

# Planning Committee Agenda

## Wednesday, 20 December 2023

Item No.	Appn No.	Location	Recommendation	Page No.
1	23/0356	ROSEACRE, 14 WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ	Grant	7
		DEMOLITION OF DWELLING AND STABLE BUILDINGS, AND ENABLING WORKS TO FACILITATE RESIDENTIAL DEVELOPMENT COMPRISING: 1) GROUND INVESTIGATION, 2) SITE CLEARANCE AND PREPARATION, INCLUDING DEPOSIT OF STARTER, UPFILL AND SURCHARGE MATERIALS AND RUNNING LAYER, AND 3) TEMPORARY WORKS INCLUDING 1) CONSTRUCTION ACCESS, 2) SITE SECURITY FENCING, 3) PROVISION OF A CONTRACTOR'S COMPOUND INCLUDING WELFARE BLOCK, MATERIAL AND EQUIPMENT STORAGE, AND VEHICLE PARKING.		
2	23/0702	7 RIBBY ROAD, RIBBY WITH WREA, LANCASHIRE, PR4 2NB	Grant	31
		ERECTION OF SINGLE STOREY DETACHED RESIDENTIAL ANNEX WITHIN REAR GARDEN FOR USE IN ASSOCIATION WITH 7 RIBBY ROAD, WREA GREEN, PR4 2NB.		
3	23/0521	NORMANDY, 178 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB	Refuse	44
		ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE FOLLOWING DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE		

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### **Background Papers**


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

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

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

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### Item 1

<b>Application No:</b>	23/0356	<b>Case Officer:</b>	Rob Buffham Area Team 1
<b>Applicant:</b>	ROWLAND HOMES LTD	<b>Agent:</b>	Smith & Love Planning Consultants
<b>Location:</b>	ROSEACRE, 14 WILDINGS LANE, LYTHAM ST ANNES FY8 3RJ		
<b>Proposal:</b>	DEMOLITION OF DWELLING AND STABLE BUILDINGS, AND ENABLING WORKS TO FACILITATE RESIDENTIAL DEVELOPMENT COMPRISING: 1) GROUND INVESTIGATION, 2) SITE CLEARANCE AND PREPARATION, INCLUDING DEPOSIT OF STARTER, UPFILL AND SURCHARGE MATERIALS AND RUNNING LAYER, AND 3) TEMPORARY WORKS INCLUDING 1) CONSTRUCTION ACCESS, 2) SITE SECURITY FENCING, 3) PROVISION OF A CONTRACTOR'S COMPOUND INCLUDING WELFARE BLOCK, MATERIAL AND EQUIPMENT STORAGE, AND VEHICLE PARKING.		
<b>Ward:</b>	Heyhouses New	<b>Parish:</b>	St Anne's on the Sea
<b>Date Received:</b>	15 June 2023	<b>Earliest Decision:</b>	27 July 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to scale or nature of application	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>	 <p style="text-align: center;">LAND AT WILDINGS LANE, LYTHAM ST ANNES</p>		

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### Summary of Officer Assessment

The application site is located within the settlement boundary of St Annes, immediately east of Wildings Lane, and is presently occupied by a bungalow with stables set to the rear, with the remainder of the site in use as a grassed paddock for the grazing and exercise of horses in association with those stables. The site is relatively flat, being set below the level of Wildings Lane.

The land is allocated as a non-strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review) as per Policy H1, and forms part of a much larger strategic housing site known locally as Queensway which is presently under construction. Outline planning consent has recently been granted for up to 52 dwellings (ref: 21/0811). This follows the decision of the April 2023 Planning Committee resolving to approve the application subject to a S106 Legal Agreement. That agreement was completed in early December and so the planning permission has been issued.

Planning consent is now sought separately under this application for the demolition of all buildings and structures, and the undertaking of ground stabilisation works that will provide a solid development foundation for construction of this approved housing scheme. Consent for ground investigation and siting of compounds for the surcharging works is also sought. The scheme under consideration should be regarded as the essential enabling works for the approved housing development.

The ground beneath the site is not suitable as a building foundation. This is common across the surrounding areas of St Annes with ground stabilisation used extensively in construction of new housing at the Queensway development. The stabilisation process is known as surcharging and basically involves placing crushed stone material on the unsuitable ground surface. The weight of that material acts to stabilise the land by compressing the soil and expelling trapped air and water, to produce a stable foundation for new buildings. This process typically lasts for several weeks but can take several months depending on the specific soil conditions.

