid out as 3 flats based on Council Tax records. The internal layout of the properties appears to be that the central staircase runs along the communal internal boundary and so not every room is attached to No 14 which should minimise some noise transfer. There are no historical plans for No 14 to show how it is laid out however it is inevitable that some rooms on the upper floors will be habitable rooms such as lounges or kitchens which could transfer noise into the application property in the same way the proposed development could transfer noise to bedrooms in the attached flats. This would be considered part and parcel of living in a semi-detached property, especially where 1 has been sub-divided into flats and 1 is used as a HMO.

There is no doubt that the current number of residents of the application property (two) are under occupying the property and therefore noise levels are limited due to this. Concerns have been raised about an increase in anti-social behaviour (ASB) and the use of the rear garden late into the night and lack of private amenity space. There is no restriction on access to the rear outdoor space and if late night noise nuisance were to become a regular occurrence these can be dealt with via the Council's Environmental Protection Team or the Police in the same way that any noise nuisance or ASB would

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be dealt with. Many properties that are laid out as flats or HMOs do not benefit from private amenity space but the property is located less than 500m from the Inner Promenade where there is ready access to open space should any resident wish to spend time outdoors.

Objections have also been received that St Thomas Road needs to retain more private dwellings and so retain its original character. However a check of Council Tax records shows the road to be a mix of dwellings of various sizes and flat conversions. The change of use of one property to a HMO would add to the mix of properties within the road and would not be considered to detract from the character of the neighbourhood. Concerns have also been raised about the upkeep of the property and the lack of on-site supervision. This application does not propose any form of care facility where on-site supervision is required for the residents and HMOs do not require this as a general rule. The upkeep of the property would be the responsibility of the landlord who again would have to work within the confines of Housing legislation to maintain any HMO Licence granted.

As such the proposed development complies with Policy H3 and criteria c) and h) of Policy GD7 of FLPPR and Policies HOU2 and DH1 of the St Annes Neighbourhood Plan 2016-2031.

Highways and Parking

LCC Highways have no objections to the application at either consultation stage but had requested cycle parking in the original consultation response. They have acknowledged that this has been provided on amended plans to the rear of the property and request a condition that this must be provided. No existing on street parking spaces are proposed to be impacted by the development. The property is in a highly accessible location within 450m of the southern edge of St Annes Town Centre and within 250m of the nearest bus stop on Clifton Drive South.

Many objections have been received regarding the impact that it will have on the surrounding neighbourhood if residents of all the rooms own a car. The highway authority are of the opinion that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. No evidence has been provided to rebut this professional opinion of the Highway Authority.

Based on the above the development is considered to accord with criteria q of Policy GD7 of FLLPR and Policy TR3 of St Annes Neighbourhood Plan 2016-2031.

Other matters

There are no other material considerations of note to influence the decision.

Whilst neighbouring residents have raised issues relating to the impact on property values, the type of tenants that may reside at the property, fire hazards/escapes and the capacity of the drains arising from the development these are not material planning considerations which are relevant to the determination of a planning application. In particular, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

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

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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."

Issues relating to access, maintenance and any damage caused to surrounding properties while carrying out a development are private, civil matters between adjoining landowners which are dealt with under separate legislation (the Party Wall Act 1996) that falls outside the remit of the planning system and so are not material planning considerations which can influence the outcome of an application. An informative note has, however, been added to the decision to draw the applicant's attention to their obligations under the Party Wall Act.

Conclusions

The application relates to the change of use of a property from an 8 bedroomed dwelling house (C3) to an 8 bedroomed HMO (sui generis). Having considered the impact on the amenity of the streetscene and the neighbouring properties, it is considered that the proposed development complies with Policies GD7 and H3 of the FLPPR and Policies HOU2, DH1 and TR3 of the St Annes Neighbourhood Plan 2016-2031.

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 drawn at scale 1/1250
- Proposed Elevations Plan - Drawing no. 7245-04 Rev B
- Proposed Basement and Ground Floor Layout Plan - Drawing no. 7245-09 Rev A
- Proposed First and Second Floor Layout Plan - Drawing no. 7245-10 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 and National Planning Policy Framework.

3. The bicycle store and bicycle parking spaces indicated on the plan listed in condition 2 of this decision shall be constructed and made available for use in accordance with that duly approved plan prior to the first use of the premises for the use hereby approved. The bicycle store shall thereafter remain available for the intended use at all times that the HMO use is operational.

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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.

4. The use hereby approved shall not commence until the internal and external alterations to the building that are designed to facilitate the HMO use have been completed in full accordance with the details shown on the approved plan listed in Condition 2. The works and internal layout shall remain as shown whilst the HMO use is undertaken at the property.

Reason: To ensure that the property provides an appropriate appearance in the streetscene and standard of accommodation for the occupiers 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.

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Location Plan for Item 2 – 22/0875



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Item 3

Application No:	23/0257	Case Officer:	Rob Buffham Area Team 2
Applicant:	HENCO INTERNATIONAL LTD	Agent:	MR NIGEL PEEL
Location:	JUNCTION AT BROOKLANDS WAY AND WESTBY CLOSE WESTBY WITH PLUMPTON		
Proposal:	1) ERECTION OF SINGLE STOREY BUILDING TO PROVIDE FOUR UNITS FOR LIGHT INDUSTRIAL (CLASS E(g)(iii)), OR GENERAL INDUSTRY (B2) OR STORAGE AND DISTRIBUTION (CLASS B8) USE, WITH ASSOCIATED ACCESS FROM BROOKLANDS WAY, CAR PARKING AND LANDSCAPING ARRANGEMENTS, 2) EXPANSION OF TRAVIS PERKINS COMPOUND AREA WITH ACCESS FROM AN EXTENDED PLUMPTON CLOSE, 3) VEHICULAR ACCESS FROM WESTBY CLOSE.		
Ward:	Warton and Westby	Parish:	Westby with Plumptions
Statutory Expiry:	5 July 2023	Earliest Decision:	25 May 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request		Online application file here

Summary of Officer Recommendation: Delegate to Officers

Summary of Officer Assessment

The proposal relates to a vacant land parcel within the Whitehills Industrial Estate, located west of Brooklands Way, south of Westby Close, and north of Plumpton Close, and is an Employment Land Allocation in the Fylde Local Plan to 2032 (Incorporating Partial Review). The site is devoid of any buildings or structures and appears to have been subject to clearance works, being relatively flat and sparse of vegetation, with a couple of larger spoil heaps present.

