

# Agenda

## Planning Committee

Date:	Wednesday, 6 September 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](#).

	<b>PROCEDURAL ITEMS:</b>	<b>PAGE</b>
<b>1</b>	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	<b>1</b>
<b>2</b>	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">2 August 2023</a> as a correct record.	<b>1</b>
<b>3</b>	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	<b>1</b>
	<b>DECISION ITEMS:</b>	
<b>4</b>	<b>Planning Matters</b>	<b>3 - 128</b>
<b>5</b>	<b>Morgan and Morecambe Offshore Wind Farms: Transmission Assets</b>	<b>129 - 133</b>
	<b>INFORMATION ITEMS:</b>	
<b>6</b>	<b>Tree Prosecution at Beech Road, Elswick</b>	<b>134 - 135</b>
<b>7</b>	<b>List of Appeals Decided</b>	<b>136 - 137</b>

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

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

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Item No.	Appn No.	Location and Proposal	Recommendation	Page No
1	21/1127	KIRKWOOD, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SH  SINGLE STOREY SIDE AND REAR EXTENSIONS, AND FREESTANDING TIMBER GAZEBO IN REAR GARDEN (PART RETROSPECTIVE	Grant	5
2	22/0932	PIPERS HEIGHT CARAVAN PARK, PEEL ROAD, WESTBY WITH PLUMPTONS, LANCASHIRE, FY4 5JT  REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 94/0488 TO PERMIT CARAVAN SITE WARDENS FLAT TO BE OCCUPIED AS A FLAT WITHOUT ANY OCCUPANCY RESTRICTION	Grant	16
3	22/0938	LAND EAST OF QUEENSWAY (RICHMOND POINT), LYTHAM ST ANNES, FY8 3FY  APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 30 (ECOLOGICAL MITIGATION DOCUMENTS), 32 (BOUNDARY TREATMENTS) AND 33 (SOFT LANDSCAPING) OF RESERVED MATTERS APPROVAL 21/1143 TO ALLOW: 1) ALTERATIONS TO THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT APPROVED ON PARCEL 3 OF THE SITE INCLUDING A REDUCTION IN THE NUMBER OF DWELLINGS FROM 105 TO 63, THE SUBSTITUTION OF ALL APPROVED HOUSE TYPES WITH NEW HOUSE TYPES AND ASSOCIATED MODIFICATIONS TO INTERNAL ROADS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON THIS PART OF THE SITE; 2) THE INTRODUCTION OF A PUMPING STATION TO THE EAST OF THE LAND RESERVED FOR A SCHOOL; 3) THE ADDITION OF THE HABITAT REGULATIONS ASSESSMENT AND CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN SUBMITTED WITH THIS APPLICATION TO THE LIST OF APPROVED ECOLOGICAL MITIGATION DOCUMENTS IN CONDITION 30; AND 4) THE INCLUSION OF THE BOUNDARY TREATMENT AND SOFT LANDSCAPING DETAILS FOR PARCEL 3 WITHIN CONDITIONS 32 AND 33 RESPECTIVELY	Delegate to officers	24
4	23/0125	LAND AT PEEL ROAD OPPOSITE SUB STATION WESTBY WITH PLUMPTONS  ERECTION OF A 20 MW BATTERY ENERGY STORAGE SYSTEM FACILITY CONSISTING OF 120 BATTERY CABINETS, 6 PCS UNITS, 3 TRANSFORMER UNITS, A CONTROL ROOM, A WELFARE/ OFFICE BUILDING, A DNO SUBSTATION, A	Grant	82

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		SWITCH ROOM, 4 CCTV COLUMNS, SECURITY FENCING, EXTERNAL AND INTERNAL ACCESS ROADS, PARKING AND TURNING AREA, AND ASSOCIATED HARD AND SOFT LANDSCAPING.		
5	23/0226	35 CHURCH ROAD, LYTHAM, LYTHAM ST ANNES, LANCASHIRE FY8 5LL  VARIATION OF CONDITION 5 (OPENING HOURS) OF PLANNING PERMISSION 20/0755 – TO ALLOW PREPARATION OF FOOD AND DRINK AND ITS CONSUMPTION IN THE APPROVED DINING AREAS OF THE PREMISES BETWEEN THE HOURS OF 08:00 HOURS AND 22:30 HOURS ON ANY DAY	Grant	113
6	23/0515	COMMUNITY CENTRE, BIRLEY STREET, KIRKHAM, LANCASHIRE, PR4 2AN  EXTENSION AND ALTERATION OF THE BUILDING: 1) FRONT EXTENSION TO FORM ENTRANCE TO NEW TOILET AND SHOWER ROOM, 2) MODIFICATION OF WINDOW TO FRONT ELEVATION TO FORM DOUBLE DOOR ENTRANCE TO MAIN BUILDING, 3) HARD AND SOFT LANDSCAPING TO FRONT OF BUILDING, 4) BLOCKING UP OF EXISTING DOOR TO SOUTHERN ELEVATION	Grant	123

### Background Papers

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

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

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

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### Item 1

<b>Application No:</b>	21/1127	<b>Case Officer:</b>	Alan Pinder Area Team 2
<b>Applicant:</b>	Mr Jim Sheridan	<b>Agent:</b>	Chris Homer
<b>Location:</b>	KIRKWOOD, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SH		
<b>Proposal:</b>	SINGLE STOREY SIDE AND REAR EXTENSIONS, AND FREESTANDING TIMBER GAZEBO IN REAR GARDEN (PART RETROSPECTIVE)		
<b>Ward:</b>	Rural East Fylde	<b>Parish:</b>	Treales, Roseacre and Wharles
<b>Statutory Expiry:</b>	8 September 2023	<b>Earliest Decision:</b>	8 August 2023
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent	<b>Online application file</b> <a href="#">here</a>	

**Summary of Officer Recommendation:** Grant

#### Summary of Officer Assessment

This application site is a detached dwelling located in a cluster of development containing the village school and church to the north of Treales village and immediately to the south of the M55 motorway. The property is one of two detached dwellings accessed off a private drive that is shared with the Church.

The application seeks retrospective planning permission for the construction of a single storey rear extension to the dwelling, retrospective planning permission for a free standing gazebo structure within the rear garden area, and planning permission for the construction of a side extension to the dwelling that has not commenced.

The application has been delayed for a considerable period whilst the applicant was sourcing revised plans to address some initial officer concerns over the side extension element, and has been the subject of reconsultation with neighbours and the Parish Council on receipt of these. In response to that reconsultation the Parish Council have advised that they cannot support the application as they believe there is a conflict with Policy H7 relating to the scale of extensions to properties in rural areas.

Officers accept that this is an issue, but as the property has previously been considerably extended under earlier planning permissions it cannot be considered as a small or affordable rural property and so the aims of Policy H7 do not properly apply.

The design and scale of the extensions are not considered to unduly harm the character or appearance of either the dwelling itself or of this rural locale, and would cause no unacceptable prejudice to neighbouring dwellings. Accordingly the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the application is recommended for approval.

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### Reason for Decision Level

The officer recommendation for approval is in conflict with the views of the r Parish Council and so it is necessary to present the application to the Planning Committee for a decision.

### Site Description and Location

The application site is a substantial detached two storey dwelling which was part of the former vicarage associated with the neighbouring Christ Church. The property forms one of a small grouping of buildings located approximately 1.6 km to the north of Treales settlement, and which includes the church, Treales primary school, and four dwellings (inclusive of the application site).

The site is located within countryside as designated on the Fylde Local Plan to 2032 (incorporating Partial Review).

### Details of Proposal

Planning permission is sought for the following three elements:

1. Single storey rear extension - This is built onto the side of an existing two storey rear extension such that the original rear elevation of the property would be encompassed by the combined rear extension. The extension features a flat roof with a lantern roof light that covers the greater part of the roof area. The projection to the rear is 4.7m with a width of 9m.
2. Single storey side extension - This would be built onto the rear of an existing side extension and feature a hipped roof to match that of the existing extension. The proposed materials are red facing brick and roof tiles to match the existing. This has a projection to the side of 2.5m and a depth of 4.2m
3. A free standing gazebo within the rear garden - This is located to the rear of the property alongside the rear boundary of the garden and the shared boundary with the adjacent property. The gazebo features a 3.8 metre high tiled hipped roof with 2.6 metre eaves, and is constructed from a solid timber frame sat atop a brick built plinth base. It has measurements of 6m x 7m.

The application is part retrospective as the gazebo has been completely built and the main structure of the rear extension has been completed.

When it was first submitted the application related to the extensions to the house only. The council sought some revisions to the plans and these were not received for an extended period, apparently due to the original plan drawer emigrating. A new agent has been engaged and the revised plans received. At this time the gazebo structure was added to the scheme. A further consultation and notification process has been undertaken on the application as reported below.

### Relevant Planning History

Reference	Description	Decision	Date
00/0304	CONVERSION OF EXISTING VICARAGE TO FORM THREE DWELLINGS AND GARAGES, CONSTRUCTION OF CAR PARKING FACILITIES TO CHURCH AND SCHOOL	Granted	12 July 2000

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02/0018	PROPOSED ACCESS ROAD & GARAGE & ALTS TO EXISTING DWELLING. EXTNS TO COACHHOUSE TO FORM SEPARATE DWELLING	Granted	30 January 2002
02/0954	ROOF LIFT AND REAR CONSERVATORY	Granted	03 January 2003
04/0807	AMENDMENTS TO PLANNING APPLICATION 5/02/0018 FOR GARAGE TO PROVIDE STUDIO SPACE INCLUDING BAY WINDOW	Granted	01 October 2004
09/0015	CONVERSION OF EXISTING GARAGE/RESIDENTIAL OUTBUILDING TO CREATE NEW DWELLING (THE LODGE) INCLUDING LANDSCAPING & EXTERNAL WORKS ADJ. TO KIRKWOOD	Refused	25 March 2009
13/0743	APPLICATION FOR VARIATION OF CONDITION 1 RELATING TO APPROVED PLANS AND OF CONDITION 3 RELATING TO USE OF OUTBUILDING ASSOCIATED WITH PLANNING PERMISSION 04/0807 TO ALLOW OUTBUILDING TO PROVIDE A RESIDENTIAL ANNEXE	Granted	28 February 2014
16/0198	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0743 FOR PART OF GARAGE FORMED INTO LIVING ROOM AND WINDOW TO SIDE ELVATION SERVING LIVING ROOM	Granted	18 April 2016
16/0121	SINGLE STOREY REAR EXTENSION TO EXISTING DETACHED ANNEXE	Granted	29 June 2016
18/0208	TWO STOREY REAR AND SINGLE STOREY SIDE EXTENSIONS	Granted	26 April 2018

### Parish/Town Council Observations

Parish/Town Council	Observations
Treales, Roseacre and Wharles Parish Council	<p><u>Original Scheme comments received on 02 Feb 2022</u></p> <p><i>Having reviewed Policy H7 (Replacements of, and Extensions to, Existing Homes in the Countryside) and from the information and property history available, it would appear the property has exceeded the 33% limit and therefore the Parish Council cannot support the application.</i></p> <p><i>If the Planning Officers, as part of their assessment of this application find that the property has not exceeded the 33% limit, then the Parish Council would support the application.</i></p> <p><u>Revised Scheme comments received on 4 August 2023</u></p> <p><i>This application (was) received in-between meetings, has been actioned by the clerk co-ordinating a response from the Councillors using delegated powers (Ref 012/22)</i></p> <p><i>Having reviewed Policy H7 (Replacements of, and Extensions to, Existing Homes in the Countryside) and from the information and</i></p>

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	<p><i>property history available, it would appear the property has exceeded the 33% limit and therefore the Parish Council cannot support the application.</i></p> <p><i>If the Planning Officers, as part of their assessment of this application find that the property has not exceeded the 33% limit, then the Parish Council would support the application.</i></p> <p><u>Post Comment Update</u></p> <p>Following receipt of these comments officers contacted the Parish Clerk to confirm that the application does exceed the quantitative limit in Policy of a 33% increase over the original footprint of the dwelling. Advice was also provided relating to the existence of earlier extensions which ensure that the dwelling is no longer a small or affordable rural dwelling and so the protections to those properties that Policy H7 seeks to provide cannot reasonably be enforced in such cases.</p> <p>The Parish Clerk made contact with Parish Councillors with this information, and responded with a confirmation that: <i>"I am requested to advise that the Parish Council wishes its objection to stand."</i></p>
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### Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

### Neighbour Observations

<b>Neighbours notified:</b>	22 December 2021
<b>Amended plans notified:</b>	18 July 2023
<b>Site Notice Date:</b>	22 December 2021
<b>Number of Responses</b>	Total number of comments      4 (3 of these are to the original proposal with one neighbour reiterating and adding to views in respect of the scheme with the gazebo included)

**Summary of Comments**      The comments received are in opposition to the application and are summarised as follows:

- The original plans were not accurate in their representation of the site boundary locations
- The proximity of the side extension to the neighbouring boundary ensures that it cannot be maintained from the application property
- The gazebo has already been built and its roof overhangs onto the shared boundary wall with the neighbouring Coach House. Rainwater from the roof is falling onto the wall and causing issues with the wall



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- The proposed side extension would potentially overshadow the ground and first floor habitable room windows to the front of the neighbouring Coach House
- The Church express concern that the construction traffic associated with the development creates the potential for risk to visitors to the Church and School as they must share the same access, with these areas being particularly busy at peak times. The access arrangements are restricted and a one-way system is in operation to help with that and they explain this should be complied with by all visitors associated with the development.
- The Church highlight that unloading and storing of materials should not be undertaken where it could impact on Church activities

### **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) and other relevant Guidance:**

GD4 - Development in the Countryside

GD7 - Achieving Good Design in Development

H7 - Replacements of, and Extensions to, Existing Homes in the Countryside

SPD1 - Extending Your Home - November 2007

### **Other Policy / Guidance**

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

### **Comment and Analysis**

#### **Principle**

The application site is in the Countryside Area as identified on the FLPPR Policies Map. In these areas the principle of residential extensions is acceptable subject to the development's design and impact on the amenity of surrounding occupiers as examined below with reference to policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by policies GD4 c) and H7 of the FLPPR.

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### Scale and Appearance of Extension in Countryside

#### Policy Background

Policy H7 imposes strict restrictions on the scale and design of extensions (and replacement dwellings) compared to the original dwelling on the site with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this Policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many of these smaller rural dwellings been lost in recent years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two pronged approach to assessing applications such as this, by requiring firstly that the extensions are no more than a 33% increase in the footprint of the property compared to its original scale (criterion a)), and secondly that the appearance of the extended home respects the character of the original building and the surrounding rural area (criterion b)).

Since the adoption of the Fylde Local Plan to 2032 in October 2018 the council has taken a consistent approach to determining applications in accordance with this Policy, and this has been borne out through decisions on appeal as follows:

- In cases where the application property remains a small rural dwelling (i.e. it has 3 bedrooms or less) then the council will rigidly apply the quantitative test of Policy H7 a) and will refuse any extensions that exceed the 33% of ground floor area in that element of the Policy (including by factoring in previous extensions to properties made before the adoption of the local plan, as a cumulative figure). This accords with the approach taken by the Inspector at 2 South View in Lytham (PINS Ref: 3218843).
- In cases where the application property is not a small rural dwelling (i.e. it has 4 bedrooms or more) either as a consequence of previous extensions added to the original dwelling or due to the scale of the original dwelling, then the council will not apply the quantitative test in Policy H7 a). However, the qualitative test in criterion b) of the Policy will be applied. This accords with the approach taken by the Inspector at Many Views (PINS Ref: 3221121)

#### Assessment

The current dwelling was formed from the conversion of the vicarage that served the neighbouring Christ Church. Since that time the property has benefitted from a rear extension and a side extension (ref. 18/0208) that increased the ground floor area of the original property by *circa* 59%. Hence the 33% limit set by policy H7 has already been breached and whilst this proposal would further increase the ground floor area it does not in itself cause a breach of the 33% limit. The property also benefits from a detached residential annex within its large curtilage.

Having regard for this existing situation which confirms that the property is already a 4 bedroomed dwelling and so is not a small, or indeed affordable, property which are those that the quantitative restriction in Policy H7a was introduced to retain. It would be unreasonable of seek to resist the further extension of the property on this basis, particularly when this situation is exactly that which is set out in the Many Views appeal decision set out above, and is the way that Policy H7a has been interpreted since that decision was made. It is recognised that this is an acceptance of a technical conflict with the policy, and so the lack of support for the development on this basis by the Parish Council is understood, but officer advice to Committee is that a reason for refusal on the basis of a conflict with tis restriction cannot be supported. There remains a requirement to assess the scheme against part b) of the policy which relates to the visual impact of the extensions.

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The gazebo element is a detached outbuilding at the property. This also adds volume to the property as it is a substantial structure that is akin to a building in many respects with its solid roof, substantial supporting structures and elevated floor. However Policy H7 relates solely to extensions to dwellings so there is no need to assess this element of the application against this policy. Albeit the same reasonings applied to the extensions would also apply to this part of the application also.

Regarding criterion b) of Policy H7 the design and appearance of all elements of the development are sympathetic to, and in keeping with those of the host dwelling and the vernacular of other built development around the locale. This element is assessed in more detail below, but it is considered that the development satisfies the requirements of criteria b) of Policy H7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

### **Impacts on the Character and Appearance of the Area**

#### Policy Background

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

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 130 of the NPPF sets out six general principles of good design (a – f)) that developments should follow and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies”.

#### Assessment

Both extensions are to the rear of the property where they are effectively screened by the host dwelling and neighbouring built development from any prominent public view. This notwithstanding, and as discussed above, the design, scale and appearance of the development are appropriate for character of this rural area and would not prejudice the wider visual amenity. They are at single storey and attached to existing elements of the property that can readily accept these additions without them appearing overly prominent, with the design assisting with that. Accordingly, the development is considered to accord with the aims of criteria d), h) and i) of Policy GD7.

The facing brick used for the rear extension does not match the brickwork of the existing two storey extension, which itself does not match the brick of the original property. However the extension is hidden from public view by the bulk of the host dwelling and the detached two storey garage to the south. Furthermore, weathering of the brickwork over time will likely result in an acceptable overall appearance.

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The gazebo is a substantial structure in its bulk, albeit is one that can be readily accommodated in the garden area of the dwelling which is extensive and so ensure that the gazebo does not result in over-development of the property. The materials of construction are sympathetic to the property and the surrounding rural area being a mixture of brick walls with a stone dressing, stone flags to the floor, slate roof and timber supporting frames. Accordingly this element of the application also satisfies the requirements of Policy GD7 set out above.

### Relationship to Neighbours

#### Policy Background

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion h) states that developments should be “sympathetic to surrounding land uses and occupiers”.

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

#### Assessment

The only neighbouring dwelling potentially affected by the application is The Coach House. This is a large detached dwelling that neighbours the application site to the north east. Taking the tree elements of the proposal in turn:

Rear extension - An existing two storey rear extension would intervene between the proposed rear extension and the boundary with the Coach House. This means that the rear extension that is the subject of this application would have no conceivable impact on neighbour amenity.

Side extension - The proposed single storey side extension would project along, and *circa* 0.25 metres from, the shared side fence boundary with the Coach House and *circa* 1.4 metres from the side elevation of the dwelling, which contains no fenestrations. The application property already has a single storey side extension that projects *circa* 9 metres beyond the front elevation of the Coach House, with a *circa* 1.2 metre gap between the front of the Coach House and the rear of the side extension. The proposed extension would adjoin into the rear of the existing extension and infill this gap. The closure of this gap could potentially impact on the amenity of the Coach House by way of reducing light to its front ground floor window. However, this window is already prejudiced by the existing extension and the main bulk of Kirkwood, which sits well forward of the Coach House front elevation. The greater side separation of the proposed extension to the Coach House is such that any additional impact would be negligible in comparison. On this basis it is considered that the level of impact is not so adverse that it would lead to a conflict with the requirements of Policy GD7 to protect neighbouring amenity from a loss of daylight or overshadowing in the context of the established relationship between the dwellings.

Gazebo – This is sited in close proximity to a 1.8 metre high wall that forms the boundary between the rear gardens of the application property and the Coach House, and is at a point *circa* 11 metres beyond the rear elevation of the Coach House. The eaves of the gazebo would project 0.8 metres above the wall. The Coach House benefits from a large rear garden and the siting of the gazebo on the boundary towards the rear part of the garden ensures that it would not appear as an overly dominating or overbearing structure when viewed from the rear garden or dwelling of the Coach House.

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Overall, and on balance, the development has an acceptable relationship to its neighbour in all regards and complies with criteria c) and h) of Policy GD7.

### **Parking and Access Arrangements**

The proposal would retain an appropriate level and location of parking for the property and will not compromise the existing access arrangements or have any unacceptable effects on highway safety. As such it complies with criteria j) and q) of FLPPR Policy GD7 and the NPPF.

### **Other Matters**

#### Drainage Encroachment

The occupiers of the Coach House have expressed concern that the gazebo's roof does not include a gutter, and that as it hangs over the shared boundary wall this allows rainwater from the roof to flow directly onto the top of the wall. They are concerned this will potentially cause damage to the wall during the winter when the water freezes and thaws on a regular basis.

Whilst the provision of drainage arrangements like this is a private matter outside of the scope of planning control, it seems likely that a wall of this nature would be substantially wet during times of rainfall whether the gazebo existed or not, and as such the risk of damage to the wall from freezing, thawing and freezing of rainwater already exists. This notwithstanding potential future damage to the wall is not a material consideration for the purposes of determining this application and any future damage that may occur would be a private matter to be resolved between the developer and the neighbour.

#### Construction Access

The management of construction traffic is not normally a matter that would be covered by planning legislation. However in this case that access requires use of a private road and it is a private road that serves the Church and School and so is likely to see concentrations of use at particular times. Other than this area the opportunity for parking and receiving deliveries elsewhere in the area is limited due to the nature of Church Road. With these factors it is considered that there is justification for a planning condition to be imposed to ensure that the operational aspects of the construction are appropriately managed to assist with highway safety considerations within and around the site for road users, and for the vulnerable pedestrians that are likely to use the driveway at particular times of the day and week. A condition is to be imposed to secure this.

### **Conclusions**

The application relates to the erection of extensions and a free-standing gazebo at a dwelling located within designated countryside.

Having viewed the proposal on site, considered the representations received in connection with the application and assessed the scheme against the relevant policies of the development plan, it is considered that the development accords with the objectives of those policies. As there are no material considerations that outweigh the need to determine the application in accordance with the development plan, it is recommended for approval.

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### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Location Plan - Black Barn Job BBA\_225 Drawing LP01
  - Site Plan - Black Barn Job BBA\_225 Drawing P01 Rev A
  - Extension Plans & Elevations - Black Barn Job BBA\_225 Drawing P10
  - Outdoor Kitchen Plans & Elevations - Black Barn Job BBA\_225 Drawing P11

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

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

2. 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 in section 10 of the submitted application form.

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.

3. During the construction of the development hereby approved:

- Contractor/delivery vehicles shall only access the private one-way road that serves the church and its associated car park via the southern entrance from Church Road.

- Contractor/delivery vehicles shall not use the private one-way access road between 0800 and 0930 hours and 1500 to 1700 hours on Mondays to Fridays, and not at all on Sundays.

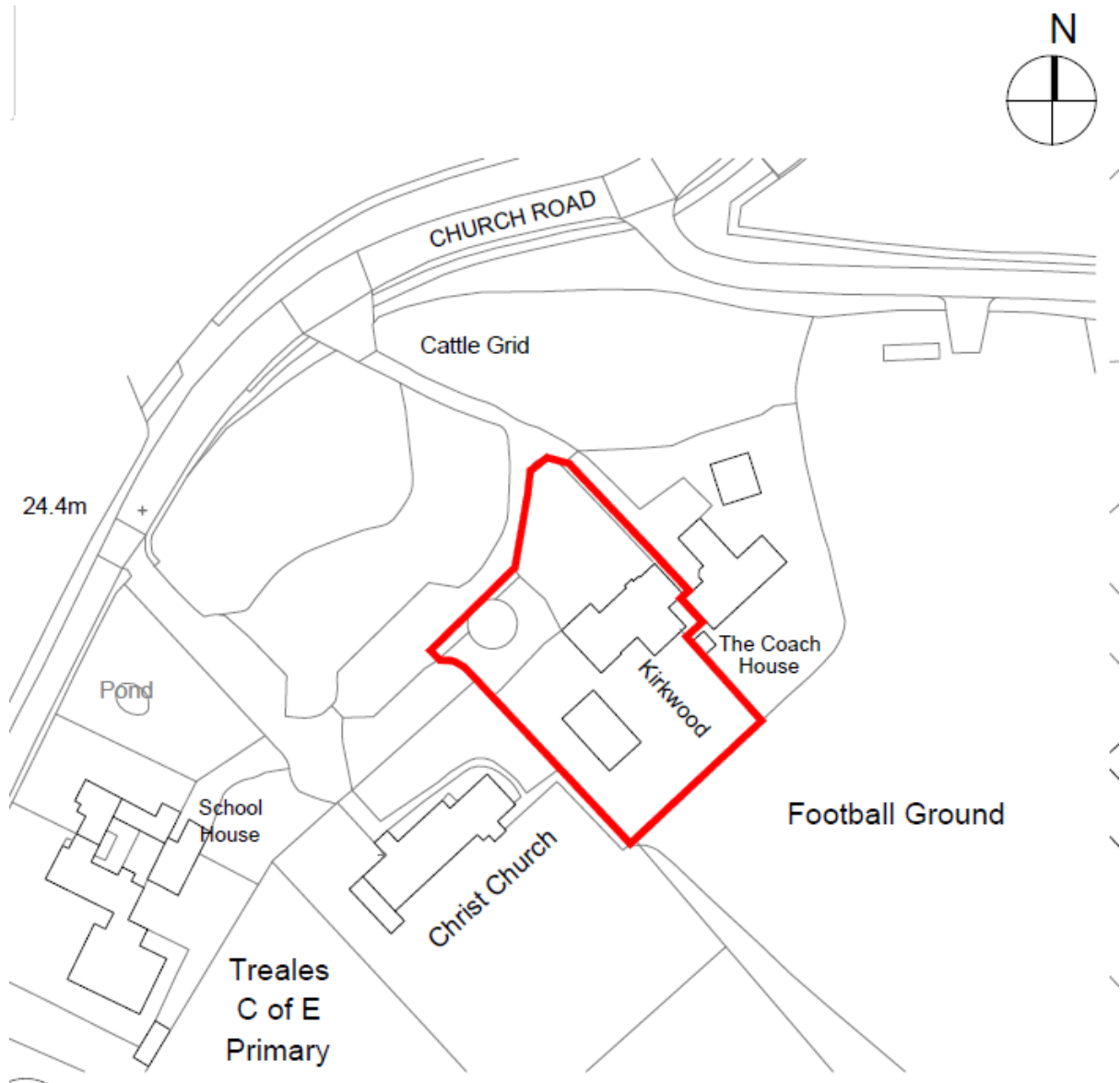
- Contractor/delivery vehicles shall not park on the private one-way access road at any time and shall park only within the curtilage of Kirkwood or in the two parking spaces of the church car park nearest the one-way access road's northern exit onto Church Road.

- All materials associated with the approved development shall be stored within the curtilage of Kirkwood.

Reason: In the interests of ensuring the safety of other users of the church private one-way access road and car park area, in accordance with the requirements of criterion r) of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) policy and the National Planning Policy Framework.

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Location Plan for Item 1 (21/1127)



## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### Item 2

<b>Application No:</b>	22/0932	<b>Case Officer:</b>	Beth Winstanley Area Team 1
<b>Applicant:</b>	MR JON RAWCLIFFE	<b>Agent:</b>	MR ROB BARRS
<b>Location:</b>	PIPERS HEIGHT CARAVAN PARK, PEEL ROAD, WESTBY WITH PLUMPTONS, LANCASHIRE FY4 5JT		
<b>Proposal:</b>	REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 94/0488 TO PERMIT CARAVAN SITE WARDENS FLAT TO BE OCCUPIED AS A FLAT WITHOUT ANY OCCUPANCY RESTRICTION.		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Westby with Plumptons
<b>Statutory Expiry:</b>	4 April 2023	<b>Earliest Decision:</b>	3 March 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request		<b>Online application file</b> <a href="#">here</a>

**Summary of Officer Recommendation:** Grant

#### Summary of Officer Assessment

This application has been brought to Planning Committee for a decision following a specific request for that by the Parish Council, with their comments also referencing the limited supporting information with the application to justify the proposal.

The application site is a part of Pipers Height Caravan Park. This is an extensive caravan site located within the countryside with access from Peel Road close to junction 4 of the M55. In particular, the application relates to a 1 bedroom first floor flat located close to the former site entrance to the east of the site. This is positioned within a cluster of dwellings which are the owners accommodation as well as a terrace of 4 cottages which make up 'Swallow Cottages' and are now in residential use.

The proposal is to remove condition 2 of planning permission 94/0488 which restricted the occupancy of the application flat to a warden or other employee of the caravan site. If approved this would allow the flat to be privately occupied separate from the caravan site.

Due to the location and nature of the proposal, the application is to be assessed against Policy GD4 of the Fylde Local Plan to 2032 (Incorporating Partial Review). This relates to development within the countryside, with criteria b) supporting development which looks to *re-use* or *rehabilitate* existing buildings which are permanent and substantial in nature. The building has already been converted to residential use, but with residential use being restricted to those employed by the caravan park. Therefore, it is considered the development would fall comfortably within this criterion.

The application flat is currently vacant. Following the formation of a new access to the caravan park with additional shop/sales office/reception building close by some years ago its locational importance for management and security purposes has reduced significantly. Those needs are now provided by the site owner who occupies a dwelling located adjacent to that new entrance point which now provides the main base for the park. With this change and the greater use of CCTV and other technology to manage the site the need for an on-site warden has been significantly reduced.



## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

Furthermore, residential development within the locality has increased over recent years with several developments near Whitehills Business Park and on Cropper Road, which have provided opportunities for staff to live local to the site without actually needing to be on it. This has reduced a previous issue created by the limited accommodation available in this rural area and allows those employees an enhanced work/life balance. It is therefore accepted that there is no longer a need for this property to provide warden's accommodation to support the operation of the caravan park.

Whilst it is modest in size, the property provides an acceptable level of internal and external amenity space, will relate well to other properties in the immediate vicinity, and provides suitable parking arrangements. As such, it is considered that the proposal would comply with Policies GD4 and GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and therefore has been recommended for approval.

### **Reason for Decision Level**

The Parish Council have specifically requested that the application be determined at Planning Committee, and so this triggers that obligation in the scheme of Delegation.

### **Site Description and Location**

The application relates to Pipers Height Caravan Park, in particular a 1 bedroom first floor flat which currently has a condition limiting its use as the warden's accommodation. The flat forms part of a larger two storey building located at the former entrance to the site which is the closest of various access points to Peel Corner.

Other parts of the building provide Swallow Cottages which are 4 residential cottages which originally were holiday cottages but are now residential dwellings, and a building that provided the former social club at the site which is now unused and the subject to an application for it to be converted to residential apartments. Alongside this building is a detached dwelling which is currently occupied by the site owner.

The Pipers Height Caravan Site (and associated Clifton Field site) extend to a triangular area of 13 hectares with a frontage to Peel Road of 570m and a depth back from that road of 300m at the deepest point.

The application site is located within the countryside, as defined under policy GD4 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

### **Details of Proposal**

Planning permission is sought for the removal of condition 2 of planning permission 94/0488 to allow the unrestricted residential use of the 1 bedroom first floor flat. No physical changes are proposed to the building which has windows on three elevations and is accessed via a door to the courtyard area to the front. The relevant condition states:

#### **Condition 2:**

*The unit of accommodation hereby approved shall be occupied only as a resident warden of the caravan site or any other person or persons who are solely or mainly employed or otherwise engaged in the management of the caravan site.*

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

*Reason: The council would not be prepared to grant permission for this use otherwise than in accordance with this permission.*

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

There is a very extensive planning history associated with the Pipers Height site and the associated Clifton Fields site which sits alongside it. It seems that both began as tenting fields in the 1940s before becoming more established with the addition of touring caravans, then static caravans.

The current position is that there are two parts to Pipers Heights. The northern part has circa 120 static caravans in regimented rows with an area for circa 25 touring caravans. There is a southern part that has a more organic layout with around 92 touring pitches. The pitches are all for holiday purposes, although there are a small number of buildings around the site that are in residential use. The Clifton Fields site is entirely static caravans.

As a consequence of the evolution of the site the planning history is extensive and complicated with many applications for extensions to the site, to amendments of the layout, for varying various conditions, and for further proposed extensions of the site. Therefore the history section below lists the history from the last 10 years only along with the earlier planning permission that this application relates to.