These works would normally be considered at the condition discharge stage following approval of development, as opposed to a stand-alone application. The submission provides reasoning for this alternative approach, confirming that it will fast track the site clearance and required ground stabilisation, as opposed to waiting until the reserved matters and condition discharge applications for the housing development are determined. This application is therefore designed to speed up the overall construction process.

The works proposed do not constitute housing per se, thus are not in strict accordance with the site's allocation for housing. Notwithstanding, they are directly related to the delivery of residential development which has the benefit of planning consent. The association of the proposal to housing therefore allows support for the principle of development.

The proposal will result in surcharge material being deposited across the site. The submission indicates that the amount of material required could raise levels by up to 2.4m. It should however be noted that this is a temporary level, with the level of the housing site being determined by the related housing consents and surcharge material can be removed to facilitate those levels.

The surcharge material will result in a stoned appearance which would be in contrast to the natural appearance of the site and surrounds. Notwithstanding, future development of the site and adjacent land for residential purposes will permanently alter this natural state, thus it is not considered that this temporary change will undermine the character or appearance of the area. It

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is however important that the surcharge material and secure fencing are not left in situ indefinitely. A condition is therefore advised to require site restoration in the event that construction on the housing scheme is not commenced. Similarly, a condition requiring removal of the compound areas once the works are complete is also suggested.

Construction access is proposed from the south via Wildings Lane, following a route to/ from the site which links to the M55 via Heyhouse Lane, Queensway and Progress Way. The applicant has provided a Construction Traffic Management Plan which identifies impacts of construction traffic and outlines a mitigation strategy to reduce impact. The development will result in an increased number of vehicles using Wildings Lane, albeit for a temporary period during the construction process. The Local Highway Authority has not objected to the scheme or the submitted Construction Traffic Management Plan, requiring construction to accord with the CTMP and a pre-construction road survey to monitor damage of Wildings Lane by construction vehicles.

Residents who live adjacent to the development could suffer disturbance during the construction process. The applicant has submitted a Construction Environmental Method Statement & Amenity Statement, and Dust Suppression Method Statement, which confirm measures to reduce disturbance from noise, vibration and dust. The measures proposed will help alleviate concerns for residents, though it must be recognised that there will be some disruption. This will however be temporary and for duration of the works on site only. Conditions which require the mitigation contained within both reports advised.

There are no other technical reasons (flood risk, drainage or ecological) of note that would warrant refusal of the proposal.

On this basis the development is considered to be in accordance with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF23, the proposal should be approved without delay and the Officer recommendation is that Members support the application subject to a schedule of appropriate conditions and adoption of the Habitat Regulation Assessment.

### **Reason for Decision Level**

The scale of the application site is such that the application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site measures 1.7 hectare in size, located immediately adjacent to the eastern side of Wildings Lane and to the north eastern edge of Lytham St Annes.

The site comprises of a detached red brick bungalow named Roseacre, that has detached stable buildings located to its rear with surrounding fields in use for the external exercise and grazing of associated horses. It is allocated as a non-strategic housing site and forms part of a larger Strategic Housing Site, known locally as 'Queensway', as designated by the Fylde Local Plan to 2032 (Incorporating Partial Review). The site has outline planning consent for up to 52 dwellings, approved by the April 2023 Planning Committee.

Topography of the site is flat, being set to a lower land level than Wildings Lane, it is laid to grass with post and rail fence and vegetation forming boundaries. A watercourse flanks the eastern boundary

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that connects into a wider network of drainage ditches that lie within the farmland beyond to the east and north eastern margins.

Existing housing on Wildings Lane and Jubilee Way are located beyond the application site to the south and west, and are generally of bungalow appearance being constructed of red brick, with some rendered properties also. Planning permission has been granted for two storey residential development to the western side of Wildings Lane but is not under construction.

The landscape surrounding the site is typical of the area and comprises low lying, level, grazing land, with ditches and wind sculpted woodland.

### **Details of Proposal**

#### **Scope of Application**

Planning permission is sought for the demolition of the existing dwelling and stable buildings.

Secondly a package of enabling works are proposed to facilitate the construction of the approved residential development, with these including:

- ground investigation works including drilling for samples and trial pits,
- site clearance and preparation, including deposit of starter, upfill and surcharge materials and running layer up to a height of circa 2m.
- establishment of temporary construction works including construction access, site security fencing, provision of a contractor's compound including welfare block, material and equipment storage, and vehicle parking.