The locality is defined by commercial properties, including industrial and office accommodation, as well as kitchen/ bathroom showrooms, large scale garden centre, builders merchants, hotel and public house. The existing built form is characterised principally by front facing buildings that are set back from the road behind open frontages formed by car parking with landscaped edges. Buildings are of industrial scale, including 2 and 3 storeys, being constructed of light grey cladding with a mix of dual, hipped and curved roof forms.

The proposal is a full planning application for the construction of a single building to be divided into 4 small scale industrial units to be available for either Use Class E (g) (iii) (formerly Class B1 light industry), B2 (General Industry) or Use Class B8 (storage or distribution), and includes provision of access, car parking and landscaping arrangements, as well as extension of the Travis Perkins external storage yard, and a separate access point from Westby Close to an unused land parcel.

The proposal will facilitate job creation and will develop an Employment site allocated in the Fylde Local Plan to 2032 (Incorporating Partial Review), for which Policy EC1 affords support in principle for the land uses applied for.

The development is of appropriate appearance and in-keeping with the character of the area, providing regeneration benefit through the redevelopment of an unsightly land parcel. Following external consultation with statutory consultees it is determined that the proposal would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage

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or ecological issues of note. Moreover the proposal provides for a satisfactory relationship to neighbours of the site.

The proposal therefore accords with the development plan and NPPF21, consequently it can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21 and is therefore recommended for approval to Members of the Planning Committee.

Reason for Decision Level

The application is for 'Major' development and so it is necessary to present the application to the Planning Committee for determination given the officer recommendation is one of support.

Site Description and Location

The application site is located on an unused parcel of land within the Whitehills Business Park, immediately north of Plumpton Close, west of Brooklands Way and south of Westby Close. It is predominantly flat with slight gradient that falls in a westerly direction from Brooklands Way, and occupied by surplus spoil with little vegetation cover.

The wider Whitehills Business park is a predominantly commercial area with a mix of industrial and office accommodation, as well as a builders merchants within close proximity of the proposal, and the presence of B&Q, car dealerships, a public house/ restaurant/ hotel within the vicinity. The existing built form is characterised principally by open street frontages, with buildings being set back from main roads behind landscaped car parking areas. Existing buildings are of industrial scale, including 2 and 3 storeys, being constructed primarily of light grey cladding with a mix of dual, hipped and curved roof forms.

The application site is designated as an Employment Land Allocation in the Fylde Local Plan to 2032 (Incorporating Partial Review).

Details of Proposal

The planning application consists of 3 elements:

1. Construction of a building split into 4 industrial units – use Class E (g) (iii) (light industry), B2 (General Industry) or B8 (storage and distribution) is sought.
2. Expansion of the existing Travis Perkins external yard.
3. Vehicular access from Westby Close into a vacant plot of land.

Element 1

The industrial unit is set back from Brooklands Way behind a car parking area that has peripheral landscaping. The building proposed has a footprint of 92m x 31m, having a dual pitched roof to a height of 11m (8.6m to eaves) and constructed of an Oatmeal coloured brick with dark grey and grey white profiled cladding to all elevations, and a mosaic feature cladding (white, light grey, dark grey) to the upper portion of each elevation. Access to the car park and for the servicing of each unit will be via a single point of entry/ exit via Brooklands Way. Bin stores are located within the car park and will be constructed of Oatmeal coloured brick, boundary treatments consist of a low level timber knee rail adjacent to main roads, and palisade fencing to the rear of the building forming a secure boundary line.

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Since initial submission revisions to the scheme have been received in response to officer concerns over the close proximity of the building within the Westby Close street scene. The revision has increased the stand off distance of the building from 3m to 7.5m from the footpath edge, allowing increased landscaping, including tree planting, to be provided.

Element 2

The existing Travis Perkins yard will be extended approximately 60m in a northerly direction which necessitates the extension of Plumpton Close in a northerly direction also. The site will be made secure through provision of a paladin fence with landscaping provided adjacent to the road way. 2 vehicular access points are indicated on plan.

Element 3

The submission also includes provision of a separate access arrangement from Westby Close, into an undeveloped land parcel. This is designed to allow this to be constructed to assist with the marketing of that area.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
06/0808	Office development incorporating coffee shop and takeaway	Approved	20/12/2006
07/0043	Office unit	Approved	08/03/2007
07/0880	Proposed warehouse unit with ancillary offices and welfare facilities	Approved	24/10/2007
14/0823	Temporary car park for 245 cars (5 years)	Approved	04/03/2015

Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton's Parish Council	<p><i>It was resolved to OBJECT to the application.</i></p> <p><i>The parish council is supporting the flooding comments made by the relevant authority (lead local flood authority).</i></p> <p><i>Car parking on Brooklands is currently at capacity which will impact on access and egress to the sites for HGVs and larger vehicles. There must be an assurance of sufficient parking on the proposal.</i></p> <p><i>Members should note that the applicant provided a revised Flood Risk and Drainage Strategy that removed the lead Local Flood Authority objection. The Highway Authority</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Blackpool Airport	No objection, subject to condition requiring that the applicant notify the airport of any construction machinery that exceeds the height of the development proposed (11m).

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Fire Service	No objection to the planning application but do make reference to building control requirements that the development must adhere to.
Lead Local Flood Authority	<p>Initial objection raised due to an inadequate surface water drainage strategy which didn't provide appropriate minimum operation standards for peak flow control or an appropriate allowance for climate change – Note the above Parish Council objection is based upon this initial objection.</p> <p>Following the submission of an updated Drainage Strategy the LLFA have removed their objection, subject to the following conditions being included on the approval notice:</p> <ul style="list-style-type: none"> • Development in accordance with the submitted flood risk assessment. • Final design of surface water drainage strategy. • Construction surface water management plan. • Management and maintenance of surface water drainage. • Verification report of as built surface water drainage design.
United Utilities	<p>No objection subject to conditions:</p> <ul style="list-style-type: none"> • Final design of surface water drainage strategy. • Management and maintenance of surface water drainage.
Highway Authority	<p>No objection subject to condition.</p> <p><u>Vehicle Movements</u> Following receipt of further clarification by the applicants' representatives, LCC Highways are satisfied that the typical vehicles servicing the proposals will not be HGVs. Swept path analysis has been provided to demonstrate that HGVs can access the site, the proposed site access in LCC Highways opinion would not prevent HGV access but at the same time would not encourage it.</p> <p>As such the proposed vehicle movements for the main parcel of land is acceptable. The proposed HGV movements for the proposed compound are also acceptable.</p> <p>The proposed storage compound layout as shown in the submitted plan titled "Plumpton Close Compound vehicle access tracking and layout" is acceptable in LCC Highways opinion.</p> <p><u>Proposed Site Accessed</u> The submitted proposed site access on Brooklands Way titled "Proposed Block Plan" [DWG No. 15-06-S5B-30-Q, Rev: Q] is in LCC Highways acceptable and can be supported.</p> <p>The proposed access onto Westby Close is acceptable in principle, LCC Highways cannot state definitively our position until the use of the land south of the proposed access is defined. Whilst the</p>