Reference	Description	Decision	Date
94/0488	FIRST FLOOR EXTENSION TO FORM MANAGERS FLAT AND INTERNAL SITE WORKS TO FORM PARKING AREA	Granted	14 September 1994
12/0214	CHANGE OF USE OF LAND TO EXTEND CARAVAN PARK TO ALLOW SITING OF ADDITIONAL 27 HOLIDAY CARAVANS	Granted	28 February 2013
13/0362	CHANGE OF USE OF LAND FROM HOLIDAY CARAVAN SITE WITH CLOSURE PERIOD TO HOLIDAY CARAVAN SITE OPEN 12 MONTHS OF YEAR	Granted	12 August 2013
13/0613	FORMATION OF TEMPORARY VEHICULAR ACCESS AND TRACK TO WHITEHILLS ROAD ASSOCIATED WITH IMPLEMENTATION OF EXTENDED CARAVAN SITE AREA APPROVED UNDER PLANNING PERMISSION 12/0214	Granted	06 February 2014
13/0112	PROPOSED REMOVAL OF CONDITIONS 2 AND 3 OF PLANNING PERMISSION 03/1196 TO ALLOW RESIDENTIAL USE OF EXISTING 4 NO. HOLIDAY COTTAGES	Granted	27 May 2014
13/0568	CHANGE OF USE OF LAND TO EXTEND HOLIDAY SEASON TO ALLOW 12 MONTH USE OF HOLIDAY PARK	Granted	27 May 2014
16/0529	VARIATION OF CONDITION 1 OF 13/0613 TO EXTEND THE USE OF THE TEMPORARY ACCESS PERIOD UNTIL 28 FEBRUARY 2017	Granted	14 October 2016
17/0009	CHANGE OF LAND USE TO FORM VISITOR RECREATION AREA WITH FOOTPATHS AND LANDSCAPING AREAS	Granted	09 September 2020

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### Parish/Town Council Observations

Parish/Town Council	Observations
Westby With Plumpton Parish Council	<u>Comments received on 10/3/23</u> <i>It was resolved to request this goes to full planning due to the lack reasoning for full time occupation of the unit. The PC does not want a precedent to be set regarding residential applications of this ilk.</i>

### Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

### Neighbour Observations

Neighbours notified: 10 February 2023  
Number of Responses Total number of comments 0

### Relevant Planning Policy & Government Guidance

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

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

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

GD4 - Development in the Countryside  
GD7 - Achieving Good Design in Development  
GD8 – Demonstrating Viability

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 within the countryside, as defined by the Fylde Local Plan to 2032 (Incorporating Partial Review), and therefore policy GD4 applies. This is generally restrictive of new development to preserve the rural character of the area, but permits certain exemptions to this

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

restrain which are set out as a) to g) in the policy. Of these b) relates to *b) the re-use or rehabilitation of existing permanent and substantial buildings;*

In this case the building has already been converted to residential use by virtue of the 1994 planning permission, but with that residential use being restricted to those employed by the caravan park. This scheme will not bring any extension, alterations or other changes to the scale or external appearance of the building. The development will therefore not have any greater impact on the rural character than the existing arrangement and so must satisfy Policy GD4.

A further policy test that is used when assessing applications that relate to many dwellings in rural areas is that provided by Policy GD8. This relates specifically to the viability aspects of the dwellings and imposes tests that are to be passed when looking to remove restrictive ties on certain rural dwellings, such as those specifically to be occupied by agricultural workers.

In this case the 1994 planning permission was granted because there was a considered to be a need for an on-site warden to be present to assist with the running of the site and with site security, with this being a common feature of tourism sites such as this. In many cases an application such as this would be supported with a planning statement to set out the justification for the application. That is not the case here with the supporting information limited to that set out on the application form itself which refers to a lack of need for this flat to provide staff accommodation for several years. It is believed that the limited information available on this in the application has led to the Parish Council requesting that the application should be determined at Committee.

The officer site visit provided an opportunity to discuss this with the applicant and so additional supporting reasons for the application were provided as follows:

- The flat was historically established in this location as it provided the main access to the site. This has now been relocated to the south on Peel Road now so there is no logistical need for a security or warden presence in this location.
- The site owner now lives on the site in a dwelling that is set to the south of the application building.
- There are alternative arrangements for site security, principally CCTV, that reduce the need for an on-site presence for this purpose.
- The residential development in the area at Whitehills and off Cropper Road has established a range of properties that are readily accessible to any staff who may wish to live close to work. Prior to this the accommodation available locally was limited and so a warden flat may have been an attractive option for the recruitment of staff to the business, but is no longer needed for that.

These are all considered to be logical reasons why the on-site presence of a warden is less critical now than 30 years ago when the original planning permission was granted. These are not aspects that are referred to in Policy GD8, but the specific circumstances at this site do seem relevant to the assessment of the application.

As a further factor the property provides an opportunity for a small and so affordable residential unit to be made available in this rural area. This is a benefit that weighs in favour of the scheme in the overall planning balance given the shortage of such accommodation.

Taking these points together it is accepted that the removal of the condition, and so the provision of the flat as being available for unrestricted occupation on the open market is acceptable under Policy GD4 and would not conflict with Policy GD8.

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### Matters of Detail

#### Access and Parking

The application building is located in close proximity to what was once the main access to the Pipers Height caravan site. This is a substantial standard access with large gates and a pedestrian crossing point to the footway on the opposite side of Peel Road and then connections beyond that. This access is no longer used operationally by the caravan site as an access point to the south from Peel Road is used, but is available for use by the occupiers of the adjacent residential properties to the application building. It is envisaged that this access would similarly provide the access for this flat and so would provide an acceptable location and standard of access for vehicles and pedestrians. Equally if the alternative Peel Road access was to be used this would also be suitable.

The red edge for the application includes only the building itself without any parking areas. However there seems to be an extensive area of courtyard around the building that could be available for parking if that were needed. Irrespective of that the scale of the accommodation is such that it may be suited to an occupier who may be less reliant on a car, with good access to the bus routes, cycle routes, and facilities at Whitehills and beyond.

#### Amenity Space

The application has not been supported with any floor plans of the flat, but the 1994 plans confirm that the flat is a single bedroomed unit with a separate bedroom, lounge, kitchen and bathroom. This provides the necessary range of residential accommodation and has a floor area that comfortably exceeds the minimum 'described space standard' for a single bedroom flat of 39m<sup>2</sup>. Accordingly, it is accepted that the level of amenity provided is sufficient for a single residential flat.

Given that the red edge outlines the building only there is no external amenity space specifically associated with the building. However, there are areas of communal space around the Caravan Park, including play areas, and it is not uncommon for a single bedroom flat to have no external amenity space.

#### Relationship to Neighbours

The flat is located at the end of a two storey building and so has windows on three sides. Those to the front and side overlook the entrance to the site and internal circulation areas and so there are no concerns over the potential loss of privacy from their use independent to the site. To the rear there is a window to a bedroom and a kitchen. These overlook a courtyard area that is to the rear of the social club building. This building is currently unused following some flood damage and is the subject of a current application that proposes its use is changed to a residential one. This would create the situation where the windows to this flat overlook a communal garden / yard area and so would lead to some loss of future privacy if that scheme were approved and implemented. However, this is a common arrangement with flatted developments where communal gardens are the norm and so is not a concern. These windows are also obviously available for use by a warden anyway and so the actual privacy arrangements are unchanged by this application.

#### Summary

Having considered the relevant details raised by the scheme it is considered that there are no conflicts with any element of Policy GD7 and so the scheme satisfies that policy also.

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### Conclusions

The application relates to the variation of condition 2 of planning permission 94/0488 which looks to remove the warden occupancy condition of the one bedroom flat to allow it to be occupied independently of the existing caravan park.

It is considered that the proposal will not create any harm to the amenity of surrounding occupiers and the occupier of the flat, and following an assessment against policy, it is considered that the proposal will comply with criteria GD4 and GD8 of the Fylde Local Plan to 2032 (Incorporating Partial Review). As such, the proposal is recommended for approval.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

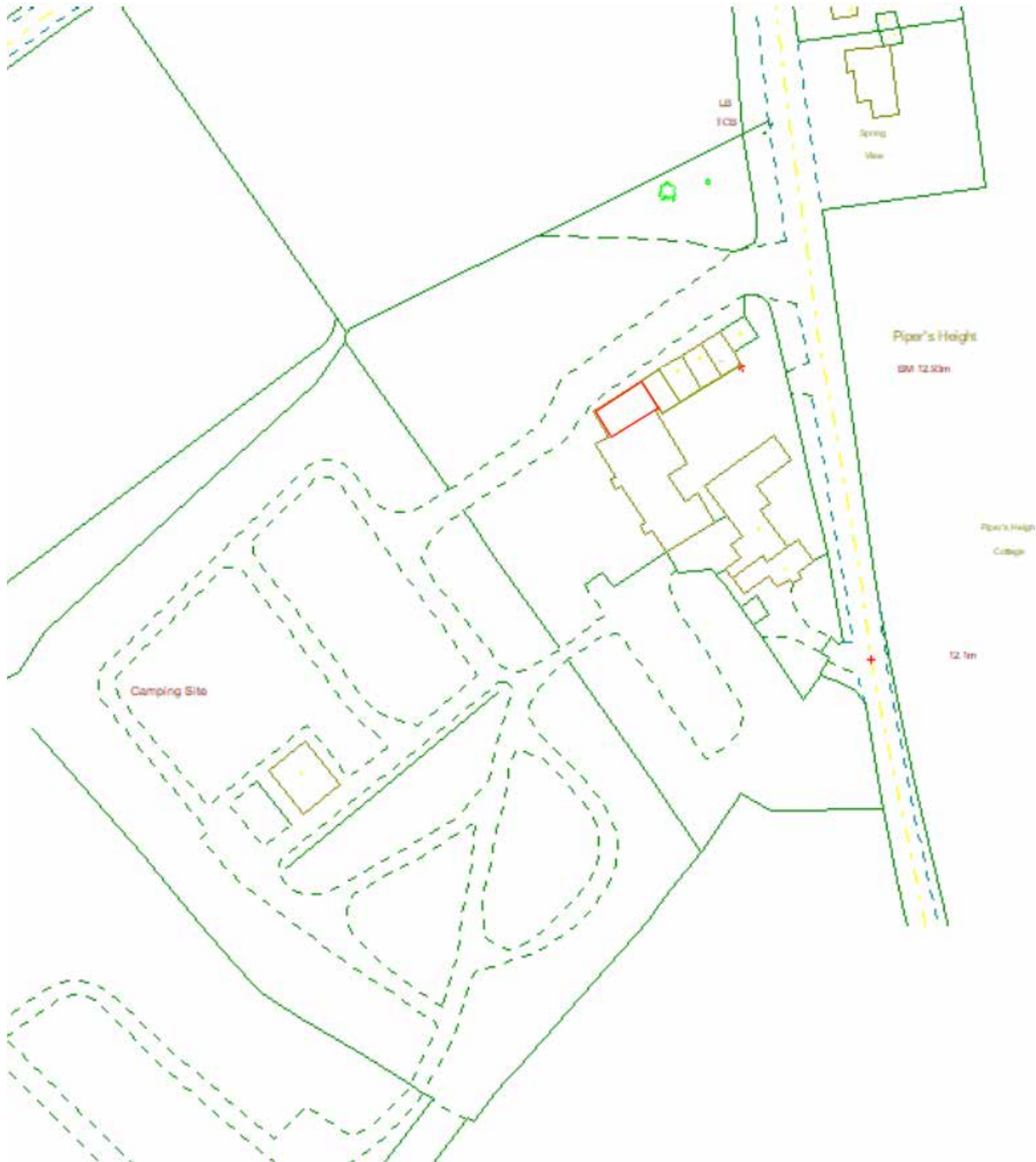
- Site Plan Received 7/2/2023
- Proposed Plans and Elevations Received 7/2/2023

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.

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Location Plan for Item 2 (22/0932)



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**Item 3**

<b>Application No:</b>	22/0938	<b>Case Officer:</b>	Matthew Taylor Area Team 2
<b>Applicant:</b>	ROWLAND HOMES LIMITED	<b>Agent:</b>	MR ALEXIS DE POL
<b>Location:</b>	LAND EAST OF QUEENSWAY (RICHMOND POINT), LYTHAM ST ANNES, FY8 3FY		
<b>Proposal:</b>	APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 30 (ECOLOGICAL MITIGATION DOCUMENTS), 32 (BOUNDARY TREATMENTS) AND 33 (SOFT LANDSCAPING) OF RESERVED MATTERS APPROVAL 21/1143 TO ALLOW: 1) ALTERATIONS TO THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT APPROVED ON PARCEL 3 OF THE SITE INCLUDING A REDUCTION IN THE NUMBER OF DWELLINGS FROM 105 TO 63, THE SUBSTITUTION OF ALL APPROVED HOUSE TYPES WITH NEW HOUSE TYPES AND ASSOCIATED MODIFICATIONS TO INTERNAL ROADS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON THIS PART OF THE SITE; 2) THE INTRODUCTION OF A PUMPING STATION TO THE EAST OF THE LAND RESERVED FOR A SCHOOL; 3) THE ADDITION OF THE HABITAT REGULATIONS ASSESSMENT AND CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN SUBMITTED WITH THIS APPLICATION TO THE LIST OF APPROVED ECOLOGICAL MITIGATION DOCUMENTS IN CONDITION 30; AND 4) THE INCLUSION OF THE BOUNDARY TREATMENT AND SOFT LANDSCAPING DETAILS FOR PARCEL 3 WITHIN CONDITIONS 32 AND 33 RESPECTIVELY		
<b>Ward:</b>	Kilnhouse	<b>Parish:</b>	St Anne's on the Sea
<b>Statutory Expiry:</b>	10 April 2023	<b>Earliest Decision:</b>	5 March 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to scale or nature of application	<b>Online application file</b> <a href="#">here</a>	

**Summary of Officer Recommendation:** Delegate to Officers

**Summary of Officer Assessment**

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 898 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by s73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400 (with that approval having been varied most recently by s73 application 21/1143). As of 11.08.23 approximately 136 of the dwellings approved by those permissions have been constructed to a point of substantial external completion.

In April 2021, the majority of the site was acquired by Rowland Homes from Kensington Developments. Rowland Homes subsequently acquired the remaining third party land within development parcel 3 of Richmond Point in October 2022. This application is submitted under s73 of the Town and Country Planning Act 1990 and seeks to vary conditions 1, 30, 32 and 33 of the most recent reserved matters approval (21/1143) to: (i) alter the appearance, landscaping, layout and scale of the residential development approved on parcel 3 of the site in order to substitute Kensington’s approved house types with Rowland Homes’ house types, including a 42 unit reduction in the number of dwellings within that parcel; (ii) introduce a surface water pumping



## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

station on a parcel of land located to the east of that reserved for a school; (iii) add the Habitat Regulations Assessment and Construction Environmental Management Plan submitted with this s73 application to the list of approved ecological mitigation documents referenced in condition 30; and (iv) alter the wording of conditions 32 and 33 of 21/1143 to include reference to the details of boundary treatments and soft landscaping for parcel 3 submitted with this application.

Despite reducing the number of dwellings to be constructed within parcel 3 (and, in turn, the development as a whole), the proposed modifications to reserved matters approval 21/1143 would not prejudice the Council's housing land supply position due to the fall in the Council's minimum plan period housing target arising from the adoption of the Fylde Local Plan to 2032 (incorporating Partial Review) in December 2021. Moreover, the reduced number and density of dwellings proposed within parcel 3 would result in modifications to the development's appearance, landscaping, layout and scale which, taken together, would enhance the scheme's design and provide a less intensive form of development in comparison to the fallback position provided by the extant reserved matters approvals, while continuing to follow the established master planning principles of those approvals. The substitution of house types proposed within parcel 3 would integrate sympathetically with the character and appearance of the area and achieves a high standard of amenity for existing and future occupiers.

The modifications to parcel 3 would deliver an internal highway layout which ensures a safe and suitable means of access and circulation for all users and adequate parking provision for future occupiers of the development. Appropriate provisions would be made for the creation of linkages to other parcels within the development and connections with existing off-site infrastructure to ensure a comprehensive, master planned approach to the delivery of the strategic housing site and there would be no unacceptable impacts on highway safety or residual, cumulative effects on network capacity arising as a result of the proposed amendments. As demonstrated through the addendum Environmental Statement, the changes to parcel 3 would have no greater environmental effects in comparison to the extant planning permissions and do not require the provision of additional mitigation above and beyond that already implemented for the development as a whole for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Moreover, as evidenced by the updated Habitat Regulations Assessment and Construction Environmental Management Plan for parcel 3, with this mitigation in place, there would be no additional impacts on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

The addition of the surface water pumping station on an area of open land between the east of the reserved school site and west of the development's play area would not obstruct the future delivery of either piece of infrastructure and a soft landscaped buffer of appropriate depth, height and species would limit the visual impact arising from the introduction of this apparatus and its associated means of enclosure in the wider landscape. The same screening, combined with the pumping station's separation from neighbouring land uses, would also ensure that it has no harmful effects on the amenity of existing and future occupiers by reason of its appearance, noise or any other nuisance.

Appropriate conditions can be imposed, and amendments made to the extant planning obligation, to ensure that the development continues to deliver the requirements of the extant planning permissions and that measures are introduced as part of the modified development within parcel 3 to achieve compliance with the objectives of the relevant policies of the development plan and the National Planning Policy Framework. Accordingly, the proposal is considered to represent sustainable development which accords with the relevant policies of the Fylde Local Plan to 2032

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

(incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the National Planning Policy Framework.

### Reason for Decision Level

The application involves major development on a site of strategic, boroughwide importance and the officer recommendation is for approval.

### Site Description and Location

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 898 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by s73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400 (with that approval having been varied most recently by s73 application 21/1143). As of 11.08.23 approximately 136 of the dwellings (comprising the whole of parcel 1, the majority of parcel 2 and 1 dwelling within parcel 4) approved by those permissions have now been constructed to a point of substantial external completion, though several of those within the latter stages of parcel 2 and within the opening stages of parcel 4 are yet to be fitted out internally and/or are unoccupied at present.

All the dwellings within parcel 1 and approximately one-third of the dwellings within parcel 2 were constructed by Kensington Developments (the applicant for permissions 08/0058, 15/0400 and 17/0862) prior to the majority of the site (aside from parcel 3) being acquired by Rowland Homes in April 2021. Following this, Rowland Homes have continued to build the previously approved Kensington house types within parcel 2 in accordance with the extant permissions, though with some minor alterations to the configuration of dwellings, associated outbuildings and/or garden areas as approved by non-material amendment applications 21/0646, 21/0986 and 22/0426.

This application relates specifically to a *circa* 2.25 hectare area of the Richmond Point development forming parcel 3 of the wider site. The land within this parcel was acquired by Rowland Homes from other, third party landowners in October 2022. Parcel 3 borders existing dwellings on Salisbury Avenue within parcel 1 to the northwest, the main spine road through the development (Parkinson Boulevard) and opposing dwellings on parcel 2 to the northeast, land presently being developed pursuant to s73 application 21/1143 within parcel 4 to the southeast and a combination of woodland and dwellings at nos. 3-17 Heyhouses Lane to the southwest which pre-existed Richmond Point. The two areas of woodland flanking the southwest boundary of parcel 4 are protected by a Tree Preservation Order (TPO) reference “1951 No. 7 (Lytham St Annes)”. A track branching off the B5261 runs between the north side of no. 3 Heyhouses Lane and the northern area of TPO woodland (known as “Melling’s Wood”) to join the southwest boundary of parcel 3 in a broadly central position. A total of 105 dwellings were granted on parcel 3 as part of extant reserved matters approval 15/0400 (as varied by s73 application 21/1143), which provides the ‘fallback’ position for the applicant.

### Proposal

The application is submitted pursuant to section 73 (s73) of the Town and Country Planning Act 1990 (as amended) and seeks permission to vary conditions 1, 30, 32 and 33 of the most recent reserved

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

matters approval for Richmond Point, reference 21/1143. Condition 1 of reserved matters approval 21/1143 lists the approved plans for the development. Conditions 30, 32 and 33 of 21/1143 relate to the implementation of ecological mitigation measures for the development and the erection of boundary treatments and implementation/future maintenance of soft landscaping within parcel 4 of the development respectively. Their present wording is as follows:

### **Condition 30:**

*“Unless permission to vary this condition is formally approved in writing by the local planning authority, the development hereby approved shall be carried out in full accordance with the approved drawings and the following supporting documents:*

*Habitats Regulation Assessment (July 2017).*

*Habitat Regulations Assessment Update 2021 (January 2022) – document reference 8862.001.*

*Annual Habitat Condition Report (TEP ref: 4996.030).*

*Winter Bird Survey Report (2016/17) (TEP ref: 4789.032).*

*Construction Ecological Management Plan (June 2015) (TEP ref: 4996.006).*

*Construction Environmental Management Plan (January 2022) for Parcel 4 – document reference 8862.005v3*

*Farmland Conservation Area Management Plan (May 2017)(TEP ref : 3552.018)*

*Reason: To ensure that appropriate measures are put in place to mitigate the development’s potential effects on designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).”*

### **Condition 32:**

*“Notwithstanding the requirements of condition 7 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot on parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. R108/2-4 Rev C, R108/2-4-1, SD.1 Rev A and S.D.46 Rev A 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 an acceptable 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.”*

### **Condition 33:**

*“Notwithstanding the requirements of condition 8 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) shown on drawing no. 4178/PH4/01 Rev D 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, in accordance with the timescale identified in condition 2 of this approval. The areas in ii) which are landscaped shall be maintained as landscaped areas*

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*thereafter in accordance with the details for the on-ongoing maintenance of communal areas of amenity landscaping required by condition 14 of this approval. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.*

*Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to 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."*

This application seeks to vary condition 1 of reserved matters approval 21/1143 by altering the appearance, landscaping, layout and scale of the previously approved residential development on parcel 3 of Richmond Point in order to substitute Kensington's approved house types with Rowland Homes' house types, along with modifications to the internal road layout, landscaping and associated infrastructure on this part of the site to suit the revised dwelling layout. The proposed house type substitutions also involve a 42 unit reduction in the number of dwellings to be constructed within parcel 3 (down from 105 to 63). This would, in turn, reduce the total number of dwellings approved across the Richmond Point development to 856.

The variation to condition 1 also seeks to introduce a surface water pumping station within a *circa* 565sqm parcel of land located to the north side of the main spine road (Parkinson Boulevard) between land reserved for a school and play area. The pumping station would be contained within a compound measuring 16m in length and 9.4m in width, and would be enclosed by a 2m high paladin fence colour treated 'Moss Green' (RAL 6005). Grass verges would form open easements to the north and south sides of the pumping station, with native shrub/tree planting flanking the east and west sides of the compound and wrapping around its north side in a 'dog-leg' L shape.

The proposed variations to conditions 30, 32 and 33 of reserved matters approval 21/1143 are consequential to the changes arising from the revisions proposed by the variation of condition 1 and seek to:

- Add the updated Habitat Regulations Assessment and Construction Environmental Management Plan submitted with this s73 application to the list of approved ecological mitigation documents referenced in condition 30; and
- alter the wording of conditions 32 and 33 of 21/1143 to include reference to the details of boundary treatments and soft landscaping for parcel 3 submitted with this application.

The scheme has been amended and/or supplemented through the provision of amended plans and additional information during the course of the application. In summary, these amendments and/or additions have included the following:

- The planning layout (along with other associated drawings) has been revised to address comments from the LPA and LCC Highways concerning the highway layout, provision of speed reducing surfaces, driveway/parking arrangements, private drive configurations, the layout of dwellings and external spaces (including the pedestrian access via the track onto Queensway), the design of boundary treatments and landscaping.
- An arboricultural method statement clarifying impacts on TPO trees and measures to be put in place to avoid adverse impacts during the construction period has been submitted.

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### Relevant Planning/Appeal History

#### *Planning Applications:*

Application no.	Description	Date determined	Outcome
08/0058	Outline for: (1) 1150 dwellings; (2) 1.1 ha school site; and (3) 34 ha parkland	21.06.12	Allowed at appeal
13/0257	Reserved matters for 110 dwellings pursuant to 08/0058.	02.04.15	Granted
13/0259	Application for site and ecology preparation works associated with enabling the future construction of the Queensway roundabout, phase one of the TR5 bypass, and phase one of the Queensway residential development. The scope of the works to include the formation of a temporary access to Queensway, the erection of 2m high hoardings to Queensway frontage, the provision of a temporary site compound, removal and storage of topsoil, and surcharging of site.	N/A	Withdrawn
13/0261	Proposed change of use and creation of an ornamental garden	N/A	Withdrawn
15/0400	Reserved matters approval (layout, scale, appearance & landscaping) pursuant to 08/0058 for 882 dwellings.	13.10.17	Granted
17/0861	S73 application to vary conditions 16 and 18 of 08/0058 to delay construction of Queensway junction until occupation of 66 <sup>th</sup> dwelling.	12.12.17	Granted
17/0862	Full application for 66 dwellings.	12.12.17	Granted
18/0544	S73 application to vary conditions 18 and 19 of planning permission 17/0861 to: (1) allow up to 165 dwellings to be occupied prior to the completion of a programme of highway works (condition 18); and (2) delay the blocking up of the temporary vehicle access to queensway until the construction of the 166th dwelling (condition 19).	26.10.18	Granted
18/0546	S73 application to vary condition 23 of planning permission 17/0862 to delay the blocking up of the temporary vehicle access to Queensway until the construction of the 166th dwelling commences.	26.10.18	Granted
21/0646	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on/adjacent to plots 167- 180.	23.08.21	Granted
21/0986	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on plots 168, 176-177, 179-187, 192, 208-213, 218, 219, 221 and 223-225 including: 1) minor re-positioning of buildings and/or reconfiguration of garden areas; 2) substitution of Mayfair b house type on plots 181, 184, 187, 192, 208, 209, 219 and 221 with Mayfair house type; and 3) addition of orangeries to planning layout for dwellings on plots 168, 176, 177, 179, 180, 218, 223 and 224 to correspond with approved drawings for Baltimore, Louisiana and Portland house types.	10.12.21	Granted
21/1143	Application to vary conditions 1 (approved plans) and 2 (phasing plan) of reserved matters approval 15/0400 to allow: 1) alterations to the appearance, landscaping, layout and scale of the development approved on parcel 4 of the site including a reduction in the number of dwellings from 180 to 130, the substitution of all approved house types with new house types and associated modifications to internal roads,	17.11.22	Granted

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	landscaping and associated infrastructure on this part of the site; and 2) associated alterations to the approved phasing plan.		
22/0188	Construction of signal controlled crossroads at junction of Kilnhouse Lane, Queensway and the proposed Heyhouses Bypass (the 'T5' road) to provide interim means of access to the Richmond Point development including associated highway reconfiguration works and construction of part of the Heyhouses Bypass up to and including the first vehicular entrance to the Richmond Point development.	20.02.23	Granted
22/0426	Non material amendment to reserved matters approval 15/0400 for: 1) relocation of garages on plots 189-191, 218 and 224 and; 2) replacement of detached double garage on plot 193 with a detached single garage.	13.06.22	Granted
22/0938	Application to vary conditions 1 (approved plans), 30 (ecological mitigation documents), 32 (boundary treatments) and 33 (soft landscaping) of reserved matters approval 21/1143 to allow: 1) alterations to the appearance, landscaping, layout and scale of the development approved on parcel 3 of the site including a reduction in the number of dwellings from 105 to 63, the substitution of all approved house types with new house types and associated modifications to internal roads, landscaping and associated infrastructure on this part of the site; 2) the introduction of a pumping station to the east of the land reserved for a school; 3) the addition of the habitat regulations assessment and construction environmental management plan submitted with this application to the list of approved ecological mitigation documents in condition 30; and 4) the inclusion of the boundary treatment and soft landscaping details for parcel 3 within conditions 32 and 33 respectively	Pending	Pending
23/0070	Non material amendment to reserved matters approval 21/1143 for alterations to development parcel 4 including: 1) the repositioning of dwellings on plots 246, 247, 248, 257 and 258; 2) alterations to the width of carriageways, footways and verges on estate roads bordering plots 266-272, 279-294 and 340-353; and 3) associated changes to hard and soft landscaping	02.03.23	Granted

***Condition discharge applications:***

<b>Application no.</b>	<b>Description</b>	<b>Date determined</b>	<b>Outcome</b>
13/0275	Application to discharge conditions 4, 7, 8, 9, & 16 of outline planning permission 08/0058	15.10.15	Issued
16/0511	Application to discharge conditions 10, 11, 13, 14, 15, 17, 23, 24, 26, 27 and 29 of planning permission 08/0058	29.09.16	Issued
16/0513	Application to discharge condition 13 of 13/0257	22.09.16	Issued
18/0241	Application to discharge conditions 3 (materials), 4 (dual aspect dwellings), 5 (levels), 6 (boundary treatments), 7 (landscaping), 10 (street lighting), 11 (open space maintenance), 13 (radar impact), 14 (energy efficiency), 15 (surface water drainage), 16 (suds management and maintenance), 19 (piling of pipework and peat), 20 (flood storage works), 21 (highway works), 22 (construction phasing plan) and 33 (water vole survey) of planning permission 17/0862	14.12.18	Issued

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18/0243	Application to discharge conditions 2 (phasing plan), 3 (levels), 4 (materials), 7 (boundary treatments), 8 (landscaping scheme), 12 (radar impact), 13 (street lighting), 14 (open space maintenance), 15 (tree protection), 16 (arboricultural method statement), 19 (control of noise, dust and vibration), 22 (estate road phasing and completion plan), 24 (estate road management and maintenance), 25 (streets for adoption), 28 (cycling facilities) and 31 (ecological mitigation) of planning permission 15/400	13.12.18	Issued
18/0961	Application to discharge condition 24 (Travel Plan) of 17/0862	22.01.19	Issued
18/0962	Application to discharge condition 21 (Travel Plan) of 08/0058	22.01.19	Issued
22/0933	Application to discharge conditions 3 (finished levels), 13 (street lighting design), 25 (estate road construction details) and 34 (scheme for diversion and/or culverting of watercourse) of reserved matters approval 21/1143 in relation to development parcel 4	Pending	Pending
23/0012	Application to discharge conditions 4 (materials), 8 (hard landscaping scheme) and 12 (radar impact) of reserved matters approval 21/1143 in relation to development parcel 4	24.07.23	Issued
23/0525	Application to discharge conditions 4 (construction method statement) and 8 (method statement for containment, control and/or removal of Japanese rose) of planning permission 22/0188	Pending	Pending

***Applications to vary the planning obligation:***

<b>Application no.</b>	<b>Description</b>	<b>Date determined</b>	<b>Outcome</b>
13/0767	Alteration to the definition of "Guaranteed Affordable Provision" for a period of 3 years from the date of determination.	24.12.13	Granted
17/1026	1) Definition of Planning Permission modified to include reference to 17/0862 & 17/0861; 2) Definition of Queensway Roundabout amended to "the Queensway/TR5 highway junction shown on drawing number 2400/206(D) or any alternative junction arrangement which has been granted planning permission"; and 3) No more than 65 dwellings to be occupied until the construction of the Queensway Roundabout and part of T5.	12.12.17	Granted
18/0824	1) Definition of "Planning Permission" updated to include reference to 18/0544 & 18/0546; 2) Trigger for Queensway Roundabout and T5 road delayed until after phases 1 & 2; 3) Completion of T5 road up to T6 prior to 451 <sup>st</sup> occupation; 4) Bus service contribution and indexation redefined; and 5) Education contribution and indexation redefined and triggers for payment deferred for later phases (commencing on 300 <sup>th</sup> dwelling).	26.10.18	Granted
20/0818	1) To replace the obligation for the developer to build the full T5/Queensway/Kilnhouse Lane junction with a requirement to construct an interim junction to serve the Queensway development and to transfer the land required for the full junction to the highway authority at nil cost; 2) To replace the requirement to build the T5 element of the link road with a requirement to transfer the land required to build this part of the link road to the highway authority at nil cost; and 3) To require access to be provided through the proposed	17.03.21	Granted

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	development between Queensway and a new junction on the T6 element of the link road.		
22/0845	Modifications including changes to: 1) definitions of "Phase 2", "Phase 3", "Education Contribution" and "Education Index Figure"; and 2) Substitute Paragraphs 14A to 16 of Schedule 2; and Paragraphs 18.10 to 18.12 of Schedule 2 to alter dwelling number triggers due to reduction in unit numbers arising from 21/1143.	17.11.22	Granted
23/0111	Alters the definitions of "Planning Permission" and "Interim Queensway Junction" to link planning permission 22/0188 to s106 and to specify that scheme as the Interim Queensway Junction.	20.02.23	Granted

### Parish/Town Council Observations

**St Annes on the Sea Town Council** – Notified of the application on 03.02.23. The Town Council's comments dated 22.02.23 indicate that they have the following observations to make on the application:

- "The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible, and to meet with the aspirations for quality living accommodation of the Neighbourhood Plan Design Guide by maximising the opportunity for natural light and ventilation."

### Statutory Consultees and Observations of Other Interested Parties

**Environment Agency (EA)** – No objection. Comments 20.02.23 as follows:

- We have no objection to the proposed variations insofar as it relates to our remit.
- Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. By November 2023, providing a minimum 10% biodiversity net gain in new development will be a legal requirement due to provisions within the Environment Act 2021.
- We note that details regarding the watercourse diversion were submitted as part of application 21/1143 and, following the grant of planning permission, a condition relating to this has since been discharged, as part of application 22/0933 following approval by the Lead Local Flood Authority (LLFA), who have the responsibility for consenting works affecting ordinary watercourses.

**Greater Manchester Ecology Unit (GMEU)** - No objections. Comments 21.02.23 as follows:

- I have no objection to the proposed variation of conditions. An updated ecological report, shadow HRA and CEMP have been provided because of the changed layout with no material change in the ecological issues. Previous applied ecological conditions should be reapplied along with substitution of previously approved documents with the amended CEMP and HRA.

**Lead Local Flood Authority (LLFA)** – No objections. Comments 17.02.23 as follows:

- The Lead Local Flood Authority has no objection to the application.
- 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. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent



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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.

*Local Highway Authority (LHA)* – Latest comments dated 24.08.23 following receipt of amended plans indicate that the following issues remain outstanding:

- There are several instances where trees located between driveways and alongside the estate road are likely to impact visibility splays and forward visibility once the trees are fully matured. Where necessary, the proposed tree planting should be set back outside these visibility splays. The tree in the private shared drive to the front of plot 395 will also need to be re-located.
- The proposed pedestrian link through to the B5261 should be widened to 3.5m to allow for a shared pedestrian and cycle link as this will be a key desire line for this parcel.
- Additional details concerning the estate road layout are required. These include: i) the location of tactile paving; ii) refuse vehicle tracking for the bend adjacent to plot 422 and amended vehicle tracking for new turning heads is required; iii) clarification of whether the shared drive for plots 389-395 will have a vehicle crossing to emerge onto the estate road in the northeast corner or whether there will be no through route (which would require a gap to be created to discourage driving over the footway); iv) the barriers to the sides of the private drive access for plots 434-437 need to be shown on the layout; and v) the corner radii around the junction closest to plot 389 will need to be increased to enable effective manoeuvring around the corner.
- The parking bays for plots 396-407 are below the required minimum width of 2.5m and so their width needs to be increased.