#### **Background**

The proposed demolition and enabling works are associated to outline planning permission 21/0811. This application was considered at the 26 April 2023 Planning Committee where Members resolved to grant consent for the construction of up to 52 dwellings on the site, with access from Wildings Lane. This consent has only recently been issued, on 7 December 2023, with the delay related to some protracted discussion concerning wording of the s106 Legal Agreement which is associated with the planning permission.

The proposal for assessment is unusual in the sense that the works would normally be considered during assessment of applications for the site's re-development or condition discharge, as opposed to a stand-alone submission. However, a cover letter supplied with the planning application explains that the purpose of this current planning application is to reduce the construction timeframe, allowing the demolition and ground stabilisation works to be undertaken on approval, as opposed to waiting until the reserved matters and condition discharge applications are determined. In theory, this will allow construction to commence as soon as the reserved matters scheme is approved, as opposed to starting the enabling works at that time.

The ground beneath the site is not suitable as a building foundation for housing, meaning that a program of ground improvement (surcharging) is necessary to prepare the land for development. The ground conditions beneath the site are common across the surrounding areas of St Annes and surcharging is being extensively used during construction of housing on the Queensway development.

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Surcharging is a technique which involves placing a temporary (or permanent) material on the unsuitable ground surface. The weight of that material acts to stabilise the land by compressing the soil particles and expelling trapped air and water, to produce a stable foundation for new buildings without the risk of future settlement. This surcharging process typically lasts for several weeks but can take several months depending on the specific soil conditions. Once the ground is stable, the surcharge loading material can be removed and subsequent conventional construction activities can begin.

### Relevant Planning/Appeal History

Reference	Description	Decision	Date
21/0811	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 52 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES AND PADDOCKS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Approved subject to s106	7 December 2023
16/0061	ERECTION OF 45 DWELLING HOUSES AND ASSOCIATED PUBLIC OPEN SPACE, AND ENHANCEMENT TO WILDINGS LANE, FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES, MENAGE AND PADDOCKS.	Approved subject to s106	08 November 2017

### Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<p><u>Comments were received on 21 July 2023</u></p> <p><i>Decision/Comments: OBS (Observations)</i>  <i>Note: The application form shows "no" change to vehicular access and should read "Yes". Also, no answer to "how will surface water be disposed of?" Application Form does not give any detail regarding sewers and foul water, this contradicts drainage concept plan layout.</i></p>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Lead Local Flood Authority	The Lead Local Flood Authority has no comments to make on the above application, as the proposals have no surface water implications.
United Utilities	No objection subject to condition requiring drainage to be carried out in accordance with the principles submitted in the flood risk assessment, and management and maintenance of sustainable urban drainage solutions (SUDS).
LCC Highways	Raise no objection subject to condition requiring implementation of the submitted Construction Traffic Management Plan.

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	<p>The comments made are:</p> <p><i>“An outline application (21/0811) was submitted for up to 52 residential dwelling at the site in 2021, which has been considered at planning committee and has been approved subject to S106. This current application seeks full planning permission for demolition and enabling works at the site at Roseacre, Wildings Lane, Lytham St Anne’s.</i></p> <p><i>The works proposed as part of this application include the demolition of the existing structure at the site and surcharging works. As part of LCC Highways statutory comments, dated 25th November 2021 (available to view under application 21/0811), the LHA suggested planning conditions for the LPA to consider.</i></p> <p><i>An updated Construction Traffic Management Plan (CTMP) has been provided to LCC Highways on 16th October 2023, via email. This document is now acceptable to LCC Highways and works will need accord with the CTMP. This CTMP is for this current application (for enabling works) and an updated CTMP will be required when the proposed development (21/0811) is being built out.</i></p> <p><i>As the LHA has no objection to the proposed development (application 21/0811), there is no objection to this application, which is for the enabling works for the development. However, suitably worded planning conditions will be required in order to maintain safe operation and condition of the highway.”</i></p> <p>They then suggest planning conditions relating to:</p> <ul style="list-style-type: none"> <li>• Implementation of the approved CTMP</li> <li>• Undertaking a pre-work survey of the nearby adopted highway, with a record of any defects being provided and then all defects made good prior to the occupation of any approved dwelling.</li> </ul>
<p>Natural England</p>	<p>No objection.</p> <p><i>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.</i></p> <p><i><u>Habitats Regulations Assessment (HRA) 444</u></i>  <i>Natural England has reviewed the Shadow Habitat Regulations Assessment (Envirotech, July 2023).</i></p> <p><i>Natural England notes that an appropriate assessment of the proposal has been undertaken 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</i></p>



