

# Planning Committee Agenda

## Wednesday 15 May 2024

<b>Item</b>	<b>Appn No.</b>	<b>Location and Description</b>	<b>Officer Rec.</b>	<b>Page No.</b>
1	22/0461	LAND NORTH OF CROPPER ROAD, WESTBY WITH PLUMPTONS, LANCASHIRE	Delegate to Officers to approve	5
		FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING: 1) DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES 2) CONSTRUCTION OF 350 NO. DWELLINGS, 3) LANDSCAPING, 4) PARTIAL CLOSURE AND REALIGNMENT OF CROPPER ROAD, 5) NEW ACCESSES FROM CROPPER ROAD TO INCLUDE A LINK TO CROPPER CLOSE AND LEA GREEN DRIVE		
2	22/0755	BLACKPOOL AIRPORT ENTERPRISE ZONE, SQUIRES GATE LANE, LYTHAM ST ANNES, FY4 2QS	Grant	41
		APPLICATION FOR APPROVAL OF THE RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 22/0267 WITH THE SCOPE OF THE WORKS IN FYLDE BOROUGH LIMITED TO THE FORMATION OF A DETENTION BASIN, LANDSCAPING WORKS ASSOCIATED WITH THIS BASIN AND A SERIES OF HIGHWAY IMPROVEMENT WORKS		
3	23/0766	LAND TO THE REAR OF SMITHY HOUSE AND NORTH OF PRESTON OLD ROAD, NEWTON WITH CLIFTON, PRESTON PR4 0ZA	Grant	52
		HYBRID PLANNING APPLICATION COMPRISING: (1) FULL APPLICATION FOR PARTIAL DEMOLITION AND ALTERATIONS TO FORMER FORGE AND EXISTING GARAGE BUILDINGS TO PROVIDE CAR PORT AND CYCLE/REFUSE STORE TOGETHER WITH VEHICLE ACCESS, PARKING AND MANOEUVRING AREAS; AND (2) OUTLINE APPLICATION FOR ERECTION OF 5 X 1.5 STOREY DORMER BUNGALOWS WITH PRIVATE GARDENS AND A SHARED/COMMUNAL GARDEN (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)		
4	24/0075	TUNSTEADS, GREENHALGH LANE, GREENHALGH WITH THISTLETON. LANCASHIRE PR4 3HL	Grant	73
		CHANGE OF USE OF AGRICULTURAL BUILDING TO PROVIDE SELF STORAGE UNITS (USE CLASS B8) TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS TO BUILDING INCLUDING INFILLING OF EXTERNAL		

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

		WALLS ON NORTH, EAST AND WEST FACING ELEVATIONS AND FORMATION OF DOORWAYS TO NORTH FACING ELEVATION, PROVISION OF PARKING, RESURFACING OF ACCESS ONTO GREENHALGH LANE AND FORMATION OF PASSING PLACES ON ACCESS ROAD-		
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### Background Papers


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

- Fylde Local Plan to 2032 (incorporating Partial Review) – December 2021
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warnton 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 15 MAY 2024 PLANNING COMMITTEE

### Item 1

<b>Application No:</b>	22/0461	<b>Case Officer:</b>	John Copestake Area Team 1
<b>Applicant:</b>	WAINHOMES (NORTH WEST) LIMITED	<b>Agent:</b>	Gareth Salthouse
<b>Location:</b>	LAND NORTH OF CROPPER ROAD, WESTBY WITH PLUMPTONS, LANCASHIRE		
<b>Proposal:</b>	FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING: 1) DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES 2) CONSTRUCTION OF 350 NO. DWELLINGS, 3) LANDSCAPING, 4) PARTIAL CLOSURE AND REALIGNMENT OF CROPPER ROAD, 5) NEW ACCESSES FROM CROPPER ROAD TO INCLUDE A LINK TO CROPPER CLOSE AND LEA GREEN DRIVE		
<b>Ward:</b>	Wrea Green with Westby	<b>Parish:</b>	Westby with Plumptons
<b>Date Received:</b>	24 August 2022	<b>Earliest Decision:</b>	29 February 2024
<b>Reason for any delay:</b>	Decision deferred at previous Committee meeting	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Delegate to Officers		
<b>Location Plan</b>	 <p>The location plan shows a large rectangular site outlined in red, located north of Cropper Road. The site is bounded by Cropper Road to the south and east, and a road to the west. The map includes a north arrow, a scale bar, and a legend.</p>		

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Introduction

This application was on the agenda for committee on 17<sup>th</sup> April 2024 but was deferred. Since then, this report has been updated in the following ways:

- The Flood Risk and Drainage section has been updated to correct the explanation as to the requirement for a Sequential Test and to explain that the LPA considers the findings of the Sequential Test to be acceptable;
- The Masterplanning section has been updated to clarify that the applicant for one of the adjacent sites within the wider allocation has raised an objection; and,
- The Housing Choice and Density section has been updated with the correct housing mix (where the correct mix was already stated in the Proposed Development section of the report).

The remainder of the report and recommendation remain as previously circulated.

### Summary of Officer Assessment

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

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

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

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

A draft s106 agreement is at an advanced stage of preparation on the above basis. The applicant is not running a viability argument and therefore the proposal does not include any variation to the amounts requested by the relevant consultees and responsible bodies. It is therefore recommended that the Committee delegate the authority to officers to grant planning permission

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

for the development once these negotiations are satisfactorily concluded and the agreement signed, to draft a final series of planning conditions, and to continue to work with the developer to finalise some relatively minor outstanding matters of details associated with the layout of the scheme in a couple of areas.

### **Reason for Decision Level**

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

### **Site Description and Location**

The application site relates to two separate parcels of land to the west of Cropper Road and north of School Road, both falling within the wider Cropper Road West, Whitehills allocated site (HSS5) [the allocated site] in the Fylde Local Plan to 2023 (incorporating Partial Review) [the Local Plan]. The entire allocated site extends to 23.5ha, whilst the two parcels forming the application site extend to 11.5ha and 4.5ha (16ha in total), meaning that they make up two thirds of the allocated site.

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

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

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

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

### **Details of Proposal**

Planning permission is sought for the following:

- 350 houses, some with external garages, comprising:
  - 72 x two-bed;
  - 104 x three-bed;
  - 174 x four-bed; and,
  - Including 105 affordable houses (30% of the total number).
- Relatively large areas of open space for flood attenuation;
- Other open space through the site, including new tree and hedgerow planting, a new Local Equipped Area for Play [LEAP] and four trim trail installations (for informal exercise);
- Boundaries including retaining walls, walls, fences and railing;

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

- New internal access roads, footpaths, cycle paths, private driveways and parking areas;
- A diversion of the footpath across the site;
- Offsite highways works, notably including improvements to Cropper Road and nearby junctions; and,
- Other associated works, including a pumping station and highway connection points to other parcels within the allocated site.

The proposal includes the following contributions:

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

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

#### This application site

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

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

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

#### Neighbouring sites

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

- 23/0476: *Resubmission of planning application 21/0785 – erection of 62 affordable dwellings with vehicular access from Cropper Road, associated internal estate road, flood attenuation area and pedestrian/cycle links. The Garden Place, Cropper Road.*

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

### Parish Council Observations

Parish/Town Council	Observations
Westby with Plumpton Parish Council	<p data-bbox="568 555 1078 589"><u>Initial objection withdrawn on 11/02/2024</u></p> <p data-bbox="568 629 1390 835">The parish council accepts the development will take place as the land is earmarked for residential development within the Local Plan. The PC requests that the recent planning amendments are adhered to, particularly relating to drainage, infrastructure and services. The main thoroughfare must accommodate parked vehicles and a bus service simultaneously.</p> <p data-bbox="568 880 1390 981">Therefore, it was resolved to request these matters be considered but the parish council to withdraw its previous objections to the application.</p> <p data-bbox="568 1021 1099 1055"><u>Previous comments received on 16/07/2023</u></p> <p data-bbox="568 1095 1390 1373">The parish council is aware that the area outlined on the application is designated for residential development as noted within the Local Plan 2032. The parish council is in agreement that the land would be best suited for such a scheme as proposed by the applicants and, as such, in theory supports the application. However, there are several concerns that were highlighted previously and still remain – these will need to be successfully addressed in the opinion of the PC – as follows:</p> <ol data-bbox="568 1413 1390 1906" style="list-style-type: none"> <li>1. Drainage and flooding – including the run-off to neighbouring properties on Cropper Road and Bambers Lane. Confirmation that a suitable scheme is in place with no adverse effect on existing properties.</li> <li>2. The development of suitable infrastructure to accommodate the influx of people including doctors, dentists, travel routes and public bus services, primary and secondary education.</li> <li>3. Access and egress to the site on to 60mph highways – will these speed restrictions be lowered?</li> <li>4. Concerns over the height of the land being raised to accommodate construction – to what level will this be juxtaposed to the surrounding established areas?</li> <li>5. The development of a retail centre is proposed – is there any indication of services being proposed currently?</li> </ol>

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Statutory Consultees and Observations of Other Interested Parties

#### Summary of Responses

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

<b>Consultee</b>	<b>Summary of recommendation</b>
LCC Highways	No objection, subject to: amendments to infrastructure delivery plan; conditions; and, contributions.  <i>Officer note: the requested amendments to the infrastructure delivery plan have been secured.</i>
Greater Manchester Ecology Unit	No objection, subject to a range of conditions.
Environment Agency	No objection, subject to conditions.
Natural England	No objection, subject to appropriate mitigation and conditions.
Lead Local Flood Authority	No objection, subject to conditions.
United Utilities	Most recent response was to withdraw objection subject to conditions, 08/08/2023.
Environmental Protection	No objection, subject to conditions.
Local Education Authority	No objection, subject to contributions.
NHS Lancashire and South Cumbria	No objection, subject to contributions.
Trees	The council's tree officer has highlighted concerns over the potential to retain some perimeter trees that offer helpful screening for the development. This is the subject of on-going discussions with the applicant.

#### **Lancashire Country Council Highways**

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

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



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

The summary of comments is otherwise as follows:

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

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

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

### **Greater Manchester Ecology Unit**

No objection, subject to conditions.

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

### **Biodiversity Net Gain**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

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

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

### Bats

14/02/2024:

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

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

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

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

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

26/09/2024:

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

*assessment and or guidance has been provided to and agreed in writing by the local planning authority.*

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

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

### Other Protected Species

14/02/2024:

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

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

26/09/2024:

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

### Proximity to Ribble & Alt Special Protection Area

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

### Great Crested Newts

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

### Nesting Birds

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

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

### Other Mammals and Amphibians

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

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

### Invasive Species

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

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

### Species Mitigation

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Environment Agency

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

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

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

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

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

- *We are satisfied with the information provided in the Technical Note in relation to the description and functionality of the 5 proposed flood alleviation basins;*
- *We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented;*
- *Detailed design and maintenance of the compensatory flood storage areas must be secured via conditions;*
- *An Ecological Management Plan must be secured by condition, notably to ensure suitable BNG; and,*
- *Remediation strategies for managing contamination risk must be secured prior to each phase of the development commencing, with another condition for subsequent verification.*

### Natural England

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

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

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

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

### *Internationally and nationally designated sites*

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

### *Habitats Regulations Assessment (HRA)*

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

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

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

- *The provision and implementation of a CEMP which includes a sensitive lighting strategy, measures to protect existing vegetation and appropriate dust suppression and pollution measures, such as the measures outlined in Section 4.3.13 of the sHRA. This should be secured via an appropriately worded planning condition to limit impacts during the construction phase of the proposal on the supporting habitat utilised by qualifying bird species of the above designated sites.*

### Ribble Estuary SSSI and Wyre Estuary SSSI

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

*Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.*

### **Lead Local Flood Authority**

No objection, subject to conditions.

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

08/08/2023 response:

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

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

### *Lead Local Flood Authority - Site-Specific Advice*

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

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

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

### *Lead Local Flood Authority – General Advice*

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

### United Utilities

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

Previous response:

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

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

### Water pipelines

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

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

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

### Wastewater pipelines

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

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

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



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

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

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

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

### **WASTEWATER SERVICES**

*If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This*

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

*includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.*

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

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

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

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

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

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

### **Local Education Authority**

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

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

### **NHS Lancashire and South Cumbria**

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

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

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

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

	<b>Total Chargeable Units</b>	<b>Total</b>	<b>Project</b>
General Practice	350 (1066 persons)	£254,027	Towards an extension at Harris Medical Centre

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

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

*Justification for infrastructure development contributions request*

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

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

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

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

### **Environmental Protection**

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

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

### **Planning Policy**

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

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

### **Public Rights of Way**

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

### **Tree Officer**

The Council's tree officer has visited the site to look specifically at the likelihood of whether a belt of trees to the northern boundary of the site will survive the construction of the dwellings in that area, and so provide the filtering of the views of this elevated element of the site that is claimed in the submission. She has doubts over this and so there are on-going discussions between the Council and applicant over this matter to ensure that it is realistic that the trees can be retained, and so the approved dwellings not be overly stark in views of this part of the site, and so the gateway to the borough, from this aspect.