*National Air Traffic Services (NATS)* – No objections. Comments 08.02.23 as follows:

- NATS has no objection to the application.

*Natural England* – No objections. Comments dated 20.02.23 as follows:

- **Summary** – Based on the plans submitted, Natural England has no objection to the variation of conditions 1, 30, 32 and 33.
- **Internationally and nationally designated sites** – The application site is within 2.5km of the Ribble & Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI). Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.
- **Variations to conditions 1, 30, 32 and 33** – Natural England note this proposal relates to a larger scheme for a large residential development, and this application is to vary conditions 1, 30, 32 and 33 to allow for the revision of the approved plans of Parcel 3 to amend the approved house types and layout. We have reviewed the information submitted with this application. On the basis that the previous ecological mitigation requirements and planning obligations secured for the wider scheme will continue to be delivered, as stated within sections 4.3 to 4.4 of the Environmental Statement Addendum – Update (TEP, January 2022), Natural England has no objection to the variation of conditions 1, 30, 32 and 33.
- **Habitat Regulations Assessment** – Natural England has reviewed the HRA Technical Note (TEP, November 2022). Natural England notes that the sHRA has not been produced by your authority, but by the applicant. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

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- Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any sites in question. This is on the basis of the already established mitigation secured for the larger ongoing scheme and updated Construction Environmental Management Plans which have been produced in relation to the specific development within Parcel 3. These include: i) The Farmland Conservation Area Management Plan which is secured by a Section 106 Agreement attached to the outline planning permission (your ref. 08/0058); ii) The Construction Ecological Management Plan (TEP, March 2015) attached to the reserved matters application 21/1143; iii) The Construction Environmental Management Plan (TEP, January 2022); and iv) The Construction Environmental Management Plan – Parcel 3 (TEP, November 2022).
- Overall, having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.

*Tree Officer* – Comments dated 02.06.23 as follows:

- The Arboricultural Method Statement and tree protection plan meet the requirements of the relevant British Standards (BS5837) and are acceptable. It would be beneficial to locate the tree protection fencing as far away from the root protection area as possible to help reduce potential impact from construction on the tree's roots system and to help retain as much of the soil volume in which they sit.

### Neighbour Observations

<b>Neighbours notified:</b>	3 February 2023
<b>Site notice posted:</b>	3 February 2023
<b>Press notice:</b>	12 January 2023
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	One
<b>Nature of comments made:</b>	One objection

The appropriate neighbouring properties were notified of the application by letter on 03.02.23. In addition, as the application involves major development and is accompanied by an Environmental Statement, notices were posted on site and in the local press on 03.02.23 and 12.01.23 respectively. One letter has been received in objection to the application. The points made in the letter are summarised as follows:

- The submitted fencing layout suggests that an existing dyke to the rear of properties on Salisbury Avenue is to be removed and that the fences of the gardens to the new dwellings will share the existing boundary fences to the rear gardens of properties on Salisbury Avenue. However, the residents of Salisbury Avenue have not been asked whether the sharing of their existing boundary fences is acceptable and presumably any communal use of this fence line would have to be agreed with the existing landowners.

**Officer note:** The ditch which exists along the shared boundary between the land within parcel 3 and the rear of existing dwellings on Salisbury Avenue marks a standoff from the sheet piled foundations that retain the raised gardens of those existing dwellings. It is not a drainage

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channel and does not (nor will it) form part of the site's formal surface water drainage strategy. The ditch will be infilled up to the shared boundary once finished ground levels are established.

The sharing of rear garden boundary fences between adjacent dwellings is commonplace across the Richmond Point development (and in new-build residential estates generally). The approved plans for the original reserved matters approval (15/0400) include the siting of several dwellings on parcel 3 with a 'back-to-back' or 'back-to-side' relationship with properties on Salisbury Avenue along a shared boundary line and so the communal use of dividing boundary treatments between the gardens of these properties is already established by the extant approval. There is no planning reason why the agreement of existing occupiers on Salisbury Avenue to the use of these fences as shared boundary treatments is required. Instead, the only planning issues are whether the proposed boundary treatment arrangement would achieve an appropriate design, privacy levels and security between neighbouring dwellings.

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

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

The Council adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. In this area of the borough, the St Annes on the Sea Neighbourhood Development Plan (SANDP) is also part of the development plan.

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

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

M1 - Masterplanning the Strategic Locations for Development

SL1 - Lytham and St Annes Strategic Locations for Development

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

H1 - Housing Delivery and the Allocation of Housing Land

H2 - Density and Mix of New Residential Development

T3 - Blackpool Airport

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)

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### **St Annes on the Sea Neighbourhood Development Plan:**

- GP1 – Settlement boundary
- EN1 – Sites of biological and geological importance
- EN2 – Green Infrastructure
- DH1 – Creating a distinctive St Annes
- TR3 – Residential car parking
- HOU1 – Housing development
- HOU4 – Residential design
- SU1 – Incorporate sustainable urban drainage into new development

### **Other relevant guidance:**

- Building for a Healthy Life
- National Design Guide
- National Model Design Code

### **Environmental Impact Assessment**

The application is submitted pursuant to outline planning permission 08/0058 (as varied) which was Environmental Impact Assessment (EIA) development. In relation to EIA implications for s73 applications, paragraph 016 (ID 17a-016-20140306) of the “flexible options for planning permissions” chapter to the NPPG clarifies that “a section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. [...] Where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. **Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for an EIA development**” (emphasis added).

If this application is granted, it will result in the issuing of a new reserved matters approval which will sit alongside extant reserved matters approvals 15/0400 and 21/1143 (which will remain intact and unaltered). As outline planning permission 08/0058 was EIA development, this s73 application which is submitted pursuant to the planning permission is also EIA development. Therefore, the application is accompanied by an addendum to the original Environmental Statement (ES) which deals specifically with the alterations to parcel 3 proposed by the application, and has been advertised accordingly. The implications arising from the addendum ES are addressed later in the report.

### **Analysis**

#### **Background, scope of considerations and main issues:**

##### ***Background:***

The principle of residential development on the site has been established through the issuing of outline planning permission 08/0058 (as allowed by appeal reference APP/M2325/A/09/2103453) on 21.06.12. This permission allows, among other things, the construction of up to 1150 dwellings across the site. Subsequent to this, the granting of reserved matters approval 15/0400 and full planning permission 17/0862 mean that, in combination, extant permissions exist for the construction of 948 dwellings across the site. The whole of the site is also allocated for housing on the FLPPR Policies Map and within policy SL1 (site reference ‘HSS1’).

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The phasing plan approved pursuant to condition 2 of reserved matters approval 15/0400 splits the Richmond Point development into 8 separate parcels. At present, parcel 1 has been completed, parcel 2 is reaching its latter stages and parcel 4 is in the early stages of construction. The intention of this application is to allow the substitution of 105 of Kensington's approved house types on parcel 3 of the development with 63 of Rowland Homes' house types around a road layout which is substantially the same as that originally approved by 15/0400 (and subsequently varied by 21/1143). The application also includes the introduction of a new surface water pumping station on another part of the site (though still within the red line boundary of the planning permission) and consequential changes to the wording of other conditions arising from the house type substitutions within parcel 3.

The application has been submitted pursuant to s73 of the Town and Country Planning Act (TCPA) which relates to the "determination of applications to develop land without compliance with conditions previously attached." In particular, subsections (1) and (2) provide that:

- (1) *This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*
- (2) *On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*
  - (a) *if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
  - (b) *if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

Section 17a of the NPPG relates to "flexible options for planning permissions". Paragraph 001 (ID 17a-001-20140306) of the NPPG identifies that "when planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals. **Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted.** Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- Making a non-material amendment.
- Amending the conditions attached to the planning permission, including seeking to make minor material amendments" (emphasis added).

Section 17a of the NPPG includes a subsection concerning "amending the conditions attached to a permission (application under Section 73 TCPA 1990)". Paragraph 013 (ID 17a-013-20230726) indicates that "an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. **There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission**" (emphasis added).

Paragraph 014 (ID 17a-014-20140306) of the NPPG sets out specific restrictions on what S73 can be used for by stating that "planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development."

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In this case, the application seeks a substitution of house types across parcel 3 of the development and the introduction of a surface water pumping station on another part of the site covered by outline planning permission 08/0058 and reserved matters approval 15/0400 (as varied by 21/1143). The proposed substitution of house types would have the effect of altering the reserved matters of appearance, landscaping, layout and scale approved on this part of the site by 15/0400 and 21/1143, as well as reducing the number of dwellings within parcel 3 from 105 to 63, due principally to a reduction in the number of apartments and the substitution of a number of smaller dwellings with larger house types.

Comparable changes to development parcel 4 were permitted by s73 application 21/1143 which was preceded by Rowland Homes' submission of a barrister's opinion that concluded the similar changes proposed to parcel 4 were, in principle, eligible to be considered pursuant to the provisions in s73 of the TCPA, rather than requiring a fresh planning permission. The Council sought its own barrister's opinion on the same issue, which did not disagree with that of the applicant's barrister. Recent changes made to the NPPG further support those conclusions.

Whilst paragraphs 001 and 018 of the NPPG continue to refer to "minor material amendments" being permitted through s73 applications, there is no requirement in s73 of the TCPA itself stating that amendments to existing conditions must be "minor", nor is there any test of materiality with respect to the nature of the changes to conditions that can be sought under s73. This is now clarified in paragraph 013 of the NPPG, the July 2023 update to which appears to have been prompted by circumstances established by recent case law – most notably *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC and *Finney v Welsh Ministers and Others* (2019) EWCA.

In this case, the original outline planning permission allowed by 08/0058 is described as "outline planning permission for a development of 1150 dwellings, provision of a 1.1ha school site and 34ha of parkland". As reserved matters approvals 15/0400 and 21/1143 are not the planning permission (this is, instead, the outline permission which allows a development of 1150 dwellings) the proposed reduction in the number of dwellings would not change the description of development for the planning permission. Accordingly, the LPA can consider amendments to reserved matters approval 21/1143, including to the number of dwellings approved by it, under s73 of the TCPA providing that the amendments do not change the description of development on the outline planning permission.

Although this application is seeking approval for a reduced quantum of development from that allowed by the outline permission (and subsequent reserved matters approvals), it would not alter or conflict with the description of development as a scheme seeking approval for fewer than 1150 dwellings would still be within the limit of what is allowed by the outline permission. In turn, as the modifications sought by this s73 application would relate only to the conditions of the planning permission and would not alter the operative part of the permission they can be considered under the provisions of s73 of the TCPA.

### ***Scope of considerations:***

Paragraph 015 (ID 17a-015-20140306) of the NPPG makes clear that the grant of a S73 application "takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted."

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The table in Annex A (paragraph 019, ID 17a-019-20140306) of the NPPG states that a S73 application is to be considered against the “development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. **Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission**” (emphasis added).

Reserved matters application 21/1143 was approved on 17.11.22. There have been no material changes in local or national planning policy since this date. In turn, the current s73 application falls to be determined against the same policy context as application 21/1143. It is also the case that the development which the current application seeks to amend has already been judged to be acceptable in principle. Moreover, reserved matters approval 21/1143 remains extant and so provides the ‘fallback’ position for the applicant which could be implemented without delay. Accordingly, substantial weight must be given to the existence of this fallback position in the assessment of this s73 application.

In this respect, paragraph 040 (ID 21a-040-20190723) of the ‘Use of Planning Conditions’ chapter to the NPPG states that: “the original planning permission will continue to exist whatever the outcome of the application under section 73.[...] In granting permission under section 73 the local planning authority may also impose new conditions – **provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission**” (emphasis added). Accordingly, while this s73 application is to be assessed against the provisions of the current development plan and other material considerations (including the 2021 version of the NPPF) it is not possible to impose requirements (either through condition or otherwise), including those contained within the latest local and national planning policies, which could not have been imposed on the earlier planning permission.

### *Main issues:*

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

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

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

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Having regard to the background and scope of considerations referred to above, the nature of the proposed changes to the scheme, the type of application submitted and the responses received in respect of it, the main issues in this case are:

1. The implications arising from the proposed reduction in the number of dwellings within parcel 3, including on the Council's housing land supply and the extant planning obligation for the development.
2. The modified development's effects on the character and appearance of the area.
3. The modified development's effects on the amenity of surrounding occupiers and land uses.
4. The modified development's effects on the highway network.
5. The EIA implications arising from the proposed modifications to parcel 3, including the effects and mitigation measures identified in the addendum Environmental Statement, Habitat Regulations Assessment and Construction Environmental Management Plan.
6. The implications arising from the proposed variations to conditions 30, 32 and 33 of reserved matters approval 21/1143.
7. Any other matters of relevance to the decision, including those relating to flood risk and drainage and any other changes and/or additions required to the conditions imposed on reserved matters approval 21/1143 as a result of the proposal.

Implications of reduction in dwelling numbers:

### *Housing land supply:*

FLPPR policy SL1 allocates the Queensway site as a strategic housing site (reference HSS1), indicating that 992 homes are to be completed on the site during the plan period. This figure has, however, been reduced on two separate occasions as follows:

- To 948 through the granting of applications 15/0400 and 17/0862; and
- To 898 through the granting of s73 application 21/1143 which included a 50 unit reduction within development parcel 4.

This s73 application seeks a further 42 unit reduction in the number of dwellings to be constructed within parcel 3 compared to those approved by 21/1143. This would have the effect of reducing the overall total across the site to 856 dwellings.

As set out in FLPPR policy H1 d) (and carried through to policy DLF1), the Partial Review of the Fylde Local Plan to 2032 included a reduction to the minimum number of homes required to be built within the borough over the plan period (to 2032) from 8,715 to 7,275 (a difference of 1,440). This is also reflected in the revised annualised housing requirement in policy H1 a) which identifies "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**". In addition, and while not specifically impacted in the short term by any reduction in the number of dwellings to be constructed across the Queensway site as whole, the Council's latest 5 year housing land supply statement (January 2023) indicates that it is able to demonstrate a supply of homes equivalent to 6.04 years.

Given the above, the proposed 42 unit reduction in the number of dwellings to be constructed within parcel 3 (and, in turn, the 136 unit shortfall arising against the local plan allocation in policy SL1) would not prejudice the Council's housing land supply position in either the overall (given the headroom provided by the 1,440 home reduction arising from the Partial Review of the local plan) or short (e.g. 5 year housing land supply) terms of the local plan.



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### *Planning obligation:*

Paragraph 015 (ID 17a-015-20140306) of the 'flexible options for planning permissions' chapter to the NPPG identifies that "if the original permission [to be varied under S73] was subject to a planning obligation then this may need to be the subject of a deed of variation".

A planning obligation (in the form of a Unilateral Undertaking – UU – dated 09.01.12) was entered into as part of the original outline planning permission (08/0058). This obligation has since been varied on six separate occasions pursuant to application references 13/0767, 17/1026, 18/0824, 20/0818, 22/0845 and 23/0111. As of October 2022, Rowland Homes have acquired the whole of the site from Kensington Developments and other third party landowners. As the UU provides that the obligations contained within it "will bind the interests of the Owners and the Developer and their successors in title and assigns" (paragraph 8 of the recitals), Rowland Homes are also bound by the same obligations.

As the original UU was entered into pursuant to outline planning application 08/0058, a number of the obligations and triggers within it were based on a scenario where 1,150 dwellings would be constructed on the site. While several of these obligations and triggers have been varied through the six applications referenced above to account for the reduction in the number of dwellings arising from subsequent approvals (most notably the variations approved by 22/0845 which were linked to s73 application 21/1143), if this S73 application is implemented some would fall away due to the proposed 42 unit reduction in the number of dwellings within parcel 3.

In particular, the following change is required to the extant UU (as previously amended) as the current dwelling numbers referred to within it will no longer be reached if this s73 application is implemented:

- The reference to "873 Residential Units" contained in paragraph 18.12 of Schedule 2 (relating to the "Additional Affordable Housing Provision") needs to be altered to a lower figure as this threshold would no longer be reached if this s73 is implemented. Similarly, the reference to the "848<sup>th</sup> Residential Unit" which appears earlier in the same paragraph also needs to be reduced proportionately.

It is anticipated that reference to the "848<sup>th</sup> Residential Unit" will be replaced with the "806<sup>th</sup> Residential Unit" and that reference to "873 Residential Units" will be replaced with "831 Residential Units" on the following basis:

- 806 – This is equal to the total number of dwellings arising from this s73 application (856) - 50, and follows the current pattern in paragraph 18.12 established by s73 application 21/1143 (e.g. the current figure of 848 being based on 898 - 50).
- 831 – This follows the '+25 to the first figure' pattern in current paragraphs 18.10, 18.11 and 18.12 (being 806 + 25 in this case).

As with the variations to the original UU permitted by applications 17/1026, 18/0824, 20/0818, 22/0845 and 23/0111, the above amendment to the UU can be secured through an application submitted pursuant to the provisions of S106A of the TCPA, rather than via a deed of modification. This is because the original obligation is more than 5 years old. As the above modification to the UU is required due to the changes proposed by this s73 application, the resolution at the end of the report sets out the need for the modifications to be secured through the granting of an application made under S106A of the TCPA before this s73 application is granted.

As this s73 application relates to an application for approval of reserved matters submitted pursuant to the outline planning permission it is, by default, bound by the terms of the extant planning permission and, in turn, the planning obligation entered into as part of that permission. In this respect, any application for approval of reserved matters submitted pursuant to the outline permission

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(including those submitted under s73 of the TCPA) would automatically be linked to the planning obligation without the need to alter the definition of “Planning Permission” within the UU. Accordingly, there is no need to alter the definition of “Planning Permission” within the UU to refer to this s73 application.

### Character and appearance:

FLPPR policy M1 sets out a master planning approach for the development of strategic sites (those involving 100 or more homes) within the strategic locations for development named in policy DLF1 (one of which is “Lytham and St Annes”). The policy identifies 24 criteria (a – x)) that masterplans for developments in these locations should achieve. The design principles set out in criteria c), d), i), k), o), p) and t) of the policy are of particular relevance to the reserved matters which this s73 application seeks to alter within parcel 3 as follows:

- Variations in housing density with an overall minimum net density of 30 homes per hectare.
- High quality design should be included and development should be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.
- Access to well-designed, separate but overlooked cycleways (both on-road and off-road), walking routes and bridleways serving the local facilities and linking to services and amenities. Opportunities should be sought for the development of a network of walking, cycling and bridleway routes with access to and from adjacent settlements and the nearest town centres and schools.
- Secured by Design principles should apply in new developments.
- Provide a Green Infrastructure network of open spaces, including natural and semi-natural greenspaces, amenity greenspace, allotments, and formal and informal recreation areas with provision for children and young people where people can congregate. Provide for large scale landscape enhancement, including the provision of tree belts and advanced landscaping and ensure the site links into the wider Green Infrastructure network. Existing ponds, trees, woodland, hedgerows, water features and areas of open space should be retained wherever possible. Details should be provided regarding the maintenance and management of the on-site open spaces.
- The conservation and enhancement of important environmental assets and natural resources, biodiversity (nature conservation) and ecological networks. Ecological connectivity within the site and with the surroundings should be maintained and enhanced through appropriate site layout; the retention of existing important features including trees, woods and water bodies and their integration within a well-designed landscape with appropriate habitat protection.
- Development respects the environmental character of its surroundings. Particular attention should be given to the creation of a well-designed and defined edge to development and a sensitive transition to adjoining areas in the countryside. Proposals will need to include plans for the long term use and management of these areas.

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

- 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, relate well to the surrounding context.
- Applying Secured by Design principles.

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- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.
- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.
- Ensuring that the quality of approved development is not materially diminished between permission and completion.

FLPPR policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impacts 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. The policy goes on to state that high density development should be very carefully designed to relate well to its surroundings, be orientated towards and have principal entrances facing towards the street, and should include sufficient usable amenity space to provide for the needs of residents.

FLPPR policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. In addition, criteria b) – e) of the policy indicate that:

- Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting.
- In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features.
- Suitable landscape planting of native species, appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off.
- Details of the ongoing maintenance of all landscaping areas will be presented for approval by the Council.

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

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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].”

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.” In addition, paragraph 135 states that “local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”.

In addition, SANDP policy DH1 states that “all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods”. The policy goes on to indicate that “development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards.”

Alongside this, policy HOU4 stipulates that “all new residential development must be designed in accordance with the principles set out in a separate Design Guide SPD.” Policy HOU4 also requires that applications for major developments involving over 25 dwellings should be “accompanied by an illustrative masterplan showing the layout and distribution of housing and other uses, proposed vehicular access arrangements, open space, recreation and green infrastructure provision, landscaping, relationship with existing development, proposed pedestrian, cycling linkages to adjoining neighbourhoods and networks, and response to climate change in terms of micro-climate and seaside location.”

In this case, as the site benefits from extant permissions for residential development which have been implemented, the master planning approach in FLPPR policy M1 and SANDP policy HOU4 has already been established by those permissions (including the infrastructure that the scheme is to provide both within and outside the site). In addition, those extant permissions have established that several existing natural features within the site, including numerous trees and drainage ditches, can be removed and/or infilled to facilitate the development as a result of these losses having been compensated for through ecological mitigation elsewhere within the site – specifically the nature park and farmland conservation area which have already been established on land to the northeast of Richmond Point.

Given the fallback position established for parcel 3 by reserved matters approvals 15/0400 and 21/1143, it follows that the principal focus in this case should be to ensuring that the modified development on this part of the site provides an enhancement to the design of that which was previously approved given that the bar for “achieving well designed places” has been raised by the FLPPR and chapter 12 of the 2021 NPPF (including its companion design guides, codes and assessment frameworks). In particular, paragraph 135 of the NPPF and criterion p) of FLPPR policy GD7 identify the need to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme. This assessment is made below in relation to each of the reserved matters to be altered by the application.

***Appearance:***

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The approved layout for parcel 3 granted by 15/0400 (as varied by 21/1143) comprises a total of 105 dwellings across 12 house types, including 28 apartments spread across two separate two/three storey blocks. In contrast, the s73 application proposes a total of 63 dwellings across 18 house types, all of which (save for a 2.5 storey dwelling on plot 375 to the northwest corner) would be two storeys in height. Accordingly, despite the reduced number of dwellings proposed by the s73 application, it maintains a variety of house type styles. It is also the case that the substitution of Kensington's approved house types with Rowland's on parcel 3 would add a greater diversity across the Richmond Point development as a whole.

Whilst variety between Rowland's house types is afforded by differences in the size and layout of dwellings, the arrangement of protruding features to their façades, the use of a mix of roof profiles, materials, dressings and detailing, and roof-level articulation through pediments and dormers, there is commonality with respect to the legibility of the elevations afforded by a consistent rhythm and symmetry to window proportions and alignment which splits each house type into readily identifiable 'bays' and achieves a clear building hierarchy. This positive fenestration pattern continues on corner plots and those facing onto the pedestrian link onto Queensway where dwellings present active elevations and/or protruding features to both their front and side elevations when located on prominent junctions along the estate road or facing onto the pedestrian link to afford natural surveillance.

Dwellings facing the main spine road through Richmond Point along the northern edge of parcel 3 would continue to be set back behind either deep front gardens or a landscaped verge (including a surface water swale which runs in an L-shape through the centre and northeast edge of parcel 3) and private drives to the northeast corner to achieve a spacious aspect to the roadside and recessive building frontage which follows the prevailing building line to Parkinson Boulevard. The orientation of dwellings would ensure that they present active elevations to the estate road within parcel 3 and achieve a continuation of the building pattern along road frontages which merge with parcels 1 (Salisbury Avenue) and 4 to the northwest and southeast respectively. The retention of the existing TPO woodland along the southwest boundary would maintain a natural buffer with neighbouring dwellings on Heyhouses Lane and the route of the B5261.

The apartment blocks to the northeast and central areas of parcel 3 previously approved have been replaced by two storey dwellings arranged around an internal road layout which is substantially the same and would continue to merge with the existing estate road of Salisbury Avenue and that approved within parcel 4 (as modified by 21/1143), thus ensuring a connected street pattern and continuous building frontage to the roadside. The replacement of the three storey apartment block fronting the main spine road to the northeast corner of parcel 3 would with lower rise two storey housing would also avoid a contrast in scale with the existing two storey dwellings on the north side of Parkinson Boulevard within parcel 2.

### ***Landscaping (including impacts on existing trees):***

The development layout for parcel 3 proposed by the s73 application is substantially in accordance with that approved by 15/0400 (as varied by 21/1143) with respect to the siting and extent of hard and soft landscaped areas. As with previous approvals, the bulk of soft landscaping outside individual gardens would follow an L-shaped strip running from the southwest boundary through the centre of parcel 3 before turning in a north-easterly direction to flank Parkinson Boulevard. This strip would contain the pedestrian link onto Queensway and a surface water swale with banked runoffs on each side.

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The extant reserved matters approval includes a linear row of 15 dwellings backing onto the TPO woodland located beyond the southwest boundary, with a central break providing the pedestrian link onto Queensway. The TPO woodland is split across two areas which run to the north of no. 3 Heyhouses Lane and to the rear of nos. 3-15 Heyhouses Lane. Both areas fall outside the boundaries of Richmond Point, though the canopies of several trees on the edges of each woodland overhang the site.

As with the siting of plots 50-64 (inclusive) on parcel 3 approved by reserved matters 15/0400 (as varied by 21/1143), the siting of the 9 equivalent plots 408-417 alongside the southwest boundary of the site will require works to several trees located within the bordering TPO woodland to provide the rear gardens of these dwellings where they back onto the woodland. The scope of these works are set out within an updated Arboricultural Method Statement (AMS) for parcel 3 supplied with the application and, in summary, include:

- The removal of a single Ash tree (T12) within the group to the rear of plot 412.
- Selective crown reduction of branches that overhang the gardens of plots 408-417 by up to 3-4m back from the tips. The branch remaining should be no less than a third of the present branch being removed.

The removal of T12 (due to the structural safety of that specimen being compromised) and pruning works to the overhanging branches of trees bordering the rear gardens of the proposed dwellings backing onto the TPO woodland is identified within the Arboricultural Method Statement submitted pursuant to condition 16 of 15/0400 (and subsequently approved by condition discharge application 18/0243). Accordingly, these works (along with the removal of pre-existing woodland within parcel 3 which were not protected by TPO) have already been established as part of the extant approval, with these losses having been compensated for through the introduction of replacement woodland planting within a nearby nature park formed outside the 8 development parcels. This nature park has now been established on land to the northeast of the housing site (northeast of parcel 7).

Whilst the proposed development within parcel 3 would require the removal of a single tree within the TPO woodland and pruning works to others which overhang rear garden boundaries, the swathes of woodland behind which do not border the site boundary would be maintained to provide a dense screening buffer with Queensway and existing dwellings on Heyhouses Lane. In this respect, there would be no greater harm arising from the loss of existing trees than that already permitted by the extant approvals. The updated AMS also sets out details of tree protection barriers and the construction techniques (including a 'no dig' cellweb construction for parking spaces and hand digging of foundations of fence posts) to be put in place to avoid harmful effects on retained TPO trees during the construction period. The Council's Tree Officer has confirmed that the details in the proposed AMS meet the relevant British Standard and so are acceptable.

Internal soft landscaping proposed within parcel 3 follows similar principles to those established by the extant permissions, though a reduction in the number of parking courtyards in favour of in-curtilage parking has provided opportunities for increased roadside tree and hedge planting to the estate road. The tree lined aspect to Parkinson Boulevard alongside the fronting swale is also preserved.

Where taller boundary treatments are proposed to the roadside (principally on corner plots) and where they flank the pedestrian access onto Queensway, these are to be set in line with side elevations and fronted by hedge planting to reduce their prominence in the street. Boundary walls with curved edges, rather than fences with perpendicular corners, are included on the most prominent junctions away from cul-de-sacs and alongside the pedestrian access with Queensway to provide a

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superior visual aspect where they would be prominently in view from public vantage points along the main thoroughfares through and into parcel 3. Together with the development layout, the internal landscaping strategy would ensure soft edges to the estate road, preserve the open character of junctions and deliver tree-lined streets to the roadside.

Parking arrangements in the extant approvals included a combination of in-curtilage off-street parking for larger house types and communal rear courtyard parking for apartments and smaller house types. The s73 application alters this approach by limiting courtyard parking to a single instance at the side of a single group of five dwellings to the southwest corner of the site, with the remainder of parking to be in-curtilage for individual dwellings. While this has, in some cases, resulted in more prominent parking frontages to the roadside, these continue to be broken up by intervening landscaped verges and hedge planting which ensure an appropriate balance of hard and soft landscaping and avoid over-engineered, parking dominated frontages. This has been further assisted by the reduction in the number of dwellings.

### *Layout:*

Parcel 3 extends to *circa* 2.25 hectares. However, both the approved and proposed schemes for parcel 3 include open space around the L-shaped pedestrian access and swale crossing the site which extend to approximately 0.17 hectares. As set out in paragraph 9.25 of the FLPPR, "the use of net residential density 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". Accordingly, the net developable area of parcel 3 is *circa* 2.08 hectares. In turn, the 105 dwellings approved by 15/0400 (as varied by 21/1143) resulted in a net residential density of approximately 50 dwellings per hectare (dph). In contrast, the 63 dwellings proposed by the s73 application would result in a net residential density of 30 dwellings per hectare. Both densities comply with the "normal" minimum net residential density target of 30 dph referred to in FLPPR policies M1 and H2.

The 42 unit reduction in the number of dwellings arising from the s73 application stems from a combination of both a reduction in the number of apartments and an increase in the number of detached and semi-detached house types in comparison to the extant approvals, which included a higher proportion of terraced dwellings. The reduced density of the housing layout delivers a more spacious aspect to the street scene, a less intensive building pattern with larger gardens and a switch from courtyard-dominated off-street parking to in-curtilage parking, while ensuring that the internal road layout, areas for landscaping and building locations remain substantially in accordance with that previously approved.

The s73 layout retains the prevailing 'perimeter block' structure for buildings established by extant approvals where the majority of dwellings are arranged with an outward-facing aspect onto surrounding roads and follow a consistent building line to the roadside. Dwellings on corner plots also achieve a similar setbacks from the estate road to avoid narrowing aspects around junctions and, where cul-de-sacs are proposed, dwellings are arranged to front onto termination points at the end of those roads.

Parcel 3 includes the creation of dedicated pedestrian link between Richmond Point and Queensway within the southwest boundary via a connection to the access track which runs between no. 3 Heyhouses Lane and Melling's Wood to emerge onto the B5261. The extant reserved matters approvals show this link as a path with narrow margins on each side running between the dwellings and garages of two flanking plots within the site.

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The design of this link has been improved within the s73 application through the provision of a longer, 2m wide footpath following a gentle curve through an area of soft landscaped open space measuring between 5.5m and 13.2m in width. The *circa* 45m long footpath would merge directly with the existing track, passing through a soft landscaped strip bordered by tree and hedge planting and overlooked by the front elevations of dwellings on plots 411 and 412 which achieve a spacious standoff to the route on its north and south sides respectively. The gentle curvature of the footpath through the open space would ensure good forward visibility along the route to the point where it merges with the estate road footway. The revised layout of the route, including the siting and orientation of buildings in relation to it and the dimensions and treatment of the open space which it runs through, would achieve a superior design to that of the extant approvals by providing a more open, attractive and safer route for pedestrians travelling between the site and Queensway. A condition has been recommended requiring precise details of the pedestrian link's design (including the means by which vehicle access along it would be restricted) and a trigger for its delivery within the latter stages of parcel 3.

### **Scale and housing mix:**

A comparison of the housing mix within parcel 3 granted by the extant reserved matters approvals and that proposed by this s73 application is set out in Table 1. The application is also accompanied by an updated version of a "storey heights plan" which allows a comparison with the equivalent plan approved by 15/0400 (as varied by 21/1143). The differences in building storey heights between the s73 application and the extant approvals for parcel 3 are identified in Table 2.

Approved			Proposed by s73 application		
Bed spaces	Number of units	Percentage (%)	Bed spaces	Number of units	Percentage (%)
2	35	33	2	6	9
3	21	20	3	27	43
4	49	47	4	27	43
5	0	0	5	3	5

**Table 1** – Comparison of housing mix between approved and proposed schemes.

Approved			Proposed by s73 application		
Storey heights	Number of units	Percentage (%)	Storey heights	Number of units	Percentage (%)
2	19	18	2	62	98
2.5	35	33	2.5	1	2
3	51	49	3	0	0

**Table 2** – Comparison of building storey heights between approved and proposed schemes.

Under the subheading "mix", FLPPR policy H2 requires developments to deliver "a broad mix of types and sizes of home, suitable for a broad range of age groups". The policy states that "all developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1, 2 or 3 bedroom homes". Under the subheading "Specialist Accommodation for the Elderly" policy H2 includes an additional requirement for "at least 20% of homes within residential developments of 20 or more homes [to 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".

As set out in Table 1, the approved housing mix within parcel 3 for the extant approvals includes 53% of the dwellings as 1-3 bed homes. In comparison, the s73 application includes 32% of the dwellings as 1-3 bed homes. Accordingly, while the housing mix approved by 15/0400 (as varied by 21/1143) did



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comply with the “mix” requirements of policy H2, the current s73 application does not. Neither scheme makes any provision for “specialist accommodation for the elderly” to fulfil the objective in policy H2 which requires 20% of dwellings to demonstrate compliance with optional technical standard M4(3(2a)) (wheelchair adaptable dwellings).

Nevertheless, as the original outline permission (08/0058) pre-dated the adoption of the FLP (and FLPPR) it did not include a condition requiring a specific mix of housing which accords with policy H2 to be delivered. In the absence of any such condition on the outline permission, this s73 application for approval of reserved matters pursuant to the outline is also not required to deliver the mix of dwelling sizes or specialist accommodation for the elderly required by FLPPR policy H2. This is clarified by paragraph ID21a-040-20190723 of the NPPG which identifies that additional conditions cannot be imposed on s73 permissions that could not have been imposed on the earlier permission.

As identified in Table 2, the s73 application includes a significant reduction in building storey heights across parcel 3. In particular, all three storey buildings have been replaced by two storey dwellings and only a single house type is 2.5 storeys (with rooms accommodated in the roofspace). This ensures a greater degree of consistency both within parcel 3 itself and with surrounding buildings elsewhere on Richmond Point and on Heyhouses Lane which are predominantly two storeys.