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	<p><i>Assessment process, and a competent authority should have regard to Natural England’s advice.</i></p> <p><i>The appropriate assessment concludes that it 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, Natural England advises that we concur with the assessment conclusions.</i></p> <p><u><i>Ribble Estuary SSSI</i></u>  <i>Our concerns regarding the potential impacts upon the Ribble Estuary SSSI 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 the development is not likely to damage the interest features for which the site has been notified.</i></p>
<p>GMEU Ecologist’s</p>	<p><u>Impact on designated wildlife sites</u></p> <p>The application site is within 3km of the Ribble and Alt Estuaries Special Protection Area (SPA), a European designated site. Under the terms of Conservation of Habitats and Species Regulations 2019 (as amended), the Council has a formal requirement to assess the potential harmful impact of the proposal on the special interest of the SPA in the determination of the planning application. The applicant has provided a ‘shadow’ HRA which the Council could consider adopting to comply with the terms of the legislation. This HRA has concluded that the development proposal will not cause any harm to designated sites, providing that as a Condition of any approval which may be granted to the development a toolbox talk is given to contractors explaining the need to avoid disturbance of notable bird species associated with the SPA which may use nearby fields. I would consider this measure to be insufficient to mitigate possible disturbance effects.</p> <p>However, I note that it is part of the application to erect site security fencing. I would advise that this fencing includes temporary screening (e.g. with tarpaulin), so that the site is visually screened from surrounding fields during works. I would advise that, providing this fencing is installed prior to other works commencing, potential disturbance to birds would be effectively mitigated.</p> <p>The Shadow HRA has also concluded that there will be no impact on the SPA arising from potential water pollution effects. I note that the drainage plan for the site states –</p> <p><i>“Run-off from the site when the surcharge is placed will therefore be towards the ditches; it is intended that silt screens be installed in the ditch at the northeast corner of the site to prevent sediment entering the wider ditch system. Regular inspection shall take place to ensure the silt screens remain in place and functioning correctly, any sediment deposited upstream of the silt screens shall be removed from the ditches”.</i></p>

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	<p>The Shadow HRA has also concluded that there will be no impact on the SPA arising from potential water pollution effects. I note that the drainage plan for the site states –</p> <p><i>“Run-off from the site when the surcharge is placed will therefore be towards the ditches; it is intended that silt screens be installed in the ditch at the northeast corner of the site to prevent sediment entering the wider ditch system. Regular inspection shall take place to ensure the silt screens remain in place and functioning correctly, any sediment deposited upstream of the silt screens shall be removed from the ditches”.</i></p> <p>Given that this mitigation measure will be in place for avoiding water pollution, I would agree with the conclusions of the HRA that no likely significant effects on the special interest of the SPA will arise from water pollution effects.</p> <p>The site is also adjacent to the ‘Lytham Moss’ Biological Heritage Site (BHS) and is close to the former ‘Lytham Moss Copse’ BHS. Lytham Moss Copse was originally designated as a BHS because it supported a population of Tree Sparrows. This population has unfortunately now become extinct and the reason for the designation is redundant. The site has now been redeveloped.</p> <p>There will be no direct land-take of the Lytham Moss BHS sites resulting from the development proposal and the development will not result in any (further) fragmentation of the sites. Whilst there may be some indirect disturbance to birds using the BHS sites caused by the works, this effect could be effectively mitigated by the erection of hoarding around the site and briefing the contractors to avoid any undue disturbance of nearby fields, <i>as per</i> the mitigation for the potential effects on the SPA.</p> <p><u>Impact on notable habitats and species</u></p> <p>The ecology survey provided to inform the application has found that the site itself is of limited nature conservation value, but does support some features of local nature conservation interest that should be taken into account during works, including hedgerows, shrubs and a small watercourse. The buildings on the site have limited (low-negligible) potential to support bats.</p> <p>I would recommend –</p> <ul style="list-style-type: none"><li>• that no vegetation clearance required by the scheme take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person</li><li>• that the precautions for avoidance of possible harm to bats as detailed in section 7.4 of the ‘Envirotech’ ecological survey report provided to inform the application should be required</li></ul>
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	to be implemented as a Condition of any permission. All UK bats and their resting places are specially protected in law. that as part of any future applications for residential development on this site, a fully detailed Landscape Plan is required to be prepared. The Landscape Plan should take into account the need for the development to achieve an enhancement in the nature conservation value of the site.
Blackpool Airport	No objection, provided the a condition is applied if permission is granted relating to the developer giving advance notice to the Airport of any intended use of cranes or other tall machinery that could impact their safe operation.
National Air Traffic Services (NATS)	No safeguarding objection to the proposal.