It is hoped that this will be satisfactorily resolved in advance of the Committee meeting and so final comments can be presented as part of the Late Observation Schedule.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Neighbour Observations

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

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

- Loss of open space and countryside character;
- Lack of school and medical places;
- Cropper Road is already insufficient to cope with traffic;
- Cropper Road should be upgraded, rather than a new link road being delivered;
- A new link road will harm amenity for existing residents;
- The data in the Travel Plan is out of date;
- The development will be congested with parked cars;
- The new development will affect character and tranquillity of existing, nearby residential areas;
- The new highways will increase risk for pedestrians;
- The loss of existing businesses on site is unacceptable;
- Opinion expressed that Wain Homes (the housing developer) are not suitable, with examples given of unfinished development of the adjacent Wain Homes site;
- Increased pollution, including noise during construction;
- Loss of space for wildlife;
- Loss of 'ancient bridle paths' and other space for horses;
- Local residents should have been provided more time to comment and a wider notification process should have been carried out;
- Existing access through the site to the businesses around the skate park must be retained;
- A response from Mark Menzies MP, made on behalf of a local resident, requesting matters relating to highways, noise and link road route impacts;
- A response from Turley on behalf of The Strategic Land Group, setting out that the Sequential Test Assessment relating to flood risk is deficient; and,
- A second response from Turley on behalf of the same group, noting errors in the committee report first published for the April 2024 committee. (**Officer comment:** *the committee report has since been updated to correct the explanation of the need for the Sequential Test, with the relevant details found primarily in the 'Flood Risk & Drainage' section of this report.*)

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

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

FLD2 - Flood Map Zone 2

FLD3 - Flood Map Zone 3

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

DLF1 - Development Locations for Fylde

EC1A - Employment Land Allocations

EC2 - Employment Opportunities

EC5 - Vibrant Town, District & Local Centres

ENV2 - Biodiversity

ENV4 - Provision of New Open Space

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

H1 - Housing Delivery and the Allocation of Housing Land

H1S - Strategic Housing Sites

M1 - Masterplanning the Strategic Locations for Development

INF2 - Developer Contribution

H2 - Density and Mix of New Residential Development

H4 - Affordable Housing

HW1 - Health and Wellbeing

T1 - Strategic Highway Improvements

SL2 - The Fylde-Blackpool Periphery Strategic Location for Development

T5 - Parking Standards

T4 - Enhancing Sustainable Transport Choice

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

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

NDG – National Design Guide

NMDC – National Model Design Code

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (10(b)). This relates to urban development projects and the guidance indicates that an Environmental Impact Assessment can be required for schemes that involve over 5 hectares of new development of 150 dwellings, as is the case here. As a result of this officers have screened the development for any potential environmental impact and

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

concluded that the application need not be accompanied by a formal Environmental Statement. This is primarily because much of the development is on an allocated site in the development plan, that it is not an ecologically designated site and is some distance from any such sites, and that the potential implications of the development proposals are likely to be restricted to the local area only in their impacts given the mitigation that can be imposed.

### **Comment and Analysis**

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

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

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

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

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

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

### **Comprehensive Approach**

The policy requires that the strategic locations for development be considered as a whole, with a comprehensive approach to making development sustainable. The applicant has provided a masterplan covering the wider application site and has shared this with the applicants for the other parts of the allocated site, with all parts being subject to live applications or appeals. The applicants for each site, with the exception of the scheme for 40 dwellings (21/0472), have confirmed agreement to the general principles shown. Discussions with the applicant for 21/0472 are ongoing and it is the view of officers that the masterplan gives rise to no fundamental issues in respect of this other site. The determination of the application before members would not prejudice the forthcoming

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

### Housing Choice and Density

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

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

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

On this basis, the Council's Planning Policy team were consulted and whilst they found that the proposed mix of 72 x 2-bed, 104 x 3-bed and 174 x 4-bed units (which equates to just over 50% being 1- 2- or 3-bed) was not strictly in accordance with guidance, that the mix could be considered acceptable where other benefits outweigh this issue. That is to say that any harm arising from the proposal not strictly according with policy in this regard is not considered to be insurmountable. The applicant sets out that their mix reflects a high demand for 4-bedroom houses, with reference to their own market analysis. Indeed, officers advised during discussions following submission that the recommendation to committee would be that the proposed mix was acceptable, assuming other material considerations indicated that the benefits would outweigh any harm.

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

In terms of the reference to M4(3) housing in Policy H2(5), the evidence base for the local plan did not identify a specific need for wheelchair accessible homes in the Cropper Road area of the Borough



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

itself. The Fylde Specialised Housing Background Paper (May 2016) instead extrapolated projected trends for an ageing population in Fylde and this informed Policy H2. The key objective is to provide housing that contributes to the needs of an ageing population.

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

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

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

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

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

### High Quality Design

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

### Local Employment and Local Needs

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

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Highways and Access

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

### Energy

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

### Open Space

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

### Ecology and Biodiversity Net Gain

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

### Flood Risk

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

### Principle of Development Summary

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

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

### **Flood Risk and Drainage**

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Planning Practice Guidance paragraph 7-027 sets out that a sequential test should be carried out for allocated sites where the test was not applied at the plan making stage.

A Sequential Test was submitted as part of the Planning Statement in July 2022. An updated Sequential Test was received and published on the public case file in October 2023. The drainage proposals have been subject to multiple consultations with the relevant statutory consultees since this was made available.

With regards to the Sequential Test, paragraph 168 of the NPPF sets out that:

*“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*

It continues in paragraph 169:

*“If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied (...)”*

The reference to wider sustainable development objectives is important. In considering the suitability of the allocation of the site through the Local Plan, full consideration was indeed given to the wider sustainable development objectives. The Inspector’s report makes no exceptions or caveats in relation to the allocation of the site, with the site being presented in the same way as the other large allocated sites.

With regards to the Exception Test, developers are required to demonstrate that:

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

The application is accompanied by a suite of documents relating to flood risk and drainage, notably including a Sequential Test and Exception Test, as well as a Flood Risk Assessment (November 2023), Flood Alleviation Technical Note (ref: HYD701 T01) and plans and modelling data.

The Council accepts the findings of the submitted Sequential Assessment, including the area of search, assessment of other sites and conclusions. One of the most pertinent matters is that the allocation of the wider allocated site is for the purpose of creating a critical mass of housing in the area to enable requisite services to be provided, notably including a local centre and public transport. Indeed, the Fylde Infrastructure Delivery Plan (2018) says that new development within the Fylde-Blackpool Periphery Strategic Location (this being the area of search within the Sequential Assessment) is required to enable delivery of sustainable local services. It is considered that there are no reasonably available alternative sites within the agreed area of search that could deliver the same benefits as the proposed development.

The flood risk designation of the site has had a significant impact on the design and layout of the scheme, with large areas required for attenuation, effectively comprising storage basins with the development platform being set above these. The submitted information shows that these will rarely

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

and infrequently hold water and as such the proposal includes landscaping, footpaths and cycle routes through these spaces but not other built development.

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

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

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

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

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

The Sequential Test has been reviewed and found to be acceptable with reference to the guidance set out in the Local Plan, the NPPF and the Planning Practice Guidance. The proposed development would accord with the Exception Test set out in Paragraph 172 of the NPPF, as well as Local Plan Policies CL1 and CL2. Notably, the proposed development would be safe for its lifetime and would not increase flood risk elsewhere.

### **Highways and Access**

Paragraph 117 of the NPPF sets out that all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

assessed. The application is supported by a Transport Assessment (ref: CT/15258/TA/02) and Travel Plan (ref: CT/15258/TP/01), as well as a range of other technical highway documents.

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

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

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

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

Most of the objections received from local residents referenced highway impacts, notably an increase in traffic, the poor condition of Cropper Road and existing and safety concerns. With regards to capacity, the technical information submitted with the application demonstrates that subject to offsite highway enhancements, the proposed development will not give rise to unacceptable impacts on the operation of the local highway network. With regards to the condition of Cropper Road, the offsite works include modifications and enhancements to Cropper Road, to improve the existing very poor surfacing and to divert traffic through the development from that road. With regards to safety, the submitted technical information demonstrates that the highways will be constructed to technical standards, with relatively extensive segregated pedestrian and cycle routes through the site, linking to the local area.

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

#### Layout

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

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

With regards to the position of the attenuation basins, the applicant has set out in their Flood Alleviation Technical Note (2023) the rationale behind their arrangement, seeking to explain why these areas of open space could not be better incorporated into the scheme, with an increased number of proposed dwellings having more active relationships to them. Some amendments were made to the orientation of houses and footpaths in and around these open spaces, to increase opportunities for overlooking and engagement, taking advantage of the benefits that can arise from open spaces within housing developments.

The arrangement of nearby highway infrastructure, as well as the position of the other parcels forming the wider allocation, has influenced the proposed arrangement of roads, cycleways and footpaths. The primary route through the site will effectively form a new link road, bypassing the existing route of Cropper Road. The proposed cycleways are predominantly offroad, with segregated links across the site and connecting up to the other parts of the wider allocated site. The proposals include details of how a link could be delivered between the two separate parcels of the proposed development,

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

although each section benefits from its own site access points. The general arrangement of a main link road, with shorter branching roads from it allows efficient use of the site.

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

### Design

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

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

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

Boundaries within the site are typical for a development of this nature, with close boarded timber fences along internal garden boundaries but brick piers with timber infill panels for garden boundaries exposed to direct public views from the proposed highways. Where rear garden boundaries are adjacent to footpaths and open space, they will be 1.5m close boarded fences with 0.3m high trellis sections on top. The majority of front gardens will have low hedge planting for boundaries, with the majority of front gardens also having tree planting which will soften the visual impact of hard boundaries within the site. The boundaries collectively will have a typical impact on character, securing a balance between providing privacy for rear gardens, whilst not being overly monotonous or overbearing.

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

### Impact on Character

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

### Design and Layout Summary

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

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

### **Residential Amenity**

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



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

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

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

It is inevitable that there will be some disruption for existing residents during the construction period. This disruption however is temporary, for duration of the build and would be controlled by a Construction Management Plan, to be secured via condition. This would control a range of matters, most notably including hours of operation, routing of traffic and management of dust.

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Ecology and Biodiversity Net Gain

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

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

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

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

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

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

Within the site, the development has the potential to impact upon protected species, including bats, owls, badgers, otters, voles and newts. The application is supported by surveys, including updated survey work carried out in March 2024, which demonstrates that the proposed development would not have unacceptable and harmful impacts on these or other protected species.

Whilst the proposed development affects large areas of currently open space, the proposed scheme would also include relatively extensive areas of improved habitat. The development would see the loss of one pond and a very small area of woodland, primarily replaced by grassland habitat creation.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Greater Manchester Ecology Unit have confirmed that the loss of the pond would in part be mitigated by the extensive retained ditch habitats on site, with the grassland being an acceptable habitat to be created onsite.

With regards to trees, the proposal includes the removal of some trees, as well as retention of others and extensive new tree planting throughout the site. As is reported in the consultee comments section the planning and tree officers are actively considering the impact on trees from an element of the development proposed for the northern perimeter of the site with Dickies Lane and so visible from Progress Way. This may involve some minor alterations to the layout and any comments arising from that will be provided in the late representations report to Committee. This is as a result of a further site inspection following the recent amendments to the landscaping and boundary proposals.

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

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

### **Public Open Space**

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

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

### **Affordable Housing**

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

Local Plan Policy H4 requires developments of ten or more dwellings to provide 30% affordable housing. The proposal equates to 31.5% and therefore complies with this requirement. This will need to be secured through clauses in a s106 agreement to be concluded in advance of any planning permission being granted.

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

### **Education**

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

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

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

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

### **Health Facilities**

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

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

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

### **Conclusions**

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

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

satisfies the requirements of that and the masterplanning requirements of the local plan for such strategic scale sites.

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

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

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

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

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

### **Recommendation**

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

#### **Element 1**

Further consideration of the layout of the proposed development, with specific reference to the relationship between the northern edge of the development and the tree cover at Dickies Lane South, and to consider the appropriate coordination and linkages with adjacent development sites, including revisions to the layout to address any justifiable concerns.