### ***Surface water pumping station:***

In addition to the proposed changes within parcel 3, the s73 application also includes the introduction of a surface water pumping station within a fenced compound on a *circa* 565 sqm parcel of land located to the north side of Parkinson Boulevard between a site reserved for a new school and the equipped play area for the development. The land for the pumping station is located to the north of housing parcel 5, where development has not yet commenced.

The surface water pumping station would comprise a series of covered chambers concealing below-ground apparatus and a rectangular equipment cabinet alongside. The covers of the chambers would protrude marginally above ground level, with the equipment cabinet measuring 2.25m x 0.75m and the same height as the enclosing fencing (approximately 2m). A hardstanding driveway for a tanker would be created to the east side of the pumping station, with this accessed via a gated entrance off Parkinson Boulevard. The pumping station would be enclosed by paladin (weldmesh) fencing reaching 2m in height and coloured moss green. The design of the proposed pumping station would replicate the existing utility infrastructure located within phase 1 to the north of nos. 63 and 64 Salisbury Avenue.

The proposed pumping station is, by its nature, of an inherently utilitarian design. It would also be located on a part of the site which is presently undeveloped and would be exposed in views along the spine road as an isolated feature. Therefore, although the main elements of the pumping station that would be visible above ground would be limited to the perimeter fencing and equipment cabinet, there is a need to ensure appropriate screening of this apparatus and its associated means of enclosure.

A soft landscaping scheme for the land surrounding the pumping station includes the introduction of a dense collection of native shrub and/or small tree planting between 3.2m and 5.1m in width around the west, north and east sides of the pumping station (with the south side left open to the spine road for access), with this planting to comprise species capable of reaching up to 7m in height. In combination with the open-slatted profile of the paladin perimeter fencing, its moss green colour and the prevailing ground-level nature of the pumping station's external features, this landscaping buffer would be sufficient to achieve extensive screening of the pumping station compound in order that it

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does not appear as an overtly dominant or incongruous addition when viewed along the main spine road through the development.

A condition has been recommended to ensure that the pumping station is constructed in accordance with the materials shown on the submitted plans and that the landscaping surrounding it is carried out within the first planting season after it is first brought into use. With this condition in place, the additional utility infrastructure would have no harmful effects on the character and appearance of the area by virtue of its design.

### **Summary:**

For the reasons set out above, the modified development, by reason of its altered appearance, landscaping, layout and scale, along with the reduction in the number of dwellings proposed, would result in an enhanced design approach within parcel 3 in comparison to the fallback position which could be implemented under the extant approvals. Furthermore, the design of the surface water pumping station and the provision of landscaping to screen its compound would ensure that this element of the scheme has no harmful effects on the character and appearance of the area. Accordingly, the changes proposed by the s73 application are considered to meet the standards for achieving well designed places set out in policies M1, GD7, H2 and ENV1 of the FLPPR, the 2021 version of the NPPF (including its associated companion design guidance) and the SANDP.

### Amenity impacts:

Criterion d) of FLPPR policy M1 indicates that developments should “be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.”

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion o) states that “all new housing developments should result in a high standard of amenity for occupiers. 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.”

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;”

While principally used 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:

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- “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.”

### *Existing occupiers:*

Parcel 3 borders existing dwellings at nos. 3-17 Heyhouses Lane along part of its southwest boundary. As with the extant approvals, this s73 application includes the construction of dwellings with a ‘back-to-back’ relationship with those on Heyhouses Lane. The closest of the proposed dwellings to no. 3 Heyhouses Lane (plot 411) would be located *circa* 54m away, offset to the northwest of that dwelling and views between the rear elevations of the dwellings would be filtered by the intervening TPO woodland. Similarly, the five dwellings on plots 412-417 located immediately ‘back-to-back’ with nos. 3-17 Heyhouses Lane would be located a minimum of approximately 59m away and would also be separated from the rear gardens of those neighbouring dwellings by an intervening parcel of TPO woodland. In addition, all the dwellings on plots 408-411 which border the southwestern boundary with pre-existing properties on Heyhouses Lane have also been reduced in height (from 2.5/3 storey to two storey) in comparison to the extant approvals and their number along this boundary has been reduced whilst achieving substantially the same separation distances.

Accordingly, the changes to parcel 3 proposed by the s73 would, by virtue of their spacing, screening, orientation and spatial relationship with existing dwellings at nos. 3-17 Heyhouses Lane, have no adverse effects on the amenity of those occupiers through loss of outlook, overshadowing or overlooking.

Parcel 3 also borders existing dwellings on Salisbury Avenue (within parcel 1) to the northwest and on Parkinson Boulevard (within parcel 2) to the northeast.

The extant approvals allow the construction of a mix of two, 2.5 and three storey dwellings alongside the shared boundary with properties on Salisbury Avenue in either ‘side-to-side’, ‘back-to-side’ or ‘back-to-back’ relationships. In particular, the dwellings on approved plots 16 and 41 of parcel 3 are shown to have a side facing aspect to the immediate rear of the two storey dwelling at no. 56 Salisbury Avenue and the bungalow at no. 53 over a spacing distance of 11m. Back-to-back spacing distances between plots 43-48 which back onto bungalows at nos. 50-52 Salisbury Avenue are shown at 20m. The extant approval for parcel 3 also includes a three storey block of apartments alongside a row of 2.5 storey dwellings facing houses on the opposite side of Parkinson Boulevard over a minimum spacing distance of approximately 27m.

The approved relationships with existing dwellings on Salisbury Avenue and Parkinson Boulevard would be improved as part of the s73 application through a combination of increased spacing distances, reduced building heights and changes to the development layout which provide a greater standoff with shared boundaries (specifically with Salisbury Avenue) and alter house types to offset these further away from the rear elevations of flanking dwellings. In particular:

- The closest ‘back-to-side’ spacing distance (between plot 401 and no. 54 Salisbury Avenue) would be 12.5m, rather than 11m and the dwelling on plot 386 has been offset from the rear of no. 56 Salisbury Avenue, rather than having its gable positioned immediately behind its rear elevation.
- The closest ‘back-to-back’ spacing distance (between plots 403-407 and nos. 50-52 Salisbury Avenue) would be 21.8m, rather than 20m.
- Aside from the 2.5 storey dwelling on plot 375 which would flank the side elevation of no. 66 Salisbury Avenue, all dwellings on the fringes of the site which border existing properties have been reduced to two storeys in height.

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- The minimum spacing distance between dwellings on opposite sides of Parkinson Boulevard has been increased from 27m to 28.5m.

Given the factors set out above, the modifications to parcel 3 would result in an improved standard of amenity for existing occupiers on Salisbury Avenue and Parkinson Boulevard in comparison to the extant approvals. First floor bathroom windows are proposed in the north facing side elevations of the dwellings on plots 386 and 401. As these would face towards the gardens of nos. 56-57 and 54 of Salisbury Avenue respectively, a condition is recommended requiring that they be fitted with obscured glass and top opening lights.

For the reasons set out above, the spatial relationship between the existing and proposed dwellings, in combination with their scale, window positions, the depth of garden buffers and arrangement of boundary treatments, would ensure that the proposed development has no adverse effects on the privacy and amenity of existing neighbouring occupiers due to loss of outlook, overshadowing or overlooking in accordance with the objectives of FLPPR policies M1 and GD7, and the NPPF.

### *Future occupiers:*

Proposed separation distances between dwellings within parcel 3 vary across the site, but typically achieve a minimum spacing of 21m between habitable room windows in opposing principal (front and rear) elevations and 12m between principal and secondary (side) elevations. Similarly, consistent garden depths would provide suitable buffers and privacy distances between adjoining outdoor amenity areas. Moreover, the reduced number and density of development in comparison to the extant approvals means that the s73 application will generally achieve greater spacing distances between dwellings and larger outdoor amenity areas in comparison to the extant approvals. Accordingly, the proposal would not result in future occupiers experiencing substandard levels of amenity due to a lack of outlook, overshadowing or overlooking.

Dwellings are typically set in rectangular plots with gardens varying in size commensurate with the scale of the host property. While the shapes of some gardens are irregular, their overall dimensions would avoid unduly cramped amenity spaces and the height, siting and profile of enclosures between them would ensure good levels of privacy and security. Accordingly, the development would ensure a high standard of amenity for future occupiers.

The south-eastern boundary of parcel 3 borders parcel 4 – the layout of which was altered through s73 application 21/1143. Bordering dwellings on parcel 4 would have a combination of 'side-to-side' (with parcel 3 plots 417, 418 and 437), 'back-to-side' (with parcel 3 plot 430) and 'back-to-back' (with parcel 3 plots 431 and 432) relationships with those on parcel 3, with minimum spacing distances of 12.5m ('back-to-side') and 21.5m ('back-to-back') achieved between dwellings. Similarly to the relationships between dwellings within parcel 3, these spacing distances would ensure that the alterations proposed by the s73 application would have no adverse effects on the privacy and amenity of future occupiers within parcel 4 through loss of outlook, overshadowing or overlooking. A condition has been imposed requiring the first floor bathroom window in the south side of plot 430 to be fitted with obscured glass and top opening lights to avoid direct views in the rear gardens of plots 289 and 288 in parcel 4.

The proposed surface water pumping station would be located on the opposite side of Parkinson Boulevard to housing parcel 5. The extant reserved matters approvals show dwellings with an outward facing aspect onto Parkinson Boulevard overlooking the site of the proposed pumping station, which would be located approximately 29m away from the front elevations of those dwellings. Whilst utilitarian in its design, the apparatus associated with the pumping station would be limited in scale,

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with the tallest above-ground elements comprising the 2m high perimeter fencing and equipment cabinet. In addition, the edges of the pumping station would be heavily screened by soft landscaping. Accordingly, this additional utility infrastructure would have no harmful impact on the amenity of surrounding occupiers by reason of its scale, siting or design. Furthermore, as the majority of apparatus associated with pumping stations is located below ground and they are sealed units there is no reason why the siting of the proposed pumping station would adversely impact the amenity of future nearby occupiers by reason of noise, odour or any other nuisance.

### Highways:

Criteria h) and m) of FLPPR policy M1 require developments on Strategic Sites to meet the following requirements:

- Appropriate highways access and a comprehensive approach to planning the highway network within and linking the sites which make up the Strategic Locations for Development.
- A design led approach to the provision of car parking spaces with the overall aim of reducing dependency on the private car.

Criteria j), q), r) and s) of FLPPR policy GD7 state that developments should achieve good design and avoid prejudicing highway safety by:

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

FLPPR Policy T5 relates to parking provision and indicates that “a flexible approach [will be applied] to the level of car parking provision, dependent on the location of the development”. Paragraph 11.61 of the local plan indicates that the Council “will prepare a Supplementary Planning Document (SPD) on parking standards”. 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 “suburban areas/ moderate accessibility” are of relevance in this case:

Proposed development/use	Standard for suburban areas/ moderate accessibility
2-bed houses	1 per dwelling
3-bed houses	2 per dwelling, of which one may be a suitably-sized garage
4+-bed family housing	3 per dwelling, of which one may be a suitably-sized garage

SANDP policy TR3 relates to residential car parking and states that “wherever possible car parking should be accommodated within the curtilage of the dwelling in the form of a garage, parking space,

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or both.” The policy then sets out four principles for in-curtilage parking relating to the size, design and siting of garages (a-c) and the siting of in-curtilage parking spaces to avoid “excessive hard surfacing” in front gardens.

Paragraph 110 of the NPPF states that applications for development should ensure 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 indicates 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 wider, strategic access strategy for the development, including triggers for the delivery of an interim access to the Richmond Point development from Queensway, is controlled by outline planning permission 08/00580 (as varied most recently by 18/0544) and full planning permission 17/0862 (as varied most recently by 18/0546). In addition, a separate permission for the construction of a signal-controlled junction to provide the interim Queensway access was approved on 20.02.23 pursuant to application 22/0188. As the changes sought by this s73 application are limited to parcel 3 of the extant reserved matters approvals, the implications on the highway network arising from this proposal are, in turn, limited to matters relating to the internal road layout of parcel 3, including how this connects to other parts of the network within adjoining parcels and, in the case of the pedestrian link to the southwest boundary of parcel 3, outside the site.

Whilst the revisions to the building layout of parcel 3 have resulted in some minor realignment of the internal estate roads within that parcel and changes to the profile of turning heads when compared to the extant approvals, the s73 application retains the same basic road configuration and the continuous extensions of the internal estate road through to parcels 1 (northwest corner) and 4 (southeast corner). An additional junction onto Parkinson Boulevard is proposed to serve a private shared drive to the front of plots 434-437 (whereas the previously approved apartments on this part of the site were accessed via the internal estate road).

The Local Highway Authority (LHA) provided their comments relating to the original submission on 17.03.23. This was followed by comments on amended plans dated 03.08.23 and 24.08.23. The LHA’s latest comments on the scheme indicate that the following principal issues remain outstanding:

- i) **Roadside tree planting** – Several instances are identified where tree planting proposed either between private drives or alongside the estate road has the potential to obstruct visibility once the trees are fully matured and so the trees in question need to be re-positioned to avoid this.
- ii) **Pedestrian link onto B5261** – The LHA opine that the width of this should be increased to 3.5m to provide a shared pedestrian/cycle link.
- iii) **Internal highway layout** – Minor alteration and/or clarification is required in relation to the design of the internal road layout in several locations. These include matters relating to the

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provision of tactile paving, refuse vehicle tracking, clarification of access and/or barriers with shared drives and the corner radii of one internal junction.

- iv) **Parking provision** – The width of the parking bays within the courtyards for plots 396-407 needs to be increased to a minimum of 2.5m.

The outstanding issues raised in the LHA's latest response dated 24.08.23 relate solely to matters concerning the detailed design of the internal highway layout within parcel 3 and can be resolved through minor changes to the development layout (and/or through the imposition of appropriate planning conditions) following further dialogue between the developer, officers and the LHA without the need for any fundamental changes to the scheme. Accordingly, the resolution below requests that members of the Planning Committee delegate matters relating to the resolution of the LHA's outstanding issues with the internal highway layout to officers to secure appropriate amendments to the current scheme (including updated wording of conditions accordingly).

Other conditions are included which replicate the highway-related requirements for each development parcel imposed on reserved matters approval 21/1143 and capture the added requirements relating to the provision of the pedestrian link onto the B5261. With these conditions in place, there is no reason to conclude that the modified development within parcel 3 would prejudice a comprehensive, joined-up approach to the master planning of the wider Richmond Point development, or that its internal layout lacks adequate parking provision, would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. Therefore, the s73 application accords with the provisions of FLPPR policies M1, GD7 and T5, SANDP policy TR3 and the NPPF with respect to its impacts on the highway network.

EIA implications:

### ***Addendum Environmental Statement:***

Outline planning permission 08/0058 was EIA development. As this s73 application is submitted in connection with an application for approval of reserved matters pursuant to the outline permission, it is also treated as EIA development in accordance with the guidance in paragraph 016 (ID 17a-016-20140306) of the "flexible options for planning permissions" chapter to the NPPG. In particular, when considering the EIA implications of a s73 application this advises that "where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations."

The application is accompanied by an addendum Environmental Statement (ES) prepared by "The Environment Partnership" (TEP). TEP also prepared the original ES for outline application 08/0058 (including two further variations prior to permission being granted) and addendum ES' for full planning application 17/0862 and s73 application 21/1143 in relation to the changes on parcel 4.

The addendum ES for parcel 3 focuses on any changes to the baseline position which have occurred since the original ES (as amended), sets out the predicted significant effects arising from the development, outlines how these have been and/or are to be mitigated and considers whether the proposed changes arising from the s73 application (having particular regard to the reduction in the number of dwellings proposed) would introduce any new negative effects on receptors above and beyond those identified in the original ES (as amended). In summary, the addendum ES includes the following conclusions in this regard:

- The proposed scheme includes a reduction in the number of dwellings within parcel 3 from 105 to 63. In isolation, the proposed development of 63 residential units and associated

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infrastructure on approximately 2.1ha of land falls below Schedule 2 thresholds of the 2017 EIA Regulations.

- As parcel 3 forms part of the wider Queensway development, a full review of the original ES has undertaken to determine whether any updates to the topics covered in the original ES were necessary. The only topic which warranted such an update is ecology. Therefore, consideration of this topic forms the bulk of the ES.
- The addendum ES has been informed by: i) an updated phase 1 habitat survey; ii) an updated Construction Environmental Management Plan (CEMP) for parcel 3; and iii) an updated shadow Habitat Regulations Assessment.
- The mitigation areas for the Richmond Point development and M55 link road – the Farmland Conservation Area and Nature Park – were fully established in 2015-16 and are now under management in accordance with the requirements of planning conditions and the planning obligation.
- No potential impacts on ecological features are anticipated as a result of the proposed development at Parcel 3. Therefore, the potential significance of effects identified in the original ES (as amended) as a result of the proposed development, both individually and in combination, remain unchanged. The proposed development does not introduce any new negative effects on receptors that were assessed in the original ES (as amended).

With respect to the conclusions above, and given that the s73 application proposes a 42 unit reduction in the number of dwellings to be constructed on parcel 3 of the wider site within the same study area considered by the original ES, there is no reason to conclude that any further updates (aside from matters relating to ecology) are required to the ES as part of this application.

As the only update required to the ES in connection with the changes on parcel 3 relates to ecology, the views of Natural England are of greatest importance in this case. Natural England's comments on the application, including the addendum ES, were received on 20.02.23 and, in summary, state:

- On the basis that the previous ecological mitigation requirements and planning obligations secured for the wider scheme will continue to be delivered, as stated within sections 4.3 to 4.4 of the Environmental Statement Addendum – Update (TEP, November 2022), Natural England has no objection to the variation of conditions 1, 30, 32 and 33.

Given the conclusions in the addendum ES and the responses received from Natural England in respect of the parts of the ES which have been updated since the original version (as amended), there is no reason to conclude that the modifications to the development proposed within parcel 3 as part of this s73 application would give rise to any further environmental effects above and beyond those already identified and mitigated for in the original ES (as amended). Accordingly, there are no further EIA implications arising from this scheme beyond those which have already been identified and addressed as part of the extant planning permissions.

### ***Habitat Regulations Assessment:***

The application site is within 2.5km of the Ribble and Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI). These sites are classified for rare and vulnerable birds, including mobile species that may also rely on supporting habitats outside the site boundary (functionally linked land). These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Similarly to the addendum ES, this s73 application is accompanied by an updated shadow Habitat Regulations Assessment (HRA) which has also been prepared by TEP – the '2022 sHRA'. The screening



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exercise within the 2022 sHRA concludes that “in the absence of mitigation, it cannot be ascertained that the overall project will not adversely affect the integrity of the Ribble and Alt Estuaries SPA.” Accordingly, the HRA proceeds to Appropriate Assessment stage. The conclusion following the Appropriate Assessments is that “the Project itself, including its mitigation measures, in combination with all other plans and projects considered, would not adversely affect the integrity of the Ribble and Alt Estuaries SPA”.

Natural England are a statutory consultee on the HRA. In this regard, their response dated 20.02.23 confirms as follows:

- The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any sites in question. This is on the basis of the already established mitigation secured for the larger ongoing scheme and updated Construction Environmental Management Plans which have been produced in relation to the specific development within Parcel 3.
- Having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.

In addition, comments from GMEU dated 21.02.23 indicate as follows:

- An updated ecological report, shadow HRA and CEMP have been provided because of the changed layout with no material change in the ecological issues. Previous applied ecological conditions should be reapplied along with substitution of previously approved documents with the amended CEMP and HRA.

The conclusion of the shadow HRA and the mitigation measures identified within it are consistent with those established (and secured by condition and/or planning obligation) at the outline stage. As any variation to the reserved matters under s73 will automatically be linked to the conditions and obligations entered into pursuant to the outline permission, there is no need to repeat those as part of this application. Instead, the only actions required in this regard are as follows:

- For the LPA to confirm its adoption of the 2022 sHRA prepared by TEP (including with specific reference to the updated CEMP dated November 2022).
- For condition 30 of reserved matters approval 21/1143 to be updated as part of any grant of the s73 application to refer to and secure the implementation of the measures identified in the updated versions of the Habitat Regulations Assessment and CEMP for parcel 3 submitted as part of the application.

With these provisions in place, the LPA’s obligations as a competent authority under regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) will have been discharged. Moreover, the above provisions ensure that there is no conflict with the requirements of FLPPR policy ENV2 and chapter 15 of the NPPF.

### Variation of conditions 30, 32 and 33:

The application also proposes variations to the wording of conditions 30, 32 and 33 which cover the following topics:

- **Condition 30** – This lists the approved ecological mitigation documents that the development is to be carried out in accordance with.

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- **Condition 32** – This requires boundary treatments on parcel 4 to be constructed in accordance with details submitted up front as part of application 21/1143, rather than requiring further details to be provided prior to the commencement of development within each phase (as would otherwise be required by condition 7).
- **Condition 33** – This requires the soft landscaping scheme on parcel 4 to be carried out in accordance with details submitted up front as part of application 21/1143, rather than requiring further details to be provided prior to the commencement of development within each phase (as would otherwise be required by condition 8).

These variations are consequential to the changes proposed within parcel 3 and the updated documentation submitted with this s73 application.

For the reasons set out in the preceding section, the wording of condition 30 is to be altered to include reference to the 2022 sHRA and November 2022 CEMP. As with application 21/1143 which included alterations within parcel 4, details of boundary treatments and the soft landscaping scheme within parcel 3 have been supplied up front as part of this s73 application. Accordingly, the wording of conditions 32 and 33 are also to be updated to refer to the separate details submitted up front with each application for parcels 3 and 4.

Other matters:

### ***Flood risk and drainage:***

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 161). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

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

Policy SU1 of the SANDP states that “new developments must incorporate sustainable urban drainage systems (SuDS) to reduce the run off of surface water to the maximum stipulated in DEFRA’s Non-Statutory Technical Standards for SuDS unless agreed otherwise with Fylde Council and, where applicable, the Lead Local Flood Authority.

Matters relating to flood risk and drainage have been established by the previous planning permissions and/or require details to be provided through conditions. In the case of parcel 3, however, this part of the site lies within flood zone 1 and so the main issues associated with its development relate to the means by which surface water is to be disposed of. The application is accompanied by a preliminary drainage strategy for parcel 3 which shows that surface water is to be conveyed via a network of surface water sewers feeding into the swale which runs southwest to northeast through the centre of the site. Additional attenuation is to be provided by a collection of below-ground storage tanks within parking courtyards.

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As matters relating to drainage are dealt with specifically by condition 9 of the latest outline permission (18/0544) there is no requirement to provide a detailed drainage strategy for the modified parcel 3 as part of this s73 application. This is reflected in the consultation responses received from the Environment Agency and the Lead Local Flood Authority (LLFA), who have raised no objections to the variation of conditions 1, 30, 32 or 33. The LLFA will, instead, review the drainage strategy for parcel 3 when this is submitted to discharge condition 9 of the outline permission, without prejudice to the outcome of this application. In turn, the preliminary drainage strategy for parcel 3 submitted with this application will not be included in the list of approved plans to modified condition 1.

Plans submitted with a recent application to discharge condition 34 of 21/1143 which relates to the diversion/culverting of a watercourse and provision of a land drain along the southwestern boundary of parcel 4 (application 22/0933) indicate that this culverting/land drain would continue through parcel 3 – specifically through the rear gardens of plots 412-417 before entering the central swale. Accordingly, a separate condition is recommended requiring a scheme for the detailed design of this diverted/culverted watercourse, and any associated land drain, to be submitted to and approved in writing by the LPA in order to ensure that it would not result in an increased risk of flooding either within the site or elsewhere (including adjacent neighbouring dwellings). As the culvert will form part of the wider surface water drainage strategy for parcel 3 and may require land drainage consent from the LLFA, the LLFA would be a statutory consultee for any application to discharge this condition.

### ***Conditions:***

All conditions imposed on the outline planning permission (as varied) will remain applicable to this s73 application. Therefore, there is no need to repeat these conditions as part of this proposal which seeks to vary extant reserved matters approval 21/1143 only.

Reserved matters approval 21/1143 was issued on 17.11.22 subject to 35 conditions. With respect to imposing conditions on s73 applications, paragraph 015 (ID 17a-015-20140306) of the “flexible options for planning permissions” chapter to the NPPG advises that:

- “A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.”

In this case, revisions are required to the wording of conditions 1 (approved plans), 30 (ecological mitigation documents), 32 (boundary treatments) and 33 (soft landscaping) of 21/1143 to incorporate the changes applied for by this s73 application. In particular, several of the plans referred to in condition 1 of 21/1143 have been updated as part of this s73 application and others altered by the changes to parcel 3 need to be added to, or removed from, the list of approved plans, and to the wording of conditions 32 and 33. The other drawings which show the development’s layout within the remaining 7 parcels have been retained in the list.

An application for approval of details reserved by conditions 2, 3, 4, 7, 8, 12, 13, 14, 15, 16, 19, 22, 24, 25, 28 and 31 of the original reserved matters approval (15/0400) was granted on 13.12.18 (application reference 18/0243). An informative note at the start of the decision notice for 18/0243 makes clear that the responses in respect of all but conditions 2, 16, 19 and 31 – which relate to the development as a whole – “are applicable only in respect of the 40 dwellings contained within phase 1 of the development which are to be constructed pursuant to reserved matters approval 15/0400”. The decision notice for 18/0243 subsequently identifies that “additional, separate applications to discharge the relevant conditions [nos. 3, 4, 7, 8, 12, 13, 14, 15, 22, 24, 25 and 28] will be required for each of the remaining 7 phases of development”.

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Further applications for a non-material amendment to reserved matters approval 21/1143 and the approval of details reserved by conditions 4, 8 and 12 of 21/1143 were granted on 02.03.23 and 24.07.23 (application references 23/0070 and 23/0012 respectively). The non-material amendment alters some of the drawing references in the conditions (though several of those plans are to be superseded by updated versions submitted with this application) and an informative note at the start of the decision notice for 23/0012 makes clear that the responses to that application “relate only to the land contained within Parcel 4 of the development.”

The implications of approval of details reserved by condition application 18/0243 were captured by amendments to the conditions imposed on 15/0400 as part of s73 application 21/1143, which this application seeks to vary. Accordingly, the only updates required are as follows:

- The references to the ‘Rev F’ parcel plan in conditions 1-9, 11-17, 21-25, 28-29, 32-33 and 35 have been updated to refer to the latest ‘Rev J’ version of the parcel plan submitted with this s73 application.
- The drawing references to the planning layout, landscape proposals and boundary treatment layout for parcel 4 within conditions 1, 32 and 33 have been updated to include the changes within that parcel approved by non-material amendment application 23/0070.
- As an updated AMS for parcel 3 has been submitted with this application, the wording in conditions 16 and 17 has been altered to refer to the updated version of the AMS and associated tree removal plan submitted with this s73 application, rather than that approved by condition discharge application 18/0243.
- The wording of conditions 4, 8 and 12 has been updated to account for the decision on condition discharge application 23/0012 in respect of development parcel 4.

As parcel 1 of the development is complete and parcel 2 is at an advanced stage, these parcels are being constructed pursuant to reserved matters approval 15/0400, which will remain intact and unaltered by any permission granted by this s73 application. Accordingly, parcels 1 and 2 remain subject to the conditions imposed by reserved matters approval 15/0400. In contrast, the remaining parcels of the development could be constructed pursuant to either 15/0400, 21/1143 or any permission granted by this s73 application. Therefore, the triggers in those conditions of 21/1143 which are to be re-imposed refer specifically to “parcels 3-8 inclusive”.

The wording of the conditions recommended in the resolution below has been updated to reflect the above. In addition, further conditions (nos. 36-39) have been imposed which carry specific requirements in relation to the development of parcel 3 as shown within this s73 application.

### Conclusions

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 898 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by s73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400 (with that approval having been varied most recently by s73 application 21/1143). As of 11.08.23 approximately 136 of the dwellings approved by those permissions have been constructed to a point of substantial external completion.

In April 2021, the majority of the site was acquired by Rowland Homes from Kensington Developments. Rowland Homes subsequently acquired the remaining third party land within development parcel 3 of Richmond Point in October 2022. This application is submitted under s73 of

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the Town and Country Planning Act 1990 and seeks to vary conditions 1, 30, 32 and 33 of the most recent reserved matters approval (21/1143) to: (i) alter the appearance, landscaping, layout and scale of the residential development approved on parcel 3 of the site in order to substitute Kensington's approved house types with Rowland Homes' house types, including a 42 unit reduction in the number of dwellings within that parcel; (ii) introduce a surface water pumping station on a parcel of land located to the east of that reserved for a school; (iii) add the Habitat Regulations Assessment and Construction Environmental Management Plan submitted with this s73 application to the list of approved ecological mitigation documents referenced in condition 30; and (iv) alter the wording of conditions 32 and 33 of 21/1143 to include reference to the details of boundary treatments and soft landscaping for parcel 3 submitted with this application.

Despite reducing the number of dwellings to be constructed within parcel 3 (and, in turn, the development as a whole), the proposed modifications to reserved matters approval 21/1143 would not prejudice the Council's housing land supply position due to the fall in the Council's minimum plan period housing target arising from the adoption of the Fylde Local Plan to 2032 (incorporating Partial Review) in December 2021. Moreover, the reduced number and density of dwellings proposed within parcel 3 would result in modifications to the development's appearance, landscaping, layout and scale which, taken together, would enhance the scheme's design and provide a less intensive form of development in comparison to the fallback position provided by the extant reserved matters approvals, while continuing to follow the established master planning principles of those approvals. The substitution of house types proposed within parcel 3 would integrate sympathetically with the character and appearance of the area and achieves a high standard of amenity for existing and future occupiers.

The modifications to parcel 3 would deliver an internal highway layout which ensures a safe and suitable means of access and circulation for all users and adequate parking provision for future occupiers of the development. Appropriate provisions would be made for the creation of linkages to other parcels within the development and connections with existing off-site infrastructure to ensure a comprehensive, master planned approach to the delivery of the strategic housing site and there would be no unacceptable impacts on highway safety or residual, cumulative effects on network capacity arising as a result of the proposed amendments. As demonstrated through the addendum Environmental Statement, the changes to parcel 3 would have no greater environmental effects in comparison to the extant planning permissions and do not require the provision of additional mitigation above and beyond that already implemented for the development as a whole for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Moreover, as evidenced by the updated Habitat Regulations Assessment and Construction Environmental Management Plan for parcel 3, with this mitigation in place, there would be no additional impacts on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

The addition of the surface water pumping station on an area of open land between the east of the reserved school site and west of the development's play area would not obstruct the future delivery of either piece of infrastructure and a soft landscaped buffer of appropriate depth, height and species would limit the visual impact arising from the introduction of this apparatus and its associated means of enclosure in the wider landscape. The same screening, combined with the pumping station's separation from neighbouring land uses, would also ensure that it has no harmful effects on the amenity of existing and future occupiers by reason of its appearance, noise or any other nuisance.

Appropriate conditions can be imposed, and amendments made to the extant planning obligation, to ensure that the development continues to deliver the requirements of the extant planning permissions and that measures are introduced as part of the modified development within parcel 3 to

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

### Recommendation

That authority be delegated to the Head of Planning to GRANT planning permission subject to stipulations 1, 2 and 3 below being satisfied and the suggested conditions in stipulation 4 (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable), or otherwise to refuse permission:

#### Stipulation 1:

The Council's approval of an application made under Section 106A of the Town and Country Planning Act 1990 (as amended) which provides for modifications to the number of "Residential Units" referenced in Paragraph 18.12 of Schedule 2 contained in the Unilateral Undertaking dated 09.01.12 (as amended) that reduces the number of "Residential Units" to alternative, proportionate figures in order that the triggers within the obligation continue to be met despite the reduction in dwelling numbers arising from the development to be granted by this application.

#### Stipulation 2:

The local planning authority adopting the following documents as part of its decision in order to discharge the obligations contained in regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019):

- i) The "Shadow HRA Assessment" prepared by 'The Environment Partnership' (TEP) and dated November 2022, which forms Appendix A of the Ecological Technical Note by TEP dated 09.11.22 (reference 8862.02.007, version 1); and
- ii) The "Construction Environmental Management Plan" prepared by TEP and dated November 2022 (document reference 8862.014).

#### Stipulation 3:

The applicant's submission of amended plans to address the outstanding issues with the design of the internal highway layout for parcel 3 identified in the Local Highway Authority's response dated 24.08.23 to the satisfaction of the Head of Planning, including any amendments required to the wording of the suggested conditions in Stipulation 4 or the imposition of additional conditions that the Head of Planning considers necessary to resolve these matters.