### Neighbour Observations

<b>Neighbours notified:</b>	16 June 2023
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	27 June 2023
<b>Press Notice Date:</b>	6 July 2023
<b>Number of Responses</b>	Total number of comments      8
<b>Summary of Comments</b>	The comments received are all in opposition to the application and can be summarised as:

#### Highway Factors:

- the works will bring increased traffic to the area.
- Poor access - This is a narrow lane that was only ever designed to serve light traffic, giving access to the small domestic properties which front onto it. Road is not suited to construction vehicles, which would not be able to pass one another without mounting the single footpath or damaging the privately owned verges. And made worse by presence of construction parking.
- Highway safety due to conflict with construction vehicles – Sections of Wildings Lane have no pavement, with pedestrians and wheel chair users often in the carriageway as a result. Reversing from driveways.
- The existing poor state of Wildings Lane resultant from construction vehicles will be exacerbated by the proposal. Increased danger to pedestrians and wheel chair users that use Wildings Lane.
- Development should wait until suitable roads around the Queensway development are in place.
- Contractors parking within the area and using Jubilee Way, causing disruption.
- Access should be through the Queensway site.
- Hopefully the change of priority at Wildings Lane. Jubilee Way will not alter as a consequence of this application.
- It is essential that all traffic relating to this application uses Wildings Lane via Heyhouses Lane and does not use Jubilee Way.

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- Damage to surfacing and infrastructure below road as a result of construction vehicles.
- contrary to the green concept of the local area plan. The number of houses for this area has already been met and any more would be superfluous to the plan.

### Environmental Factors

- The works will create noise and dust disturbance.
- Ecology survey was undertaken over 2 years ago.
- Negative impact on the environment and wildlife.
- Mature trees should be retained.
- It is also noted that an Asbestos Survey has not yet been undertaken, albeit procedures are included should any be discovered.

### Drainage Factors

- The method of disposal of surface water unanswered.
- possible inaccuracies, e.g. a statement that there will be ample vehicle parking onsite, whereas elsewhere “no vehicle parking will be allowed onsite”.
- Flooding of surrounding fields is a regular occurrence.
- Poor water pressure, development would have a bigger pull on already limited supply.
- Temporary sanitary provisions will require consideration in regard to effluent disposal.
- Whereas the Application indicates that there are no trees on the land, the drawings submitted show several. Also noted on the drawing is that some detail has not been surveyed due to “poor visibility”. Under such conditions, how has it been possible to accurately establish the condition of trees and hedgerows to make an informed decision as to their future?

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

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

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

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

GD1 - Settlement Boundaries (Lytham St Annes)  
GD7 - Achieving Good Design in Development  
ENV2 - Biodiversity  
CL2 - Surface Water Run-Off and Sustainable Drainage  
H1 - Housing Delivery and the Allocation of Housing Land

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Saint Anne's on the Sea Neighbourhood Development Plan.

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues pertinent in the assessment of this planning application relate to:

- The principle of development.
- Character and visual appearance.
- Highway safety.
- Residential amenity.
- Flood risk and drainage.
- Ecology.

### **The principle of development**

The site falls within the settlement boundary of Lytham St Annes as defined on the Fylde Local Plan to 2032 (Incorporating partial review) (FLPPR) Policies Maps. FLPPR policy GD1 is generally supportive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies.

In addition, Policy SL1 identifies a number of sustainable greenfield sites on the edge of settlements to help meet the Fylde's housing strategy identified within the FLPPR. The application site is identified as a non-strategic housing site (ref: HS61), and in accordance with that allocation, outline planning permission has recently been granted for up to 52 dwellings on the site (ref: 21/0811).

Planning consent is sought for the clearance of all buildings and structures, and the deposit of surcharging material across the site. The submission confirms that the proposal will prepare the application site in readiness for the construction of housing once the necessary reserved matters and condition discharge applications have been determined. In essence, this will speed up delivery of the housing, since ordinarily these works would be undertaken post approval of those applications.

The works proposed do not constitute housing development per se, thus are not in strict accordance with the site's allocation for housing. Notwithstanding, the works are directly related to the delivery of residential development on the site which also has the benefit of planning consent. The association of the proposal to the delivery of housing therefore allows support for the principle of development concerned.