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	<p>submitted "Proposed Block Plan" shows a proposed office block, this is not within the red edge of the planning application and as such has not been considered.</p> <p>West of the proposed access onto Westby Close is a parcel of land that is identified within Fylde Local Plan to 2032 as a potential residential development. This plot may connect to the adopted highway via Westby Close. Any development that this proposed site access would serve would need to consider the potential impact on future development as outlined in Fylde's local plan.</p> <p><u>Extension of Plumpton Close</u> The proposed extension to Plumpton Close is acceptable and would meet the minimum requirements to be considered by LCC Highways for adoption.</p> <p><u>Car Parking</u> LCC Highways are satisfied that the proposed car parking meets the minimum requirements for car parking as set out in the Joint Lancashire Structure Plan 2016. This assessment is based on the proposed uses and their gross floor areas stated within the submitted planning application form.</p> <p>No objection to condition restricting any mezzanine development to 75% of the floor area of each unit.</p> <p><u>Suggested Conditions:</u></p> <ul style="list-style-type: none"> • Design of site access and off site highway works (tactile paving). • Arrangements for future management and maintenance of proposed streets. • Construction traffic management plan. • Provision of car parking and manoeuvring areas prior to first use. • Car parking and manoeuvring areas to be constructed in accordance with LCC Highway specification and be implemented to at least sub base prior to development commencing.
Health & Safety Executive	Do not advise, on safety grounds, against the granting of planning permission.

Neighbour Observations

Neighbours notified: 20 April 2023
Amended plans notified: n/a
Site Notice Date: 20 April 2023
Press Notice Date: 20 April 2023
Number of Responses Total number of comments 1
Summary of Comments The comments received are an objection and are summarised as:

- Class B2 building use is for the carrying on of an industrial process.
- That is entirely different from any nearby uses. Nearby premises

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offer services [such as car hire, nursery, storage and distribution, gym and the like], and the substantial majority of nearby premises are used as offices, showrooms and distribution. So far as I am aware, there are no B2 uses taking place elsewhere on the site.

- The design of the proposed buildings is not in keeping with nearby units. The design is monolithic and overweight relative to nearby units.
- Notwithstanding the proposed planting scheme, similar units elsewhere on Whitehills do not appear to be well maintained.

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):

EC1 - Overall Provision of Employment Land and Existing Employment Sites

EC2 - Employment Opportunities

GD7 - Achieving Good Design in Development

T5 - Parking Standards

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

Other National Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

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

- Principle of use.
- Design.
- Highways.
- Amenity.
- Flood Risk and Drainage.
- Ecology.

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Principle of Use

The site is designated as an Employment Land Allocation in the Fylde Local Plan (Incorporating Partial Review) FLPPR. FLPPR Policy EC1 is of relevance and supports industrial land uses including B1(a), B1(b), B1(c), B2 and B8, within such designations.

The proposal seeks consent for construction of business units with the following land use classes being specified:

- Class E(G)(III) – any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
- Class B2 - General Industry.
- Class B8 - storage and distribution

The submission does not specify any end users for the business unit though does seek consent for land uses that are consistent with those supported by Policy EC1. The builders yard extension is categorised as a Class B8 land use and so is also consistent with the provisions of Policy EC1.

Due to the speculative nature of the submission with no end occupiers identified at this stage potential employment figures are not known, however the proposal will develop an employment allocation and will facilitate job creation both as a direct consequent of units proposed, but also during the construction process. This will help preserve and develop a strong, vibrant and sustainable economy within the Fylde Borough in accordance with the Strategic Objectives of the Fylde Local Plan and NPPF21.

One of the land uses sought is within the Class E category, and approval as such without restriction would enable a permitted change of use within that classification (including to retail, food and drink). To ensure continued compliance with Policy EC1 it is necessary to impose land use restriction requiring that the development be occupied by E(G)(iii), B2 and B8 uses only. Subject to this restriction, the land uses proposed will be compliant within the requirements of Policy EC1 and are therefore acceptable in principle.

The objector refers to the B2 land use proposed as being very different from any nearby uses. Whilst there may be not be Class B2 uses in the immediate vicinity, the Whitehills Employment Area as a whole was developed to provide a location for such industrial uses and so it is the preferable location in the borough for such uses to be established. The B2 use is specifically supported by Policy EC1 and so is entirely appropriate in this location.

Design

Policy GD7 requires development to be of a high standard of design, taking account of the character and appearance of the local area, referring to a number of criteria to meet this aim. Those relevant to the current proposal are:

- d) siting, layout, massing, scale, design, building to plot ration and landscaping relate well to surrounding context.
- f) conserving and enhancing the built environment.
- h) avoiding demonstrable harm to the visual amenities of the local area.
- i) Positive contribution to the character and local distinctiveness of the area.
- j) parking should be safe, accessible and sympathetic to the surrounding area.

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The site is one of several undeveloped land parcels within this area of Whitehills, representing a large unkempt infill plot that presently detracts from the area. The application site has frontages to roads with the Business Park and as a result is a prominent location, especially exposed to views from Brooklands Way and Westby Close. This encourages the development of the site to improve the current appearance, and the development of the site with an appropriate scale and design of building to ensure it satisfactory appearance moving forward.

The site is neighboured by employment and commercial development with buildings in the vicinity of mixed appearance and scale, with oatmeal brick and light grey profiled metal sheet cladding being the predominant construction material. In contrast to this though the Travis Perkins buildings is constructed of green cladding and green palisade fencing that encloses the external yard. The layout of existing development has ensured that buildings are set back from roadways, behind landscaped car parking areas, which help to soften the bulk of buildings within the employment area.

The industrial building footprint proposed here is set back from and has a front facing aspect to Brooklands Way behind a shared car park and service yard area. This encourages open views into the development whilst providing an active frontage to the street. The originally proposed building was considered to be sited too close to Westby Close, with the side elevation of the structure appearing overly prominent within the street scene. Revision has been received which has reduced the building footprint thereby siting the structure 7.5m from the footpath edge, allowing for increased landscaping adjacent to Westby Close. This distance allows for the incorporation of tree planting, which will give height to landscaping and act to soften the side elevation of the building within the street scene. A landscaping buffer is also provided to the remainder of the site periphery where adjacent to Brooklands Way and Westby Close, with a timber knee rail defining this boundary and 2.5m high black palisade fencing to others.