#### Stipulation 4:

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):

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1. This approval relates to the following plans:

Parcel Plan – drawing number R108-1-PP Rev J  
Masterplan – drawing number R108/1 Rev H  
Storey Heights Plan – drawing number R108-1-SHP Rev E  
Landscape Masterplan 4113.01 (July 2017)  
Site Area B – drawing number 1844.L.02 Rev F  
Planning Layout Parcel 3 – drawing number R108/1-3 Rev E  
Landscape Proposals (Parcel 3) – drawing number 4178/PH3/01 Rev C  
Fencing Layout Parcel 3 – drawing number R108/2-3 Rev C  
Planning Layout Parcel 4 – drawing number R108/1-4 Rev G  
Landscape Proposals (Parcel 4) – drawing number 4178/PH4/01 Rev F  
Fencing Layout Parcel 4 – drawing number R108/2-4 Rev D  
Fencing Layout Parcel 4 Rear of The Croft – drawing number R108/2-4-1  
Site Area E – drawing number 1844.L.05 Rev C  
Site Area G – drawing number 1844.L.06 Rev D  
Site Area H – drawing number 1844.L.07 Rev C  
Site Area J – drawing number 1844.L.08 Rev H  
Site Area K – drawing number 184.L.09 Rev D  
Landscape Proposals for Proposed SW Pump Station – drawing number 4178/PUMP/01 Rev A  
SW Pumping Station – drawing number R108/8  
SW Pump Station Layout – drawing number 30511/461

Adlington House type – drawing number HT187/P/1  
Arley House type – drawing number HT186/P/1  
Aroncroft House type – drawing number HT169/P/210  
Ashgate II House type – drawing number HT138/P/20  
Atlanta House type – drawing number 1844.H.18  
Austin House type – drawing number 1844.H.04  
Baltimore House type – drawing number 1844.H.17  
Belgrave House type – drawing number HT146/P/116 Rev B  
Belgrave House type – drawing number HT146/P/129  
Bonham House type – drawing number HT153/P/118  
Bonnington House type (floor plans) – drawing number HT147/P/110-11  
Bonnington House type (floor plans) – drawing number HT147/P/110-12  
Bonnington House type (elevations) – drawing number HT147/P/112-12  
Bowes House type – drawing number HT104/P/11 Rev D  
Bowes House type – drawing number HT104/P/15  
Brampton House type – drawing number 1844.H.02  
Brampton A House type – drawing number 1844.H.08  
Brantwood II House type – drawing number HT167/P/4 Rev A  
Brantwood II House type with bay – drawing number HT167/P/10  
Bressingham Semi House type – drawing number HT182/P/2  
Bressingham Semi House type – drawing number HT182/P/4  
Bridewell/Bressingham Semi House type (floor plans) – drawing number HT181-182/P/1 Rev B  
Bridewell/Bressingham Semi House type (elevations) – drawing number HT181-182/P/2 Rev C  
Bridewell House type – drawing number HT181/P/1 Rev A  
Bridewell House type – drawing number HT181/P/2

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Bridgeport House type – drawing number 1844.H.05  
Buckingham House type – drawing number 1844.H.38  
Burlington House type – drawing number HT105/P/117 Rev B  
Burlington Walk in Bay (om) House type – drawing number HT105/P/128  
Camden & Greenwich House type – drawing number 1844.H.01  
Charleston House type – drawing number 1844.H.09  
Charleston II House type – drawing number HT166/P/119  
Charleston II House type – drawing number HT166/P/122  
Charleston B House type – drawing number 1844.H.10  
Charleston C House type – drawing number 1844.H.11  
Charleston D House type – drawing number 1844.H.12  
Charleston E House type – drawing number 1844.H.13  
Charleston F House type – drawing number 1844.H.14  
Delaware House type – drawing number 1844.H.44  
Denver House type – drawing number 1844.H.19 Rev A  
Denver A House type – drawing number 1844.H.20 Rev A  
Denver B House type Floor Plan – drawing number 1844.H.35 Rev B  
Denver C House type Floor Plan – drawing number 1844.H.43 Rev C  
Floridian House type Floor Plan – drawing number 1844.H.45  
Floridian House type Elevation – drawing number 1844.H.46  
Gladstone House type (OPP) – drawing number HT165(H)/P/6  
Gladstone House type (OPP) end – drawing number HT165(H)/P/11  
Gladstone House type (OPP) mid – drawing number HT165(H)/P/12  
Grosvenor House type – drawing number 1844.H.21  
Grosvenor B House type – drawing number 1844.H.22  
Hatton House type – drawing number HT139/P/129  
Haworth House type (floor plans) – drawing number H193/P/03  
Haworth House type (elevations) – drawing number H193/P/02  
Houston House type – drawing number 1844.H.23  
Houston B House type – drawing number 1844.H.24  
Kingswood House type (floor plans) – drawing number HT174/P/1  
Kingswood House type (elevations) – drawing number HT174/P/2  
Kingswood House type (floor plans) – drawing number HT174/P/11  
Kingswood House type (elevations) – drawing number HT174/P/12  
Louisiana House type – drawing number 1844.H.29  
Lowry House type (end) – drawing number HT164/P/5  
Lowry House type (mid) – drawing number HT164/P/6  
Lowry House type (end) – drawing number HT164/P/12  
Lowry House type (mid) – drawing number HT164/P/13  
Lowry House type (3 block floor plans) – drawing number SD.233 Rev B  
Lowry House type (3 block elevations) – drawing number SD.234  
Lincoln House type – drawing number 1844.H.25  
Lincoln B House type – drawing number 1844.H.26  
Lincoln C House type – drawing number 1844.H.27  
Lincoln D House type – drawing number 1844.H.28  
Mayfair House type – drawing number 1844.H.30  
Mayfair B House type – drawing number 1844.H.31  
Mayfair C House type – drawing number 1844.H.32  
Montana House type – drawing number 1844.H.47  
Nebraska House type – drawing number 1844.H.48 Rev A  
Newark House type – drawing number 1844.H.33



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Ohio House type – drawing number 1844.H.15  
Portland House type – drawing number 1844.H.34  
Regency House type – drawing number HT142/P/01 Rev B  
Regency House type – drawing number HT142/P/03  
Renishaw House type – drawing number HT149/P/300 Rev C  
Reynold House type (floor plans) – drawing number HT130/P/110 Rev D  
Reynold House type (elevations) – drawing number HT130/P/114 Rev B  
Reynold House type (floor plans) – drawing number HT130/P/122  
Rockford House type – drawing number 1844.H.16  
Springfield House type – drawing number 1844.H.40  
Tabley House type – drawing number HT185/P/1  
Tennessee A House type – drawing number 1844.H.36  
Tennessee B House type – drawing number 1844.H.37  
Townley House type – drawing number HT168/P/103  
Trenton House type – drawing number 1844.H.39  
Victoria II House type – drawing number HT183/P/4  
Wallingford House type – drawing number HT140/P/102  
Yale House type – drawing number 1844.H.03  
1535 House type – drawing number HT197/P/1

Rennes Apartment Block Ground Floor Plan – drawing number R108/HT14/P/1  
Rennes Apartment Block First Floor Plan – drawing number R108/HT14/P/2  
Rennes Apartment Block Second Floor Plan – drawing number R108/HT14/P/3  
Rennes Apartment Block Front & Side Elevation – drawing number R108/HT14/P/4  
Rennes Apartment Block Rear & Side Elevation – drawing number R108/HT14/P/5  
Apartments IV, IX Plot E & H Elevation – drawing number 1844.A.06  
Apartments IV, IX Plot E & H Floor Plan – drawing number 1844.A.07 Rev A  
Apartments V, Vi, VII Plot G Elevations – drawing number 1844.A.08  
Apartments V, Vi, VII Plot G Floor Plan – drawing number 1844.A.09 Rev A  
Apartments VIII Plot G Elevations – drawing number 1844.A.10  
Apartments VIII Plot G Floor Plan – drawing number 1844.A.11 Rev A  
Apartment XIII Plot H Elevation – drawing number 1844.A.18  
Apartment XIII Plot H Floor Plan – drawing number 1844.A.19 Rev O  
Apartment XIV Plot K Elevation – drawing number 1844.A.20  
Apartment XIV Plot K Floor Plan – drawing number 1844.A.21 Rev O  
Garages – drawing number 1844.H.41 Rev A  
Double Detached Garage – drawing number P/DG/1 Rev B  
Single Detached Garage – drawing number P/SG/1 Rev B  
Single Detached Garage – drawing number P/SG/1 Rev C

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

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 the National Planning Policy Framework.

2. All elements of supporting on-site infrastructure (including all estate roads, shared drives and footways, vehicle/pedestrian/cycle linkages with other development parcels and/or land outside the site, areas of open space, play areas and landscaping) falling within each individual

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parcel of the development identified (through numbering and colour coding) on drawing no. R108-1-PP Rev J shall be completed and made available for use where practically possible before 90% of the dwellings within that parcel are occupied, and in any event before the last dwelling within each associated parcel is occupied.

All elements of supporting off-site infrastructure shown on drawing no. R108-1-PP Rev J shall be completed and made available for use in accordance with the triggers and timescales identified on the approved plan.

Reason: In order that the on and off-site infrastructure required to support and/or mitigate the development's impact is put in place concurrently with each parcel of housing and/or the triggers established by the extant planning permissions in the interests of ensuring a comprehensive, master planned approach to the development of the strategic housing site in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1, GD7, T4, ENV1 and ENV4.

3. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall take place until details of finished floor levels and external ground levels for each plot within the relevant parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and CL2 and the National Planning Policy Framework.

4. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3 and 5-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall take place until details of the external roofing and facing treatments for all dwellings within the relevant parcel have been submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development of that parcel, unless otherwise agreed in writing with the Local Planning Authority.

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external roofing and facing treatments for all dwellings within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be implemented in accordance with the details permitted by approval of details reserved by condition application reference 23/0012.

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

5. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) involving the construction of an apartment block shall take place until a scheme for the design of the external bin stores associated with each apartment

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block within that parcel has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting and appearance of the external bin stores. The approved scheme shall be implemented and made available for use prior to first occupation of the relevant apartment block within that parcel and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall take place until details of the bridge structures and other ancillary buildings/structures within that parcel have been submitted to and approved in writing by the Local Planning Authority. The works within that parcel shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for bridge structures, and other ancillary buildings/ structures within each development parcel in the interests of visual amenity in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until a scheme detailing the precise location, size and appearance of all boundary treatments for the relevant parcel, including the planting schedule for any hedge planting, has been submitted to and approved in writing by the Local Planning Authority. The development of the relevant parcel shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and retained thereafter.

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

8. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcels 3 and 5-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until a detailed soft and hard landscaping scheme for the relevant parcel has been submitted to and approved in writing by the Local Planning Authority. The submitted soft landscaping scheme shall include details of private and public landscape areas, including the planting of trees, shrubs and grassed areas. The details of hard landscaping shall include the surfacing of roads and driveways. The duly approved soft and hard landscaping shall be carried out in accordance with the timescale identified in condition 2 of this approval and the areas which are soft 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

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replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaping scheme within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be implemented in accordance with the details permitted by approval of details reserved by condition application reference 23/0012 and the timescale identified in condition 2 of this approval.

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.

9. Prior to commencement of any works associated with the equipped play area located within parcel 5 (the area of which is identified on drawing no. R108-1-PP Rev J), details of the equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The equipped play area shall be implemented in accordance with the duly approved details and provided in accordance with the timescale identified in condition 2 of this approval. Following implementation, the equipped play area will be available for public use at all times.

Reason: To ensure appropriate provision and delivery of equipped play for the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV4, and the National Planning Policy Framework.

10. There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane.

Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme has first been obtained from the Local Planning Authority.

Reason: To ensure a safe and suitable means of access to the development in the interests of highway safety and amenity in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

11. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) involving the provision of public art shall take place until a scheme for the provision of public art within that parcel has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the location and detailed design of the public art feature(s). The duly approved scheme shall be implemented prior to the last dwelling within the relevant parcel being occupied and shall be retained as such thereafter.

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Reason: In the interests of visual amenity and to ensure an appropriate appearance for public art within the development in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

12. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3 and 5-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
1. A detailed plan for the proposed buildings within that parcel demonstrating that there would be no detrimental impact upon the operation of St Annes Radar; and
  2. Details of a scheme to mitigate any detrimental impact upon the St Annes Radar, including any associated timescales for implementation of the mitigation works.

The approved scheme of mitigation shall be implemented in accordance with the approved details and within the approved timescales, unless otherwise agreed in writing by the Local Planning Authority.

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all buildings within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be constructed in accordance with the details of their locations and ridge heights permitted by approval of details reserved by condition application reference 23/0012.

Reason: To ensure that the development does not have a harmful impact on the operation of the St Annes radar station in the interests of aviation safety and in order that the development does not prejudice the operation of any existing aerodrome in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies DLF1 and T3, and the National Planning Policy Framework.

13. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until a scheme of street lighting design for the relevant parcel has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of visual amenity and highway safety, and to ensure an appropriate appearance for street lighting within the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

14. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until details of the on-going maintenance of the communal areas of public open space/amenity landscaping, and equipped play area (where relevant) within each associated parcel have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that appropriate measures are put in place for the ongoing management maintenance of areas of public open space, amenity landscaping and play areas in accordance

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with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV4.

15. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall take place until a scheme to protect retained trees and hedgerow within that parcel during the construction period has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period within that parcel.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

16. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all development within parcel 3 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be carried out in accordance with the tree protection measures contained within the document titled "Arboricultural Method Statement" by 'Richard Eaves' dated May 2023 (report reference RE4178, Issue 2).

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all development within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be carried out in accordance with the tree protection measures contained within the document titled "Arboricultural Impact Assessment" by 'The Environment Partnership' dated February 2022 (report reference 8862.01.001 – Version 1.0).

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

17. Other than those specimens identified within the Arboricultural Method Statement and Arboricultural Impact Assessment referred to in condition 16 of this approval and on drawing nos. 4178/PH3/AMS/01 Rev A (within parcel 3) and 4178/PARCEL4/TREE WORKS/01 Rev A (within parcel 4) (the areas of which are identified on drawing no. R108-1-PP Rev J) there shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees on the site which are to be retained as part of the development and to ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

18. On site works, including any heavy vehicular movements and deliveries to/from the site, shall only take place between the hours of:

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08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

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

19. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the scheme for the control of noise, vibration and dust during the construction period permitted by approval of details reserved by condition application reference 18/0243 shall be adhered to throughout the construction process.

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

20. All garages within the development hereby approved shall be made available for use prior to the occupation of each associated dwelling and be retained to allow for the parking of a private car thereafter.

Reason: To ensure provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

21. All attenuation basins and flow control devices/structures within each parcel (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be constructed and operational prior to any of the dwellings within each associated parcel being occupied.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate, and to prevent a flood risk during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2.

22. None of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until an estate street phasing and completion plan for each associated parcel has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each parcel of the development will be completed to. The development shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure an appropriate phased completion of the estate streets concurrently with the delivery of housing within each parcel in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

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23. No dwelling on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until the estate street(s) affording access to the dwelling(s) within the relevant parcel have been completed in accordance with the estate street phasing and completion plan required by condition 22 of this approval.

Reason: To ensure an appropriate phased completion of the estate streets concurrently with the delivery of housing within each parcel in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

24. No dwelling on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the relevant parcel have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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.

25. None of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption within the relevant parcel have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory standard of engineering works for estate roads in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

26. Prior to occupation of each dwelling, its associated private car parking and manoeuvring areas shall be constructed in accordance with the details shown on the approved plans and permanently maintained thereafter.

Reason: To ensure adequate provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

27. Prior to occupation of the associated dwelling(s), the communal car parking and manoeuvring areas serving those dwelling(s) shall be constructed in accordance with the details shown on the approved plans and permanently maintained thereafter for communal use only. No spaces shall be reserved for individual premises/dwellings.



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Reason: To ensure adequate provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

28. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be occupied until a scheme detailing provision of cycling facilities within the relevant parcel has been submitted to and approved in writing by the Local Planning Authority. The cycling facilities shall be provided in accordance with the duly approved scheme before occupation of the associated dwelling(s) to be served by those cycling facilities and permanently maintained thereafter.

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

29. Within development parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev J), the new estate roads for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development on parcels 3-8 inclusive takes place (excluding pre loading, piling and infrastructure works) and shall be further extended before any development commences fronting the new access road.

Reason: To ensure that a safe and suitable means of access is provided to the site and construction areas before the development becomes operative 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.

30. Unless permission to vary this condition is formally approved in writing by the local planning authority, the development hereby approved shall be carried out in full accordance with the approved drawings and the following supporting documents:

Habitats Regulation Assessment (July 2017).

Habitat Regulations Assessment Update 2021 (January 2022) – document reference 8862.001.

Shadow Habitat Regulations Assessment (November 2022) forming Appendix A of the Ecological Technical Note by TEP dated 09.11.22 (reference 8862.02.007, version 1)

Annual Habitat Condition Report (TEP ref: 4996.030).

Winter Bird Survey Report (2016/17) (TEP ref: 4789.032).

Construction Ecological Management Plan (June 2015) (TEP ref: 4996.006).

Construction Environmental Management Plan (January 2022) for Parcel 4 – document reference 8862.005v3

Construction Environmental Management Plan (November 2022) for Parcel 3 – document reference 8862.014.

Farmland Conservation Area Management Plan (May 2017)(TEP ref : 3552.018)

Reason: To ensure that appropriate measures are put in place to mitigate the development's potential effects on designated nature conservation sites, habitats and species of biodiversity

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value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

31. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the scheme of remediation to ensure that the scrapes (built to attract whooper swans) fill with water during dry winters shall be implemented in accordance with the details and timescales permitted by approval of details reserved by condition application reference 18/0243. The duly implemented remediation scheme shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to mitigate the development's potential effects on designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

32. Notwithstanding the requirements of condition 7 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot on parcels 3 and 4 (the areas of which are identified on drawing no. R108-1-PP Rev J) shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on the following plans before the dwelling on that plot is first occupied, and shall be retained as such thereafter:

- a) For parcel 3 – drawing nos. R108/2-3 Rev C, R108/2-4-1, SD.1 Rev A and S.D.46 Rev A.
- b) For parcel 4 – drawing nos. R108/2-4 Rev D, R108/2-4-1, SD.1 Rev A and S.D.46 Rev A.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable 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.

33. Notwithstanding the requirements of condition 8 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for parcels 3 and 4 (the areas of which are identified on drawing no. R108-1-PP Rev J) shown on drawing nos. 4178/PH3/01 Rev C (for parcel 3) and 4178/PH4/01 Rev F (for parcel 4) 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, in accordance with the timescale identified in condition 2 of this approval. The areas in ii) which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details for the ongoing maintenance of communal areas of amenity landscaping required by condition 14 of this approval. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in

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

34. No development involving the diversion and/or culverting of the section of the unnamed ordinary watercourse located along the eastern and southern boundaries of parcel 4, the proposed route of which is identified on drawing no. 30511/450 Rev B, shall take place until the following details of the diverted/culverted watercourse have first been submitted to and approved in writing by the Local Planning Authority:
- a) Its dimensions, cross-sectional area and capacity, including a comparison with the dimensions, cross-sectional area and capacity of the existing watercourse.
  - b) Its gradient and any alterations to the existing levels of the watercourse and its banks.
  - c) The size and design of headwalls where the culverted section meets the open channel of the watercourse.
  - d) Measures to restrict surface water discharge rates into the diverted/culverted watercourse so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event will not exceed the peak greenfield runoff rate for the same event.
  - e) The detailed design of any associated land drain to be provided along the route of the diverted/culverted watercourse, including details of the layout, size (both above and below ground), type, materials, composition and finished levels (including its relationship with surrounding ground levels both within and outside the site) of the land drain and its associated infrastructure (including all pipework).
  - f) A strategy for the future management and maintenance of the diverted/culverted watercourse and any associated land drain for the lifetime of the development.

The diversion and/or culverting of the watercourse and provision of any associated land drain shall thereafter be carried out in accordance with the duly approved details before any of the dwellings on plots 304-320 (inclusive), 323-333 (inclusive) and 363-374 (inclusive) are first occupied, and its infrastructure shall be maintained as such thereafter.

Reason: To ensure an appropriate design for the culverted/diverted section of the watercourse and any associated land drain in order that works associated with the culverting/diversion of the existing ordinary watercourse do not result in the development being at unacceptable risk of flooding and do 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.

35. Notwithstanding any details shown on the approved plans and the requirements of conditions 1 and 2 of this approval, in the event that the developer of parcel 4 does not gain control, through ownership, of the whole of the land contained within parcel 3 (the areas of parcels 3 and 4 are identified on drawing no. R108-1-PP Rev J) before any development associated with the construction of the dwellings on plots 296-311 (inclusive) takes place, then the stretch of the estate road to the southwest corner of parcel 4 which is to provide the means of access for the dwellings on those plots shall be laid out in full accordance with the details shown on drawing no. R108/1-4-1 Rev B – including the provision of the hammerhead turning area in place of the dwellings on plots 302-305 (inclusive) and the construction of the carriageway and footways of the estate road up to the shared ownership boundary with parcel 3 – before any of the dwellings on plots 296-301 and 306-311 (inclusive) are first occupied.

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In the event that the developer of parcel 4 does gain control, through ownership, of the whole of the land contained within parcel 3 (the areas of parcels 3 and 4 are identified on drawing no. R108-1-PP Rev J) before any development associated with the construction of the dwellings on plots 296-311 (inclusive) takes place, then: i) the developer shall provide the Local Planning Authority with satisfactory evidence to demonstrate the gaining of that control through the provision of their title to the land or other suitable records which provide proof of ownership; and ii) the stretch of the estate road to the southwest corner of parcel 4 which is to provide the means of access for the dwellings on plots 296-311 (inclusive) shall be laid out in accordance with the details shown on drawing no. R108/1-4 Rev G.

Reason: At present the developer (and owner) of parcel 4 does not have control of the land contained within parcel 3. Accordingly, the developer of parcel 4 is currently unable to provide a continuous highway connection between parcels 3 and 4. If this remains the case, the absence of a through route between parcels 3 and 4 will necessitate the provision of a turning head and a contiguous highway connection to the southwest corner of parcel 4 where it meets the shared ownership boundary with parcel 3. The provision of this contiguous highway connection, and the subsequent access link this will provide between parcels 3 and 4 (and between parcel 3 and the remainder of the development beyond), is a key component of the access and movement strategy for the approved development which must be maintained to ensure the delivery of a comprehensive, joined-up and master planned approach to the development of strategic housing site HSS1 and to avoid individual development parcels being isolated from each other. The condition is required to ensure that, in the event that the developer of parcel 4 is unable to gain control of the necessary land within parcel 3 to deliver the continuous highway connection and through route between those parcels shown on the approved plans listed in condition 1, an appropriate alternative highway layout on this part of site is delivered which provides both a safe and suitable means of access and circulation for highway users within parcel 4 and avoids the creation of a ransom strip between parcels 3 and 4 which would prevent the creation of a continuous highway connection between parcels 3 and 4 in the future. The condition is needed in the interests of highway safety and to ensure that a comprehensive, master planned approach is taken to the development of strategic housing site HSS1 in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and GD7, and the National Planning Policy Framework.

36. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, none of the dwellings on parcel 3 (the area of which is identified on drawing no. R108-1-PP Rev J) shall be occupied until a scheme for the provision of the pedestrian footpath link between parcel 3 and the B5261, the location and layout of which is shown on drawing no. R108/1-3 Rev E, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details for the pedestrian footpath link:
- a) A specification for its design, construction (including surface treatment) and lighting.
  - b) Details of the layout and design of its interface with the existing track running along the north side of no. 3 Heyhouses Lane which links it to the B5261, including any changes in levels, gradients and surfacing.
  - c) Details of any trees, hedges or other vegetation to be removed and/or pruned to allow its construction.
  - d) Details of the siting, layout, height, design, materials and finish of any gate(s), barrier(s) and/or any other means of enclosure to prevent its use by vehicular traffic.
  - e) A timetable for its completion.

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The pedestrian footpath link shall be constructed in full 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 promote modal shift by maximising opportunities for sustainable methods of travel to and from the site through the provision of a dedicated pedestrian access route into the site via the B5261, to ensure that the footpath link 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 secure a high standard of design for surface treatments and means of enclosure to the route in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1, GD7 and T4, and the National Planning Policy Framework.

37. Before the dwelling on each associated plot referred to in a) to d) below (the numbers of which are identified on drawing no. R108/1-3 Rev E) is first occupied, the following windows in those dwellings shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed:
- a) The three first floor bathroom (including en-suite bathroom) windows in the northwest facing (side) elevation of plot 386.
  - b) The first floor bathroom window in the northwest facing (side) elevation of plot 401.
  - c) The first floor bathroom and landing windows in the northeast facing (rear) elevation of plot 433.
  - d) The first floor bathroom window in the southeast facing (side) elevation of plot 430.

The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking from windows in the approved dwellings towards existing and proposed dwellings (and their gardens) on other parts of the development in order to ensure a high 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.

38. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the following elements of hard and soft landscaping associated with the installation of the surface water pumping station hereby approved shall be implemented, and subsequently maintained, in accordance with the details and timescales specified in a) and b) respectively:
- a) The paladin (weld mesh) fencing and gates shall be installed along its entire perimeter in accordance with the details (including their siting, height, design, materials and colour treatment) shown on drawing no. R108/8 before the surface water pumping station is first brought into use, and shall be maintained as such thereafter.
  - b) The soft landscaping scheme shown on drawing no. 4178/PUMP/01 Rev A shall be carried out during the first planting season that occurs after the surface water pumping station is first brought into use. The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details for the ongoing maintenance of communal

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areas of amenity landscaping required by condition 14 of this approval. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure an appropriate appearance for and screening of ancillary utility infrastructure which is to be erected on a prominent part of the site in the interests of mitigating the surface water pumping station's visual impact and achieving a high standard of design in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

39. No development involving the diversion and/or culverting of the section of the unnamed ordinary watercourse located along the southwestern boundary of parcel 3 (the area of which is identified on drawing no. R108-1-PP Rev J), the proposed route of which is identified on drawing no. 30511/401/1 Rev G (submitted with approval of details reserved by condition application reference 22/0933), shall take place until the following details of the diverted/culverted watercourse have first been submitted to and approved in writing by the Local Planning Authority:

- a) Its dimensions, cross-sectional area and capacity, including a comparison with the dimensions, cross-sectional area and capacity of the existing watercourse.
- b) Its gradient and any alterations to the existing levels of the watercourse and its banks.
- c) The size and design of headwalls where the culverted section meets the open channel of the watercourse.
- d) Measures to restrict surface water discharge rates into the diverted/culverted watercourse so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event will not exceed the peak greenfield runoff rate for the same event.
- e) The detailed design of any associated land drain to be provided along the route of the diverted/culverted watercourse, including details of the layout, size (both above and below ground), type, materials, composition and finished levels (including its relationship with surrounding ground levels both within and outside the site) of the land drain and its associated infrastructure (including all pipework).
- f) A strategy for the future management and maintenance of the diverted/culverted watercourse and any associated land drain for the lifetime of the development.

The diversion and/or culverting of the watercourse and provision of any associated land drain shall thereafter be carried out in accordance with the duly approved details before any of the dwellings on plots 412-417 (inclusive) are first occupied, and its infrastructure shall be maintained as such thereafter.

Reason: To ensure an appropriate design for the culverted/diverted section of the watercourse and any associated land drain in order that works associated with the culverting/diversion of the existing ordinary watercourse do not result in the development being at unacceptable risk of flooding and do 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.

### Informatives:

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### 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.

### Wording of conditions 3-8 (inclusive), 11-15 (inclusive), 22-25 (inclusive) and 28-29 (inclusive):

The conditions referred to above require details to be provided and/or compliance with actions for "parcels 3-8 inclusive" or "parcels 3 and 5-8 inclusive". The relevant conditions are worded in this way because development on parcels 1 and 2 has already commenced and is being carried out pursuant to reserved matters approval 15/0400 (and the associated outline permission(s)). As parcels 1 and 2 of the development have been implemented pursuant to reserved matters approval 15/0400, and so are subject to the conditions imposed on that approval (which remains intact and unaltered by this decision), the abovementioned conditions do not include reference to the development which has taken place and/or is taking place on parcels 1 and 2 because those aspects of the development have been implemented pursuant to a different approval of reserved matters. The applicant is, therefore, advised that the requirements of all conditions imposed on reserved matters approval 15/0400 continue to apply to the parts of the development located within parcels 1 and 2, except where these have already been discharged by approval of details reserved by condition application 18/0243. In particular, any conditions imposed on reserved matters approval 15/0400 which have not yet been discharged in respect of the development on parcels 1 and 2 continue to have effect and it is not the case, nor should it be construed, that the reference to "parcels 3-8 inclusive" or "parcels 3 and 5-8 inclusive" in the wording of the conditions referred to above prevents the need for the relevant conditions attached to reserved matters approval 15/0400 to be complied with on parcels 1 and 2 (or any subsequent parcels which the developer may choose to implement pursuant to that approval, rather than this decision).

### Adoption of Habitat Regulations Assessment:

In issuing this decision the local planning authority has had due regard to the following documents:

- i) The "Shadow HRA Assessment" prepared by 'The Environment Partnership' (TEP) and dated November 2022, which forms Appendix A of the Ecological Technical Note by TEP dated 09.11.22 (reference 8862.02.007, version 1); and
- ii) The "Construction Environmental Management Plan" prepared by TEP and dated November 2022 (document reference 8862.014).

Along with the comments from Natural England in their letter dated 20.02.23 confirming that they are in agreement with the conclusions in the Shadow Habitat Regulations Assessment that, with appropriate mitigation in place (as is secured through planning conditions and/or obligations) the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned documents prepared by 'The Environment Partnership' as part of its decision.

### Land Drainage Consent for culverting of ordinary watercourses:

The applicant is reminded that, under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), they need consent from the Lead Local Flood Authority to build a culvert or structure (such as a weir or outfall) or 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.

As a minimum, the Lead Local Flood Authority will expect the applicant to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict surface water discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Council's Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent to applications that seek to culvert an existing ordinary watercourse. This is in line with Environment Agency's guidance on protecting watercourses.

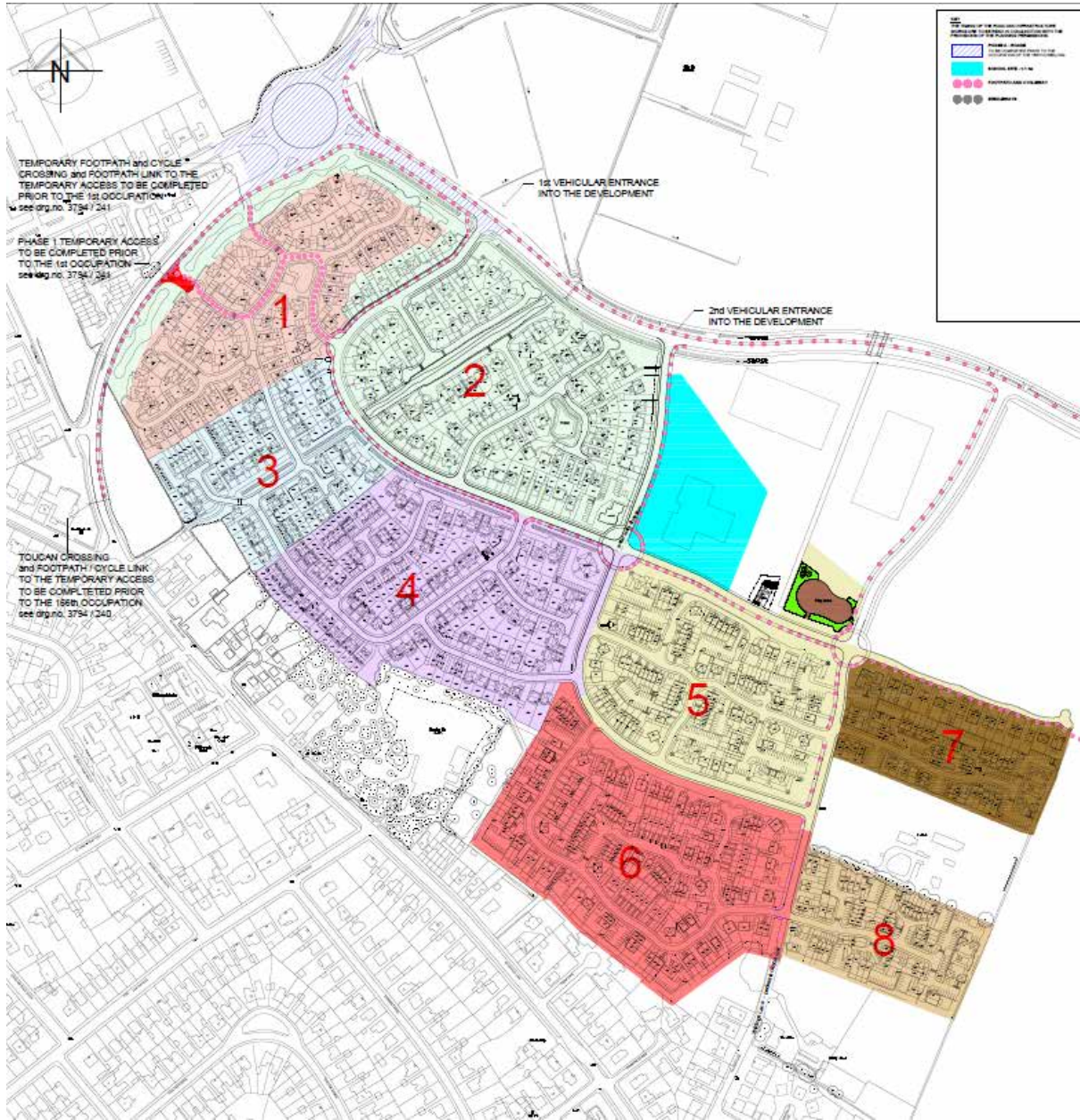
The applicant should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. The applicant must obtain Ordinary Watercourse Consent from Lancashire County Council before starting any works on site.



# AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

## Location Plan for Item 3 (22/0938)



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### Item 4

<b>Application No:</b>	23/0125	<b>Case Officer:</b>	Rob Buffham Area Team 1
<b>Applicant:</b>	ENERGI GENERATION	<b>Agent:</b>	MR JAY SAGGERSON
<b>Location:</b>	LAND AT PEEL ROAD, OPPOSITE SUB STATION, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	ERECTION OF A 20 MW BATTERY ENERGY STORAGE SYSTEM FACILITY CONSISTING OF 120 BATTERY CABINETS, 6 PCS UNITS, 3 TRANSFORMER UNITS, A CONTROL ROOM, A WELFARE/ OFFICE BUILDING, A DNO SUBSTATION, A SWITCH ROOM, 4 CCTV COLUMNS, SECURITY FENCING, EXTERNAL AND INTERNAL ACCESS ROADS, PARKING AND TURNING AREA, AND ASSOCIATED HARD AND SOFT LANDSCAPING.		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Westby with Plumpton
<b>Statutory Expiry:</b>	8 September 2023	<b>Earliest Decision:</b>	30 June 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request	<b>Online application file</b> <a href="#">here</a>	

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

Planning consent is sought for the construction of a battery energy storage facility (BESS). The facility is used to draw down electricity from the National Grid, as well as taking electricity from adjacent renewable energy developments, for storage in an off grid location, until such a time that this electricity is needed and for that to be uploaded into the network when demand dictates.