#### **Element 2**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

### Element 3

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

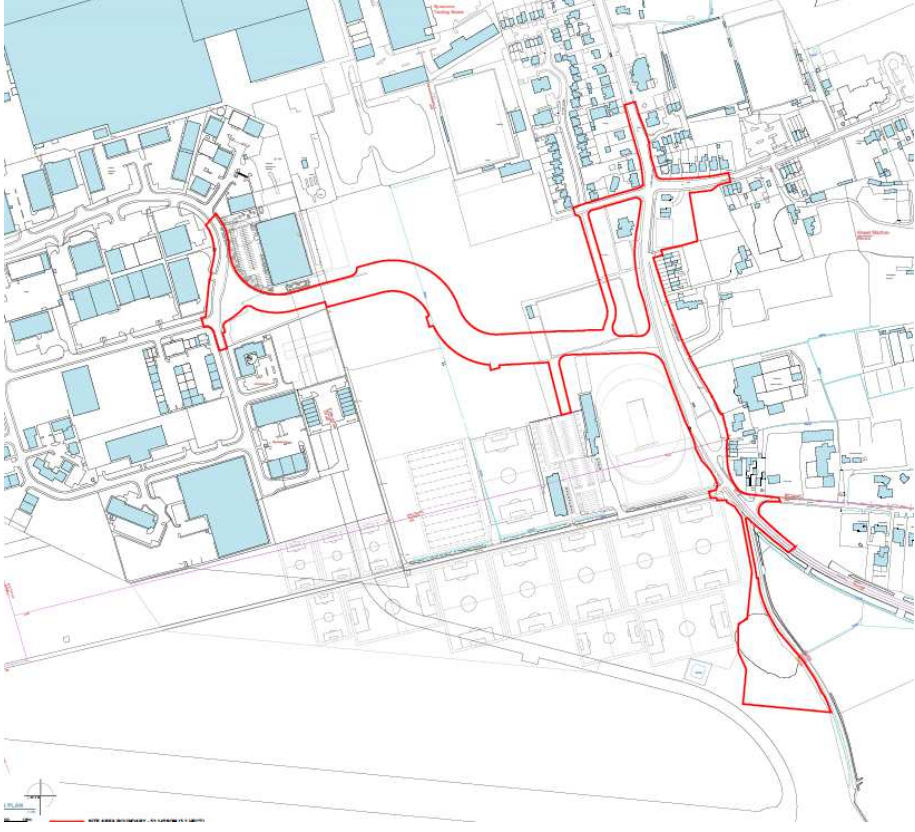
- The delivery, phasing, occupancy criteria and retention of 30% of the development as affordable housing.
- Funding to support the provision of a regular bus service linking the site with St Annes / Blackpool for a period of 5 years (along with other developers on the allocation)
- £258,577.92 towards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

### Element 4

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

**AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

**Item 2**

<b>Application No:</b>	23/0755	<b>Case Officer:</b>	Andrew Stell Area Team 2
<b>Applicant:</b>	BLACKPOOL COUNCIL	<b>Agent:</b>	MISS CLAIRE PARKER
<b>Location:</b>	BLACKPOOL AIRPORT ENTERPRISE ZONE SQUIRES GATE LANE LYTHAM ST ANNES BLACKPOOL FY4 2QS		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF THE RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 22/0267 WITH THE SCOPE OF THE WORKS IN FYLDE BOROUGH LIMITED TO THE FORMATION OF A DETENTION BASIN, LANDSCAPING WORKS ASSOCIATED WITH THIS BASIN AND A SERIES OF HIGHWAY IMPROVEMENT WORKS		
<b>Ward:</b>	Kilnhouse New	<b>Parish:</b>	St Anne's on the Sea
<b>Date Received:</b>	3 November 2023	<b>Earliest Decision:</b>	30 December 2023
<b>Reason for any delay:</b>	Awaiting consultation reply from key consultee	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Delegate to Officers		
<b>Location Plan</b>			

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

This application site is located immediately adjacent to the administrative boundary of the borough with Blackpool Council at Queensway / Common Edge Road in St Annes. The scheme is a cross-boundary development that means that approvals are required from both Fylde Council and Blackpool Council for the development to proceed, with the decision to be made by each authority to be limited to the works in their borough only.

The application relates to the approval of reserved matters subsequent to an outline planning permission that was granted for major development by Committee last year associated with the development of infrastructure needed to support the development of the Enterprise Zone at Blackpool Airport. Collectively this involves the construction of a new link road through the area to connect Squires Gate Lane via Amy Johnson Way through to Common Edge Road, along with associated works to the existing highway and drainage and landscaping works around those works. The elements in Fylde are limited to the formation of a detention basin to assist with site drainage and its landscaping, and the highway works at the Common Edge Road / Queensway / Division Lane junction. Members should note that these latter works have been completed as they were also the subject of a separate planning permission that covered just those works, but need to be included here as they also formed part of the outline permission.

The proposals have been the subject of consultation with the necessary statutory consultees and have been modified to address issues where they have been raised. The proposal as now presented provides an appropriate scheme for this infrastructure that will allow the future development of the Enterprise Zone to progress in due course once the infrastructure has been put in place.

The outline planning permission accepts the policy position with regards the benefit of the works to the borough despite the green belt designation, and the elements proposed here satisfy the requirement of Policy GD7 and ENV1 with regards their appearance and other design matters. Accordingly, it is recommended that reserved matters approval be supported.

As the drainage and landscaping works that are covered by the scheme are also the subject of planning conditions it is recommended that the authority to determine this application be delegated to officers. This approach would allow any minor changes to the scheme that arise as a response to the on-going assessment of the discharge of conditions to be incorporated into this reserved matters decision and is an approach that has the agreement of the applicant.

### **Reason for Decision Level**

Whilst the element of the application site that lies within Fylde Borough is modest, the overall scheme is for 'major development' and is a key part of the development of the Enterprise Zone. As such the Head of Planning considers that it is appropriate to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The red line of this application site extends to an area of around 13.6 Ha that is an irregular shape and lies to the east of the employment development at Amy Johnson Way (which is accessed off Squires Gate Lane) and Common Edge Road which is the northern extension of Queensway. As such the majority of the application site lies within the area of Blackpool Borough. There is a small section of



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

the site that is within Fylde Borough around the junction of Division Lane with Queensway/Common Edge Road.

In circumstances where the application site falls into more than one local planning authority area, as is the case here, planning permission must be secured from both authorities.

The area in Fylde is very limited and extends to the carriageway of Queensway for a distance of around 70m from its junction with Division Lane, a similar distance northwards along Common Edge Road from that junction which is to the borough boundary, the carriageway on Division Lane for around 50m, and an area of land to the west of Queensway to the immediate west of the public right of way that runs southwards and includes an area of marshy ground.

All the land that is in Fylde is designated as Green Belt under Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review). That part of the site that is to the west of the public right of way is designated as part of the Blackpool Airport Enterprise Zone under Policy EC4 of that Plan. The site is also covered by the St Annes Neighbourhood Plan which also designates it as Green Belt.

The public right of way referred to here is a track called Moss Edge Lane which runs to the west of Queensway from opposite its junction with Division Lane in a more direct route south to re-join Queensway closer to the junction with Kilnhouse Lane.

### **Details of Proposal**

#### **Scope of Application**

The application relates to the approval of the reserved matters to outline planning permission 22/0267. This is an outline permission that approved the principle of the development only, with this application seeking all reserved matters of access, appearance, landscaping, layout and scale.

The outline planning permission in question relates to an extensive scheme of works associated with the establishment of employment development on the Blackpool Airport Enterprise Zone site, with this accessed from a new link road that is to provide a connection between Common Edge Road and Amy Johnson Way to link to Squires Gate Lane.

Despite this wide scope the majority of the development is located within the administrative area of Blackpool Council. As such a 'twin' application has been made to that authority for the development which is located in their area. The scope of the assessment to be made by Fylde Council is much more limited as it solely relates to the elements of the wider scheme that are located in the borough.

For Member awareness the application with Blackpool Council remains under consideration and relates to the creation of a new point of access into the Enterprise Zone and provision of a new spine road from this access point to Amy Johnson Way, along with the associated highways works including reconfiguration of junction of Common Edge Road and School Road which themselves necessitate the demolition and site restoration of 2 School Road site with its associated surface water drainage and landscaping works.

A number of the matters under consideration here are also the subject of consideration under planning conditions to the outline planning permission and so are assessed under a separate application that has reference 23/0758. That covers a wider range of issues than this reserved matters submission and as a result is not yet ready for determination, but will be considered by officers under delegated powers as is normal for such applications.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Extent of Works

The reserved matters submission is for the three areas described below:

#### 1) Formation of detention basin

This is part of the surface water management arrangements for the site and is located to the west of Queensway and the south of Division Road West which is the road that provides the access to the sports pitches and pavilion which have recently been improved as part of the facilitation works for this scheme.

The detention basin is generally triangular in shape with an inlet to the northern corner and an outfall in the south east corner where it is controlled via a hydrobrake that will restrict flows. The detention basin measures circa 70m in a north-south direction and circa 60m in a east-west direction at the widest point of the triangle, with a potential depth of circa 1.5m. It is designed to provide storage for surface water as part of a network of swales, ponds and other features elsewhere on the site before it is released to Moss Edge Lane watercourse. Given the scale of the site this will handle the surface water from part of the site only with other elements going to Trebaron Watercourse and to the sewers on Amy Johnson Way.

#### 2) Landscaping of detention basin

As landscaping is one of the reserved matters the scheme includes the arrangements for this, which are provided in a schedule of planting within and around the pond, and a maintenance programme for that planting. There have been some concerns over elements of this raised by Blackpool Airport and it is expected that revisions to address that will be with the council shortly. The landscaping is in the form of a grassed cover to the basin itself, a wildflower mix around the edges, and an area of trees and shrubs to the south east corner to soften the views of the engineering works needed to provide the outfall.

#### 3) Highway Works

The scheme includes the provision of a new link road to connect Common Edge Road / Queensway with Amy Johnson Way/Squires Gate Lane. The majority of these works are in Blackpool but there are some consequential works located in Fylde. These relate to the alterations to the cycle lane, footway, pedestrian crossing point and junction at Division Lane / Queensway that were completed in 2023. These works were authorised under planning permission 22/0852. That application was submitted in parallel to the outline planning permission that this scheme relates to as its early approval allowed those works to be lawfully undertaken in advance of the wider highway alterations that are required under this application.

### Relevant Planning/Appeal History

The planning history for the area of the enterprise Zone and surrounding land, including this application site, fall into four elements.

The applications that have direct relevance to the current proposal are the outline planning permission for the development in question, the condition discharge application that relates to the details that are required to satisfy its conditions, and the planning permission for the highway works. These are listed below.

The other three elements are omitted for clarity and relate to:

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

- the revised location and enhancement of the open space / sporting facilities at the site,
- the earlier developments that relate to the sporting facilities prior to that recent enhancement.
- a number of applications at the Squires Gate Lane side of the Enterprise Zone including a current hybrid application that relates to a series of new buildings to be served off the new link road when it has been constructed, and on part of the airport land. This will be presented to a future meeting of Committee when ready.

Reference	Description	Decision	Date
23/0589	HYBRID PLANNING APPLICATION RELATING TO ENTERPRISE ZONE DEVELOPMENT CONSISTING OF FULL APPLICATION FOR THE CONSTRUCTION OF NEW ACCESS ROADS, EXISTING HIGHWAYS IMPROVEMENT WORKS AND DRAINAGE WORKS; AND OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF 4 NO. HANGARS, A COMMERCIAL UNIT (CLASS B2 / E(G)) AND CAR PARKING, ALONGSIDE ASSOCIATED INFRASTRUCTURE WORKS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED.	Undetermined	
22/0852	HIGHWAY IMPROVEMENT WORKS TO COMMON EDGE ROAD, QUEENSWAY AND DIVISION LANE INCLUDING PROVISION OF ASSOCIATED DRAINAGE WORKS	Granted	13 December 2022
23/0758	APPLICATION TO DISCHARGE DETAILS REQUIRED BY CONDITIONS ON PLANNING PERMISSION 22/0267 - CONDITION 5 (DISPOSAL OF SURFACE WATER), CONDITION 6 (SURFACE WATER MANAGEMENT & MAINTENANCE), CONDITION 7 (DETENTION BASIN DETAILS). CONDITION 10 (HIGHWAY WORKS) AND CONDITION 11 (CONSTRUCTION METHOD STATEMENT)	Undetermined	
22/0267	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR BUSINESS, INDUSTRIAL AND STORAGE/WAREHOUSING USES (CLASSES E, B2 AND B8) AND ANCILLARY BUSINESS AND SUPPORT FACILITIES AND HIGHWAY IMPROVEMENT WORKS	Granted	04 August 2023

### Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<p><u>Comments received on 19 December 2023</u></p> <p><i>We support this application in accordance our Neighbourhood Plan Policy SS1.</i></p>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	They provided interim comments in January 2024. These confirm that they have concerns over some elements of the highway

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

	<p>arrangements. As an overall point they confirm that the design works in theoretical terms, but <i>“will result in some residual operational issues/deficiencies on the local highway network”</i>. They confirm that these are not sufficient to justify an objection but they highlight there are a number of layout and legal matters that require attention in advance of them providing final comments:</p> <ul style="list-style-type: none"> <li>• A road safety audit</li> <li>• Confirmation that the junction arrangement will entirely be the responsibility of Blackpool Council.</li> <li>• Raise a query that the junction may not operate as modelled.</li> <li>• Provide a series of issues with the layout that was shown at that time, specifically relating to turning vehicles, provision of parking for existing dwellings, a pinch point in the shared use pedestrian / cycle route, and the arrangements for signing.</li> </ul>
LCC Public Rights of Way	<p>Highlight that the works are in close proximity to the Bridleway that runs to the west of Queensway. They do not raise any objections, but make a series of suggestions as a consequence of this proximity:</p> <ul style="list-style-type: none"> <li>• Surface water should be channelled away from the right of way</li> <li>• The right of way should not be obstructed during construction works or used to store associated materials or vehicles</li> <li>• The trees or bushes that are to form the landscaping should not encroach within 3m of the public right of way to limit the potential for obstruction and future root damage to the surface.</li> <li>• That there will be a formal process to follow should there be any requests for temporary closures or more permanent diversions as a consequence of the works.</li> </ul>
Environment Agency	<p>Confirm that they have no additional comments to make on the application beyond those which were made on the original outline application. These comments did not raise any objection to the application, but offered advice about the need to investigate for site contamination.</p>
Lead Local Flood Authority	<p>Raise no objection to the application, but request that the pre-commencement conditions on the outline are not discharged at this time.</p>
FBC Drainage Engineer	<p>Reviewed the scheme on submission and made a series of requests for clarification regarding minor elements of the design, the extent of futureproofing for climate change, and confirmation of the maintenance arrangements. Revised plans and additional details have since been provided in response.</p>
Natural England	<p>Confirm that they have no comments to make on the application.</p>
Sport England	<p>They made initial comments in December 2023 which raised objection to the development on the basis that there was a lack of clarity over how the sports pitches and playing field would remain</p>

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

	<p>available during construction, how spoil from the construction of the detention basin would be removed from the site without causing damage to those pitches, what measures would be in place to avoid balls from the pitch getting into the detention basin, and clarification over how the outfalls would be designed so that there is no impact on the operation of the adjacent pitch to that location.</p> <p>Further comments were received in January 2024 in which their position changes to remove the above objection subject to the imposition of a condition that ensures that a fence is retained during construction to separate the construction area from the nearby playing field so that it can remain operational during those works.</p>
Blackpool Airport	<p>Raise no objections to the development but highlight a series of concerns:</p> <ul style="list-style-type: none"> <li>• Some of the proposed planting could grow to a height that may impact on flight safety equipment and so should be replaced with alternative species.</li> <li>• The potential for the detention basin to hold standing water could attract bird species that could then impact on flight safety. They make suggestions including netting of the surface, the construction of the pond with steep sides to limit access, and the use of decoys to deter bird activity in this location to assist in mitigating this impact.</li> <li>• They refer to a need for future design arrangements in the scheme to take account of the impact of the ILS requirements of the Airport operation.</li> </ul>
National Air Traffic Service	Raise no safeguarding objections.