The proposed building itself is 11m to the ridge of the dual pitched roof, and is similar in scale to the larger building that is located to the opposing side of Westby Close. Construction materials include an Oatmeal brick, light and dark grey cladding, and a feature mosaic cladding (black/ grey/ white), which are reflective of existing materials in the locality and a similar unit constructed by the applicant within the Whitehills Business Park on Cropper Close. This element of the scheme provides visual interest within external views of the site and would not look out of character with the appearance of other units in the locality.

The second element of the scheme seeks consent for extension of the external yard associated to Travis Perkin builders merchants. The existing yard is located to the rear of the Travis Perkins building, with the side of that yard being exposed to Plumpton Close behind a paladin fence and landscape strip. The proposal seeks to almost double the size of the yard space, with that space being sited closer to Plumpton Close, behind a new landscape strip and paladin fence.

Plumpton Close is not a heavily trafficked street within Whitehills and presently culminates in a dead end adjacent to the existing yard. The proposal is not therefore considered to be in a prominent location. Moreover, the yard extension will mirror the visual appearance of that existing which has been previously determined to be acceptable in this context. In that regard, the original planning approval for the builders merchants restricted height of external storage (4.5m) so as to control the visual appearance of the yard space. For consistency, a similar restriction is considered applicable to the extension proposed.

The proposed design and layout of each element of the development are therefore considered to be in-keeping with the commercial nature of the locality. Moreover, the development will rejuvenate a

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parcel of land that currently detracts from the visual appearance of the area, providing regeneration benefits, in accordance with the provisions of Policy GD7.

Highways

FLRRP policy GD7 supports good design that would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly Policy T4 also encourages walking and cycling to improve quality of life and reduce the Boroughs carbon footprint. Policy T5 relates to parking provision and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development.

Paragraph 110 b) of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all users, and, 110 d) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed industrial unit is to be accessed via a new entrance arrangement from Brooklands Way, continuing the existing footpath to the individual units proposed. This access accommodates the needs of servicing by larger delivery vehicles, with reversing areas available for HGV vehicles if needed. A total of 100 parking spaces (9 disabled), motorbike parking and a cycle store are indicated on the submitted site plan.

The existing Travis Perkins yard is accessed via Plumpton Close and the extension is proposed to have a similar access route via 2 new entrances from a lengthened Plumpton Close also. Staff and customer parking exists within the existing yard area of Travis Perkins and there is no additional provision provided to accommodate the needs of the extension proposed.

Vehicular access to all elements of the scheme will be via the existing road network within the Whitehills Business Park. These roads are purposefully designed to accommodate larger service vehicles due to the nature of businesses within the estate, thus it should be expected that vehicles associated to the development should similarly be able to gain access.

There is presently a high demand for car parking in the Whitehills Business Park, with parking from existing uses being displaced to surrounding streets. This on street car parking has reduced road widths to single lane in places impinging upon the free flow of traffic. It is important that new development does not exacerbate this situation and appropriate car parking that accords with adopted standards should be provided. In this regard, given the speculative nature of the development, end users are not known at this present time and it is therefore appropriate to plan for a worse case scenario, with an assumption that the development would be occupied by the higher car park generating use (E(G)iii) or B2.

The Lancashire County Council adopted parking standard for these uses is 1 space per 45sqm. Based on a proposed internal total floor area of 2575sqm this equates to a requirement of 57 spaces for the development. By comparison a B8 land use would require 13 (1 space per 200sqm). The provision of 100 spaces within the scheme is therefore well above that required by the adopted standard and the Local Highway Authority has confirmed a lack of objection to this.

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This does establish a substantial surplus of 43 parking spaces, which in many cases would be a concern as it 'promotes' private car use over other travel means. In this case the applicant has justified this provision on grounds that future tenants may wish to construct internal mezzanine space in the building which would not ordinarily require planning permission. The provision of surplus spaces acts to future proof the development and ensures that appropriate car parking provision will be available in the event that floor space within the Units is increased through mezzanine insertion to meet the growing needs of any tenants.

Nonetheless, it is important that the amount of mezzanine floor space is equivalent to the surplus parking spaces in order to ensure that a deficiency of parking on the site does not occur and so as to avoid displacement of vehicles to surrounding roads. It is therefore reasonable to restrict any future mezzanine insertion to the amount of floor space that would be supported by the surplus parking spaces. The surplus 43 parking spaces is equivalent to 1935sqm of E(G)(iii) or B2 development (75% of the internal floor area of the building proposed), and a condition restricting mezzanine floor space to 75% of each unit is advised. The Local Highway Authority have been consulted on this matter and have no objection to this approach.

Whilst the yard extension does not provide for car parking, the applicant is of the impression that the proposal will not result in the need for such since staff and customer numbers are unlikely to increase.

It is inevitable that the development will attract additional vehicle movements to the area. Due to the nature and scale of the development the majority of movements are likely to be outside of peak times and would not therefore have a significant impact on present or future highway capacity.

Whilst the Local Highway Authority has raised no objection to the proposal, they do comment that the proposed access from Westby Close could be premature in design since the use of the land it serves, and associated vehicles to that use, are not known at this time. The applicant has been made aware of this issue and fact that revision of the entrance design may be necessary if required to accommodate larger vehicles, and that any approval of this entrance is not a commitment concerning any future use of the land it serves. The inclusion of an access to a land parcel without any use of that land is an unusual approach to take, but given the land use designation is for employment development and the delivery of such sites can only be a beneficial form of development to support the economic health of the borough.

On this basis it is considered that the development provides for a safe and suitable layout and that impact on the network would not be severe. It is therefore in accordance with the requirements of Policy GD7, and T5 of the Fylde Local Plan to 2032 in this regard.

Amenity

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses and occupiers. This includes assessment of the proposal for potential privacy, dominance, loss of light, over shadowing or disturbance effects resultant from the development itself on neighbours, or during the construction period.

The site is bound by commercial and industrial premises, with the nearest housing being located some 250m+ to the south at the closest point. Existing commercial uses, as well as the heavily trafficked route of Lytham St Annes Way intervene between this housing and the application site, acting to increase ambient noise levels in the locality. These factors in combination ensure that the amenity of residents in the area, relative to the use applied for as well as the physical presence of structures to be built, is not undermined.