The National Grid has a statutory duty to ensure the supply of electricity within the UK. Peaks in demand have been a longstanding challenge for the National Grid, traditionally they would occur in the evenings however they are becoming harder to predict due to power hungry technology becoming more prevalent in everyday life, in addition to recent changes in working practices following the Covid-19 pandemic and the boom in renewable energy infrastructure. BESS facilities help with this duty, absorbing surplus electricity at times of excess generation and releasing this when needed, offering the potential for a near-immediate response to demands, whilst also providing the ability to import and export energy for seconds, minutes or hours, dependent on demand. BESS therefore allow for a degree of certainty that in times of a surge in electricity demand, there will always be power reserves available to avoid power blackouts.

The application site is located in a designated Countryside area in the Fylde Local Plan to 2032 (incorporating Partial Review), located 4km north of Lytham, and flanks the eastern edge of Peel Road for a distance circa 90m. It comprises of agricultural arable land, located to the western periphery of a much larger agricultural field that is managed by an adjacent farm holding, and is approximately 0.62 hectares in size. A 1.5m hedgerow forms the western boundary to Peel Road, with other boundaries being open to the agricultural field. The land falls away from Peel Road in an easterly direction, resulting in the application site being circa 2.5m below the road level at its greatest point.

The facility will be set within a fenced compound with landscaped surrounds. Vehicular access is provided via an upgraded field access from Peel Road that will be used for construction of the

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

development, maintenance of the facility once operational, as well as access to the agricultural field by farm vehicles. The existing hedgerow along Peel Road will be retained and new planting is proposed in the form of trees, hedgerows and grassland. A temporary period of 40 years is sought for the operation of the facility, following which the development will be decommissioned with all above and below ground infrastructure being removed and the land returned to agricultural use.

The BESS facility is similar in nature to a previous development that was approved on appeal at this site, following refusal by Officers under delegated powers. That previous development granted consent for a gas powered electricity generator that stored electricity on site within batteries, prior to upload to the National Grid when needed. As both are power-related developments this appeal determination forms a fallback position which is material in the assessment of the current planning application.

In his deliberations on the appeal scheme, the Planning Inspector considered the principle of development in light of the 7 criteria of Policy GD4, concluding that the proposal conformed with criteria d) since the scheme constituted being '*essentially needed for the continuation of an existing enterprise*'. Moreover whilst the Inspector determined that the proposal would harm the countryside, he was of the view that this impact would be mitigated by the landscaping proposals.

The current proposal is similar in type to that considered by the appeal Planning Inspector by virtue that it would also provide storage of electricity which can be drawn upon by the National Grid in times of peak demand. In this respect the same conclusions as the Planning Inspector can also be made concerning the principle of development for the BESS facility. Moreover, the development would be physically linked to the substation and National Grid system, thus it is related to the operation of that existing facility. On this basis the battery energy storage system proposed is considered to be essentially needed for the continuation of an existing facility, in accordance with criteria d) of Policy GD4.

Criteria d) of GD4 is subject to a further test concerning harm to the character of the surrounding countryside. The Officer assessment of the gas powered grid support and battery storage facility raised concerns for landscape and visual impact, which resulted in refusal of that application on such grounds. This current proposal is considered to be a betterment when compared to that of the gas powered facility since the site is not as intensively developed, the scale of structures are smaller, and landscaping is enhanced although the previously reported concerns for landscape and visual impact are still of relevance to the current proposal.

Nevertheless, in his assessment of the appeal the Planning Inspector considered the matter of landscape and visual impact, concluding that the development '*would harm the character of the countryside, having regard to the LS (Landscape Strategy for Lancashire), but this harm would be satisfactorily mitigated by landscaping.*' Whilst landscape and visual impacts must be acknowledged, it is considered that this appeal decision outweighs the concerns raised, subject to provision of the landscaping proposals.

Moreover, the development will only be in situ for a 40 year temporary period, the reported landscape and visual impacts are therefore reversible and will be removed following decommissioning of the BESS.

It is not considered that the development will have an unacceptable impact on residential amenity, the availability of best and most versatile agricultural land, highway safety, flood risk and drainage or ecology.

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

### Reason for Decision Level

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

### Site Description and Location

The application site is located within the countryside, 4km north of Lytham and flanks the eastern edge of Peel Road for a distance circa 90m. It comprises of agricultural arable land, located to the western periphery of a much larger agricultural field that is managed by an adjacent farm holding, and is approximately 0.62 hectares in size.

The boundary of the application site is formed by mature hedgerow that adjoins Peel Road to the west, with agricultural land to the north, south and east. Topography wise, the land falls away from Peel Road in an easterly direction, resulting in the application site being circa 2.5m below the road level at its greatest point. Land levels to the west of Peel Road are higher with adjacent field boundaries formed by mature hedgerow also.

The character of the wider area is predominantly rural, formed by undulating agricultural fields, interspersed by hedgerow and trees and small groups of woodland, albeit man made features exist in this landscape including 3 pylon lines immediately to the north and east, and large scale substation to the opposing side of Peel Road. The site is isolated from the main settlement areas, though groups of buildings exist along Peel Road, including a farm holding to the south, and caravan park to the north.

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

### Details of Proposal

#### Description of Proposal

Planning consent is sought for the construction of a battery energy storage facility (20 MW), set within a compound area. The applicant has confirmed that the development has an operational lifetime of approximately 40 years and the site will be reinstated to its current state following that time.

The site is rectangular in shape, with its 90m length flanking Peel Road. The compound area measures approximately 71m x 39m, surrounded by landscaping. Structures within the developed area are detailed on the Site Layout drawing, with detailed drawings, and includes:

- Battery cabinets, power converter and transformer (3.4m high, coloured grey/ off white)
- Auxiliary transformer (2.1m high, coloured dark grey)
- 6 no. CCTV column (2.4m high, coloured dark green)
- Switch room (4m high, coloured dark green)
- Control room (3.2m high, coloured dark green)
- Welfare/ office (3.2m high, coloured dark green)

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- Substation (4.3m high, coloured dark green)
- Perimeter flood defence grass bund (1m high)
- Perimeter mesh security fence (2.4m high, coloured dark green)

An existing field access from Peel Road will be widened from 3m to 5m in order to facilitate access for the development, and this entrance will also be utilised for construction and access by farm vehicles to the agricultural land. Approximately 2m of the hedgerow that sits astride of the entrance to Peel Road will require removal as a consequence of the access proposals.

Underground cabling will link the application site to the substation located to the west of Peel Road. This will act as means for the transfer of electricity between the site and National Grid. Any works required to connect to the electricity network will be undertaken by the relevant statutory undertaker.

An enhanced landscape scheme has been negotiated with the applicant. The area of the site beyond the compound is to be grass seeded with provision of hedge planting interspersed by trees/ native shrubs. Infill hedgerow planting will also be undertaken to Peel Road along the frontage of the application site.

Members should note that location of the planning application has been revised during assessment of the planning application. This revision relocated the site 70m+ to the north of that originally submitted, closer to the existing pylon structures so as to reflect the siting of a previously consented scheme for a gas powered electricity generating facility (planning application reference 17/0822). This application was initially refused on 2 January 2018, but that refusal was overturned on appeal (Planning Inspectorate ref: APP/M2325/W/18/3196360).

### Background information about the proposal

The applicant's Planning Statement provides a detailed background for the development with this reproduced here to provide Members with a context for the application.

*"The National Grid has a statutory duty to 'develop and maintain an efficient, coordinated and economical system of electricity transmissions.' Specifically, this involves ensuring that the supply of electricity within the UK remains within certain limits, notably in relation to demand against energy generation.*

*There is a requirement for a degree of agility, balancing the supply and demand of the UK's energy system. Battery Energy Storage Systems (BESS), such as the type proposed, plays a significant role in this balancing act.*

*For the National Grid, accommodating the ever-fluctuating peaks in power demand has been a longstanding challenge. Historically, peak hours would occur in the evenings after traditional working hours, however, with technology becoming more prevalent in everyday life, in addition to recent changes in working practices brought on by the ongoing Covid-19 pandemic and the boom in renewable energy infrastructure, these peak hours are becoming more difficult to predict.*

*BESS facilities utilise flexible technology, and have the wider benefit of no air pollution, absorbing surplus electricity at times of excess generation, releasing this when needed, offering the potential for a near-immediate response to demands, whilst also providing the ability to import and export energy for seconds, minutes or hours, dependent on demand.*

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Furthermore, BESSs are compatible with renewable energy sources, allowing for the capture of energy generated from wind and solar, which can often be inconsistent. Battery storage facilities allow for a degree of certainty that in times of a surge in demand, there will always be power reserves available to meet demand and avoid power blackouts.

The UK is continuing its push towards a carbon-neutral society, and to ensure decarbonisation without risking the security of supply, increased investment in the grid network through the development of electricity storage solutions and flexible grid management are considered to be national priorities. BESSs therefore play a significant role in achieving the UK's much-needed energy security requirements and 'Net Zero' targets."

### Relevant Planning/Appeal History

Reference	Description	Decision	Date	Appeal
17/0822	FORMATION OF GAS POWERED GRID SUPPORT PLANT AND BATTERY STORAGE FACILITY (GENERATING CAPACITY OF UP TO 20MW) WITH 18 ENGINES AND ASSOCIATED BATTERIES, TRANSFORMERS AND STORE WITHIN A COMPOUND FORMED BY A 4M HIGH TIMBER ACCOUSTIC BARRIER AND A 2.4M HIGH GREEN MESH FENCE.	Refused	02 January 2018	Allowed 4 June 2018
18/0974	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0822 (AS VARIED BY NON-MATERIAL AMENDMENT 18/0607) FOR FURTHER ALTERATIONS TO THE LAYOUT OF THE COMPOUND INCLUDING: (1) A REDUCTION IN THE NUMBER OF GENERATORS (FROM 14 TO 8); AND (2) THE RELOCATION OF GENERATOR FAN UNITS.	Granted	14 January 2019	

### Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton's Parish Council	<p><u>Comments on original submission 10 March 2023</u></p> <p><i>It was resolved to OBJECT to the application.</i></p> <p><i>The use of a greenfield site is not acceptable. The PC suggests that the land adjacent to the existing structure be better utilized.'</i></p> <p><u>Comments on revised / relocated submission 16 July 2023</u></p> <p><i>It was resolved to maintain the objection to the location of the proposal – the PC maintains it would be better located on the opposite area of the highway.</i></p>

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### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Lead Local Flood Authority	<p><i>The Lead Local Flood Authority (LLFA) has no objection to the proposed development.</i></p> <p><i>The Lead Local Flood Authority advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.</i></p>
Environment Agency	<p>No objection.</p> <p><i>The planning application is now accompanied by a revised Flood Risk Assessment (FRA) to reflect the revised layout as the site is now encompasses all 3 Flood Zone and therefore situated in an area with risk ranging from low to high probability.</i></p> <p><i>The FRA has been prepared by RSK ADAS Ltd. referenced; 680386-R2(01)-FRA and dated 17.05.23. We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.</i></p> <p>They also provide advice regarding the need for an Environmental permit due to the proximity of the development to Main Drain which is a designated statutory main river.</p>
GMEU (Ecology Consultant)	<p>No objection subject to condition.</p> <p><i>The information submitted with the application includes a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment.</i></p> <p><i>The Appraisal found the site to be of low ecological value with the main interest being the hedgerow present. This hedgerow is being retained except of 2m to widen the access the site. Any site clearance should avoid the bird nesting season.</i></p> <p><i>The Biodiversity Net Gain Assessment has calculated that there will be a net gain of some 12% of area based habitats and 51.5% hedgerows. While we are satisfied that the hedgerow figure is correct, the area based figure appears to be based on an incorrect assignment of the proposed woodland to being of a high strategic significance. As the area does not lie in Lancashire's woodland</i></p>

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	<p><i>ecological network, it is unclear where the assignment has come from. Classifying the woodland in the “low strategic significance” results in the site achieving a gain of some 7.92%, below the 10% figure that will become mandatory. However as this figure still represents a measurable net gain, as required by the National Planning Policy Framework, it is acceptable at this time.</i></p> <p><i>However, the achievement of a net gain is also dependent on the grassland achieving a “good” condition; achieving a “moderate” condition only would result in a net loss. It is therefore important that a long term management and monitoring plan is produced to ensure the target condition of all habitats is achieved.</i></p> <p><u>Suggested Conditions:</u>          Site clearance to avoid the bird nesting season.          Submission and approval of a Landscape and Ecological Management Plan.</p>
Landscape Consultant	<p><i>The revised location put forward by the applicant for the battery storage facility addresses the issue of potential infilling along the northern half of Peel Road and the cumulative detrimental impacts which would have affected the character and appearance of the existing landscape in this area. The new location delivers a less imposing scheme and its effect on the wider landscape of the Peel Road area is considerably more acceptable.</i></p> <p><i>The massing and scale of the proposed battery storage facility remains relatively small and it is accepted that by reinforcing the hedgerows and new tree planting around the facility, it would help to mitigate views of the built form and associated structures in the long term. The proposed level of the facility is set down from Peel Road and whilst this provides significant benefits to the impact of the site within views, the site does remain visible, particularly from the north. The proposed hard and soft landscape details provided by the applicant go some way to lessening this impact on views and providing ecological and landscape benefits within the depleted monocultural landscape which exists at present.</i></p> <p><i>The suggested revisions to the landscape scheme have been made, and will assist to maximise the potential screening, increase diversity and allow the facility to blend more naturally into the landscape of this area.</i></p>
LCC Highway Authority	<p><i>No objection to the proposal, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><u>Highway Works:</u>  <i>The proposed operational access will need to be appropriately paved in tarmacadam, concrete, block pavements or other approved materials prior to use for vehicular purposes.</i></p>



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	<p><i>This would be required to prevent loose surface material from being carried onto the public highway.</i></p> <p><u>Highway Condition:</u>  <i>As Peel Road is a rural road as previously outlined, LCC Highways have concerns about the impact on the existing highway condition by the proposals. To alleviate these concerns, joint condition surveys would need to be carried out between the developer and Local Planning Authority (in conjunction with the Highway Authority). These surveys would be needed prior to the commencement of the works to establish the existing condition of the highway and after works are completed. If it was established that the existing carriageway had been degraded due to the construction works, the developer would need to make good any damage. This survey would need to cover the proposed construction traffic route from Preston New Road (A583) to the proposed construction site access.</i></p> <p><u>Construction Traffic:</u>  <i>The Construction Traffic Management Plan submitted in support of the application "Peel Road, Blackpool, Construction Traffic Management Plan" is in LCC Highways opinion acceptable. It is also LCC Highways opinion that the most appropriate route to the site is from the M55 as shown in the document above.</i></p> <p><u>Suggested Conditions:</u>            1) access and off site highway works details, and provision of those approved works.            2) Pre-commencement highway survey and applicant to make good any damage resultant from construction vehicles.            3) appropriate surfacing of site access.</p>
Environmental Protection	No objections to the proposal in principle.
Lancashire Archaeology Service	<p>No objection.</p> <p><i>The relocation of the proposed to the north of its original proposed location now means it lies within the redline boundary of planning application 2018/0607. As was stated previously (my e-mail of 14/03/2023) this area was the subject of both a geophysical survey (Magnitude Surveys) and a trial trenching evaluation (WYAS Archaeological Services) in 2018. Part of that evaluation overlaps with the current application, with two of the trial trenches lying in an area now proposed for parking and a turning area on the north of the current proposals. No archaeological artefacts were recovered from the two trenches, and peat was encountered at a depth of c. 1.2m in only one of them.</i></p> <p><i>Our advice therefore remains that this area has been demonstrated to have a very low archaeological potential, and one that does not require any further archaeological investigation.</i></p>

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Lancashire Fire Service	<p>No objection.</p> <p><i>Whilst Lancashire Fire and Rescue Service (LFRS) are not a statutory consultee in relation to this project, we will work and engage with the developer as this project develops to ensure it complies with the statutory responsibilities that we enforce. The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service. The strategy should cover the construction, operational and decommissioning phases of the project.</i></p> <p><i>During the construction phase the number of daily vehicle movements in the local area will significantly increase. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.</i></p> <p>The Fire Service have also made comment on the design of the development including need for fire detection, suppression, sprinkler systems, provision of adequate space between containers and adequate ventilation, availability of water, safe access routes and manoeuvring of emergency vehicles on site.</p>
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### Neighbour Observations

Neighbours notified:	16 February 2023
Amended plans notified:	09/06/2023
Site Notice Date:	16 February 2023
Press Notice Date:	n/a
Number of Responses	Total number of comments      0

### Relevant Planning Policy & Government Guidance

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

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

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

- GD4 - Development in the Countryside
- GD7 - Achieving Good Design in Development
- INF1 – Service Accessibility and Infrastructure
- CL1 - Flood Alleviation, Water Quality and Water Efficiency
- CL2 - Surface Water Run-Off and Sustainable Drainage:
- CL3 - Renewable & Low Carbon Energy Generation - excluding onshore wind turbines

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CL4 - Decentralised Energy networks and District Heating Systems  
ENV1 - Landscape and Coastal Change Management Areas  
ENV2 - Biodiversity

### **Other National Guidance**

NPPF – National Planning Policy Framework (July 2021)

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

The Renewable and Low Carbon Energy PPG states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure, specifically stating that increasing the amount of energy from renewable sources is a key aspect in ensuring that the UK has a secure energy supply, as well as also slowing down the negative impacts of climate change and stimulating investment in new jobs and businesses.

It is further stated within this PPG that whilst all communities have the responsibility of helping to increase the use and supply of green energy, this responsibility does not override other considerations, such as environmental designations that may be affected as a result of a proposed development. Whilst noting this, the Climate Change PPG raises the point that the UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources.

The applicant has made reference to other relevant Government Guidance in their submission which they contend adds weight in support of the proposal. This provides additional policy background to the development and so has been reproduced below for the benefit of Members.

#### “Climate Change Act 2008 (2050 Target Amendment) Order 2019:

There are several international, national and local drivers for renewable energy, all of which could be material considerations when making decisions on planning applications. Renewable energy schemes and supporting infrastructure are considered imperative to secure carbon reductions which is a legislative requirement by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. This act introduced the UK’s statutory target to reduce its carbon dioxide emissions to below 80% of the country’s 1990 levels by 2050.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 is a legislative requirement which seeks to reduce greenhouse gas emissions from at least 80% to 100%, this significant reduction will be assisted by allowing renewable energy projects and associated supportive infrastructure such as this to be built out. This legal requirement needs to be given significant weight during the decision-making process.

The main energy generation production in the UK is dependent on Coal, Oil and Gas, the need to comply with the legal requirement to become carbon neutral by 2050 places a statutory requirement on the planning system to deliver a greater number of renewable energy generation sources and associated infrastructure required to support the grid.

#### Energy White Paper: Powering our Net Zero Future (December 2020):

Following the Prime Minister’s Ten Point Plan for a ‘Green Industrial Revolution’, this policy paper highlights the absolute necessity of fighting climate change, putting ‘Net Zero’ at the forefront of the government agenda.

A key objective of this paper is the necessity to move towards a smarter electricity system, where electricity markets are required to adapt as the deployment of renewable energy generation increases. The report states that balancing supply and demand becomes more complex because most

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renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines.

It is accepted that flexibility will need to come from new, cleaner sources, such as energy storage in batteries. This flexibility could lower future costs for consumers, by minimising expensive network reinforcement or reducing the need for additional generation, especially peaking capacity which needs to be deployed quickly to meet spikes in demand.

### Revised (Draft) National Policy Statement for Energy (EN-3) (September 2021):

National Policy Statements are produced by the Government to set objectives for the development of nationally significant infrastructure projects (“NSIPs”) in a particular sector. Whilst the NPS is aimed at NSIPs (solar farms over 50MW), it still provides a framework on which planning decisions should be made and is a material factor to take into consideration when mitigating and adapting to climate change.

As part of the draft NPS for renewable energy infrastructure (EN-3) it is explicitly stated that The Committee for Climate Change (CCC) has identified a need to deploy 54GW of solar by 2035 to keep on track to deliver net zero by 2050 which equates to roughly 40GW of solar by 2030. Solar Energy UK welcomed this as an achievable target and argued that setting a target for solar generation within the NPS would help demonstrate the scale of the need for the technology and increase investor confidence in solar development.

The document concludes that there needs to be greater emphasis on the impact of climate change and the speed at which new infrastructure will need to be built to meet the Government’s net-zero targets. It must clearly articulate how the decision-making process will weigh the urgent need for developments which contribute to climate change mitigation, against other relevant considerations.

Whilst the EN-3 is not specifically related to the requirement for storage systems to support the grid, the requirement of 54GW of solar by 2035 will undoubtedly result in the need for the grid to be supported by electricity storage systems to balance the intermittent nature of renewable energy infrastructure and allow for the deployment of electricity in periods of peak demand.

### Net Zero Strategy: Build Back Greener (October 2021):

The UK’s national Net Zero Strategy was formulated pursuant to Section 14 of the Climate Change Act, and sets out a strategy for reducing emissions from each sector of the economy, and sets a delivery pathway showing indicative emissions reductions across sectors to meet targets up to the sixth carbon budget (2033-2037) in order to end the UK’s contribution to climate change.

The strategy identifies policies and proposals for keeping the UK on track to achieve carbon budgets and sets out a vision for a decarbonised economy in 2050.

Notably, the strategy highlights the importance of the deployment of new flexibility measures including storage to help smooth out future price spikes and achieve energy security. Low-carbon solutions rely on transforming the infrastructure needed to deliver them, therefore increasing electricity generation needs to be accompanied by a flexible grid. This means increased investment in the grid network, electricity storage solutions and flexible grid management, to ensure decarbonisation without risking the security of supply.

### British Energy Security Strategy (April 2022):

The British Energy Security Strategy states that energy is the lifeblood of the UK economy. The report recognises the devastation that the pandemic and the conflict between Russia and Ukraine have had

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on the price of foreign gas and oil, and the long-term solution is therefore to address the UK's underlying vulnerability to international oil and gas prices by reducing our dependence on imported oil and gas. It highlights the over-riding necessity for a secure, home-grown, reliable flow of affordable energy.

The strategy further states that the growing proportion of electricity coming from renewables reduces exposure to the volatile fossil fuel market, however, accelerating the domestic supply of clean and affordable electricity also requires accelerating the connecting network infrastructure to support it.

One of the key priorities of the strategy is to improve networks, storage and flexibility, and ensure all forms of flexibility with sufficient electricity storage to balance the overall system. The strategy aims to streamline the transition towards a low-carbon future and will deliver a more flexible and efficient energy system and help achieve energy security.

### National Grid's Future Energy Scenarios report (2022):

The Future Energy Scenarios report is published by the National Grid ESO (electricity system operator) each year. The report outlines four different pathways for the future of energy to 2050, including the energy storage deployments each entail (covering all technologies including batteries, pumped hydro, air-based solutions etc). According to the report, the UK will have 50GW-plus of energy storage installed by 2050 in a best case scenario attainment of net zero which is just under 200GWh of capacity.

Electricity storage capacity is required to increase in all scenarios to ensure that demand can be met reliably in peak times as an increasing proportion of the UK's electricity is generated from renewables which depend on weather conditions.

The main roles for electrical energy storage in providing flexibility which the report discusses are as follows (with the durations required):

- Managing seasonal differences in supply and demand (longer duration storage, i.e. four hours-plus)
- Managing several days of oversupply or undersupply (longer duration storage)
- Balancing daily variations in supply and demand (longer and shorter duration storage)
- Reserve for unplanned outages/forecast error (shorter duration storage)
- Real-time operability (shorter duration storage)

Further to this, National Grid ESO expects battery storage to make up the largest portion of storage power capacity in all scenarios by 2050 to help with changing demand within the day and managing network constraints as the costs of batteries fall."

### 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 this proposal are:

- principle of development in this countryside location,
- landscape and visual impact,
- loss of agricultural land,

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- highways,
- relationship with neighbours,
- ecology,
- flood risk and drainage.

Taking each in turn:

### Principle of Development

#### Policy Background

The application site is located within the Countryside Area as designated by the Fylde Local Plan to 2032 (Incorporating Patrial Review) Proposals Map. Policy GD4 is of relevance and states that development in the Countryside will be permitted subject to 7 set criteria:

- a) where it is needed for the purposes of meeting local business and community needs; for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy. Any development should be sensitive to its surroundings.*
- b) the re-use or rehabilitation of existing permanent and substantial buildings.*
- c) extensions to existing dwellings and other buildings in accordance with Policy H7.*
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside.*
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6.*
- f) minor infill development.*
- g) entry-level exception sites for first-time buyers.*

#### Assessment

The proposal for consideration relates to a battery energy storage system, the main purpose of which is to draw down electricity from the National Grid, as well as electricity from adjacent renewable energy developments, for storage in an off grid location, until such a time that this electricity is needed and for that to be uploaded into the network when demand dictates. This type of infrastructure, whilst not categorised as a renewable energy source, is considered to be supporting infrastructure that will assist to secure carbon reductions which is a legislative requirement by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

The current proposal is similar in nature to a previous development that was approved on appeal at this site, following refusal by Officers under delegated powers. That previous development granted consent for a gas powered grid support plant and battery storage facility – electricity was generated from gas and stored in batteries on site prior to transfer to the National Grid in times of demand. In his deliberations of the appeal, the Planning Inspector considered the principle of development in light of the above criteria of Policy GD4, concluding that the proposal was not compliant with criteria a, b, c, e, f or g, though did conform with criteria d) since the scheme constituted being ‘essentially needed for the continuation of an existing enterprise’. This view was taken on grounds that the proposed development would ‘*make a valuable contribution to the grid network providing real-time electricity and capacity which can be drawn upon so that there is always a secure supply. The scheme has also been designed to help deliver the overarching aims of the Electricity Market Reform by operating directly under National Grid’s Capacity Market. The Capacity Market is aimed at delivering low-carbon energy supplies whilst maintaining supply security and minimising cost to the consumer. Given this, I consider that the development is essentially needed for the continuation of an existing facility, and that it would help minimise vulnerability and provide resilience to the impacts of climate change.*’

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The current proposal is similar in type to that considered by the appeal Inspector by virtue that it would also provide storage of electricity which can be drawn upon at any time so that there is always a secure supply. In this respect the same conclusions can also be drawn concerning the principle of development for the current scheme. Moreover, the development would be physically linked to the substation and National Grid system, thus it is related to the operation of that existing facility. On this basis the battery energy storage system proposed is considered to be essentially needed for the continuation of an existing facility, in accordance with criteria d) of Policy GD4.

This position is however subject to further assessment with regards to landscape and visual impact, and all other material planning considerations, which are considered in more detail below.

### **Landscape and Visual Impact**

#### Policy Background

Policy GD4 d) supports development that is essentially needed for the continuation of an existing enterprise, facility or operation, of a scale and type which would not harm the character of the surrounding countryside. In addition, Policy ENV1 requires development to have regard to its visual impact within its landscape context and the type of landscape it is situated within, and will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is set. ENV1 also requires retention and enhancement of existing landscape features, such as hedgerows and trees.

Paragraph 174 of the NPPF21 requires planning decisions to protect and enhance valued landscapes in a manner commensurate to their statutory status or identified quality in the development plan, whilst recognising the intrinsic character and beauty of the countryside. Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB) which have the highest status of protection.

#### Assessment

The application site is 0.62 hectares in size and forms part of a larger agricultural field located to the east of Peel Road. The western boundary of the site is formed by a mature hedgerow with Peel Road, though the remainder of the site is open to the agricultural land having no boundary definition. The land level of the application site is set below the road.

The site is isolated from any settlement areas, thus the prevalent character of the area is rural and formed by undulating low lying agricultural fields to the east within which hedgerows, trees and small groups of woodland are found. This rural character is however punctured by 3 separate overhead pylon lines, with several large scale lattice pylon structures located immediately to the north and east, as well as a largescale substation to the west of Peel Road. The application site can be viewed from Peel Road although though there is no footpaths on this road so views are largely limited to those traveling in vehicles, and there are no public rights of way (PROW) either on or within surrounding fields of the application site.

The application site and landscape that it sits within are not covered by any national landscape designation such as National Park or AONB. At the local level, the site is categorised as being located within the Lancashire and Amounderness Plain by Natural England (National Character Area) its key characteristics being *'A rich patchwork of pasture, arable fields and drainage ditches, on a relatively*

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*flat to gently undulating coastal landscape', 'Medium-sized to large fields form an open, large-scale agricultural Landscape' and 'A complex network of wide meandering rivers, raised drainage ditches and dykes divide and drain the landscape.'*

More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy (2000), which categorises that site as 'South Fylde Mosses' character area (16b), described as *'It is typical of a mossland landscape in its underlying geology, landform, drainage and land use. The rows pylons which run from east to west across the landscape to Blackpool dominate the horizon however trees in small copses and shelterbelts are more pleasing vertical elements and help provide a backdrop and sense of scale in the landscape. Just north of Lytham, Lytham Hall is an important and established landscape feature as the 18th century landscaped grounds contain many trees. The proximity of Blackpool and Lytham is influential and the presence of golf courses, camp sites, new built development and industry erode the rural and tranquil character usually associated with this landscape type.'*

The application site measures 92m along Peel Road, projecting 68m to the east into the agricultural field. The proposal seeks consent for a compound that is smaller than the application site, measuring 72m x 40m, which will form the developed portion of the application site, surrounded by a natural landscaped area. The compound area will contain 3 battery storage modules, with each module consisting of a transformer (2.1m high) and 4 rows of battery stores that are 14m in length and 3.4m in height, as well as provision of ancillary structures including a switch room (4m high), control room (3.2m), welfare office (3.2m), substation (4.3m).

The battery stores are confirmed to be coloured grey/ off white, whilst all other structures are coloured Olive Green. The developed area will be hard surfaced by gravel and an internal access track is located the length of the eastern boundary, linking to Peel Road. The compound is fully enclosed by a 1m high grass bund for flood risk reasons, and a secure 2.4m green mesh fence. 6 no. pole mounted CCTV cameras are also indicated on plan, 2.5m in height.

A revised landscape plan has been received which provides for hedgerow and tree planting about the perimeter of the compound area, with woodland and grassland mix planting infilling up to the application site boundary. In addition hedgerow planting will be undertaken to fill gaps of the existing hedgerow on Peel Road. The facility will be in situ for a temporary period of 40 years, after which it will be decommissioned and the land returned to agricultural use.

The planning application has been revised during assessment of the proposal and has been relocated some 70m+ in a northerly direction so that it reflects the position of the gas-powered grid support and battery storage facility that was upheld on appeal. In addition to this, Members should note that the height of the battery stores (3.4m) proposed are smaller in scale than the previously approved development, with the gas engines being 4.7m in height and covering a much greater proportion of the site.

The planning application is accompanied by a Landscape and Visual Appraisal (LVA) which has considered the possible effects of the proposal development upon landscape character and visual amenity. In addition, a soft landscaping scheme has been that demonstrate impact of landscaping after 1 and 15 years of maturity. Findings of the LVA are summarised below:

### Landscape Character:

- The LVA recognises that the change in character and slight loss of openness as a result of the site being developed and the effect on the site and its immediate context will inevitably be major



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adverse. Though this is reported to reduce to moderate adverse once proposed landscaping has matured.

- Effect on landscape character of the South Fylde Mosses Landscape Character Area is reported to have a negligible adverse impact, reducing to a neutral effect by year 15 of landscape maturity. A similar conclusion is also drawn for the Fylde Landscape Character Area.

Visual impact:

- There may be glimpsed views from Public Rights of Way in the area and housing within the vicinity that has the potential to have views towards the development. Such views are either glimpsed, and either partially or fully screened by landscaping, topography or built form and effects are therefore reported to be less than minor.
- The development would be more discernible in views from vehicles that pass by the site on Peel Road, that such views are elevated by approximately 2m above the field of the site and are either partially screened or blocked by the roadside hedgerow for the most part.
- Small gaps in the hedgerow, including to the site entrance, allow some limited views of the proposed development.
- The sensitivity of these receptors is considered by the LVA to be medium, and the magnitude of change would be moderate adverse, therefore the level of effect is considered to be moderate.
- Hedgerow planting to gap up the roadside field boundary and the proposed woodland belt planting would potentially further screen the development and therefore the residual magnitude of change would reduce to minor adverse at year 15 and therefore the level of effect at year 15 is assessed to be slight.
- Retention of existing and new landscaping will assist in reinforcing visual screening of the development for the users of Peel Road and assist in increasing the biodiversity value of the site.

The Officer assessment of the gas-powered grid support and battery storage facility raised concerns for landscape and visual impact. Indeed, the application was refused on grounds that the proposal would erode the rural character of the countryside, having a harmful urbanizing effect that diminishes openness and visual amenity to the detriment of its rural character and setting within the countryside.

As detailed above, the height of structures proposed within the current application are smaller in scale than the previous development and the site is less intensively developed with an enhanced landscaping scheme presented. This current proposal is therefore considered to be of betterment when compared to that of the gas-powered facility. Notwithstanding, it is Officer opinion that the previously reported concerns for landscape and visual impact are still of relevance to the current proposal.

Nevertheless, that refusal was appealed by the applicant, and in his assessment of the appeal the Planning Inspector considered the matter of landscape and visual impact, concluding that the development *'would harm the character of the countryside, having regard to the LS (Landscape Strategy for Lancashire), but this harm would be satisfactorily mitigated by landscaping.'*

The Inspectors decision forms a fall back position that is material in the assessment of this current planning application. Whilst landscape and visual impacts must be acknowledged, it is considered that this appeal decision outweighs the concerns raised. This position is formed in light of the Planning Inspectors findings, which relied heavily upon the landscape proposals. It is therefore imperative that the applicant undertakes these works, and that this landscaping is managed accordingly so that the reported mitigation benefit is realised. Conditions are therefore advised which require implementation of the landscape strategy within the first planting season following completion of the development, submission of a maintenance scheme, and, replacement of any trees, hedges or shrubs that may die in the first 5 years of planting.