### Neighbour Observations

<b>Neighbours notified:</b>	28 November 2023
<b>Site Notice Date:</b>	29 November 2023
<b>Press Notice Date:</b>	28 November 2023
<b>Number of Responses</b>	Total number of comments      1
<b>Summary of Comments</b>	<p>The comments are submitted to the discharge of condition application rather than this reserved matters submission, but raise a series of concerns to some elements that are pertinent to this submission. These are summarised as:</p> <ul style="list-style-type: none"> <li>• They raise technical queries with the design of the surface water drainage arrangements for the whole site which relate to the assumptions made in the Flood Risk Assessment</li> <li>• They comment on the design of the road within Blackpool and the level of vehicle movements it could take and how this could lead to greater pollution of the water network</li> </ul>

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

- They query the efforts made to survey the existing ground conditions
- Raise concerns over the potential for the site to be elevated above existing ground levels and so could cause flooding to existing properties
- Query whether a maintenance track that is proposed to support the servicing of the detention basin will require a separate planning application
- Refer to the potential impacts on the surrounding road network, particularly School Road, from the proposed highway changes and how this can impact on their use by vehicles horses and, cyclists and pedestrians

### **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):**

EC4 - Blackpool Airport Enterprise Zone

GD2 - Green Belt Lytham St Annes)

GD7 - Achieving Good Design in Development

CL1 - Flood Alleviation, Water Quality and Water Efficiency

### **Saint Anne’s on The Sea Neighbourhood Plan**

On 24 May 2017 Fylde Borough Council agreed to make the Saint Anne’s on The Sea Neighbourhood Plan under Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004. The Saint Anne’s on The Sea Neighbourhood Plan now forms part of the Development Plan for Fylde Borough Council.

### **Other Policies and Guidance**

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle and Scope of Consideration**

As with any reserved matters application, the principle of the development was approved with the decision on the outline planning permission. As such the matters for consideration here are only those

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

which relate to the reserved matters which are outstanding. Whilst all reserved matters are for consideration in this case the scheme itself is limited in its scope with the lack of any buildings in the scheme.

The extent of the scheme that lies in Fylde borough is also limited, which narrows the focus of the consideration under this scheme.

This focus is then narrowed further as one of the key elements, the highway works, has the benefit of a separate planning permission which has already been approved and those works implemented.

### **Design of Detention Basin**

Condition 7 of the outline planning permission requires that full details of the detention basin are provided, with this application and that under reference 23/0758 to discharge the details of condition 7 and other conditions providing these details.

The pond is a triangular feature that is situated to the west of Queensway on an area of land that is set at a lower level than its surroundings and so has a marshy appearance as a consequence. This area is to be engineering into a pond-like detention basin feature that will accept surface water from a large part of the Enterprise Zone site with a hydrobrake included to allow a controlled outfall to the watercourse system. The pond has an engineered form with a headwall to the inlet at the north and one to the outfall at the south, a gravelled walkway around to permit maintenance, and landscaping to the sides. This is appropriate in construction and functional respects, and will provide an appropriate appearance to a feature of this nature.

The neighbour raises concern over the design of the surface water drainage scheme. These concerns are not shared by any of the drainage authorities who commented on the outline planning permission and this reserved matters approval, or by the council's drainage engineer who has reviewed the submission and made some technical comments which have been incorporated into the plans now under consideration. As such officers are satisfied that the pond under consideration here is appropriate for its purpose in the wider surface water drainage scheme for the site.

A condition to the outline planning permission requires that details of the wider surface water drainage scheme are approved, and this is under consideration as part of the assessment of application 22/0758. This provides the appropriate mechanism of the consideration of those arrangements for the site, with the current application simply relating to the detention basin element. The queries of the LLFA will be addressed under that condition discharge application.

The other consultee comments highlighted a couple of areas of concern. Firstly, Blackpool Airport were concerned over the potential for birds to be attracted to the site which could impact on air safety. In response to that a Bird Deterrent Report has been prepared which sets out a series of options that could be implemented to deter bird activity in the area. The implementation of these is to be the subject of a planning condition which requires that these works and measures are implemented, and then the site monitored for bird activity at different times of the year so that their success can be evaluated with alternative approaches implemented if needed.

In addition, Sport England and the LCC Public Rights of Way team both expressed concerns that the construction of the pond could impact on the operation of the playing pitches and the bridleway respectively. This will not be the case with a fence being retained to separate the pitches and a construction management plan associated with the outline planning permission being conditioned to ensure there is no impact on the bridlepath.

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

This aspect of the proposal is therefore in accordance with the requirements for the relevant local plan policies, in particular Policy CL1 and Policy GD7, and so is acceptable.

### **Landscaping of Detention Basin**

The details of condition 7 of the outline planning permission also require that details of the landscaping of the detention basin are provided. This is therefore an element to be considered both under this application and the condition discharge application.

The proposal is that the landscaping is undertaken in a relatively simple manner, with grass to the basin itself, wildflower areas around its edges, and some trees and shrubs planted to soften the development in the public views that are available of the site principally from the bridlepath. The planting arrangements are deliberately modest with the intention being to ensure that the species used and the extent of planting does not attract birds to the site given its location close to the approach flightpath to the airport. With that in mind revised plans are expected shortly to address some specific concerns from the Airport in that regard.

Alongside the landscaping plans a landscape maintenance schedule has been provided. This is a requirement of condition 7 of the outline also with that condition requiring that the agreed landscaping is planted and then maintained in future years to ensure that the pond makes a suitably positive contribution to the character of the area.

On that basis the proposals submitted for this element satisfy the requirements of Policy GD7 and Policy ENV1 with regards the provision of a suitably landscaped appearance of this aspect of the development.

### **Highway Works**

The highway works that are within Fylde Borough and covered by this application are limited in scope, with these relating to some pedestrian footway, cycle way and junction alignment works at the junction of Queensway with Division Lane. Moreover, these works are the subject of a separate planning permission under reference 22/0852, with those works being fully completed under that planning permission in early 2023. The inclusion of the works under this reserved matters submission is simply a procedural requirements to ensure compliance with the outline planning permission, and so no further assessment of their merits is necessary.

Members will note that LCC highways have made comments which highlight a series of concerns with the wider highway scheme that is within Blackpool, principally about some parking requirements and the legal obligations for maintaining that part of the highway network. These matters are the subject of on-going discussions between LCC Highways, the applicant, and Blackpool Council as the determining body for the application in that area. As these issues are associated with the works located within the administrative area of Blackpool, these issues will be addressed by Blackpool Council in determining the application that has been submitted to them.

### **Other Matters**

In their comments to the application the Public Rights of Way team and Lancashire County Council highlight a series of concerns over the potential for the construction works to impede the availability of the bridlepath as a recreational route. This is an understandable concern give the current site arrangements where this route provides the only logical point of access, with a track shown on the



## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

submitted plans albeit outside of the site itself. Notwithstanding the indication of this track it does not form part of the current application, and it is understood that a separate application is to be made in due course that will provide for an access track to be provided for this feature which connects to Division Lane West (access to sports pitches). This provides a preferable route to serve this maintenance purpose and would be well separated from the bridlepath, thereby addressing the concerns of the PROW team.

Sport England also refer to the potential for interaction between the pond and the users of the sports facilities on the adjacent site, both from construction works spilling over to the sports pitches, and from balls getting into the pond and so it creating a safety issue. In actuality both of these are unlikely as there is an existing fence that provides a barrier between the two, and would restrict construction access and reduce the likelihood of balls entering the pond and deter those seeking to remove them. Having considered these points it is officer view that the existing arrangements are acceptable without the need for revision or further conditions.

### **Conclusions**

The application relates to the approval of reserved matters for a scheme with outline planning permission relating to advanced infrastructure works for the development of the Blackpool Airport Enterprise Zone. The works involve land that is mainly in Blackpool, but there are small elements in Fylde. These relate to some of the site drainage, and the improvement of pedestrian facilities around a highway junction.

The proposals as currently presented are acceptable in principle, with some small elements of the detail to be resolved before a decision can be issued. These details are the subject of other discussions as they also relate to planning conditions on the outline planning permission and are close to resolution.

To allow this decision to be dovetailed with that of the condition discharge application it is recommended that Committee delegate the decision here to officers so that the two applications can be aligned at the point of decision.

### **Recommendation**

The authority to approve the reserved matters be delegated to the Head of Planning, in consultation with the Chairman and Vice-Chairman of Committee, with that decision to be made once he is satisfied that the details presented with condition discharge application 23/0758 are acceptable, that the submissions made to that application and this reserved matters scheme have been aligned and that suitable amended drawings have been received that address the concerns expressed by the statutory consultees.

The decision is to be the subject of conditions and reasons with these to be drawn up by the Head of Planning, but are expected to simply confirm the approved details and to require that an effective Bird Deterrent Scheme is implemented, monitored and revised as necessary to ensure the detention basin does not support bird activity that could be hazardous to air safety.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Item 3

<b>Application No:</b>	23/0766	<b>Case Officer:</b>	John Copestake Area Team 2
<b>Applicant:</b>	SLA (SUFFOLK LIFE ANNUITIES) PROPERTY COMPANY LIMI	<b>Agent:</b>	MR RICHARD GEE
<b>Location:</b>	LAND TO THE REAR OF SMITHY HOUSE AND NORTH OF PRESTON OLD ROAD, NEWTON WITH CLIFTON, PRESTON PR4 0ZA		
<b>Proposal:</b>	HYBRID PLANNING APPLICATION COMPRISING: (1) FULL APPLICATION FOR PARTIAL DEMOLITION AND ALTERATIONS TO FORMER FORGE AND EXISTING GARAGE BUILDINGS TO PROVIDE CAR PORT AND CYCLE/REFUSE STORE TOGETHER WITH VEHICLE ACCESS, PARKING AND MANOEUVRING AREAS; AND (2) OUTLINE APPLICATION FOR ERECTION OF 5 X 1.5 STOREY DORMER BUNGALOWS WITH PRIVATE GARDENS AND A SHARED/COMMUNAL GARDEN (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)		
<b>Ward:</b>	Rural East Fylde	<b>Parish:</b>	Newton with Clifton
<b>Date Received:</b>	17 November 2023	<b>Earliest Decision:</b>	15 January 2024
<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>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			

### Summary of Officer Assessment

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

The site falls within the settlement boundary of Clifton. The proposal is for new dwellings of a scale, layout and appearance which are in keeping with the prevailing character of the local area. The proposed development will contribute towards the delivery of housing within a Tier 2 Smaller Rural Settlement, delivering economic and social benefits.

The proposed development will result in the loss of some open green space. However, the position and scale of this open space is such that the harm arising from the loss will be less than significant. It is considered that the benefits arising from the development would outweigh this harm.

The trees subject to a Tree Protection Order will not be harmed by the proposed development.

The access and parking arrangements have been reviewed by LCC Highways and subject to conditions are considered to be appropriate.

It is therefore recommended that the application be supported as a sustainable extension to the accommodation available in the settlement that has an appropriate relationship with its neighbours and satisfies the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

### **Reason for Decision Level**

The officer recommendation for approval is contrary to the views of the Parish Council and so it is necessary to present the application to the Planning Committee for a decision. In addition, the applicant is a pension fund that benefits a serving Fylde Councillor and so this also requires that the application is presented to Committee for a decision.

### **Site Description and Location**

The application site is an area of land to the north of Preston Old Road in Clifton. A number of dwellings and a shop which form part of the southern boundary, with other houses along the east boundary, a residential garden to the west, and playing fields at William Pickels Park to the north. The site is within the settlement boundary of Clifton, with the predominantly residential areas making up the settlement around.

There are a number of trees on the site and along its boundaries, including trees in the northern part of the site which are subject to a Tree Preservation Order.

### **Details of Proposal**

This is a hybrid application.

Full planning permission is sought for:

- Partial demolition of and alterations to the former forge building and existing garage buildings;
- Creation of a car port, cycle store, refuse store; and,
- Creation of vehicular access, parking and manoeuvring areas.

In addition, outline permission is sought for the following, with landscaping the only reserved detail:

- The erection of five one-and-a-half storey bungalows, with associated gardens and access.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Relevant Planning/Appeal History

There is a relevant planning history for the site in Planning Permission 15/0057 which relates to ‘outline application for erection of four retirement bungalows (access and layout applied for) with other matters reserved) and was granted on 01 April 2015 but expired without being implemented.

There are also other histories relating to works at the shop which are not relevant.