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The proposed industrial building and Travis Perkins yard extension are located within close proximity of an existing business unit on Brooklands Way and that unit has windows within its side and rear elevations that would overlook these elements of the scheme. There are no separation standards relative to the safeguarding of neighbouring businesses amenity, though this should not mean that this matter is dis-regarded. In this respect the proposal displays good separation distances, with closest affected windows looking out over the proposed yard spaces or parking areas.

The development is therefore considered to have an acceptable relationship to neighbouring premises and would not undermine the general amenity of the area, in accordance with FLP policy GD7.

Flood Risk and Drainage

The site falls entirely within flood zone 1, as defined by the Environment Agency's Flood Map. The application is accompanied by a Flood Risk Assessment and Drainage Strategy due to site size being greater than 1 hectare.

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

The site is located within Flood Zone 1 and is not therefore considered to be at risk from or contribute to flood risk off site. The submitted drainage strategy refers to provision of separate surface and foul water discharges into the existing drainage networks. Surface water will have a restricted rate, attenuated by a holding tank situated beneath the car park.

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

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding and that a satisfactory drainage solution is feasible for the development that accords with the drainage hierarchy, in accordance with the development plan and NPPF.

Ecology

Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets. The strongest protection will be given to sites of international importance (Ramsar, Special Area of Conservation, Special Protection Areas or candidate sites of such). Development affecting sites of local importance will be permitted only where there is an overriding local public need. ENV2 also safeguards protected species and states that development that has any adverse effect will not be supported, unless the benefits of development outweigh the ecological impact, and subject to appropriate mitigation.

The site has no specific nature conservation designation in the adopted Local Plan. The site is of low ecological interest being occupied by spoil that has been relocated following development of the adjacent plot. The proposed layout makes provision for landscaping, including tree, hedge and shrub

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planting which should be recognised as a net gain for the ecological value of the site in the context of this scheme. This ensures compliance with Policy ENV2.

Conclusions

The proposed land uses are acceptable for this Employment land allocation. The development is considered to be of appropriate appearance and in-keeping with the character of the area, providing regeneration benefit through the redevelopment of a prominent unsightly land parcel.

The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21.

In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning, with that decision being subject to a schedule of appropriate conditions. These conditions are to be based on the following suggestions, with the Head of Planning having the authority to add, delete or amend these as necessary to respond to matters that may arise prior to the decision being issued:

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

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

2. This permission relates to the following plans:

- Location Plan - drawing no. 15-06-S5B-01.
- Proposed Block Plan - drawing no. 15-06-S5B-3-S
- Proposed Business Units 7-10 Plan and Elevations - drawing no. 15-06-5SB-20-C

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

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) hereby approved shall be used for the following use classes only:

Class E(g)(iii)

Class B2

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Class B8

and for no other purpose (including any other uses falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order.

Reason: To ensure that the use of the premises remains compatible with the character of surrounding uses, to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; in accordance with the requirements of policies EC1 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the provision of any mezzanine floor within the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) hereby approved shall, under no circumstances, exceed an area that is equivalent to 75% of the internal ground floor area of each unit as approved.

Reason: To ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, any retail sales from the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

Reason: For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location, in accordance with Policy EC1 and EC5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and NPPF21.

6. No goods of any description shall be stored on the 'Business Development' site (as annotated on drawing no. 15-06-S5B-3-S) other than within the buildings.

External storage of goods within the Travis Perkins yard area extension shall not exceed a height of 4.5 metres.

Reason: In the interests of the visual amenity of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

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

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

8. No part of the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) hereby approved shall commence until a detailed scheme for the construction of the site vehicular access arrangements and off-site highway improvements associated for that element of the development has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme(s) shall include, but is not limited to, the following:

Site access point from Brooklands Way.

Provision of tactile crossing points to the access with Brooklands Way.

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

9. No part of the Travis Perkins yard extension hereby approved shall commence until a detailed scheme for the construction of the site vehicular access arrangements and off-site highway improvements associated to that element of the development has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme(s) shall include, but is not limited to, the following:

Site access points from Plumpton Close.

Provision of tactile crossing points to the access points with Plumpton Close.

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

10. No part of the Westby Close access hereby approved shall commence until a detailed scheme for the construction of that access and off-site highway improvements associated to that element of the development has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme(s) shall include, but is not limited to, the following:

Site access points from Westby Close.

Provision of tactile crossing points to the access points with Westby Close.

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

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11. The access arrangements and off site highway works approved by the discharge of conditions 8, 9 and 10, pedestrian access points, car parking (including disabled spaces), covered cycle store, motorbike parking and vehicular manoeuvring areas as detailed on drawing titled 'Proposed Block Plan' (drawing reference: 15-06-S5B-30-S), must be made available for use prior to first occupation of the associated phase of development, and retained thereafter.

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans in the interests of highway safety and visual amenity, in accordance with the policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

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

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

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

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (June 2023, Ref: CFC23026 Rev A).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood 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 policies CL1 and CL2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

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14. No development shall take place until a scheme for the management of surface water and pollution prevention during each phase of the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

- a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.
- b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

15. Prior to commencement of each phase of the development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme(s) must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

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

Prior to first use of the associated phase of development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition 10 (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

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

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

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

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

18. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) or Travis Perkins yard extension hereby approved shall be brought into use until a soft landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the associated phase of development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

19. 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.

20. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) or Travis Perkins yard extension hereby approved shall be brought into use until details of the siting, height, design, materials and finish of all boundary treatments within the associated phase of development have been submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatments shall be constructed in full accordance with the duly approved details prior to first occupation of the associated phase of development, and shall be retained as such thereafter.

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

21. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the Business Units (numbered 7-10 inclusively on drawing no. 15-06-S5B-3-S) hereby approved shall be occupied until a scheme providing details of the bin stores on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the design, location and materials of the bin stores. The subsequently approved bin stores shall be constructed in accordance with the duly approved scheme and made available for use before any of the Units hereby approved are first occupied, and shall be retained as such thereafter.

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

22. 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

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presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

23. If, during development, contamination is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
- a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems;, and archaeological sites and ancient monuments.
 - c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 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 (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.
2. Blackpool Airport Crane Height Informative:

At least 21 days before commencement of the development, the developer must email safeguarding@blackpoolairport.com if any equipment to be used during construction will

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exceed the maximum height of the finished development (e.g. tower cranes, piling rigs).