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

### Loss of Agricultural Land

#### Policy Background

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

#### Assessment

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

The application form confirms that the site is currently used for agricultural purposes, though no Agricultural Land Appraisal has been provided to determine the precise grade of land. Assuming a worse case scenario, the development could therefore result in the loss of Grade 2 land.

The applicants Planning Statement (PS) justifies loss of agricultural land based on the fact that the application site size (0.62ha) is a very small portion of the existing agricultural land parcel which it forms part of (16.5ha) and that this land will remain in agricultural use. Moreover, the PS makes reference to the need for the sites close association with the adjacent substation which provides that point of connection into the National Grid and fact that the development will only result in a temporary loss of the agricultural use.

It is recognised that the Fylde Borough has significant amounts of Grade 2 agricultural land available. Moreover, the extent of loss is minor and being located to the periphery of the larger agricultural field it would not compromise use for agricultural purposes. In addition life time of the development is restricted to 40 years and the land will be reinstated following removal. The temporary loss of agricultural land is not therefore considered to detrimentally impinge on this provision to an extent that refusal should be recommended.

### Highways

#### Policy Background

Policy GD7 states that development will be expected to be of a high standard of design and with regards to highway safety, criteria r) requires that proposals should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users.

#### Assessment

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The proposal will be accessed via an improved field access arrangement from Peel Road and provision of a single track road centrally onto the site. The scheme makes provision for improved visibility splays and has resulted in the need for removal of approximately 2m of hedgerow to facilitate provision. No parking spaces are designated. The development does not require inclusive access for all, indeed the submitted Highway Statement (HS) confirms that vehicular access will only be required for maintenance purposes once operational (up to 2 visits per week). The application is also accompanied by a Construction Traffic Management Plan (CTMP) which confirms the build timeframe to be approximately 6 months, with 'around 5 HGV and up to 10 LGV (cars/ vans)' trips expected daily and associated traffic routed to the site from the north via Peel Road, the A583 and M55. The CTMP clarifies that a construction compound will be formed on adjacent land to the south, providing office space, storage, car parking, loading/ unloading area for HGVs and welfare facilities.

Access to the application site is via the main road network which regularly accommodate larger vehicle movements. Given the low frequency of vehicle movements associated with the proposal, it is considered that the highway network can accommodate the proposal without detriment. Proposed access arrangements will improve visibility when egressing the site to Peel Road and provide for safe means of entry and exit.

The Highway Authority (HA) were consulted on the planning application and do not raise objection to the proposal subject to condition (scheme of highway works associated to construction of the access, pre-commencement road condition survey, appropriate surfacing of access).

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

Subject to the imposition of conditions suggested by the HA (excluding the road condition survey condition), it is not considered that this development would have an impact on highway safety or capacity in accordance with Policy GD7.

### **Relationship with Neighbours**

#### Policy Background

Policy GD7 requires high standards of design, and with regards to relationship of the development to neighbours it states that new development will be supported provided that the proposal would have no adverse effect on the amenity of neighbouring properties.

#### Assessment

It is considered that the sole amenity impacts to neighbours relates to noise disturbance from the operation of the development and any disturbances during the construction period. The nearest neighbours are located at a neighbouring caravan park with nearest caravans some 200m+ to the

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north west, a dwelling 250m to the north, and a farm house 200m to the south west. This distance is sufficient to ensure that the amenity of neighbours would not be undermined as a consequence of operational noise disturbance. It is also considered that the ambient noise levels are higher in this location due to road noise and this will act to reduce audible noise of the proposal at these receptors also.

It is inevitable that there will be disruption for residents during the construction period. This disruption however is temporary for the duration of the build and is therefore considered to be acceptable. Conditions can be imposed to reduce this disruption for neighbours with control of construction hours and provision of wheel wash facilities recommended.

Whilst it is common knowledge that private residences do not have a right to a view, it is confirmed that the proposal would not appear prominent or dominant in the outlook from neighbouring properties. The provision of landscaping will also act to soften the appearance of the development when viewed externally.

The Environmental Protection team have not objected to the proposal and it is considered that, with appropriate conditions in place concerning the construction period and requirement for landscaping, the amenity of surrounding neighbours can be protected, in accordance with Policy GD7.

### Ecology

#### Policy Background

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

The above policies are considered to reflect guidance within the NPPF21 with the additional requirement of biodiversity net gain.

#### Assessment

The submission includes a Preliminary Ecological Appraisal (PEA) which confirms that the application site comprises of a non-cereal crop (potato), associated bare ground and a length of hedgerow adjacent to Peel Road circa 90m in length. The PEA identifies the hedgerow to be of local importance and could provide a nesting opportunity for birds. The hedgerow, in combination with the agricultural land, could also provide a foraging and commuting habitat for bats. Other protected species (badger, water vole, otter, reptiles, amphibians, white clawed crayfish, invertebrates and invasive species) were categorised as having negligible importance.

The majority of the habitats on site are considered of low ecological value offering little to protected species. Mitigation measures proposed include retention of existing habitat features (hedgerow),

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safeguarding of protected species during construction and enhancement of habitat resultant from the landscaping proposals. The original landscape proposal was reported to represent a 14.72% net gain in habitat units and 253.48% net gain in hedgerow units. This net gain calculation has not been updated to reflect the revised landscape design, though is expected to be of increased value given the enhanced landscape design. Subject to the proposed mitigation it is considered that no habitat or species will be significantly affected.

The PEA also confirmed the presence of 9 statutory and 2 non statutory designated sites of nature conservation within 5km of the application site, including the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar, Ribble Estuary Site of Special Scientific Interest (SSSI) and National Nature Reserve. The PEA concluded that it was *'extremely unlikely that the proposed development will result in a 'likely significant effect' on any of the designations listed above or the qualifying features for which those sites are designated...'* for reasons outlined below:

1. The proposed development is not directly connected with or necessary to the management of the sites;
2. Habitat on site was considered unsuitable to support breeding birds listed as qualifying species of the SPA and Ramsar;
3. Habitat on site was considered unsuitable to support Natterjack Toad;
4. The distance between the site and both designated sites (minimum of 5 km) preclude the possibility of disturbance to species listed as qualifying features of both the SPA and Ramsar when occupying land included with the designations;
5. The distance (minimum of 5 km) between the site and both designated sites is considered sufficient to discount impact as a result of noise and air pollution;
6. The distance (minimum of 5 km) between the site and both designated sites is considered sufficient to discount impact as a result of water pollution to the designated sites as a result of the proposed development.
7. As part of a planning application to develop a solar array at Lawns Farm located 500 m south of the proposed development site, wintering bird surveys were undertaken by Avian Ecology between 2019 and 2021. The survey area included the current proposed development site and encompassed the entire surrounding land parcel. It was concluded that the land parcel included within the current assessment supported < 1% of the Ribble and Alt Estuaries SPA and Ramsar species populations and was therefore not considered functionally linked land to the SPA or Ramsar.

The submission demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species.

This can be achieved through the imposition of appropriate conditions including provision of the submitted landscape scheme and submission of a Landscape and Ecological Management Plan. Indeed the Council's ecological consultant (GMEU) agreed with the aforementioned report findings, subject to such conditions. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

### **Flood Risk and Drainage**

#### Policy Background

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Policy CL1 requires all new development to minimise flood risk and mitigate against the likely effects of climate change on present and future generations, suggesting a number of ways that this can be achieved including the use of sustainable urban drainage (SUDS) and directing development away from high flood risk area. Policy CL2 relates to surface water drainage and encourages use of SUDS, providing a hierarchy of solutions which include storage for later use, infiltration, use of ponds and finally tanks for storage on site.

### Assessment

The southern portion of the site is located within Flood Zone 1 (FZ1), whilst the northern section is located within Flood Zone 2 (FZ2) and 3 (FZ3). Submission of a Flood Risk Assessment and Outline Drainage Strategy (FRA) is a requirement for FZ2 and FZ3 development which has been submitted with the planning application.

The FRA confirms that the main source of flood risk to be from tidal flooding associated with overtopping or a breach in the defences along the Ribble Estuary with a high risk reported for the site as a consequence. The FRA reports flood risk from surface water and ground water to be of low-medium risk, and that associated to sewers and reservoirs to be very low. In mitigation for this flood risk, it is proposed to set the ground level of the development to 4.00mAOD, a maximum of 0.4m above existing levels, with a bund that envelopes the built form to a height of approximately 1m. The Environment Agency have not raised objection to the design of this mitigation concluding 'we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified...'

Due to the site's partial location within FZ3, flood risk sequential and exception testing is required to be undertaken in order to demonstrate that there are no preferable alternative sites located outside of FZ3.

The FRA has considered the sequential test, concluding that the site location is constrained by requirement for an electricity connection to the adjacent substation. Moreover, the initial assessment by your Officers raised concern for detachment of the development from the adjacent pylon line and substation site, resulting in the application site shifting in a northerly direction from its original location within FZ1. It is advised that the current location is most preferable from a visual and landscape character perspective, and, given the requirement for a connection to the National Grid, is considered to pass the sequential test. Moreover, it should also be noted that the FZ3 area does not cover the application site in its entirety, being restricted to approximately 1/3 land coverage.

With regards to the exceptions test, paragraph 164 of the NPPF21 provides further guidance and states that to pass the exception test it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The applicants flood risk assessment has also considered the exception test confirming that the development will provide additional energy benefits to the area by storing and supplying electricity in times of demand and requirement, and that the site design provides for mitigation against flood risk as discussed above. Comment from the Environment Agency confirms that the development will be safe without exacerbating flood risk elsewhere, subject to provision of the proposed mitigation measures. Moreover, the proposal would be of local and regional benefit by improving capacity to support future development and relieve the national grid system. It is therefore considered that the proposal passes the exception test also.

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The FRA provides detail of surface water design resultant from the run off of rainfall from hardstanding areas, proposing either ground infiltration or discharge to a local water course. The LLFA standing advice is applicable in the circumstances of this proposal which confirms that they have no objection to the development, and advisory notes are applicable which encourages the retention of surface water within the boundary of the development. The applicant has been made aware of these comments, and an Informative outlining these comments is advised to be attached to the decision notice.

The Environment Agency and LLFA have reviewed the FRA, and have no objection to the proposal, subject to condition requiring implementation of the FRA, commenting that the proposal would be safe, would not be at risk from flooding or exacerbate flood risk elsewhere. The LPA considers that the sequential and exception tests have been correctly applied.

On this basis, it is considered that adequate measures can be put in place in order to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### **Other Matters**

Lancashire Fire and Rescue Service are not a statutory consultee on this particular type of planning application. Notwithstanding, they have however provided comment requesting that a fire risk reduction strategy be developed by the applicant, and that safety measures and risk mitigation is developed in collaboration with them. The requirements for a Risk Reduction Strategy go beyond what could be required by the planning process.

The Fire service also comment that that risk of fire should be minimised and have made a number of suggestions. The majority of suggestions relate to matters outside the jurisdiction of planning though should be covered by other Legislation, such as Building regulations, in any event, and it is noted that the Fire Service have not raised objection to the scheme on such grounds.

Notwithstanding, the importance of the Fire Service concerns are recognised, thus reference to their comments, including the need for a Risk Reduction Strategy, will be added as an Informative to the decision notice.

### **Conclusions**

This current proposal seeks consent for a battery energy storage system and is similar in nature to a previous development that was approved on appeal at this site, following refusal by Officers under delegated powers. That previous development granted consent for a gas powered grid support plant and battery storage facility and that determination forms a strong fall back position which is material in the assessment of this current planning application.

In his deliberations, the Planning Inspector considered the principle of development in light of the 7 criteria of Policy GD4, concluding that the proposal conformed with criteria d) since the scheme constituted being 'essentially needed for the continuation of an existing enterprise'. Moreover whilst the Inspector concluded that the proposal would harm the countryside, he was of the view that this impact would be mitigated by the landscaping proposals.

The current proposal is similar in type to that considered by the appeal Planning Inspector by virtue that it would also provide 'real time electricity and capacity which can be drawn upon so that there is

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

always a secure supply'. In this respect the same conclusions as per the appeal case can also be drawn concerning the principle of development. Moreover, the development would be physically linked to the substation and National Grid system, thus it is related to the operation of that existing facility. On this basis the battery energy storage system proposed is considered to be essentially needed for the continuation of an existing facility, in accordance with criteria d) of Policy GD4.

Criteria d) of GD4 is subject to a further test concerning harm to the character of the surrounding countryside. The Officer assessment of the gas powered grid support and battery storage facility raised concerns for landscape and visual impact, which resulted in refusal of that application on such grounds. This current proposal is considered to be of betterment when compared to that of the gas powered facility since the site is not as intensively developed, the scale of structures are smaller, and landscaping is enhanced. Notwithstanding, it is Officer opinion that the previously reported concerns for landscape and visual impact are still of relevance to the current proposal.

Nevertheless, in his assessment of the appeal the Planning Inspector considered the matter of landscape and visual impact, concluding that the development *'would harm the character of the countryside, having regard to the LS (Landscape Strategy for Lancashire), but this harm would be satisfactorily mitigated by landscaping.'* Whilst landscape and visual impacts must be acknowledged, it is considered that this appeal decision outweighs the concerns raised.

Moreover, the development will only be in situ for a 40 year temporary period, the reported landscape and visual impacts are therefore reversible and will be removed following decommissioning of the BESS. The proposal is considered acceptable in all other respects.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Site Location Plan - drawing no. BESS338-12-SLP-A

Planning Redline Area 20MW Battery Energy Storage System - drawing no. BESS338-13-RL

Site Layout 20MW BESS - drawing no. BESS338-13-SL

Landscape Masterplan - drawing no 0446-001 rev 06

South Elevation Views existing and post installation - drawing no. BESS338-13-SEL

West Elevation Views existing and post installation - drawing no. BESS338-13-WEL

East Elevation Views existing and post installation - drawing no. BESS338-13-EEL

North Elevation Views existing and post installation - drawing no. BESS338-13-NEL

West Elevation Views Planting at 1 and 15 years - drawing no. BESS338-13-WEL-1-15

East Elevation Views Planting at 1 and 15 years - drawing no. BESS338-13-EEL-1-15

North Elevation Views Planting at 1 and 15 years - drawing no. BESS338-13-NEL-1-15

South Elevation Views Planting at 1 and 15 years - drawing no. BESS338-13-SEL-1-15

Battery, PCS and Transformer Cabinets - drawing no. BESS338-11-BAT



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Control room - drawing no. BESS338-11-CTRM  
DNO Substation - drawing no. BESS338-11-DNO  
Client Switchroom - drawing no. BESS338-11-SWRM  
Auxiliary Transformer - drawing no. BESS338-11-TR  
Welfare Room - drawing no. BESS338-11-WLRM  
Mesh Security Fence - drawing no. BESS338-11-MF  
2.5m CCTV Column with horn speaker - drawing no. BESS338-11-CCTV-A

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

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

3. Within five days of the battery energy storage system (BESS) facility first becoming operational, the site operator shall issue written confirmation notifying the Local Planning Authority of the date upon which that use commenced.

Reason: To clarify the terms of this consent and assist the Local Authority to monitor the lifespan of the development required by condition 4, in order to facilitate the site decommissioning and restoration in the interests of visual amenity, landscape character and to ensure its future productivity for agricultural purposes, in accordance with Policies CL3 and ENV1 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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

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

- a) Details and a schedule for the dismantling of all apparatus (including hardstandings) associated with the BESS.
- b) Details and a schedule of all surface treatment and landscaping works required to return the site to its former agricultural use.
- c) areas designated for the loading, unloading and storage of plant and materials;
- d) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- e) arrangements for the parking of vehicles for site operatives and visitors;
- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;

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- i) off site highway works to facilitate access to the site by all vehicles;
- j) measures to control the emission of dust and dirt during the construction period;
- k) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- l) the siting, luminance and design of any external lighting to be used during the construction period;
- m) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.
- n) A timetable for implementation.

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

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

5. Notwithstanding the requirements of condition 4 of this permission, if the battery energy storage system (BESS) facility hereby approved fails to be used for a continuous period of 12 months, the BESS and all associated above and below ground infrastructure shall be removed from the site within a period of 6 months from the end of that 12 month period and the land restored to its former appearance in accordance with a restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The restoration scheme shall include:

- a) Details and a schedule for the dismantling of all apparatus (including hardstandings) associated with the BESS.
- b) Details and a schedule of all surface treatment and landscaping works required to return the site to its former agricultural use.
- c) areas designated for the loading, unloading and storage of plant and materials;
- d) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- e) arrangements for the parking of vehicles for site operatives and visitors;
- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- i) off site highway works to facilitate access to the site by all vehicles;
- j) measures to control the emission of dust and dirt during the construction period;
- k) measures to monitor and control noise and vibration during the construction period, including the management of complaints;

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- l) the siting, luminance and design of any external lighting to be used during the construction period;
- m) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.
- n) A timetable for implementation.

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

Reason: The BESS function is to store energy prior to transfer of this energy to the National Grid during times of need. The benefits arising from this function provide the principal justification for the development's siting within the Countryside Area. If the BESS ceases to fulfil this function it will no longer be fit for purpose and this justification will not exist. In such an instance, the land should be restored to its former appearance/use in the interests of preserving visual amenity, landscape character and a productive agricultural use, in accordance with Policies CL3 and ENV1 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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

Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, unless otherwise agreed in writing by the Local Planning Authority all of the structures and equipment shown on drawing titled 'Battery, PCS and Transformer cabinets' (drawing no. BESS338-11-BAT) shall be coloured Olive Green (RAL 6003).

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

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

7. The development hereby approved shall be constructed in complete accordance with the submitted Flood Risk Assessment & Outline Drainage Strategy (Ref: RSK ADAS Ltd, 680386-R2(01)-FRA, May 2023). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

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

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing titled 'Landscape Masterplan' (drawing no 0446-001 rev 06) shall be carried out during the first planting season following completion of the development.

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 prior to first use of the BESS facility.

Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, 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.

10. All existing and newly planted hedgerows shall be allowed to grow to and be maintained at a minimum height of 3m.

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.

11. No part of the development hereby approved shall be commenced until a landscape and ecological management plan (LEMP) has been submitted to, and be approved in writing by the local planning authority. As a minimum, the content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of 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(ies) responsible for its delivery. The plan shall also set out (where the results from

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monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be managed in accordance with the approved LEMP thereafter.

Reason: To ensure that appropriate measures are put in place to manage the biodiversity measures proposed in order to mitigate the development's potential effects on habitats and species of biodiversity value, and, to achieve the intended biodiversity net gain, in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

12. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with 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.

13. Prior to commencement of the development hereby approved, a scheme for the design and construction of the development's access (the layout and position of which is shown on drawing titled Site Layout 20MW BESS (ref: drawing no. BESS338-13) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

Provision for any gates or barriers to be erected a minimum of 5 metres away from the back edge of the carriageway and that they do not open over the highway.

Provision to ensure that the final surfacing of the first 5 metres of the access road entering the site from the carriageway does not contain any loose material that is capable of being drawn onto the highway.

The site access shall be constructed in accordance with the approved scheme before any works associated with the construction of the development and site compound first take place, and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

14. Unless alternative details are subsequently submitted to and approved in writing by the local planning authority the development shall be constructed in complete accordance with the submitted Construction Traffic Management Plan (ref: RSK, 111172, May 2023).

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

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

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

Reason: To safeguard the amenities of the occupiers of adjoining residential properties, in accordance with Policy GD7 of the adopted Fylde Local Plan to 2032 (Incorporating Partial Review).

16. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, prior to the installation of any external lighting on the site an External Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. As a minimum the scheme shall include:

- (i) location of lighting,
- (ii) details of the type of lighting (pole or building/ structure mounted),
- (iii) spillage, luminance and angle of installation; and
- (iv) any shields, hoods or timers to be fitted to the lights,

Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

### Informative(s)

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

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

2. Crane Height Informative

The developer is advised that in the event that the construction of the development hereby approved is to be undertaken using a crane that exceeds a height of 10m above ground level to the tip of any jib or other point, then the details of the dates that the crane is to be present at

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site, its specific location within the site, and the specific timing that it is to be extended above that height are to be provided to Blackpool Airport no less than 28 days before its arrival at site. This is to ensure that air safety is not compromised by this activity. Contact: [nick.bentley@blackpoolairport.com](mailto:nick.bentley@blackpoolairport.com)

### 3. Fire Service Informatives

The applicants attention is drawn to comments received from Lancashire Fire and Rescue Service, importantly with regards to the need for a Risk Reduction Strategy as stated in the Regulatory Reform (Fire Safety) Order 2005.

### 4. Lead Local Flood Authority Informative :

The Lead Local Flood Authority advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.

### 5. Environmental Permit Informative

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

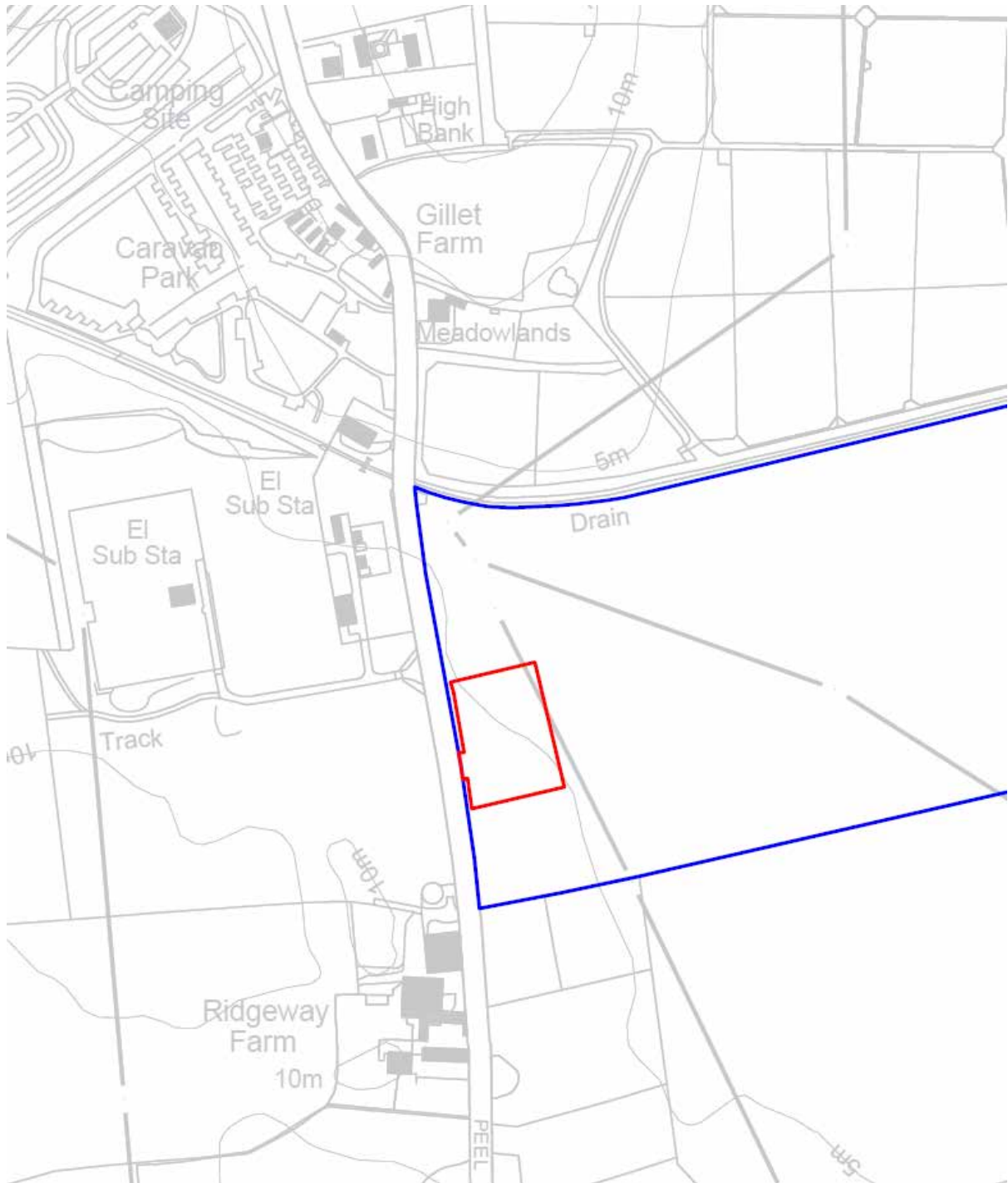
- on or within 8 metres of a main river (16 metres if tidal).
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).
- on or within 16 metres of a sea defence.
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. The following guidance on the rights and responsibilities of riverside ownership is available on the GOV.UK website: <https://www.gov.uk/guidance/owning-a-watercourse>

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Location Plan for Item 4 (23/0125)





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### Item 5

<b>Application No:</b>	23/0226	<b>Case Officer:</b>	Beth Winstanley Area Team 1
<b>Applicant:</b>	THE ROOMS	<b>Agent:</b>	THE ROOMS
<b>Location:</b>	35 CHURCH ROAD, LYTHAM, LYTHAM ST ANNES, LANCASHIRE FY8 5LL		
<b>Proposal:</b>	VARIATION OF CONDITION 5 (OPENING HOURS) OF PLANNING PERMISSION 20/0755 – TO ALLOW PREPARATION OF FOOD AND DRINK AND ITS CONSUMPTION IN THE APPROVED DINING AREAS OF THE PREMISES BETWEEN THE HOURS OF 08:00 HOURS AND 22:30 HOURS ON ANY DAY.		
<b>Ward:</b>	Clifton	<b>Parish:</b>	
<b>Statutory Expiry:</b>	8 September 2023	<b>Earliest Decision:</b>	11 July 2023
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent		<b>Online application file</b> <a href="#">here</a>

**Summary of Officer Recommendation:** Grant

#### Summary of Officer Assessment

The application proposes the variation of a condition that is attached to a planning permission that was granted at a previous meeting of the Planning Committee, and so this application is presented to Committee also for consistency and to reflect the Scheme of Delegation.

The application relates to “The Rooms”, which is at 35 Church Road in Lytham. This is a three-storey semi-detached property which operates as a guest house. The property is adjoined to the west by a care home and is neighboured to the east by a residential dwelling, with all other neighbouring land uses being residential. The property is within the settlement area but is outside of the defined Lytham Town Centre.

Planning permission 20/0755 was granted on 11 December 2020 to use part of the ground floor accommodation of the guest house as a dining room to provide meals for both guests and non-guests. This has 16 covers internally and 8 externally in a rear yard area located immediately to the rear of the building.

This permission is subject to a series of conditions designed to ensure that the use is undertaken in a way that minimised the risk of its operation harming the amenity of neighbouring residents, including those in the adjoining care home. The proposal now presented seeks to vary the condition to this original permission to lengthen the opening hours of the restaurant from the approved 08:00 – 18:00 to 08:00 – 22:30. The application explains that the additional time that non-guests would be able to use the premises in the evening is to assist with their attractiveness as a food destination and so would broaden their potential customer base. This condition only relates to non-guests as the existing guest house planning permission allows for the premises to provide evening meals to guests if they wish.

The application is supported with a noise assessment to provide details of the potential impacts that the increased opening times could have on surrounding neighbours. The noise report concluded that the additional noise would sit comfortably within that expected of a daytime use and therefore would not create an unacceptable degree of harm to surrounding occupants. The

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council's Environmental Protection Team have reviewed this and do not dispute the findings, and so raise no objections to the scheme.

It is considered that the proposed increase in opening hours for non-guests to dine at the premises will not create an unacceptable degree of harm to the amenity of surrounding occupiers. With the modest scale of the operation and the physical separation both internally and externally assisting with that. There are also no restrictions on parking outside the premises, and with the town centre car parking areas within a short walk and the accessible location of the site by bus and train it is considered that there are unlikely to be any concerns in that regard.

A planning decision needs to balance the economic benefits with any environmental or social harms from a development. Whilst the council took a cautious approach initially by restricting dining to day times only, it is considered that the arrangements at the site allow a more flexible approach to this and so the condition can be varied as requested without an undue risk that it will create harm to neighbours. The proposal will comply with criteria c) and h) of policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and is therefore be recommended for approval.

### **Reason for Decision Level**

The application is a variation of a condition application which relates to planning permission 20/0755 which was approved at the 11 December 2020 meeting of the Planning Committee. As this condition was imposed by Committee as part of that decision the variation of it also needs to be brought to the Planning Committee for a decision.

### **Site Description and Location**

The application site is no. 35 Church Road, Lytham. This is a three storey semi-detached property situated on the south side of Church Road midway between Clifton Square and Lytham Cricket Club.

Its current use is as a guest house with 6 bedrooms, with this use being granted in 2005.

A planning application was approved in 2020 (ref 20/0755) for the change of use of part of the ground floor of the premises to create a restaurant within the dining room and external garden area for use for both the guest house residents and members of the public.

The area is predominantly residential but there are some commercial uses including an adjoining residential care home. The site is located within the settlement of Lytham and the Lytham Conservation area as designated in the Fylde Local Plan to 2032 (Incorporating Partial Review).

### **Details of Proposal**

Planning permission is sought to vary a planning condition that was imposed by Committee in line with the officer recommendation on planning permission 20/0755 which allows the use of the dining room element of the property by non-guests during the day time.

This application proposes a variation of that time restriction to allow the consumption of food and drink at the premises by non-guests between 08:00 and 22:30. No alterations are proposed to any other conditions, such as those relating to the capacity of the property or the location of the dining area. No physical changes are proposed to the building as part of this proposal.

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### Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
05/0604	CHANGE OF USE FROM DWELLING HOUSE TO GUEST HOUSE WITH MANAGERS ACCOMMODATION	Granted	25 July 2005
06/0007	CHANGE OF USE FROM DWELLING TO GUEST HOUSE WITH ALTERATIONS TO REAR ELEVATION	Granted	<u>v</u>
20/0047	CHANGE OF USE OF GUEST HOUSE (CLASS C1) WITH OWNER'S ACCOMMODATION (CLASS C3), TO A MIXED USE TO ALLOW AN EATING ESTABLISHMENT (CLASS A3) TO PART OF THE GROUND FLOOR WITH OUTDOOR SEATING AREA TO REAR	Refused	18 March 2020
20/0755	CHANGE OF USE OF PART OF GROUND FLOOR OF EXISTING GUEST HOUSE (CLASS C1) WITH OWNER'S ACCOMMODATION (CLASS C3) TO A MIXED USE TO ALSO INCLUDE THE SALE OF FOOD AND DRINK FOR CONSUMPTION ON THE PREMISES (CLASS Eb) TO PART OF THE GROUND FLOOR AND REAR GARDEN, WITH INSTALLATION OF EXTRACTION FLUE SYSTEM IN ROOF TO REAR AND REPLACEMENT FRONT DOOR (RESUBMISSION OF APPLICATION NO. 20/0047).	Granted	11 December 2020

### Parish/Town Council Observations

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

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection Team	<i>Having read and reviewed the submitted noise assessment, I am happy with its findings.</i>

### Neighbour Observations

**Neighbours notified:** 21 March 2023  
**Site Notice Date:** 21 March 2023  
**Press Notice Date:** 6 April 2023  
**Number of Responses** Total number of comments 12 (11 in objection and 1 support)

**Summary of Comments** The comments objecting to the proposed application are summarised as below:

- Noise nuisance from users
- Noise disruption from outdoor dining area
- Parking issues
- Additional traffic
- Additional litter within surrounding areas from intoxicated people leaving premises.
- Not appropriate for its residential location

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- Evening use will disturb surrounding residents
- Increase in antisocial behaviour
- Concerns regarding glass disposal of glass bottles from alcohol sales.
- Increase risk to health and safety to local residents through additional food waste causing bacteria and vermin as well as accidents due to additional vehicles visiting the site.
- Odours from daily cooking will stop local residents from being able to open windows.

Additional objections submitted following a neighbour re-consultation are summarised below:

- the noise assessment dated 19 June 2023 significantly underestimates the noise generated from the eating establishment.
- The level of noise and disturbance is considerable, particularly from the external area. It is obvious that the noise and disturbance generated by a commercial restaurant is significantly greater than that experienced during the previous ad hoc and occasional use by the residents of the guest house alone.
- Calculations shown are wrong in regard to noise levels – own calculations show much greater noise increase which is unacceptable.
- The proposed extension of operational hours to 22:30 hours on any day would result in noise levels that are significantly above the current background noise level and have a significant detrimental impact on our living environment as a residential property.
- Whether there is a takeaway service or not is irrelevant – there should not have any type of restaurant in residential area.
- No control over the amount of noise diners would make & it is noisy now when people have been drinking & lunching & sitting outside - it is very unfair to the elderly residents of neighbouring care home.

Comments supporting the proposed application are below:

- Application supported directly by policy GD6 and indirectly by Policy EC7. Hospitality businesses have been disproportionately damaged as a result of central government actions over the last 3 years. The existing operating hours represent could prejudice this tourist accommodation in the future.

### 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.

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

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)

GD7 – Achieving Good Design In Development

ENV5 – Historic Environment

### **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**

#### **Background to Application**

The lawful use of the premises is as a guest house, with that use having occurred for around 18 years. It is understood that there are 6 rooms in the property alongside the operator’s accommodation. The guest house use involves providing meals for residents with one half of the ground floor set aside for that and featuring a dining room running for the full length of the main part of the building, the kitchen area in the rear outrigger, and an external terrace to the rear.

In March 2020 a planning application was received which sought to widen the use of this area to allow for non-residents to be provided with meals. This was refused due to concerns over the potential for this activity to cause noise nuisances associated with the internal and external use, or nuisances associated with the cooking and refuse storage, and parking concerns. The applicant then submitted an application to vary their Premises Licence to allow for this use, and that was granted by the licensing panel following a hearing. Subsequent to that a further planning application was made for this use, with that supported by additional information including a noise assessment.

That application was considered at the Planning Committee meeting in December 2020 with planning permission being granted subject to controls over the number of covers, the provision of fume extraction, control over the refuse arrangements, and to control the timing of non-resident use to limit it to daytime only. A specific reference was also made to prevent cooking outside of those hours given that this was at a time when many restaurants were offering takeaway meal services whilst they were unable to trade normally due to lockdown restrictions.