### Parish/Town Council Observations

Parish/Town Council	Observations
Newton-with-Clifton Parish Council	<p><u>Comments received on 7/12/2023</u></p> <p><i>“Thank you for the 17th November 2023 email and consultation letter relating to the above matter. The application was considered by members at a meeting held on Thursday 7th December 2023 and council adopted a resolution that it be recommended the application is refused planning permission and that the local planning authority be advised accordingly. Members concluded the proposed development is excessive in scale and consequently is considered to conflict with Fylde local plan (FLP) policy GD7d which is intended to prevent over development and ensure building to plot ratio, design, layout, massing, scale, and siting of the proposed dormer bungalows proportionately relate to the surrounding location. Consequently the development as proposed may adversely impact the residential amenity of neighbouring property.</i></p> <p><i>Also members have concerns regarding the access arrangements for this development due to the sightlines/visibility splay, width of the access, and existing boundary walls, that evidently have some heritage implications. The frequency, type, and volume of traffic movement in the vicinity of the development site has increased significantly in recent years. Therefore members consider the proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway required to comply with FLP policies GD7j and GD7q, National planning policy framework paragraph 110b, general highway safety principles and as a consequence is detrimental to highway safety. Moreover, additional traffic movement will be generated if the proposal is granted planning permission.</i></p> <p><i>Should the application case officer be minded granting the proposed development planning permission members will appreciate the matter being referred to the Fylde council planning committee and request an assurance that council's observations are duly considered, recorded in full and not otherwise abridged as part of a report.”</i></p>

### Statutory Consultees and Observations of Other Interested Parties

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Consultee	Comments
LCC Highways	<p>No objection, subject to conditions.</p> <p><i>“LCC Highways is of the opinion that the proposed hybrid planning application comprising: (1) Full application for partial demolition and alterations to former forge and existing garage buildings to provide car port and cycle/refuse store together with vehicle access, parking and manoeuvring areas; and (2) Outline application for erection of 5 x 1.5 storey dormer bungalows with private gardens and a shared/communal garden (access, appearance, layout and scale applied for with landscaping reserved) will not have a severe impact on highway safety and capacity in the immediate vicinity of the site, and as such complies with the highways element of the NPPF.</i></p> <p><i>The scale of this development is one more than has previous been considered albeit the previous was for retirement dwellings. This application does not the same limitations on occupancy but due to it relatively small-scale pedestrian and vehicle movements will not be significantly different.</i></p> <p><i>The access and internal turning space falls along way short of what LCC Highways would request for the site to adopted. The turning area is not suitable for larger vehicles and may create issues for the residents that have deliveries. It would however, function adequately for light traffic.</i></p> <p><i>There is a bin store and the issue of the bin collection has not been resolved and it is not known if a smaller bin wagon would enter the site or the bins would have to be serviced on Preston Old Road.</i></p> <p><i>With the increase on vehicle movement using the access and with the convenience store parking there may be additional on street parking which could impact on the amenity of Preston Old Road.</i></p> <p><i>With the access serving existing dwellings a Construction Management Plan is requested to ensure these vehicle, pedestrian and cycle movements are maintained during the construction phase.”</i></p> <p>They then suggest the wording for conditions that relate to the provision of parking, and the transport management plan.</p>
Tree Officer	<p>No objection, subject to conditions.</p> <p><i>“The application seeks permission to construct five dormer bungalows with associated parking, cycle and bin stores and garden space allocation within a plot of land to the rear of Preston Old Road, Clifton. The Arboricultural Impact Assessment (Nov 2023) submitted as part of the application, plots the trees to be retained on site and their root protection areas against the proposed layout. The AIA also sets out proposed tree losses arising from the proposed layout and</i></p>

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

	<p>which are necessary on the grounds of safety due to poor health. A group of trees on the site are subject to Fylde Borough Council Tree Preservation Order 1986 No. 1. These include four Oak and one Ash. The AIA states that no trees covered by a TPO will be removed.</p> <p>I am satisfied that the proposed layout successfully incorporates the protected trees into the scheme and that the removal of certain other trees identified will not result in significant loss of amenity or landscape value within the wider area. Remedial work to retained trees should be carried out to maintain the natural appearance and health of the species as far as possible and ensure that crowns remain balanced. All retained trees must be protected from any adverse impacts of the proposals following BS 5837:2012 ‘Trees in Relation to Design, Demolition &amp; Construction - Recommendations’ prior to any work commencing on site, ensuring the appropriate root protection areas (RPA) are fenced off and crowns are protected from damage by plant, as specified. The prohibition of various activities within the RPA must be adhered to (e.g. mechanical excavation, soil stripping, fire lighting, material storage, washing of containers, siting of onsite latrines, lowering levels, parking and creating excessive sealed surfacing). The use of temporary ground protection and/or special engineering solutions shall be implemented as indicated, where work is proposed near to retained trees. No new service runs shall be incorporated within the RPA of retained trees without prior approval from the Council. All arboricultural work shall be carried out by appropriate, qualified professionals and undertaken according to the submitted method statement.</p> <p>A planning condition should be appended to any approval to ensure the safeguarding of retained trees as set out above. Similarly, whilst the proposed hard and soft landscaping of the site is to be reserved by condition, there should be a requirement for the applicant to avoid any loss of boundary hedgerows and for existing boundary hedges to be reinforced with appropriate native species wherever necessary, in accordance with the Hedgerows Regulations 1997. All footpaths and proposed surfaces across the proposed development shall be free draining and SUDS compliant.”</p>
United Utilities	<p>No objection, subject to standard conditions relating to the provision of a suitable surface water drainage scheme and its maintenance.</p> <p>They also highlight that a public sewer crosses the site and so will restrict the area available for construction as access and maintenance will be required. The location of this is to be determined with UU at an early stage.</p>
Greater Manchester Ecology Unit	<p>No objection, subject to conditions and recommendations.</p> <p>“The application is accompanied by an Ecology Report (Echo Calls Bat Survey, 15th August 2023) which included a daytime inspection of the property and a bat activity survey.</p>

**AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

	<p>The application site does not have any nature conservation designations, nor are the proposals likely to impact on any such site.</p> <p>The buildings on site were judged to have low potential to support roosting bats and as such a bat activity survey was carried out. No roosting bats or evidence of roosting bats was recorded during the survey work. Two of the trees on the site (Tree A and Tree B as per the ecology report) were identified as having low potential to support roosting bats. No further survey work in respect of bats is currently required for this application.</p> <p>The buildings, trees and vegetation on the site have the potential to support as nesting birds (Wildlife and Countryside Act, 1981, as amended).</p> <p>Based on the above, we would make the following recommendations:</p> <ul style="list-style-type: none"> <li>- Any new external lighting must be designed in line with best practice guidelines (e.g. <a href="https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting">https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting</a>) to avoid impacts on nocturnal animals such as bats.</li> <li>- All retained trees should be protected from any adverse impacts of the proposals following BS5837:2012 to be agreed by the Councils Tree Officer.</li> <li>- Work to the buildings should follow the precautionary measures for bats outlined in section 5.3 and 5.4 of the ecology survey report.</li> <li>- Work (including work to the buildings and any vegetation, tree or site clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.</li> <li>- An ecological enhancement plan should be secured via a condition to ensure additional ecological benefits are provided by the scheme. This should include measures identified in sections 5.5, 5.8, 5.11-5.14 and 5.16 of the ecology report.</li> <li>- An informative should be used so that the applicant is aware of the legal protection that certain species receive and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and an ecologist/LPA should be contacted."</li> </ul>
County Archaeology	<p>No objection, subject to condition.</p> <p><i>"Clifton is mentioned in Domesday Book (Cliftun), assessed as two plough-lands, and part of the Amounderness fee of Earl Tostig. The</i></p>

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

	<p><i>1st Edition Ordnance Survey (Lancashire Sheet 60, surveyed 1844-45) shows the settlement to comprise a single long main street with long thin plot divisions on both sides of the street, and a back lane on its southern side, in an arrangement reminiscent of a planned medieval settlement.</i></p> <p><i>Development to the rear of the site, as proposed here, therefore has the potential to encounter features such as rubbish pits, ditches delineating earlier property boundaries, as well as the remains of ancillary buildings such as workshops, which may date from the medieval and/or Post-medieval periods.</i></p> <p><i>It is however considered unlikely that any surviving archaeological remains would be of such significance to merit preservation in situ, but rather that they would merit preservation by record (archaeological excavation and recording).</i></p> <p><i>Consequently, should the local planning authority be minded to grant planning permission to this, or any similar scheme, the HET would advise that all ground disturbance is accompanied by a formal archaeological watching brief. This can be required by a condition applied to any consent.”</i></p> <p>They then suggest a wording for this.</p>
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### Neighbour Observations

**Neighbours notified:**

22 December 2023

**Site Notice Date:**

23 November 2023

**Number of Responses**

Total number of comments      6

**Summary of Comments**

The comments received in opposition to the application can be summarised as:

- The proposal includes one too many dwellings for the size of the site;
- The protected trees should be retained;
- There are already issues with congestion in the village – more cars will exacerbate this;
- Why is the vehicular access via the narrow, shared driveway to the side of the shop, rather than from Dixon Farm Mews?
- The shared private driveway should not be included within the planning application;
- The shared access would be dangerous for pedestrians due to its narrow width and use by cars;
- The access arrangements could impact existing arrangements for loading and unloading at the shop;
- Refuse vehicles may not be able to navigate the access safely;
- The proposed back gardens will be immediately adjacent to an existing private garden; and,



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

- Neighbouring garden is in part walled by existing buildings on site – their demolition could cause safety issues and would make the neighbouring garden less secure.

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

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

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

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

GD1 - Settlement Boundaries Clifton)  
ENV3P - Parks and Gardens  
S1 - The Proposed Settlement Hierarchy  
GD7 - Achieving Good Design in Development  
H1 - Housing Delivery and the Allocation of Housing Land  
H2 - Density and Mix of New Residential Development  
H4 - Affordable Housing  
T5 - Parking Standards  
ENV1 - Landscape and Coastal Change Management Areas  
ENV2 - Biodiversity -

### **Other Policies and Guidance**

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues when considering then proposals are the:

- Principle of development;
- Design and Appearance
- Highways, access and parking;
- Impact on trees and ecology;
- Impact on residential amenity;
- Flood risk and drainage; and,
- Other matters.

### **Principle of Development**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. The Development Plan consists of the Fylde Local Plan to 2032 (incorporating Partial Review).

The site falls within the settlement boundary of Clifton as defined in the Policies Map accompanying the Local Plan. Policy GD1 of the Local Plan is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

Strategic Policy H2 relates to the density and mix of new residential development. The policy generally relates to larger developments of 10 or more new houses. However, at a high level, the Local Plan recognises in Strategic Policy DLF1 that 10% of the new homes in the plan period will be delivered outside of strategic locations, with Clifton being a Tier 2 Smaller Rural Settlement.

Policy H2 does include relevant guidance relating to development of garden land which this application effectively is for. It sets out that:

*“When considering proposals for residential development on garden land, stringent caveats will be applied relating to design, character, access, amenity and other issues deemed appropriate by the Council. Development on garden land should not result in any of the homes relying on what was previously a front garden for all of their private amenity space.”*

As set out in the assessment below, it is considered that the proposed development appropriately responds to each of these considerations. Additionally, the development would not result in any of the homes relying on what was previously a front garden for all of their private amenity space.

The site is in Flood Zone 1 and is not subject to any relevant restrictive designations, other than those imposed by the trees subject to a protection order. The proposed does not include removal of or development which would harm the protected trees.

The general principle of residential development is therefore acceptable.

### **Design and Appearance**

Local Plan Policy GD7 requires that development be of a high standard of design, taking into account the character and appearance of the local area. The NPPF mirrors these requirements, notably setting out in Paragraph 135 that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development processes should achieve.

The application site includes buildings and land which was at least in part previously developed but otherwise greened over and has the appearance of a large residential rear garden. The site is set back from the road, behind the building line which fronts it.

The character of this particular area north of Preston Old Road is of terraced and detached two storey dwellings with some having a rear access lane, with yards behind the dwellings and long rear gardens to the north. The wider general context is that of a small settlement within an agricultural area.

The adjacent site Dixons Farm Mews however is a cul-de-sac development with 19 dwellings built and accessed off Preston Old Road in a close-knit arrangement, with development behind the dwellings

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

fronting Preston Old Road. This development is a back garden development of sorts and therefore the proposed bungalows served by an existing access would be in similar character to the adjacent development.

The proposed dwellings would be arranged in an L-shape extending back into the site, with parking and turning space between the dwellings and the shared access which connects to the highway.

The dwellings would have a one-and-a-half storey appearance, i.e. a general single storey form but with modest dormers and rooflights, indicating habitable first floor accommodation. The built form would be relatively simple, with brick elevations, slate roofs, stone heads and sills and lead for the dormer elevations. The windows would have a simple design, with full length windows at ground floor level. The submitted elevation and cross-section plans show that the scale of the buildings would be significantly lower than the nearby two storey dwellings but larger than other single storey structures.

The proposed modifications to the existing buildings for the creation of the garages and storeroom would result in a smaller overall footprint but otherwise with a very similar scale and appearance. The elevations would be brick and the roofs slate.

Each dwelling would have a private garden, with an additional communal garden towards the north of the site.