Notification of the equipment shall be made

on the standard Crane Permit request form available on the Blackpool Airport website and include:

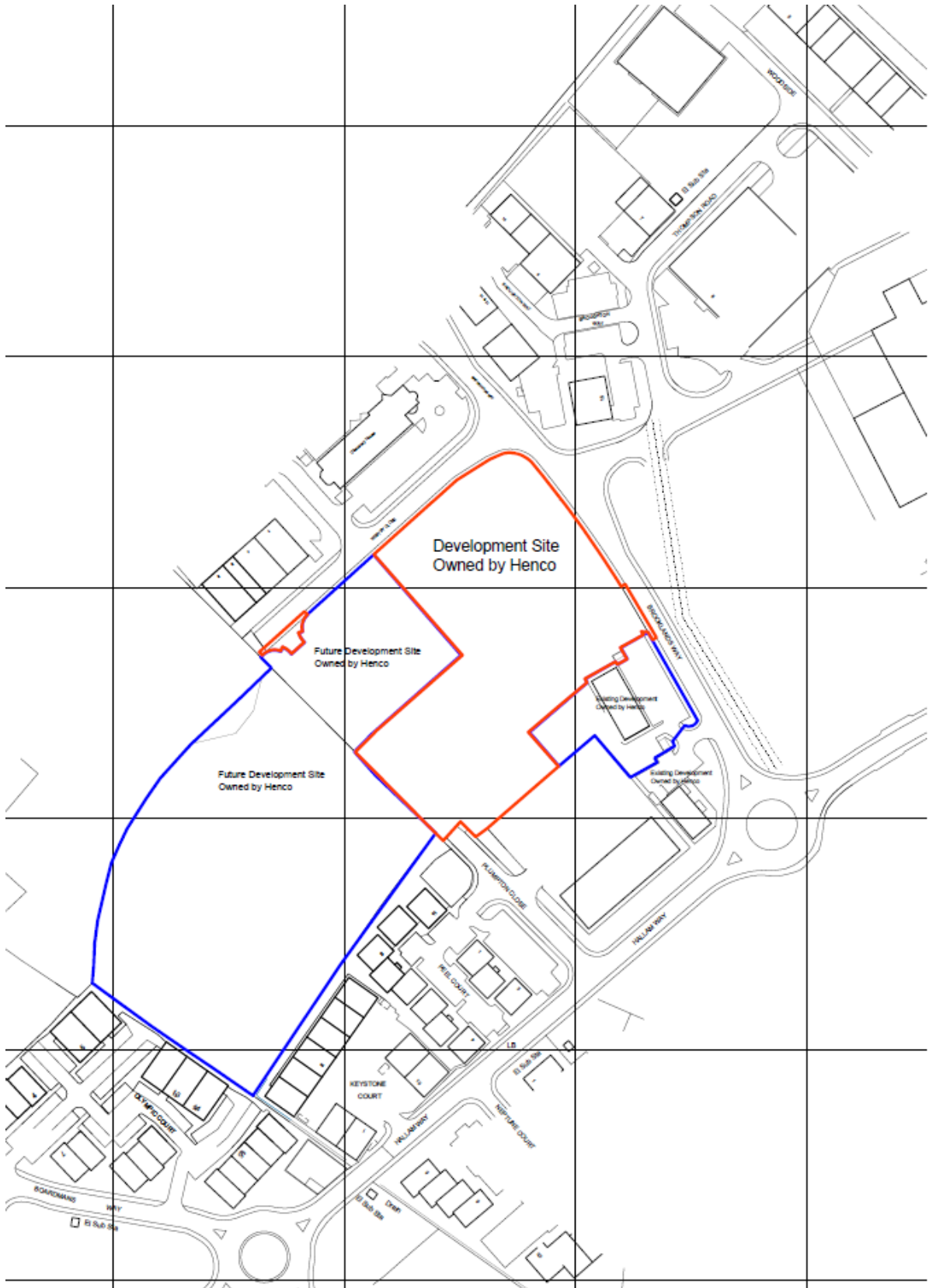
- its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
- height above ordnance datum;
- anticipated dates on site;
- emergency contact numbers for the crane operator and site manager.

The equipment must be operated in accordance with BS 7121 and further advice can be found in Airport Operators Association Advice Note 4 'Cranes'.

This is to ensure that air safety is not compromised by this activity.

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Location Plan for Item 3 – 23/0257



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Item 4

Application No:	23/0369	Case Officer:	Andrew Stell Area Team 1
Applicant:	Fylde Council	Agent:	Mr Ken Graham
Location:	LIFEBOAT MUSEUM EAST BEACH LYTHEM ST ANNES FY8 5EX		
Proposal:	INSTALLATION OF POLE MOUNTED CCTV CAMERA AND ANTENNA FOLLOWING THE REMOVAL OF EXISTING POLE MOUNTED CCTV CAMERA.		
Ward:	Lytham West	Parish:	
Statutory Expiry:	13 July 2023	Earliest Decision:	29 June 2023
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is the Old Lifeboat House which stands alongside the Windmill on Lytham Green. It is a single storey structure in brick under a slated roof with external covered seating to both sides that stands immediately adjacent the pedestrian promenade. The building is Grade II listed, as is the adjacent Windmill, and it is located in the Lytham Town Centre Conservation Area.

The proposal is to install a CCTV camera to the gable facing the Windmill to assist with the observation of that building and the immediately surrounding area. The images will be transmitted by relays to a control centre off-site for monitoring and recording. The camera is a modern dome style installation that is to be fixed to a bracket that is attached to the wall of the building below the roofline with the camera then located to the top of this, so it is above the roofline to provide an increased area of surveillance. The transmission equipment is to take the form of a simple antenna attached to the pole at a lower level. The facility is to be a more permanent replacement for an existing similar facility that was installed some years ago without consent.

With the building being located in a conservation area and listed it is a designated heritage asset and so there is a need to establish if the application will result in any harm to the asset. The camera and brackets are modest in size and situation in a location where they are alongside a final feature that projects above the roofline from the ridge of the gable so that from more distant views of the building it will not be prominent.

Whilst the development will lead to harm to the heritage assets, this is considered to be of a 'less than substantial' level as set out in para 202 of the National Planning Policy Framework (NPPF). Where this level of harm is created there is a need to consider if there are any public benefits that could outweigh the harm. In this case the security, deterrent and general surveillance benefits of the CCTV in the area are such a benefit as the system is designed to help prevent criminal damage to the buildings. The design and siting of the installation has been chosen following discussion with the planning team to specifically minimise the harm caused, in comparison to a siting on a separate pole or to be attached to the more iconic Windmill building. As such it is considered that the harm created is limited and that the public benefits outweigh this harm ensuring compliance with the guidance in para 202 of NPPF. Policy ENV5 of the Fylde Local Plan to 202 (incorporating Partial Review) imposes a similar test to the national guidance and it is considered that the scheme

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complies with that policy also. The installation could be easily removed in future without any detriment to the building and so there would be no long term harm to the building.