#### **Current Proposals**

This application seeks to vary the approved hours when non-residents can be catered for to extend these into the evening to 10.30pm, with the intention of the operator being that this would allow the business to provide an evening meal service rather than just the day time café style offer that they are currently able to provide. No changes to the scale or location of this use, or physical changes to the

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

building are proposed.

When it was first submitted the application provided limited supporting information to allow a consideration of the main issues which are noise nuisance to neighbours, and parking. Officers engaged with the applicant and an update of the 2020 Noise Assessment has since been provided and the subject of consultation with the council's Environmental Protection team and a notification to neighbours.

### Principle of Development

Whilst the premises is not located in a town centre location, it is one that is in a commercial use that falls within the hospitality sector. With that in mind the consideration of the planning application in 2020 to allow non-residents to be catered for at the premises concluded that this use was acceptable in principle as an extension of the existing, and well-established, lawful hospitality use of the premises.

The extension of the trading hours of this use as is proposed under this application does not alter that situation or bring any new planning concerns over matters of principle such as the impact on the town centre. The key assessments are those relating to the implications of this use.

### Potential Noise Disturbance

The neighbours to the site are predominantly residential, with the property that is attached being a care home. This brings a potential for noise disturbance from the use of the premises to occur that could be harmful to the amenity of these residents. To assist in the consideration of potential disturbance, a noise assessment was submitted by the applicant and its content reviewed by the council's Environmental Protection Team. This makes a series of points that seek to justify the acceptability of the change:

- The relevant British Standard (BS4142:2014) refers to daytime as extending until 23.00,
- The internal dining element of the building is at ground floor and is separated from the only adjoining neighbour (care home) by the central hallway to the building and the occupiers private lounge. This separation will significantly minimise the potential for noise transference
- The external dining area is limited in size and is separated by a garden wall and the outrigger to the building from neighbours to the side, with a wall and some distance to the rear.
- The Noise Assessment indicates that the mitigations provided by these distances and features is expected to result in noise levels that are less than the background noise which is largely road noise.

The Environmental Protection team have confirmed that they have no objections to the application based on the content of this Noise Assessment and their judgement of the issues.

Your officers concur with this approach based on their assessment of the size of the dining area and available kitchen, the arrangement of the property and its relationship to neighbours, and the views of the internal consultee on this matter. It is noted that a number of residents from around the site have expressed concerns over the potential for noise nuisance to be generated, but officers believe that it is unlikely in the circumstances. It would also be the case that should a noise nuisance be generated then there are powers available to the local authority through the Environmental Protection legislation for that nuisance to be addressed.

### Other Potential Amenity Issues

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

The original decision expressed concerns over the absence of any detail over the fume extraction arrangements. This has since been provided as part of the decision granted in 2020 and officers were able to witness this facility at site visit.

Similarly, there were concerns over the location and arrangements for refuse storage from the use. This was also addressed at the time for that decision in 2020. The potential to extend trading hours of the business for non-residents does bring the possibility that more waste will be generated, but there are no suggestions that the existing facility will not be suitable. This is again a matter that the relevant environmental protection or food hygiene teams would respond to should there be issues of this nature at any licensed premises.

There have been a number of comments received expressing concerns over the shortfall of parking arrangements in the area. The premises does not have any on-site parking. There are no parking restrictions on this part of Church Road outside the premises, although there are double yellow lines on the opposite side of that road. Clearly as an existing guest house business some visitors will arrive by car and so utilise space on the surrounding roads, as could those visiting during the day under the existing planning permission permitting non-resident use of the dining area. Whilst additional visitors to the premises for evening meals could utilise on-street parking in the area, they could equally access the premises by public transport, or on foot if living or staying locally to the premises. It is also possible that visitors could park in the town centre car parking areas with the car park at Lytham Station 350m away, that at Pleasant Street 450m away, and that on The Green also 450m away. Given the limited scale of the dining area available, and the availability of these parking and transport options, it is not considered that the lack of parking associated with premises could justify a reason for refusal.

### Conclusions

The proposal relates to the extension of the opening hours of a lawful café/restaurant located at the ground floor of a guest house in Lytham. The extension sought will look to increase the evening opening hours from 18:00 to 22:30.

The application has attracted a level of opposition based largely on concerns over the impact of the extended trading on the amenity of neighbouring occupiers. Having considered these comments alongside the submitted noise assessment, the views of the council's Environmental Protection team, and the scale and logistics of the dining area within the premises, officers are satisfied that there is no undue risk of the extended dining creating a detrimental impact on neighbouring amenity.

The potential for other harmful impacts has also been considered, as has the likely economic benefits to the business and so local economy from extending this use. As an overall conclusion it is found that the proposal would comply with criteria c) and h) of Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review). As such, the proposal will be recommended for approval.

This is subject to a series of conditions which are all carried forward in slightly amended terms from the 2020 planning permission to reflect that the dining use has now commenced and so are now worded simply to provide the appropriate control over the scale and location of the use, the hours of that use and the continued use of the fume extraction and refuse facilities at the site to allow that use to continue with proper regard for these environmental considerations.

### Recommendation

That Planning Permission be GRANTED with the following conditions:

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

1. This permission relates to the following plans:

- Location Plan - Drawing no. 112-1-001
- Proposed floor and elevation Plans - Drawing no. 112-2-001 REV. B

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

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

2. The consumption of food and drink at the premises associated with the Class E(b) Use hereby permitted shall be limited to no more than 16 internal and 8 external covers, with these provided in the areas designated for dining shown on drawing no. 112-2-001 REV. B listed in condition no. 1 of this planning permission.

Reason: To limit the potential for noise and other disturbances to be generated by the additional use in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy GD7 and the aims of the National Planning Policy Framework.

3. The consumption of food and drink in the dining areas permitted by this planning permission as set out in condition 2 of this permission, and the preparation of any food for consumption off the premises (other than associated with the occupier's domestic use of the property) shall only take place between 08:00 hours and 22:30 hours on any day.

Reason: To limit the potential for noise and other disturbances to be generated by the additional use in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy GD7 and the aims of the National Planning Policy Framework.

4. Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the preparation of food shall only be undertaken when the fume extraction equipment authorised under application ref 21/0062 are installed and operational.

Reason: To limit the potential for odour nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy GD7 and the aims of the National Planning Policy Framework.

5. Unless alternative details are first submitted to and approved in writing by the Local Planning Authority refuse storage arrangements shall be provided in the location indicated on the site plan approved under condition 1 of this planning permission whenever the building is operated for the dining use hereby permitted. All refuse generated by the site shall be stored in this location in appropriately sized and sealed receptacles, with regular arrangements introduced for this to be emptied by an appropriate commercial contractor.

Reason: To ensure the provision of appropriate refuse storage and handling facilities to ensure that commercial waste is dealt with in a manner that does not create any harmful implications

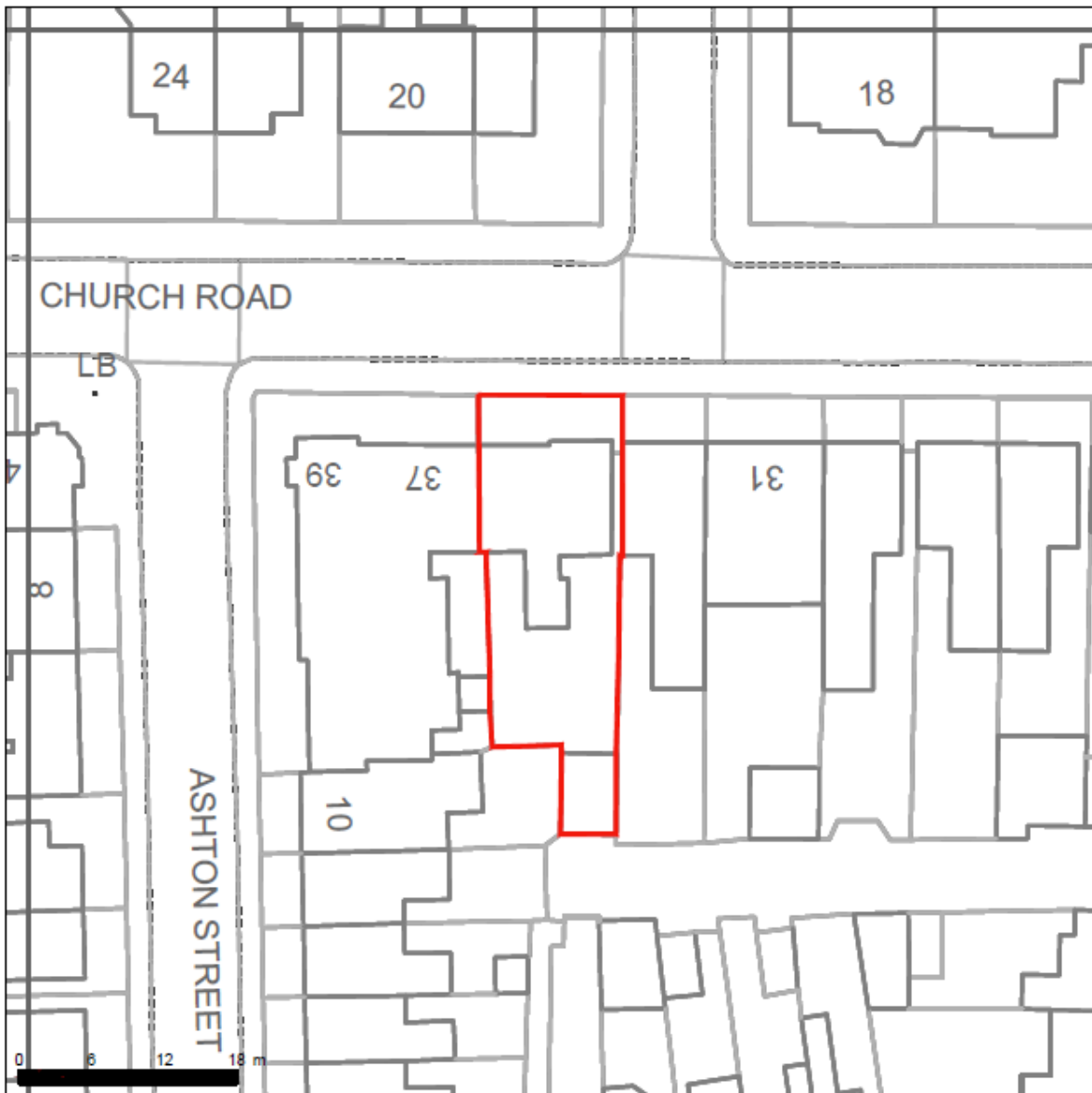


## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

to visual or neighbouring amenity in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies GD7 and ENV5 and the aims of the National Planning Policy Framework.

AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

Location Plan for Item 5 (23/0226)



## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### Item 6

<b>Application No:</b>	23/0515	<b>Case Officer:</b>	Kenneth Jim Area Team 1
<b>Applicant:</b>	FYLDE COUNCIL	<b>Agent:</b>	MR DAVID CROFT
<b>Location:</b>	COMMUNITY CENTRE BIRLEY STREET KIRKHAM LANCASHIRE PR4 2AN		
<b>Proposal:</b>	EXTENSION AND ALTERATION OF THE BUILDING: 1) FRONT EXTENSION TO FORM ENTRANCE TO NEW TOILET AND SHOWER ROOM, 2) MODIFICATION OF WINDOW TO FRONT ELEVATION TO FORM DOUBLE DOOR ENTRANCE TO MAIN BUILDING, 3) HARD AND SOFT LANDSCAPING TO FRONT OF BUILDING, 4) BLOCKING UP OF EXISTING DOOR TO SOUTHERN ELEVATION.		
<b>Ward:</b>	Kirkham	<b>Parish:</b>	Kirkham
<b>Statutory Expiry:</b>	14 September 2023	<b>Earliest Decision:</b>	14 August 2023
<b>Reason for any delay:</b>	Not applicable		Online application file <a href="#">here</a>

**Summary of Officer Recommendation:** Grant

#### Summary of Officer Assessment

This application relates to the extension and alteration of Kirkham Community Centre. The application site can be accessed from Mill Street.

The proposed development consists of 4 components as stated below:

- 1) Front extension to form a new toilet with shower room and the associated entrance.
- 2) Modification of windows to front elevation to form double door entrance to the main building.
- 3) Hard and soft landscaping to the front of the building.
- 4) Blocking up of existing door to southern elevation.

The proposed development is supported by Kirkham Town Council. During the consultation period, no neighbour observations have been received.

The proposed development is at a very small scale. It is assessed that the proposed extension and alteration works will not lead to any negative impacts to the appearance and character of the neighbourhood. Regarding the parking arrangement, the net loss of 1 parking space due to the reconfiguration of disability spaces to a proper standard is considered acceptable and will not lead to any traffic and highways safety concern.

Overall, the proposed development is considered to be in line with the requirements of Policy GD1 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review). Therefore, it is recommended for approval with 3 conditions relating to the time limit, use of materials and compliance with the submitted drawings.

#### Reason for Decision Level

The applicant is Fylde Council and so it is necessary to present the application to the Planning Committee for a decision.

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

### Site Description and Location

The application site is the Kirkham Community Centre with site area of 750 square metres. Located at the edge of Kirkham Town Centre, the community centre can be accessed from Mill Street. Visitor car park is at the front of the application property entrance. A supermarket (Morrison's) is at the west of the property, sharing Mill Street as the main access route. The application site is within the settlement boundary of Kirkham/Wesham as designated on the Fylde Local Plan to 2032 (incorporating partial review).

### Details of Proposal

The planning application is to seek planning permission for extending and altering the building associated with the introduction of a 'Changing Places' toilet facility. The proposed development consists of 4 components as stated below:

- 1) Front extension at length of 1.125 metres and width of 3.752 metres to form a new toilet with shower room and the associated entrance.
- 2) Modification of windows to front elevation to form a double door entrance to the main building.
- 3) Hard and soft landscaping at the front elevation of the building.
- 4) Blocking up of existing door to southern elevation to form a storeroom.

For component No.3, part of the existing planting bed will be removed to provide landing in tarmac for the changing room and the dropped kerb for the new entrance. The drawings have confirmed that the materials of new structure will be matched with the existing structure.

### Relevant Planning/Appeal History

There is no relevant planning history to this application.

### Parish/Town Council Observations

Parish/Town Council	Observations
Kirkham Town Council	<u>Comments received on 24 July 2023</u> <i>"Town Council supports this proposal and have no objections."</i>

### Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

### Neighbour Observations

Neighbours notified: 24 July 2023  
Number of Responses: 0

### Relevant Planning Policy & Government Guidance

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

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

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 Kirkham/Wesham)

GD7 - Achieving Good Design in Development

EC5IR - Town Centre

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**

The application is located within the settlement boundary identified on the FLPPR Policies Map. According to policy GD1, the development proposal on sites within settlement boundaries will be assessed against all relevant local plan policies.

#### **Impact on Appearance and Character of the Neighbourhood**

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). For the case, criteria d), h), i) and n) are of great relevance to this application.

Regarding appearance, the proposed extension is considered as very small scale when compared with the existing structure size. The extended part at the front is expected to be blended into the soft landscape of the front elevation. With the use of matching materials and having similar dimension, the new entrance door will be compatible with the existing structure.

The effect of blocking up the existing door at the side elevation facing the south will be very limited with the use of brickworks identical to the existing side wall. Viewing from Birley Street, as the existing exit door is about 2 metres above the street level, the blocked door will not be easily noticed.

The application site and its visitor car park are well surrounded by soft landscape. Therefore, the proposed development will create minimal visual impact to the surroundings. Overall, the limited scale of development has ensured the character of the area being unchanged and so the scheme satisfies the requirements of Policy GD7.

#### **Parking Arrangements**

The proposed development will lead to net loss of 1 parking space as a consequence of providing enhanced mobility parking arrangements at the site. This loss is partly because of the two existing disability spaces do not meet the current accessible parking standard, and partly to allow appropriate

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

access to the new facility. The existing spaces adjacent to the front elevation need to be modified to ensure that the two disability spaces having appropriate access zones.

Notwithstanding this loss, the overall parking arrangements for the community centre (42 car spaces and 2 disability spaces) are considered appropriate and will not impose unacceptable effects on highway safety. As a consequence, criteria j of FLPPR Policy GD7 has been complied.

### Conclusions

This application relates to the extension and alteration of the Kirkham Community Centre. The proposed development consists of 4 components (front extension, modification of window to form an additional entrance, hard and soft landscaping works at the front and blocking up of existing door to south elevation).

Having viewed the proposal on site, considered the town council observations and assessed the scheme against the relevant policies of the development plan, it is concluded that the development accords with the objectives of those policies. As there are no material considerations that outweigh the need to determine the application in accordance with the development plan, it is recommended for approval.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Plan No. 23 1254 L01
- Existing Floor Plan and Elevation - Plan No 23 1254 EX 01 (Rev: A)
- Proposed Plans and Elevations - Plan No 23 1254 P01 (Rev: A)

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 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

## AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

### Informative(s)

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

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

# AGENDA FOR 6 SEPTEMBER 2023 PLANNING COMMITTEE

## Location Plan for Item 6 (23/0515)





## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 SEPTEMBER 2023	5
<b>MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS</b>			

### PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor K Buckley).

### PURPOSE OF THE REPORT

Towards the end of 2023 the developers of the Morgan and Morecambe Offshore Windfarm projects are proposing to commence their statutory pre-application consultation process ahead of submitting their application for a Development Consent Order (DCO) to the Planning Inspectorate in line with the Nationally Significant Infrastructure Projects (NSIP) provisions. This report sets out details of the proposed development, considers the process for representations to that consultation to be made on behalf of Fylde Council and seeks to establish a small group of members with whom the Head of Planning may consult in exercising his delegated authority to comment on the proposal during the determination process.

### RECOVERABILITY

This decision is recoverable under section 5 of part 3 of the constitution.

### RECOMMENDATIONS

1. That members of the Planning Committee note the details of the proposed offshore windfarms and associated onshore connection infrastructure.
2. That the Committee nominate up to four members with who the Head of Planning can consult prior to exercising delegated powers to make representations regarding any future pre-application and application submitted under the National Significant Infrastructure Projects procedure.

### REPORT

1. Three offshore wind projects are currently planned in the Irish Sea: The Morgan Offshore Wind Project; The Morecambe Offshore Windfarm and The Mona Offshore Wind Project. It is proposed that the Morgan and Morecambe Projects, which combined will generate almost 2GW of energy, will be connected to the National Grid via a substation at Penwortham near Preston. This element of the proposal is referred to as The Morgan

and Morecambe Offshore Wind Farms: Transmission Assets project. Figure 1 below shows the location of the various proposals and full details of the proposals are available via the developer's [information hub](#).

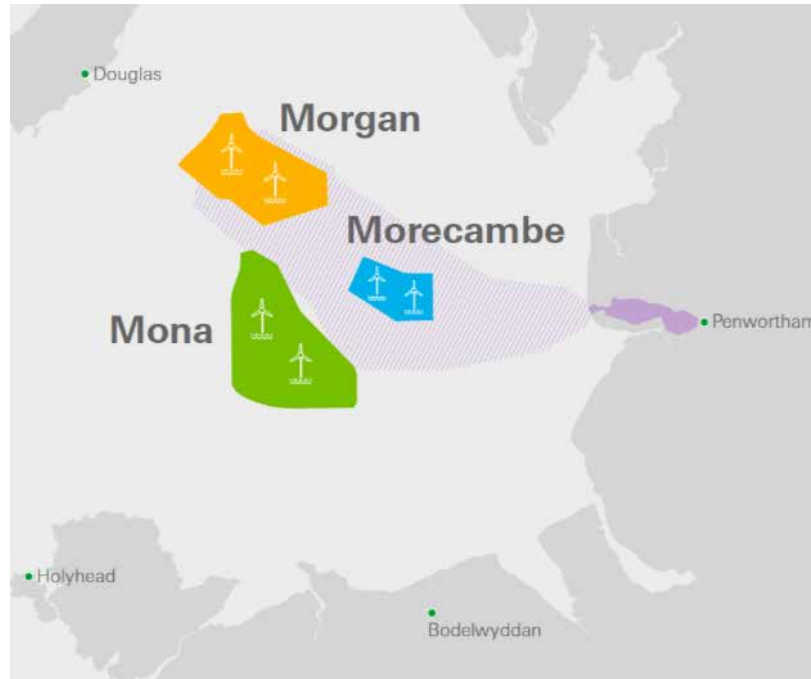


Figure 1: Location of Irish Sea windfarm proposals and transmission route

2. The wind farm projects, which will be located approximately 30km (19 miles) off the coast of northwest England and expected to generate power for 60 years, were awarded licences during The Crown Estates' Offshore Wind Leasing Round 4 bidding process.
3. The Government classifies major energy projects as Nationally Significant Infrastructure Projects (NSIPs). Instead of submitting separate applications for the various consents and licences required in order to allow major projects of this nature to go ahead, consent to construct, operate and maintain, and decommission is given via a Development Consent Order. Accordingly, rather than a planning application being submitted to the local planning authority for consideration, an application will be submitted directly to the Planning Inspectorate with the final decision being made by the Secretary of State for Energy Security and Net Zero.
4. Whilst the impacts of the offshore windfarms themselves are likely to be limited to distant views, the onshore element of the link to Penwortham is proposed to run through the borough of Fylde, with the initial consultation proposal indicating that the cables would come ashore in the vicinity of Squires Gate, run across the borough before crossing the River Ribble at a point between Freckleton and Clifton.
5. The proposal would see a series of cables routed alongside one another to provide a connection of the capacity required. Above ground infrastructure would be required at (or close to) the landing point with the cables themselves being buried at a depth of around 1 metre with periodic inspection chambers along the route. The current search parameters indicate that a temporary construction corridor of up to 120m in width would be required to undertake that work to provide for the storage of spoil, haul roads, contractor compounds, etc. Along the length of the proposed route there is existing infrastructure (roads, rail line, airport, Liggard Brook and other drainage routes, etc.), sensitive landscapes (ecological designations at the beach and estuary, green belt, etc) and people's homes, so there is potential for significant impacts from this element of the project.
6. In addition to the transmission route, the consultation also refers to 4 indicative onshore substation search areas. Search area 1 is an area south east of Kirkham, north east of Freckleton and west of Newton-with-Scales, but excluding Hall Cross and Kirkham Prison. Search area 2 is an area south of Newton-with-Scales bordered by the Preston New Road (A584) and the Blackpool Road (A583) to the north east. It does not include Newton Bluecoat Primary School. Search areas 3 and 4, are located outside the borough of Fylde on the south side of the River Ribble and to the north of Longton and Hutton. The areas of search are shown in Figure 2.

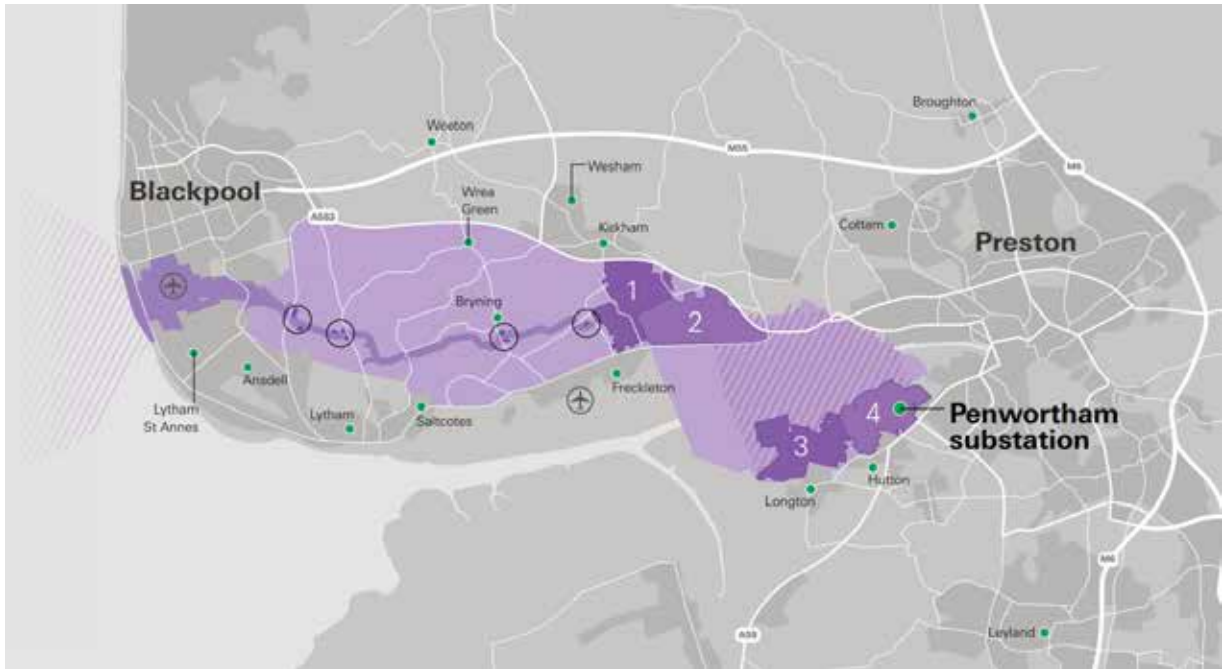


Figure 2: Area of Search for proposed transmission assets and onshore substation search areas

7. To maintain electrical independence, one substation will be required for the Morgan Offshore Wind Project and one for the Morecambe Offshore Windfarm. It is anticipated that the substations would cover a maximum combined permanent footprint of approximately 280,000m<sup>2</sup>, with a maximum height of the main structure/buildings being 25 metres. The promoters of the project indicate that landscaping and planting areas will be introduced in an attempt to minimise some of the visual impacts of these facilities.
8. As the area of search for the cabling route is extensive and the companies involved have been seeking to identify and contact landowners in that area, considerable public interest has been generated. Before carrying out their formal pre application consultation, the applicants have undertaken an informal preapplication consultation and have engaged with a number of bodies to assess the likely impacts of the proposal, including:
  - Physical processes, benthic ecology and fish and shellfish ecology.
  - Marine mammals.
  - Offshore and coastal ornithology.
  - Marine archaeology
  - Shipping and navigation.
  - Commercial fisheries.
  - Other sea users.
  - Onshore ecology.
  - Onshore historic environment.
  - Water/ground conditions (hydrology, flood risk, hydrogeology, geology, ground conditions).
  - Traffic and transport
  - Air quality, noise and health.
  - Land use, recreation and socio-economics.
  - Seascape, landscape and visual.
  - Aviation and radar.
9. In addition to the information available online, a series of public awareness events have been held by the developers across the area potentially affected by the development. It is expected that they will follow that up with other events as the project develops and matters become clearer.

## The NSIP Process

10. The transmission assets will form a separate submission to the windfarms themselves. In October 2022, the Secretary of State at the time (the Secretary of State for Business, Energy and Industrial Strategy) issued a direction under Section 35 of the Planning Act 2008 that the Morgan and Morecambe Offshore Wind Farms: Transmission Assets should be treated as a development for which development consent is required. As such the submissions will be made to and examined by the Planning Inspectorate before being determined by the relevant Secretary of State, now the Secretary of State for Energy Security and Net Zero. Fylde Council will be a key participant in that process which will take the form of a public inquiry to be held at a location and timescale that is yet unknown, but the developer is expecting to submit their application in 2024 to allow construction to commence in 2028 if a DCO is granted.
11. A detailed explanation of [the NSIP process](#) is available on the Planning Inspectorate's website, but essentially there are six stages of the development consent regime for Nationally Significant Infrastructure Projects:
- 1) Pre-application
  - 2) Acceptance
  - 3) Pre-examination
  - 4) The Examination
  - 5) Recommendation and Decision
  - 6) Post Decision
12. Over recent months the applicants have been conducting a non statutory pre application consultation ahead of the statutory pre application process that forms stage 1 of the process. The non statutory and statutory pre application stages are important parts of the process as once an application is submitted there is little opportunity to amend the submission proposal.
13. If the DCO application is accepted, a pre-examination stage will begin, with opportunities for local community members to register as an interested party on the Planning Inspectorate's website and request to take part in the examination process. The Planning Inspectorate will then examine the DCO application, with input from interested parties and statutory consultees. The examination period is expected to take a maximum of six months. Following the examination, the Planning Inspectorate will present its recommendation to the Secretary of State for Energy Security and Net Zero, who will then make the final decision on whether the DCO should be granted. It is anticipated that a final decision will be made on the application in 2025.
14. As set out above, any application for the proposed works will be submitted to the Planning Inspectorate. They in turn will write to the Fylde Council as a "Host Authority", i.e. a local authority in whose area a development proposal is situated, to ascertain the views of the council regarding proposal. The responses to these consultations are required to be made in line with statutory time limits and so it is important to put in place provisions that will allow these time constraints to be met, as the normal committee timetable will not always allow this to occur, Members are asked to nominate four members of the committee with who the Head of Planning will consult ahead of formulating his responses at the various stages of the NSIP process in line with the approved scheme of delegation.

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	

IMPLICATIONS	
Finance	The cost of making representations will be met from existing budgets.
Legal	The legal implications are set out in the body of the report.

Community Safety	None.
Human Rights and Equalities	None.
Sustainability and Environmental Impact	None.
Health & Safety and Risk Management	None.

SUMMARY OF PREVIOUS DECISIONS
None

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Nationally Significant Infrastructure Process	N/A	<a href="#">The Planning Inspectorate</a>
Morgan and Morecambe Offshore Wind Farms: Transmission Assets Information Hub	N/A	<a href="#">Morgan and Morecambe Offshore Wind Farms: Transmission Assets</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	mark.evans@fylde.gov.uk & Tel 01253 658460	August 2023

# INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 SEPTEMBER 2023	6
<b>TREE PROSECUTION AT BEECH ROAD, ELSWICK</b>			

**PUBLIC ITEM**

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

**SUMMARY OF INFORMATION**

The council had commenced prosecution proceedings against a developer (Applethwaite Ltd) and their contractor (Barton Civil Engineers Ltd) relating to unauthorised works that had caused damage to two protected trees on land adjacent to a residential development site at Elswick.

The prosecution against Applethwaite Ltd was subsequently withdrawn, but Barton Civil Engineers pleaded guilty to the offence that they were charged with and were duly convicted. At a Sentencing Hearing at Blackpool Magistrates on 2 August 2023, the Judge handed down a fine of £11,000 for the offence of wilfully damaging a protected tree with £7,000 costs.

**SOURCE OF INFORMATION**

Development Services and Legal Services

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

This information is presented to Members for information and will be promoted by the council in the hope that it acts as a deterrent to others who may be considering undertaking such works.

# INFORMATION NOTE

## TREE PROSECUTION AT BEECH ROAD, ELSWICK

### FURTHER INFORMATION

Applethwaite Ltd are constructing a development of 3 properties on land to the north of Beech Road in Elswick. As part of this development there is a requirement to construct a formal access to the site from the highway with standard kerbs and a footway. In implementing these works in July 2022 the contractor acting for Applethwaite removed sections of fencing that were in position to prevent construction works taking place in close proximity to a pair of protected trees on the frontage of the site with Beech Road. Those trees are protected by Tree Preservation Order 2018 No. 8 as a consequence of the positive contribution that they make to the streetscene in the area.

Having removed the fencing the contractors undertook construction works using an excavator with bucket instead of the agreed method of working which was to excavate material by hand so that the risk of damage to the roots of the trees would be minimised.

The council's planning enforcement team were alerted to this work and having viewed CCTV footage of the works that had helpfully been captured by a neighbour, they undertook further investigations. The council's tree officer, the Lancashire County Council tree officer, and the developer's own arboricultural consultant all agreed that the works were likely to lead to the early decline and loss of the trees, with one of them needing to be immediately removed as it was a safety risk to pedestrians and vehicles.

Further investigations took place including the commissioning of expert reports and the interviewing of various parties under caution to establish the facts of the case.

Due to the importance given to the protection of trees, and the disregard to that protection that had been displayed in this case, the council decided to commence prosecution proceedings. Following counsel's advice, the case against Applethwaite was dropped, but the action against Barton Civil Engineers continued on the basis that it was their staff who had actually undertaken the works.

Barton Civil Engineers pleaded guilty at a hearing of Blackpool Magistrates on 12 July 2023. A sentencing hearing was then arranged for 2 August 2023 when Barton Civil Engineers Ltd were convicted of wilfully damaging a Whitebeam tree in such a manner as to be likely to destroy it contrary to Section 210(1)(b) of the Town and Country Planning Act 1990. They were also convicted of wilfully damaging a London Plane tree contrary to the same legislation.

The District Judge involved in the sentencing determined that they should be fined £9,000, they should pay a £2,000 victim surcharge, and that they should pay £7,000 towards the council's costs. This leads to a total of £18,000.

Whilst these fines do not restore the trees or fully cover the council's costs in this matter, the action demonstrates the willingness of the council to pursue action against those who breach planning legislation and the fine is of a sufficient magnitude to act as a deterrent to others who may be considering such works.

### FURTHER INFORMATION AVAILABLE FROM

Contact: Mark Evans, Head of Planning, 01253 658460

# INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 SEPTEMBER 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 the following attached appeal decision between 21 July 2023 and 25 August 2023

For a copy of the decision letter click on the decision in the tables included in the appendix and follow the link to the Appeal where you will find the decision letter and other appeal documents.

### SOURCE OF INFORMATION

Development Services

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

To inform the Committee on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473



## Index of Appeal Decisions

Appeal decisions received between 21 July 2023 and 25 August 2023.

For a copy of the decision letter click on the decision in the tables below and follow the link to the Appeal where you will find the decision letter and other appeal documents.

<b>App. No.</b>	22/0551	<b>FBC Decision:</b>	Refusal	<b>Level:</b>	Delegated
<b>Location:</b>	LAND EAST OF 'HARFORD', PRESTON NEW ROAD, FRECKLETON, PRESTON, PR4 1HN				
<b>Description:</b>	PERMISSION IN PRINCIPLE FOR ERECTION OF UP TO TWO DWELLINGS				
<b>PINS Decision</b>	<a href="#">Dismissed</a>	<b>Date:</b>	24 August 2023	<b>Costs:</b>	N/A