The position of the site and proposed scale and layout means that the development will be largely screened from view. Regardless, the proposed scale is such that when the buildings are visible, they will not exceed the general scale and massing of buildings in the local area and will have the appearance of a mews-like development, similar to the adjacent Dixon's Farm Mews, albeit with the proposed buildings being lower in height. Similarly, the proposed materials palette, openings size and elevational details are very similar to the adjacent mews and general character of other nearby dwellings. The proposed buildings will be in keeping with the established character of other built development in the local area.

The proposed development will result in the loss of some of the open space on site. This open space is positioned alongside the dwellings at Dixon's Farm to the east, other gardens to the west and is bound by trees and playing fields to the north. Whilst open green space contributes positively to the overall character of Clifton as being set within the wider countryside, this space is visually and functionally well-contained by the belt of trees between the residential plots to the north of Preston Old Road and William Pickels Park. Whilst the loss of some open space will increase the overall urban character of the area, this increase will be modest, very well screened and will support the delivery of housing. Whilst there would be some harm in this regard, the overall benefits of the scheme are considered to outweigh this harm.

A condition is attached to the recommendation for the submission of proposed boundary details. These details would most appropriately be dealt with alongside the submission of the landscaping proposals, with landscaping being a reserved matter. Therefore, it is appropriate that boundary details have not been submitted at this stage. The layout is such that all new proposed buildings are set well away from the site boundaries and therefore it is considered that officers will be able to secure appropriate boundary features.

The proposed development would thereby comply with Local Plan Policies GD7 and ENV5, as well as with the requirements of the NPPF.

### **Highways, Access and Parking**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

The existing vehicular access to the site is via a driveway which runs from Preston Old Road, past the east side of the shop, also providing access to the rear of a number of dwellings to the west of the site. The applicant has confirmed that they have sole ownership of the access but that the other premises are afforded a right of access.

The existing access arrangements as they relate to the public highway and other sites which share the same access will remain physically unchanged. The proposed development will however result in an increase in the amount of traffic using the access, and so LCC Highways have been consulted and have confirmed that the proposals are acceptable in this regard. They did query whether or not a refuse vehicle would be able to access and manoeuvre appropriately, but dialogue with the Council's Waste Services team confirmed that the proposed development would be suitable in this regard.

The proposal includes two parking spaces for each dwelling arranged around the main turning area, effectively forming a parking courtyard, as opposed to each dwelling having an adjacent driveway or parking space. This parking provision meets the Council's guidelines in terms of number and arrangement, with a communal cycle store also proposed.

The provision of four EV charging stations is also included, although provision of such infrastructure is managed through the Building Control process and is not a planning consideration. Updated Planning Practice Guidance states that conditions should not be attached to planning permissions which seek to secure the delivery of EV charging infrastructure.

LCC Highways have requested conditions be attached to any approval to secure further details relating to securing appropriate provision of parking and the submission of a Traffic Management Plan. The Traffic Management Plan would include details such as the management of construction traffic, the storage of materials and measures to ensure that access to adjoining properties is not restricted.

Taking these matters together it is considered that the proposal provides an appropriate access arrangement and level of parking for the development and so satisfies the requirements of Policy GD7 in that regard.

### **Trees and Ecology**

The existing site features a number of trees, hedges and other vegetation. This includes trees subject to a Tree Protection Order towards the rear of the site.

The proposals include the removal of a number of trees which the submitted Arboricultural Impact Assessment [AIA] identified as being trees which are poor quality due to health issues. None of the protected trees would be removed. The council has reviewed the AIA and accepts its findings, notably including in relation to the trees to be removed. The proposed layout is compatible with the root protection areas of the trees to be retained.

The submitted ecological surveys and reports show no records of protected species and low potential to for roosting bats. Greater Manchester Ecology Unit [GMEU] reviewed the submitted information on behalf of the Council, confirming that no further survey works were required.

GMEU made a range of recommendations in their response which have been reflected in the proposed conditions. Notably, this includes control of external lighting and an enhancement plan to secure ecological benefits. Matters relating to landscaping are reserved and whilst the ecological benefits may largely be secured via landscaping, the submitted ecology report also includes other works such

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

as the installation of bat boxes. Conditions are proposed to secure the necessary mitigation which falls outside of the landscaping matters. The proposed layout shows space for new planting and both GMEU and the tree advice received raise no objection to the proposals, so it is reasonable to assume that an appropriate landscaping scheme could be formulated but regardless this falls outside of the scope of this application.

Subject to the recommended conditions, the proposed development reflects the guidance in Local Plan Policies GD7 and ENV2, and the NPPF in that respect.

### **Residential Amenity**

Policy GD7 includes a requirement that all new development has an acceptable relationship to existing neighbours to a site. The Extending Your Home SPD (2007) [the SPD] provides guidance intended for house extensions but which includes guidelines for separation distances in order to protect residential amenity. These principles have been taken into consideration in this assessment.

In terms of the impact on the adjacent residential garden to the west, the proposed dwellings will be a minimum of 9.5m from the shared boundary. The proposed first floor windows will be set slightly away from the eaves but some of these windows will be less than 10m from the shared boundary. The SPD sets out that a separation distance of at least 10.5m between first floor windows and neighbouring gardens is appropriate. However, the adjacent garden extends a long way to the rear of the neighbouring dwelling, with the proposed houses being between 20m and 50m from that dwelling. Additionally, the height of the first-floor windows is lower than that typically found for first floor windows, given the one-and-a-half-storey form and proposed floor to ceiling heights. For these reasons, it is considered that the minimum 9.5m separation between first floor windows and the neighbouring garden to the west will not give rise to significant harmful overlooking impacts.

In terms of the relationship to the mews development to the east, the main relationship will be between the proposed single north/south aligned dwelling and number 11 Dixon's Farm Mews. These dwellings will have a very similar separation as that between 11 and 11a but will be significantly more laterally separated, meaning any views between will be at an angle. Whilst the separation would be at approximately 12m, the mews development is created with front-to-front separations on this basis and therefore there would not be a significant harmful impact on the existing amenity of neighbouring residents. The only other facing first floor openings will be rooflights set in excess of 15m away. This relationship is acceptable.

Any other nearby dwellings would be significantly beyond the guidelines separation distances set out within the SPD.

The addition of dwellings and gardens in this area will be in keeping with the established use of the surrounding area and would not give rise to any activity or noise which would be out of keeping, or that would harm existing residential amenity.

Accordingly, subject to conditions, the proposal does not create any conflict with this Local Plan Policy GD7 in this regard.

### **Flood Risk and Drainage**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

This site is located in flood zone 1 and so is in a sequentially preferable location for development, and so also for redevelopment.

The scheme does not provide any details about the drainage beyond that set out in the application form. This indicates that surface water and foul water are both to be handled by connections to the existing sewer.

United Utilities were consulted and requested a range of conditions which are reflected in the recommendation. This includes pre-commencement conditions for surface water and foul water drainage schemes, as well as the submission of sustainable drainage management and maintenance plan for the lifetime of the development.

The consultation response from United Utilities refers to a presence of a sewer on the site. It is understood that this is actually on the initial part of the access drive where the dwellings would not impact on it. The provision of surfacing and parking in this area would and so a condition is to be imposed to ensure that this is investigated and a mitigation scheme put in place prior to construction works commencing.

Based on the details set out in the submitted form and subject to conditions, the proposal will satisfy the requirements of Policy GD7, CL1 and CL2 in respect of the drainage arrangements.

### **Other Matters**

LCC Archaeology has requested a condition that a programme of archaeological work in accordance with a written scheme of investigation is carried out prior to any development. Such a condition will be placed on any permission granted.

With regards to open space, Local Plan Strategic Policy ENV4 only sets out requirements for new housing developments comprising ten or more homes. This application is for fewer than ten homes. However, Policy GD7 still requires a suitable level of amenity is provided. The proposal includes a private garden for each dwelling, as well as a communal garden. Additionally, the site is well connected to a range of local open spaces. On this basis, the proposals are considered to be suitable in this regard.

### **Conclusions**

The site falls within the settlement boundary of Clifton. The proposal is for new dwellings on a scale, layout and appearance which is in keeping with the prevailing character of the local area. The proposed development will contribute towards the delivery of housing within a Tier 2 Smaller Rural Settlement, delivering economic and social benefits.

The proposed development will result in the loss of some open green space. However, the position and scale of this open space is such that the harm arising from the loss will be less than significant. It is considered that the benefits arising from the development would outweigh this harm.

The trees subject to a Tree Protection Order will not be harmed by the proposed development. The trees to be removed have been shown to have poor health. It is expected that landscaping, which is a reserved matter, will secure the provision of replacement trees.

The access and parking arrangements have been reviewed by LCC Highways and subject to conditions is considered to be appropriate.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

There would be no significant adverse impacts arising from the development which cannot be addressed by condition and would not be outweighed by the benefits of the scheme. Therefore, the application is recommended for approval, on the basis of its compliance with the relevant requirements of Fylde Local Plan to 2032 (incorporating Partial Review) Policies GD1, GD7, H1, H2, T5 and ENV2, and the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

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

3. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the "reserved matters") before any development takes place the 'landscaping of the development', which shall include the ecological mitigation and enhancement measures.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

4. This permission relates to the following plans:

- Location Plan - Drawing no. L 01
- Proposed Site Plan Ground Floor Hybrid Application Zones - Drawing no. L 11
- Proposed Elevations - Drawing no. E 02
- Proposed Ground Floor Site Plan with Tree Constraints - Drawing no. L 08 rev C
- Proposed Ground Floor Site Plan with Vehicle Tracking - Drawing no. L 09
- Proposed Ground Floor Site Plan with Visibility Splays - Drawing no. L 10
- Proposed Ground Floor Plan with Tree Constraints - Drawing no. P 01
- Proposed First Floor Plan with Tree Constraints - Drawing no. P 02
- Existing and Proposed Plans and Elevations To Cycle and Bin Store and Car Port - Drawing no. E 01 rev A
- Proposed Site Sectional Elevation - Drawing no. S 02

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the details shown on the approved plans insofar as it relates to the scale, layout and appearance of the development and the means of access to it, and shall not exceed the maximum five dwellings applied for.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

application for reserved matters must be in accordance with and/or not exceed the parameters established by this permission.

5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 3 of this permission shall include a soft landscaping scheme for the development that provides the following details:
  - a) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
  - b) all trees, hedgerows and any other vegetation on/overhanging the site to be removed;
  - c) compensatory planting to replace any trees or hedgerows to be removed under b);
  - d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within a), b) or c); and
  - e) the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

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

Reason: To ensure suitable retention, compensation and/or strengthening of existing natural, soft landscaping features on the site in the interests of visual amenity and to secure appropriate 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.

6. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 3 of this permission shall include a scheme for the provision of ecological mitigation and enhancement measures to be provided within the site. The scheme shall include:
  - a) Details of the area, siting, size and design of all ecological mitigation and enhancement measures and features to be introduced as part of the development.
  - b) Details of how the measures and features in a) will enhance biodiversity opportunities on the site and to which species these will be targeted.
  - c) A timetable and phasing plan for the introduction of the measures and features set out in a).
  - d) Details for the ongoing management and maintenance of the measures and features set out in a).

The approved ecological mitigation and enhancement measures shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements and mitigation in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV2, and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans, no development shall take place until details of the siting, height, design, materials and finish of all boundary treatments within the development have been submitted to and approved by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

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

8. No development shall take place until a scheme for tree and hedgerow protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - a) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:2012) to be formed around the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.
  - b) Details of any excavation to take place within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.
  - c) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.

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

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. No above ground works of development shall take place until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
  - a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - e) Foul and surface water shall drain on separate systems.

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

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

10. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
  - a) hours and days of work for site preparation, delivery of materials and construction;
  - b) areas designated for the loading, unloading and storage of plant and materials;
  - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
  - d) arrangements for the parking of vehicles for site operatives and visitors;
  - e) arrangements for vehicle manoeuvring to be made within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
  - f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
  - g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
  - h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
  - i) measures to protect vulnerable road users (pedestrians and cyclists);
  - j) measures to control the emission of dust and dirt during the construction period;
  - k) measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
  - l) a nominated person who will act as the 24 hour point of contact in the event of any emergencies;
  - m) the siting, luminance and design of any external lighting to be used during the construction period;
  - n) the erection and maintenance of security hoarding;
  - o) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

Reason: To ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance which may harm the amenity of surrounding occupiers and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

11. No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, services, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, to include a formal watching brief to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of the groundworks required for the development. This watching brief must be carried out by an appropriately qualified and

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV5 and the National Planning Policy Framework.

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

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

13. None of the dwellings hereby approved shall be occupied until a scheme for the layout, design and construction (including surface treatment) of all of the car parking spaces shown on Proposed Site Plan Ground Floor Hybrid Application Zones - Drawing no. L 11 has been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be laid out and made available for use in accordance with the duly approved scheme before any of the dwellings are first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that adequate provision is made for vehicle parking and manoeuvring, to achieve an appropriate surface treatment and an adequate standard of engineering works to hardstanding areas in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

14. No above ground works of development shall take place until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The duly approved plan shall be implemented before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

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

15. None of the dwellings hereby approved shall be occupied until a scheme for the installation of any exterior lighting on the building(s) and the external areas of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with best industrial practice contained in the Institution of Lighting Professionals and Bat Conservation Trust publication – Guidance Note 08/18: Bats and artificial lighting in the UK, and shall include details of the lighting's: i) position and height on the building(s) and/or site; ii) spillage, luminance and angle of installation, which shall be designed to avoid light spillage towards those areas/features on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and (iii) any shields, hoods or timers to be fitted to the lights.