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### Character and visual appearance.

#### Policy Background

Policy GD7 requires all new development to be of a high standard of design, taking account of character and appearance of the local area, and refers to a number of specific criteria that proposals should comply with.

Criteria b) of Policy ENV1 also requires the retention of existing landscape features where feasible, with criteria c) requiring replacement of such features where loss is unavoidable.

Objection (2) of the SANDP seeks secure high quality sensitive design which prioritises local distinctiveness and enriches the landscape and built environment. Policy DH1 requires that development proposals must accord with the St Anne's Design Guide SPD and contribute to the vision of St Anne's as a 'Gardn Town by the sea', it should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, and para 134 requires development that is not well designed to be refused.

#### Assessment

The application site is presently occupied by a detached dwelling and stable buildings, as well as open fields that are used for the grazing and exercise of horses in association with the stables use. The present appearance of the application site has a semi rural character, which is emphasised by open fields that surround. Notwithstanding that, the character of the locality will alter significantly to one of a more suburban nature once the housing allocation that the application site forms part of is developed.

Planning consent is sought here for the deposit of surcharge material on the site, with that material confirmed in the submission documents to be soil or fill material such as that which can be seen in situ to the junction of Queensway/ Kilnhouse Lane. Heras fencing will also be constructed around the site perimeter for security reasons, and a separate site compound created for the enabling and then construction phases of work. The compound areas will measure 17m X 17m, and include a site office and canteen in a temporary portacabin, portable toilet and material storage area.

The development proposed will result in surcharge material being deposited across the site. Cross section drawings indicate that the amount of material required could raise levels by up to 2.4m. It should however be noted that this is a temporary level associated to the surcharging works and resultant ground stabilisation only, with the level of the housing site being determined by the related housing consents, with the deposited material removed to facilitate those levels.

Revised plans have been provided that retain all trees and hedgerow to the southern boundary of the application site, to accord with requirements of the housing approval.

The surcharge material will give the site a stoned appearance which is in contrast to the site at present and its surroundings which present a natural appearance. Notwithstanding that, future development of the site and adjacent land for residential purposes will permanently alter this natural state, thus it is not considered that the proposal would undermine the character or appearance in this context, especially bearing in mind the temporary nature of the works.

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From a visual perspective, it is important that the surcharge material and secure fencing is not left in situ on the application site indefinitely. To safeguard this scenario, a condition is advised that will require site restoration in the event that construction on the housing consent is not commenced. Similarly, a condition requiring removal of the compound areas once works are complete is also suggested.

Accordingly, whilst it is considered that the proposal would undermine the present character and appearance of the site, that impact must also be assessed in light of the future development of the site, which would only be temporary until construction of housing was commenced. Moreover, the works proposed are integral to the delivery of housing on the site. This presents a unique circumstance for support of the proposal which outweighs the reported harm.

### **Highway safety.**

#### Policy Background

Policy GD7 requires new development to not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

Objective (2) of the SANDP seeks to ensure that the Town is safe, accessible and attractive to all its residents, visitors and people who work in it.

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Assessment

The proposal has opportunity to impinge upon highway safety during construction of the development, resultant from associated vehicles and additional trips to/ from the application site. A Construction Traffic Management Plan (CTMP) has been submitted which identifies impacts of construction traffic and outlines a mitigation strategy to reduce impact where practicable. The CTMP identifies:

- Construction is estimated to take 8 months, with limited activity after that time.
- Temporary construction access from the south via Wildings Lane.
- Site deliveries between 08:00 – 16:00 Monday to Friday
- Construction vehicle route – M55, Progress Way, Queensway, Heyhouses Lane and Wildings Lane.
- Deliveries – all contractors must provide details of their proposed timings of deliveries, with a Site and Logistics Manager being responsible for ensuring that deliveries are managed effectively to reduce traffic volume and unnecessary disruption on access roads. The arrival of multiple deliveries at the same time will be avoided, with drivers given timeslots to minimise impact on local roads. A Banksman and signage will also be used.
- The safety of pedestrian and cycle movements to Wildings Lane will be maintained with use of signage and wheel wash facilities.
- On site parking will be provided, with no parking allowed on Wildings Lane or any other roads.

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It must be acknowledged that the development will result in an increased number of vehicles using the Wildings Lane/ Heyhouses Lane junction, albeit for a temporary period. In light of this Lancashire County Council Highway Authority have been consulted on the application and have replied to confirm a lack of objection.