The site is part of the Amenity Greenspace designation that covers the entire Lytham Green under Policy ENV4. This policy protects those areas but permits development that is essential to their use but does not conflict with other plan policies, including Policy ENV5. The installation proposed here clearly does support the ongoing use of the area, and its attractiveness as a safe space for residents and visitors to enjoy. Accordingly, it also complies with Policy ENV3. Therefore, the application is recommended for approval, with the decision to be made by Committee due to the council's ownership of the building and surrounding land.

Reason for Decision Level

The application relates to a building owned by Fylde Council and so it is necessary to present the application to the Planning Committee for a decision.

The English Heritage listing reads:

“GV II Lifeboat house, now museum. Mid to later C19; altered. Cobble walls with sandstone plinth and red brick dressings including flush strips, slate roof. Rectangular plan aligned with slipway.

Single storey with three-bay sides and tall steeply-pitched roof. Each side has buttressed corners, and three one-light wooden-louvred windows with stone sills and lintels and chamfered brick jambs, the centre framed by brick strips, and added benches sheltered by a roof supported by cast-iron columns; and above the centre of each is a steeply-pitched gabled dormer with a window like the others, and a finial. The centre of the roof has a wooden lantern with steep slated pyramidal cap surmounted by a weathervane. The south gable wall has a large doorway with folding double doors, a one-light window above, and projected verges with an apex finial.

Forms a group with the windmill (q.v.) which stands close to the north end.”

Site Description and Location

The application site is the Old Lifeboat House which is situated adjacent to the Windmill on Lytham Green. The building is single storey with a cobble and brick construction under a slated roof with locally typical timber detailing. The building is Grade II listed, as is the adjacent Windmill, and it is located in the Lytham Town Centre Conservation Area. The whole of the Green is designated as an Amenity Open Space under Policy ENV4 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

Planning permission is sought for the installation of a new CCTV camera installation to the gable of the building that faces the Windmill. This is to involve a simple metal bracket being attached to the gable wall under the roof timber height. This projects out beyond these timbers and above the ridge line of the roof to a point that is equivalent to the height of the finial on the building to allow a view across the roofscape. A simple domed camera installation is attached to the top of this bracket with that containing the camera itself and the transmission equipment being mounted lower on the pole. This will allow the images to be sent, via relays on lampposts to the central control centre.

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The CCTV system proposed here is a more permanent replacement for an existing camera in the same location that was installed without consent as a measure to deter anti-social behaviour and low-level criminal damage which had been experienced around the two buildings.

An application for listed building consent for these works follows on this agenda under reference 23/0370.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
23/0370	LISTED BUILDING CONSENT FOR INSTALLATION OF POLE MOUNTED CCTV CAMERA AND ANTENNA FOLLOWING THE REMOVAL OF EXISTING POLE MOUNTED CCTV CAMERA		
07/0194	CHANGE OF USE FROM LIFE BOAT STATION TO LIFE BOAT MUSEUM	Granted	05 April 2007

Parish/Town Council Observations

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

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

Neighbour Observations

Neighbours notified:	No neighbours have been notified in this case due to the location and nature of the proposal
Site Notice Date:	26 May 2023
Press Notice Date:	8 June 2023
Number of Responses	No comments have been received

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries Lytham St Annes) - Distance: 0
ENV3G - Amenity Greenspaces Lytham Green, East Beach, Lytham) - Distance: 0
ENV5 – Heritage Assets

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Other National Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The site is within the settlement of Lytham St Annes as defined under Policy GD1m and forms part of Lytham Green which is designated as Amenity Open Space under Policy ENV3 of the Fylde Local Plan to 20322 (incorporating Partial Review) and so this is the policy which directs the land use considerations of this application. As the building is listed and within a conservation area it is a designated heritage asset and so those elements of Policy ENV5 are relevant for the consideration for those implications.

Heritage Implications

The Old Lifeboat House building is listed. It stands alongside the Windmill which is also listed, with their proximity forming a grouping which is recognised in the English Heritage descriptive listing itself and sits within a conservation area. Accordingly, the building is regarded as a designated heritage asset.

This status brings a requirement to assess if the works proposed in the application will result in any harm to any of these designated heritage assets. The camera and brackets are modest in size and situation in a location where they are alongside a finial feature that projects above the roofline from the ridge of the gable so that from more distant views of the building it will not be prominently visible.

The development is an obviously modern addition to the building that plays little regard to its historic or architectural quality. As such it will lead to harm to the heritage assets. Taking note of the guidance in NPPF, this harm is considered to be of a 'less than substantial' level as set out in para 202 of NPPF. Where this level of harm is created there is a need to consider if there are any public benefits that accrue from the development to be set against that harm.

In this case the camera will assist with security of the building and the windmill, will act as a deterrent for the reported incidences of anti-social behaviour and criminal damage, and will bring general surveillance benefits. These are considered to be notable public benefits from the development.

It is also the case that the design and siting of the installation has been chosen following discussion with the planning team to specifically minimise the harm caused. This involved siting the camera on this building rather than on a separate pole which would need to be much taller and more sturdy to provide stable images that are unaffected by the wind levels in the area, or to be attached to the more iconic Windmill building. The installation is to the more discreet side of the building and is designed to reflect the height and style of the finial it is alongside so that it does not interrupt the roof line or other elements of the building. The camera and associated fittings could be removed in the future without any long term damage to the fabric of the building.

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As such it is considered that the heritage harm created is limited in scope, and that the public benefits from the development outweigh this harm. This ensures compliance with the guidance in para 202 of NPPF. Policy ENV5 of the Fylde Local Plan to 202 (incorporating Partial Review) imposes a similar test to the national guidance and so it is considered that the scheme complies with that policy also.

Other Matters

The building is within the Amenity Open Space allocated under Policy ENV3 of the Fylde Local Plan to 2032 (incorporating Partial Review). This Policy protects those areas which, which include areas such as the green but also allotments. Playing fields, strategic landscaping, etc. from development that would harm their function unless there are suitable mitigating circumstances. In this case the proposed development is associated with protecting the function of the amenity open space by providing a deterrent against the anti-social behaviour and criminal damage that has been reported in the area around the Windmill and Old Lifeboat House in recent months. Accordingly, the development complies with this policy.

Conclusions

The application relates to the installation of a single pole-mounted CCTV camera to the Old Lifeboat House on Lytham Green to provide surveillance over that area and the adjacent Windmill. The development creates some harm to the building as a designated heritage asset, but this is outweighed by the public benefits that its operation will provide to the safety of the building and the attractiveness of the area to residents and visitors.