All exterior lighting shall thereafter be installed in accordance with the duly approved scheme.

Reason: To ensure that any exterior lighting to be installed at the site does not cause a nuisance to surrounding occupiers or undermine the value and use of retained and enhanced habitats within the site for protected species (specifically bats) as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV2, and the National Planning Policy Framework.

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

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

17. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: To safeguard the amenities of the occupiers of neighbouring dwellings in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

18. Prior to the commencement of any development hereby approved a schedule of works shall be submitted to and approved in writing by the Local Planning Authority to ensure the protection of the sewer which crosses the site. If these protection measures include the diversion of the sewer then the applicant shall provide written evidence to the Local Planning Authority confirming that the proposed sewer diversion has been agreed with the relevant statutory undertaker (United Utilities) in advance of any construction works commencing on site. The development shall thereafter be carried out in full accordance with the duly approved scheme.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Reason: To ensure appropriate measures are put in place to safeguard existing sewerage infrastructure on the site and to limit the potential for water pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, 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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Precautionary Bat Informative

Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed as a protected species license may be required.

3. Precautionary Bird Nest Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

4. Tree Protection Informative

A number of existing trees on the site are protected by Tree Preservation Order (TPO). Should the applicant wish to remove and/or prune any trees covered by the TPO, they are advised of the need to seek separate consent for any such works through the submission of a Works to Trees application before any such works commence. The applicant is also advised that any Works to Trees application seeking to remove TPO trees will need to be accompanied by a compensatory planting scheme showing replacement planting in a ratio of at least 2:1 (replacement trees : protected trees).

**AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

**Item 4**

<b>Application No:</b>	24/0075	<b>Case Officer:</b>	Jennifer Rawcliffe Area Team 2
<b>Applicant:</b>	MR AND MRS SUTCLIFFE	<b>Agent:</b>	MR ROBERT MACKENZIE
<b>Location:</b>	TUNSTEADS, GREENHALGH LANE, GREENHALGH WITH THISTLETON, LANCASHIRE PR4 3HL		
<b>Proposal:</b>	CHANGE OF USE OF AGRICULTURAL BUILDING TO PROVIDE SELF STORAGE UNITS (USE CLASS B8) TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS TO BUILDING INCLUDING INFILLING OF EXTERNAL WALLS ON NORTH, EAST AND WEST FACING ELEVATIONS AND FORMATION OF DOORWAYS TO NORTH FACING ELEVATION, PROVISION OF PARKING, RESURFACING OF ACCESS ONTO GREENHALGH LANE AND FORMATION OF PASSING PLACES ON ACCESS ROAD		
<b>Ward:</b>	Rural North Fylde	<b>Parish:</b>	Greenhalgh with Thistleton
<b>Date Received:</b>	4 March 2024	<b>Earliest Decision:</b>	25 April 2024
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>			

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### **Summary of Officer Assessment**

The application relates to the change of use of an agricultural building to Use Class B8 (storage or distribution) and associated external alterations to accommodate its intended use which would not alter its size.

The FLPPR supports the sustainable growth and expansion of all types of business where this is in accordance with other policies of the local plan. In this instance the site can provide the proposed employment use in an existing building of a permanent and substantial construction with minimal changes to its external appearance. The visual effects arising from the external changes to the building (specifically to require the colour treatment of the galvanised roller shutter which has been installed) can be mitigated through the imposition of an appropriate condition to secure a sympathetic finish to this industrial feature.

The proposal allows the site to be re-purposed in a sustainable way without creating harm to the visual amenity of the area or to the amenity of neighbouring occupiers. Suitable provision for access and parking would also be secured to ensure that the development has no unacceptable impact on highway safety and its effects on network capacity would not be severe.

As such, it is considered that the proposal represents sustainable development in the countryside which is supported by the aims of the NPPF and is in accordance with the relevant policies of the FLPPR. Accordingly, the application is recommended for approval subject to 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 relates to Tunstead Farm which has the appearance of a working farm located off Greenhalgh Lane in Greenhalgh. In particular the application relates to one of the existing agricultural buildings located to the far east side of the site situated close to the southern boundary of the site.

The site layout consists of a substantial farmhouse, traditional barns, a range of modern agricultural buildings and land extending to some 11 acres. The site is accessed by a hardcore surfaced track taken from the north side of Greenhalgh Lane.

It is unclear when the farming activity ceased at the site and the applicant has confirmed that they have recently purchased and occupied the site, and they believe the previous owner largely used the agricultural buildings for the storage of equipment/materials in connection with their building merchant company. The applicant has also confirmed that they have a small number of calves and sheep with lambs that occupy one of the small barns which is attached to the main farmhouse.

The site is designated Countryside as defined on the Policies Map within the Fylde Local Plan to 2032 (incorporating Partial Review).

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

### **Details of Proposal**

Planning permission is sought for the change of use and alterations to an existing agricultural building on-site to provide self-storage units (Use Class B8).

The proposed alterations to the existing steel portal framed building includes infilling of the external walls on the north, east and west facing elevations and formation of doorways including roller shutter doors and smaller single pedestrian doorways to the north facing elevation, which would be finished in a mix of Yorkshire boarding and concrete block.

The application also includes the provision of parking for 6 vehicles located to the east side of the building, resurfacing of the existing access onto Greenhalgh Lane, including the formation of 2 passing places on the existing access track.

The proposed plans indicate that the building would be divided into 10 separate units with a smaller double garage attached to the west side of the main building. The application is accompanied by a supporting statement which advises that the proposed use of the building is to provide small storage units that are to be let on long term basis secured through tenancy agreements. It is envisaged that items stored within the units may include:

- Storage of caravans
- Storage of cars
- Storage of surplus stock for sole traders/ small businesses
- Storage of household items following downsizing/ house move
- Storage of office furniture
- Storage of seasonal equipment

It is said that all potential tenants would undergo diligent checks to ensure suitability and would be required to adhere to terms and conditions of the tenancy agreement.

The supporting information states that the proposed storage units would be operated within and limited to normal working hours. The application form specifies that the storage units would be accessible between the hours of 07:00 and 19:00 Monday to Saturday and 07:00 and 13:00 on Sunday's / Bank Holiday's.

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

There is various historic planning history associated with the site associated with extensions to the farmhouse and the erection of the agricultural building that is the subject of this application under 99/0688 which was approved in Feb 2000.

In addition a prior approval application for these buildings was made under reference 23/0458 in August 2023. This was withdrawn following advice by officers that the prior approval procedure was not applicable for the development that was sought, hence this application for planning permission was made.



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

### Parish/Town Council Observations

Parish/Town Council	Observations
Greenhalgh with Thistleton Parish Council	<p><u>Comments received on 25 March 2024:</u></p> <p><i>“OBJECT TO THE APPLICATION and RECOMMEND REFUSAL.</i></p> <p><i>The concept of a storage facility is not the issue but rather the implication of the utilisation by existing plant and machinery, as the height is 5.920 metres with high access doors and located on the immediate boundary of the neighbouring property. This size of building indicates this is not for household storage but rather large industrial / commercial.</i></p> <p><i>Generally, the immediate area is now in danger of becoming over-industrialised. Diversification of agricultural properties is generally promoted, however, this must be with due consideration for existing and approved properties / businesses with additional thought given to the overall community.</i></p> <p><i>The noise impact of the property is already noticeable and adversely affecting residents and neighbouring businesses, on and off-site.</i></p> <p><i>Roads are becoming adversely affected. Should the proposal be considered favourably, it was questioned whether passing points will be instated by Highways on Greenhalgh Lane, funded by the applicant.</i></p> <p><i>Conclusion – this is the wrong business for the rural location”.</i></p>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p>Comments were received on 26 March 2024 with the summary advising:</p> <p><i>“LCC Highways does not have any objections regarding the proposed change of use of agricultural building to provide self-storage units (Use Class B8) together with associated external alterations to building including infilling of external walls on north, east and west facing elevations and formation of doorways to north facing elevation, provision of parking, resurfacing of access onto Greenhalgh Lane and formation of passing places on access road 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>They then highlight the need for the access to Greenhalgh Road to be constructed to suitable standards for the adopted highway, that the site is accessible from a public right of way so that team has been</p>

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

	notified, and suggest that a condition be imposed to require that the access is surfaced.
Environmental Protection Team	Comments were received on 10 April 2024 which advise:  No objections.
LCC Public Rights of Way	<i>Comments were received on 10 April 2024 which advise:</i>  <i>“The Lancashire County Council Public Rights of Way raises no objection to the application”.</i>  <i>They then refer to Footpath FP0506004 is recorded along the access track to the proposed development, and advise that this route should not be used to store materials, vehicles or machinery. They also refer to the need to ensure drainage is directed away from this route, and over the mechanisms to follow should a temporary closure or diversion of the public right of way be sought.</i>

### Neighbour Observations

**Neighbours notified:**

5 March 2024

**Site Notice Date:**

4 April 2024

**Number of Responses**

Total number of comments 1

**Summary of Comments**

A letter of objection has been submitted by a neighbouring landowner. The objection raised can be summarised as follows:

- Greenhalgh Lane is a well trafficked lane which sees 40t gross, cars, vans, caravans ect in association with the many businesses within the vicinity of the site. Comments from a Development Control Committee held at County Hall, Preston, on 6<sup>th</sup> December are noted that concerns were raised over the road safety of Greenhalgh Lane where it was stated amongst other concerns, that SATNAV instructions will indicate Greenhalgh Lane as the shortest direct route.
- It’s noted that a large proportion of the buildings that do exist at the site do not have planning permission, including the most recently erected green metal clad barn.
- Consideration should be given to the well-used public right of way along the farm track footpath, which is to serve the proposal.
- Regarding the farm enterprise this 12 acre site approximately inclusive of single payment grant (approx £1,000) would not be viable and the previous occupants main income was from a separate building company, however, they did rent additional land.
- It is stated within the application significant noise is not anticipated, however, that has not been the case recently and has been commented on by occupants visiting the touring site which alongside the adjacent holiday home development is

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

arguably closer to the proposed storage units etc than the applicants dwelling. Perhaps insulated roller doors should be fitted as normal steel are very noisy, which would almost certainly affect the caravan site and holiday home.

- The Enforcement Officer can confirm plant and machinery were in numbers on site when visited in January 2024.
- Conditions are requested by the objector should permission be granted, and it is considered appropriate for the development to prohibit the following: 1. Use of heavy plant and machinery being stored and or distributed which has said to have been the case recently causing noise disturbance and grass verge damage. Photographs have been submitted in support of this. 2. Storage of soils and aggregates should be prevented as this part also of the applicant's plant and machinery ground works business, which date exists.
- Regarding passing points, services run along the side of Greenhalgh Lane on the westerly and northerly sides of. LCC Highways comments on the original proposal (withdrawn) stated - *It is LCC Highways opinion that the increase in vehicle movements created by the proposals would further exacerbate the overrun of the highway verges. As a result, off site highway works carried out under a section 278 agreement would be necessary. The works would need to formalise the overrun areas of the highway verges into formal passing places.* Passing points would presumably be able to cater for large 40-50 foot long heavy goods vehicles etc. Where are the passing points to be placed? If the proposal is granted, should not Greenhalgh Lane highways works as indicated by LCC be implemented prior to the commencement of works at Tunsteads Farm; as was the case at planning application 20/0608 land opposite lodge lane, Lytham Road Lytham, which I have been personally involved in.

Further to this representation, an additional letter from this neighbour was submitted following the comments received by LCC County Highways. This, together with the highway safety concerns raised in the objection will be discussed in more detail within the highways section of this report.

The matters raised towards noise and disturbance from the proposed development is a material planning consideration which will be analysed and reviewed with the amenity section of this report.

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

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

## AGENDA FOR 15 MAY 2024 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):**

GD4 - Development in the Countryside  
GD7 - Achieving Good Design in Development  
EC2 - Employment Opportunities  
T5 - Parking Standards  
ENV1 - Landscape and Coastal Change Management Areas

### **Other Policies and Guidance**

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Policy Background and Principle of Development**

The site is located in the countryside where Policy GD4 of the FLPPR applies, and which seeks to control the nature and extent of development in these areas to retain their rural character. This is achieved through that policy limiting the forms of development that are permitted in that designation to 7 elements (subsections a)-g) of the policy). In particular, subsections a) and b) of policy GD4 are of relevance here as they allow development in the following circumstances:

- 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, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- b) The re-use or rehabilitation of existing permanent and substantial buildings.

The application relates to one of the agricultural buildings within the site. The proposed use of the building as self-storage units (Use Class B8) can be considered as an *other* use appropriate to a rural area, and a use which would help to *diversify* the rural economy in line with the requirements of GD4 a). In addition, the building is clearly a permanent and substantial structure and the external works required to convert it to the proposed use are limited to the infilling of its north, east and western facing elevations, with the entire southern elevation and pitched roof already established. The works are to convert the existing structure rather than construct a new building. Accordingly, the re-use of the building is, in principle, permitted by the allowance in policy GD4 b).

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

On this basis officers believe that the proposal represents a type of development which is permitted in the countryside in accordance with policy GD4.

As the proposal relates to an employment use (Class B8) it is also to be assessed against the requirements of FLPPR policy EC2 which is supportive of such proposals stating: *“The sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan”*. This aim accords with the NPPF objective of supporting the diversification of the rural economy as set out in para 84 which states: *“Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*.

Accordingly, there is both national and local policy support for the proposal which means it is acceptable in principle. The details of the application raise a series of further issues which need to be assessed and so are covered in the remainder of this report.