The local highway authority have also requested a road condition survey to monitor potential damage of the road network from construction vehicles accessing the site. Existing use of Wildings Lane is largely by car which access existing housing and the care home. In this circumstance it would be feasible to apportion blame for road damage to construction vehicles since it is unlikely that damage would be resultant from a car. The suggested condition is considered appropriate.

The application site is located within an accessible location with good linkages to the main local road network. The development provides for an acceptable means of vehicular access that is not considered to prejudice the safe, efficient or convenient movement of all highway users. In the absence of any objection from the Highway Authority, the proposal is in compliance with the policy objectives of Policy GD7 of the FLPPR , Objective (2) of the SANDP and the NPPF.

### **Residential amenity.**

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses, including those existing residents that live adjacent to the application site. With regards to the development proposed, this amenity impact is limited to potential disturbance during the construction period particularly for residents that reside on Wildings Lane.

The planning application is accompanied by a Construction Environmental Method Statement & Amenity Statement, and Dust Suppression Method Statement which confirm:

- Construction work and receipt of deliveries will be restricted to 08:00 – 18:00 Monday to Friday, 09:00 – 13:00 Saturday and no working on Sundays or Bank Holidays. Construction staff may arrive and depart prior to or after those times, if deliveries arrive early then they will be encouraged to park on site, with engines turned off and no unloading activity until after 08:00.
- Site staff will be informed that they should be mindful of residents.
- Contractors will be informed of the working time constraints.
- Neighbouring residents will be informed by a leaflet, with contact details, prior to works on site commencing.
- Road sweeping to minimise dust and debris.
- Noise management - working hours restrictions, use of noisy plant to daytime periods and avoiding hours such as early in the morning, maintenance of plant away from sensitive receptors, 15mph speed limit, plant not in use will be shut down and not left idling,
- Vibration management – adoption of low vibration working methods, monitoring of processes that could give rise to significant levels of vibration, working hours restrictions.
- Dust management – road sweeping (minimum 4 times per week), use of water during dry weather, 15mph speed limit, use of water sprays for cutting of materials, monitoring and review of measures during construction.

The works proposed are necessary to facilitate construction of a housing scheme. In this circumstance it must be recognised that there will be some disruption for residents whom live adjacent to the application site, or indeed on an access road used as means for construction purposes. This disruption however is temporary and for duration of the works on site only, and is therefore acceptable. In addition, the measures proposed within the above documents provided by the applicant will help reduce this disruption for neighbours.



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The Councils Environmental Protection team have considered the proposal and supporting information, and has no objection the scheme subject to condition requiring implementation of the Construction Environmental Method Statement & Amenity Statement during construction. On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy GD7.

### **Flood risk and drainage.**

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

Policy SU1 of the SANDP requires use of sustainable urban drainage systems (SUDS) within new development, including use of ponds, swales and permeable paving, unless otherwise agreed by the Council and statutory consultees. SUDS should form a positive feature of the development, being an integral part of green infrastructure and street network, mitigate adverse effects from surface water run off on people, property and ecology.

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map.

The planning application included a Flood Risk Assessment (Ironsides Farrar Ltd, 30511/WILDFRA/SRG, June 2023) which confirms:

- The site is within Flood Zone 1.
- The site is at a low risk of flooding from other sources and will not increase flood risk elsewhere.
- The proposed surcharge is a temporary measure that will be removed after several months.
- Falls on the site will drain the surcharged site towards the existing ditches on the southwest and east.
- Run-off from the greenfield site will not be increased as the surcharge material is permeable, over time the surcharge mound will naturally vegetate.
- To prevent sediment entering the wider ditch network to the north of the site, silt screens shall be installed and regularly inspected.

The Lead Local Flood Authority and United utilities have not raised objection to the proposal subject to condition relating to construction being in accordance with the Flood Risk Assessment, and management/ maintenance of the drainage system.

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

### **Ecology**

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets. Importantly the strongest protection will be given to sites of international importance (predominantly the Ribble and Alt Estuaries Special Protection Area and

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

Policy EN1 of the SANDP states that development which is likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted.

The above policies are considered to reflect guidance within the NPPF.