Accordingly, the proposal is in compliance with Policy ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) relating to heritage matters, and Policy ENV3 of that Plan relating to the open space use of the wider site. The scheme also complies with the NPPF guidance on which these policies are based. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Location Plan - Windmill Site Plan dated 11/05/2023

Bracket Detail - ACP Wall Mounted Pole datasheet

Antenna Detail - Proxim data sheet for Quickbridge 10100-xxx transmitter

CCTV Camera Details - Pelco datasheet for Spectra Pro 4K Series IP PTZ Outdoor Camera

Supporting Statement - Instrom Planning and Heritage Statement

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

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

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

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

4. In the event that the CCTV camera is no longer required for purposes associated with the security and surveillance of the surrounding area, or ceases to be operational, the camera and supporting bracket shall be removed from the building so that it is restored to its former appearance in accordance with a restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the harm created by this development to the listed building and conservation area is removed when the public benefits that accrues from its use ceases to be realised. This is to reflect guidance in para 202 of the NPPF and Policy ENV5 of Fylde Local Plan to 2032 (incorporating Partial Review).

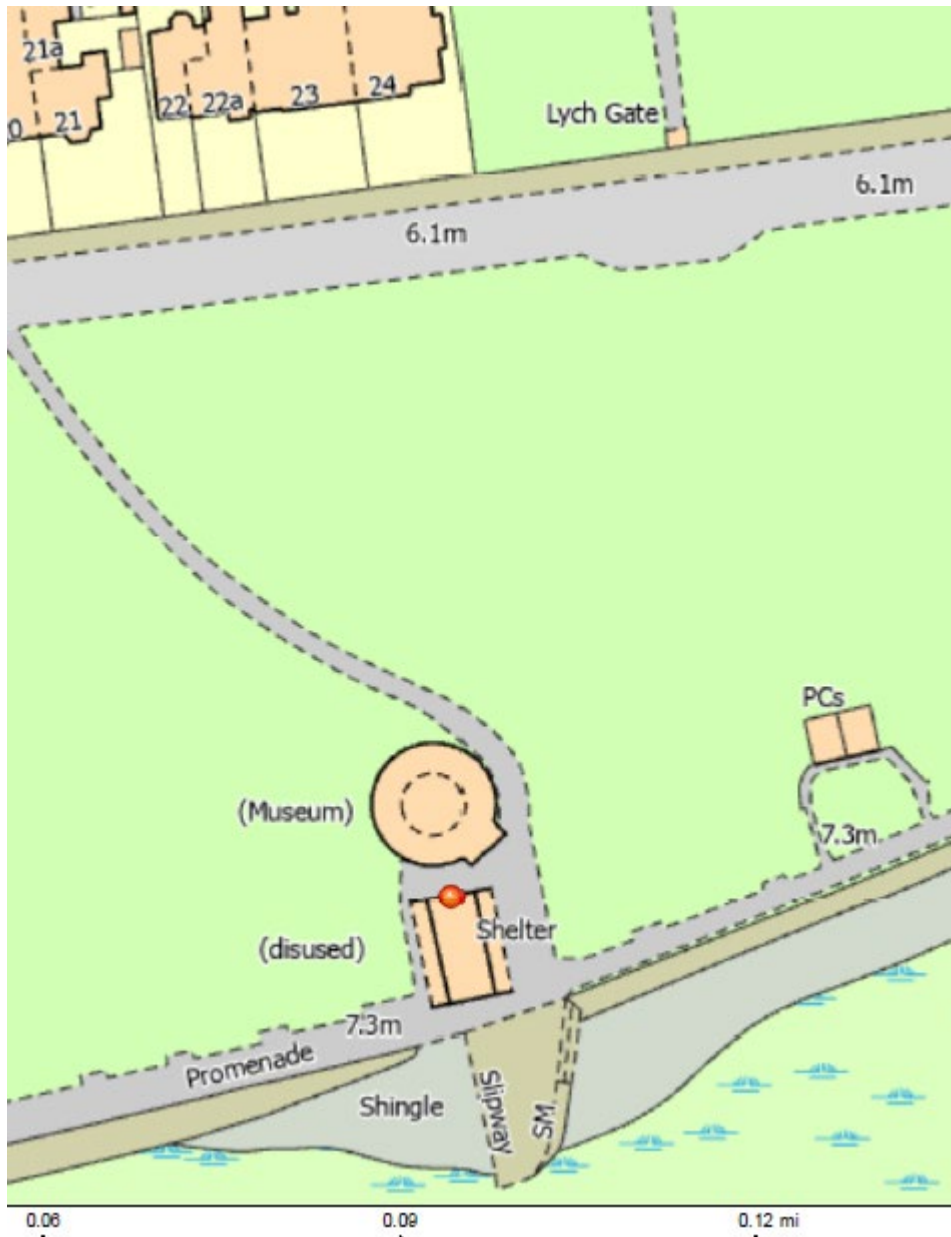
Informative(s)

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

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

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Location Plan for Item 4 (23/0369) and Item 5 (23/0370)



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Item 5

Application No:	23/0370	Case Officer:	Andrew Stell Area Team 1
Applicant:	Fylde Council	Agent:	Mr Ken Graham
Location:	LIFEBOAT MUSEUM EAST BEACH LYTHAM ST ANNES FY8 5EX		
Proposal:	LISTED BUILDING CONSENT FOR INSTALLATION OF POLE MOUNTED CCTV CAMERA AND ANTENNA FOLLOWING THE REMOVAL OF EXISTING POLE MOUNTED CCTV CAMERA.		
Ward:	Lytham West	Parish:	
Statutory Expiry:	13 July 2023	Earliest Decision:	29 June 2023
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Grant

Considerations

The matters under consideration as part of this application or listed building consent are identical to those under application 23/0369 which seeks planning permission for these works. The heritage and other planning implications of these are also identical. Therefore, the assessment of this listed building consent application is entirely identical to that for application 23/0369 also on this agenda. Members re directed to that report for this application.

Recommendation

That Listed Building Consent be GRANTED subject to the following condition:

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative(s)

1. For the avoidance of doubt, this consent relates to the following plans:

Location Plan - Windmill Site Plan dated 11/05/2023
bracket Detail - ACP Wall Mounted Pole datasheet
Antenna Detail - Proxim data sheet for Quickbridge 10100-xxx tranmistter
CCTV Camera Details - Pelco datasheet for Spectra Pro 4K Series IP PTZ Outdoor Camera
Supporting Statement - Instrom Planning and Heritage Statement

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	5 JULY 2023	6

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received no appeal decisions between 26 May and 23 June 2023.

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473