### **Impact on character and appearance of countryside**

An over-arching theme of policy GD4 is that the development should not have a harmful impact on the character and appearance of the countryside. Similar requirements are set out in FLPPR policy GD7 which relates to achieving good design and policy ENV1 with respect to landscape impact and protection/enhancement of existing planting.

In this instance the external alterations to the building to facilitate the change of use are limited to the infilling of its west, north and easterly facing elevations with a combination of Yorkshire timber boarding and concrete block, as well as the insertion of roller shutter type doors to each separate unit.

The building is not overly prominent in view from Greenhalgh Lane due to its separation and screening provided by hedgerows. There is a public footpath (FP0506004) recorded along the access track which extends along the northernly side of the site, whereas the application building sits towards the southernly side of the site and therefore views of the building are restricted from this public right of way by the existing building group on site. Nevertheless, the building exists at present, and it would remain the same in height and scale and would therefore not harm views within its countryside setting.

The building is to be finished in Yorkshire Boarding with some lower parts in concrete block work. The roof would be finished in fibre cement sheeting, which together with the Yorkshire boarding is considered appropriate and commonly used materials on buildings within the countryside. In contrast, the taller roller shutter doors would have a galvanised finish which contrasts with the softer, brown colour finish of the external cladding to the building's walls. Whilst the roller shutter door is an inherently utilitarian feature, its visual impact could be softened, and its present stark material contrast avoided by ensuring that it is painted/power coated in a colour which either matches the cladding of the building or an alternative colour treatment which avoids a jarring impact with the materials of the main building.

As agreed with the applicant, the roller shutter doors shall either be anthracite grey, Vandyke brown or Juniper green in colour. An appropriate condition has been imposed in this regard. Subject to the imposition of this condition, the external alterations to the building would not have a harmful impact on the character and appearance of the host building or its surrounding rural setting.

The proposal also includes the formation of a strip of parking for 6 vehicles in close proximity to the eastern side of the building. This area of land presently comprises rough hardstanding and the

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

proposed location of the parking spaces is considered appropriate and would not result in parked vehicles being visually intrusive or unduly harmful to the character and appearance of the area. Furthermore, a condition is recommended to prevent any external areas of the site being used for storage associated with the use to ensure that all storage is contained within the internal areas of the building.

In view of the above, the proposal is considered acceptable as it complies with the requirements of policies GD4, GD7 and ENV1 with regard to the impact of the development on the visual amenity of the area.

### **Amenity impacts**

The site is bound by open fields to the north, east and south. The parcel of land to the south of the site fronting Greenhalgh Lane benefits from planning permission for the construction of one holiday home through application ref. 23/0751. A touring caravan site sits further south which was permitted through planning permission 16/0835. The application building sits towards the rear of the main farmhouse alongside of the southern boundary and is immediately adjacent to an open field to the south which is to the rear of the holiday home site. There are no immediate residential dwellings adjoining the site, with the exception of the farmhouse on the application site.

The application proposes the change of use of the building to Use Class B8 (storage or distribution). Accordingly, the main sources of noise associated with the proposed use of the building would be those associated with comings and goings by visitors, including vehicle movements at the access onto Greenhalgh Lane and loading and unloading within the site.

It is noted that a neighbouring landowner has raised some noise concerns, specifically towards the roller shutter doors which they believe would adversely impact upon the occupants at the adjacent holiday home and touring site. The neighbour also mentions that there has been recent noise and disturbance occurring from the site from the use of plant and machinery operating within the grounds. As this does not relate to the proposed development in this application it is irrelevant to this assessment. Moreover, planning enforcement have been made aware of activity taken place at the site which is being dealt with and investigated separately to this application.

The application proposes hours of operation between the hours of 07:00 and 19:00 Monday to Saturday and 07:00 and 13:00 on Sunday's / Bank Holiday's. These hours are considered reasonable and given the daytime nature of the use, the limited scale of the building and the substantial separation distance with the closest neighbouring dwellings, there is no reason to conclude the proposed B8 use or roller shutter doors would give rise to noise levels that would cause "*significant adverse impacts on health and the quality of life*", which paragraph 185 a) of the NPPF states should be avoided. Similarly, there would be no conflict with the requirements of criteria c) or h) of FLPPR policy GD7.

Further to the neighbouring objection, it is noted that the Parish Council have objected to the development and have recommended refusal of the application. The main issues raised are that *the implication of the utilisation by existing plant and machinery, as the height is 5.920 metres with high access doors and located on the immediate boundary of the neighbouring property*. They go on to state that *the noise impact of the property is already noticeable and adversely affecting residents and neighbouring businesses, on and off-site*. Concerns are also raised towards the proposed use and that it contributes to the overall industrialised nature of the wider site, which is considered not to be appropriate for this rural setting, together with concerns regarding adverse impact on the roads.

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

In terms of the proposed change of use, and as reviewed within the principle section of this report, the proposed use is supported by Local Plan Policy GD4 which supports proposals/ uses which would help to diversify the rural economy. Furthermore, the applicant has confirmed the variety of items that would be stored within the units which includes caravans, cars, business equipment's etc. which are potentially going to be bulkier/ larger items opposed to smaller household storage as referred to by the Parish Council. The larger items listed within the supporting statement are considered acceptable by the council and would potentially require the larger opening roller shutter doors as proposed.

Accordingly it is accepted that the storage use proposed can be undertaken without undue detriment to the amenity of neighbouring occupiers or uses and so satisfies the requirements of Policy GD7 and the NPPF in that regard.

### **Highway impacts and Parking**

Paragraph 110 of the NPPF identifies four criteria (a – d)) for assessing applications for development which require proposals to take appropriate opportunities to promote sustainable transport; ensure safe and suitable access for all users; ensure the design of streets, parking areas and other transport elements reflects current national design guidance; and mitigate any significant impacts on highway safety, capacity, and congestion. In addition, paragraph 111 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.”

FLPPR policies GD4 a), GD7 and T5 refer to the impact of a development on highway safety and the need for parking provision to serve developments.

In this case, the storage building would be accessed via the existing access track taken from the north side of Greenhalgh Lane. Alterations are proposed to the track which would include resurfacing its entrance taken from Greenhalgh Lane in permeable tarmac which would extend up to 10m. Two passing places are also proposed further along the track which would sit staggered at either side of the track as shown on the plan. Finally, there would be 6no. dedicated on-site parking spaces for the users of the storage units which would be laid out close to the east side of the application building.

LCC Highways have been consulted with and raise no objection to the proposal. The Highways Officer makes note of the Public Right of Way and advises that the granting of planning permission does not authorise any stopping up; closure; obstruction or diversion of a Public Right of Way, without the appropriate order.

LCC Public Rights of Way Planning and Environment have also commented on the application and have confirmed that they do not object towards the development proposed. They have provided informative comments regarding development on a PROW for the applicant which will be attached to the permission by way of an informative.

Officers are satisfied that the volume and nature of vehicle movements associated with the storage use proposed can be accommodated on the surrounding highway network and within the site without detriment to highway safety matters. Conditions are appropriate to ensure that the passing places and parking areas shown on the plan are constructed, and an informative added to ensure that the works to the access are undertaken through the local highway authority.

### **Comment on additional neighbour comments**

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

An additional letter of concern was submitted by the neighbour in response to the comments received by County Highways, whereby the Highways Officer states that they have no objection towards the development. The neighbour makes reference towards a recently withdrawn Class R application ref. 23/0458 which sought prior approval for the change of use of the application building to storage and distribution.

In planning terms, the scope of works permitted within Class R applications relate to the change of use only and does not permit or allow consideration towards any building operations. Therefore, the applicant was advised to submit a full planning application so that the building operations could be considered, as well as the inclusion of car parking on the basis that that was the correct procedure to follow for the development that was proposed. Accordingly, application ref. 23/0458 was withdrawn and this full planning application was subsequently submitted.

The comments received by the Highways Officer in application ref. 23/0458 concluded that a Section S278 agreement would be necessary in order to introduce formal passing points along Greenhalgh Lane to ensure that the development would not exacerbate the overrun of the highway verges. The neighbour has highlighted the previous concerns raised by County Highways and queries why this has not been requested by County Highways as part of this application which is very similar to that in application ref. 23/0458. Concerns are also raised towards the adjacent holiday park and recently approved holiday cottage which stand to be affected by heavy plant and machinery 'passing by'.

Officers sought further clarification from the County Highways Team and queried the points raised above. The Highway Authority have confirmed that a Section 278 agreement is no longer required following internal discussions between the Highways Development Control Team and the Highways s278 team. The Highways Officer has explained that the prior approval application ref. 23/0458 had limitations regarding the type of conditions that could be attached to the permission and as a result of this LCC Highways could not request highway improvements under a prior approval application and therefore recommended it was refused and a full planning application submitted instead.

The current application is a full planning application which allows LCC Highways to request highway improvements which have been incorporated into the current scheme and include the rectification of the damage to the verges within the immediate vicinity of the existing site access in addition to creating an appropriately bound surface on the existing site access which is part of the adopted highway and a minimum of 5 metres (as measured from the back of the adopted highway into the site). Accordingly, the highway authority is able to support the application.

In regard to the Section 278 request, the Highway Authority have confirmed that in review of the submitted application it has been deemed that the earlier request would not have met the 6 tests necessary for a planning condition in that it would not be necessary or reasonable given the nature of the development. In particular there was concern that the request for a passing place on Greenhalgh Lane was based on some damage to verges as vehicles over ran them, but there is no indication that this damage would be caused by any of the individual properties that are on the Lane and so it could not be reasonable to require that they were required to fund this passing place.

### **Conclusions**

The application relates to the change of use of an agricultural building to Use Class B8 (storage or distribution) and associated external alterations to accommodate its intended use which would not alter its size.

The FLPPR supports the sustainable growth and expansion of all types of business where this is in



## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

accordance with other policies of the local plan. In this instance the site can provide the proposed employment use in an existing building of a permanent and substantial construction with minimal changes to its external appearance. The visual effects arising from the external changes to the building (specifically to require the colour treatment of the galvanised roller shutter which has been installed) can be mitigated through the imposition of an appropriate condition to secure a sympathetic finish to this industrial feature.

The proposal allows the site to be re-purposed in a sustainable way without creating harm to the visual amenity of the area or to the amenity of neighbouring occupiers. Suitable provision for access and parking would also be secured to ensure that the development has no unacceptable impact on highway safety and its effects on network capacity would not be severe.

As such, it is considered that the proposal represents sustainable development in the countryside which is supported by the aims of the NPPF and is in accordance with the relevant policies of the FLPPR. Accordingly, the application is recommended for approval subject to conditions.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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, proposed site plan, elevations and floor plan - drawing no. C 551 Rev. D

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

4. Within one month of their installation on site, and unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the roller shutters hereby approved and as shown on the proposed plan drawing no. C551 Rev. D shall be colour treated in either Anthracite Grey, Vandyke Brown or Juniper Green, and shall be maintained as such thereafter.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Reason: To ensure an appropriate material finish which is sympathetic to the character of the site and its surroundings in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order revoking and re-enacting that Order with or without modification, the development hereby approved shall only be used for purposes which fall within Class B8 (storage and distribution) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending or replacing that Order.

Reason: To ensure that the existing and any future use of the premises is limited to one which can be carried out without detriment to the amenity of the area and does not have any adverse amenity impacts upon the occupiers of nearby dwellings and highway safety in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

6. There shall be no access to the site for deliveries, collections, loading or other such movements of goods stored other than between the hours of 07:00 and 19:00 Monday to Saturday and 07:00 and 13:00 on Sunday's / Bank Holiday's.

Reason: To limit the potential for noise generation at times when surrounding occupiers would reasonably expect to be undisturbed and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. There shall be no storage of any plant, tools, equipment, machinery, materials or other appurtenances associated with the use hereby permitted within the external areas of the site.

Reason: To limit any visual effects which could arise from external storage on the character and appearance of the surrounding area and to ensure that the external areas of the site which are to be used for vehicle parking and manoeuvring remain free from obstruction in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4, GD7 and ENV1, and the National Planning Policy Framework.

8. If any external lighting is to be installed on the building and/or the external areas of the site a scheme including details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any shields, hoods or timers to be fixed to the lights shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. 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.

9. Prior to the first use of the building for the storage use hereby approved, the entrance of the access track to Greenhalgh Lane shall be laid out in permeable tarmac as shown on the plan drawing no. C 551 Rev. D and the two passing places along that track shown on that plan shall be formed in a permeable hardcore material. These areas shall be maintained and retained thereafter.

## AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE

Reason: To provide a safe and suitable means of access to the site for all users and to prevent loose material being dragged onto the highway 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.

10. The 6 car parking spaces for the development indicated on drawing no. C 551 Rev. D shall be marked out in accordance with the details shown on the approved plan and made available for use before the use hereby permitted first takes place. The duly marked out car parking spaces shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that adequate provision is made for vehicle parking off the highway in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

### Informative(s)

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

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

2. Public Right of Way Informative

Footpath FP0506004 is recorded along the access track to the proposed development and so the developers attention is drawn to the following obligations of works in the vicinity of a public right of way:

- 1) The public right of way should not be used to store materials, vehicles or machinery and if found to would be deemed an obstruction and the applicant would be subject to enforcement proceedings.

- 2) Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.

- 3) Any trees or bushes need to be at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.

- 4) If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.

- 5) If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing

## **AGENDA FOR 15 MAY 2024 PLANNING COMMITTEE**

route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.