The application is accompanied by a Preliminary Ecology Appraisal (Envirotech, 7113 version 1, 28/04/2021) and Shadow Habitat Regulations Assessment (envirotech, 7113 version 4, 10/07/2023) which have considered the conservation value of the site, including protected species, and impact to statutory designated sites. Importantly the reports confirm that the site is of limited nature conservation value, and that the development will not cause harm to any international or nationally designated sites (Ribble and Alt Estuaries Special Protection Area, Ribble and Alt RAMSAR, and Ribble Estuary SSSI).

The Council's ecological consultant (GMEU) have been consulted on the application, whom agree with the findings of the above reports, commenting that subsequent landscaping of the housing scheme should be designed to provide an enhancement of the nature conservation value of the site, that site clearance avoids the bird nesting season and bat precautions advised within the ecology report are followed during construction. Natural England have also raised no objection to the development, confirming that the proposal will not result in any adverse effects on the integrity of the international or nationally designated sites, provided that the development is progressed in strict accordance with the details provided.

The application site is of limited ecological value, and it has been demonstrated that the development will have no Likely Significant Effect to any statutory sites of nature conservation interest. Biodiversity measures can be incorporated into the final housing scheme through retention/new provision of landscaping, bat habitat and bird nesting opportunities in lieu of any ecological value that may be lost. Subject to the imposition of suggested conditions, the development will protect the boroughs biodiversity assets in accordance with Policy ENV2 of the FLPPR, EN1 of the SANDP and NPPF.

The Habitat Regulation Assessment should also be adopted by Fylde Borough Council under our duty as the competent authority. An informative referring to adoption of the HRAS by the Council is therefore advised.

### **Conclusions**

The application site is located within the settlement boundary of St Annes and is allocated as a non strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review). Outline planning consent has also recently been granted for up to 52 dwellings on the site based upon this site allocation.

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The proposal seeks consent for the placement of surcharge material over the site, enabling a solid development foundation for construction of the housing scheme. This will speed up the construction process, allowing the works to progress in the absence of reserved matters and condition discharge approvals. The works proposed do not constitute housing per se, thus are not in strict accordance with the sites allocation for housing. Notwithstanding, the works are directly related to the delivery of residential development on the site which also has the benefit of planning consent. The association of the proposal to the delivery of housing therefore allows support for the principle of development concerned.

The development would not compromise the safe, efficient or convenient movement of all highway users, and there are no amenity, drainage or ecological issues of note that cannot be dealt with by condition post determination.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

### **Recommendation**

That Planning Permission be GRANTED subject to the adoption of the submitted Habitat Regulation Assessment and the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan titled 'Land at Wildings Lae, Lytham St Annes.
- Proposed Top of Surcharge - Drawing no. GM11803-008 rev B
- Typical Surcharge Detail - Drawing no. GM11803-007 revision A
- Construction Site Access - drawing no. J32-5505-PS-010
- Demolition Plan & Welfare Facilities - drawing no. R108-DEMO-001
- Surcharge Cross Section - Drawing no. R109-SCS-001
- Tree Protection and Removals Plan - Drawing no. 4177-02 revision B

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

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

3. Notwithstanding the levels annotated on drawing number GM11803-007 revision A, this consent does not grant approval for any finished level of the site.

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Reason: To clarify the terms of this consent. The finished level of the site will be determined by subsequent application for residential development of the site so as to ensure an appropriate relationship to existing neighbours and satisfactory appearance of the development, in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. The site compounds hereby approved shall be removed from site no later than 4 weeks following the deposit of all necessary material on the application site.

Reason: The compound areas are required for the construction period only, and their permanent siting would have a detrimental visual impact on the site and locality. Whilst this is acceptable to facilitate construction, it would not be appropriate for the compounds to be left in situ on a permanent basis for these reasons. Therefore, the condition is required in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), and the National Planning Policy Framework.

5. The development hereby approved shall be constructed in complete accordance with:
  - a) site access arrangement depicted on drawing no. J32-5505-PS-010
  - b) Construction Traffic Management Plan (ref: Mode transport planning, J325505, dated: 11 October 2023)
  - c) Method Statement for Dust Suppression (ref: C Eccles - Brownfield Engineering Consultant, version 1.1, dated: 29 August 2023)
  - d) Construction Environmental method Statement & Amenity Statement revision C - (ref: Rowland, dated: 7 September 2023)

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

6. On site works associated to demolition, site clearance and construction, including any heavy vehicular movements and deliveries to/from the site, shall only take place between the hours of:
  - 08:00 - 18:00 Monday to Friday.
  - 09:00 - 13:00 Saturday.
  - No on site works on Sundays or Bank Holidays.

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

7. No development shall take place (including site clearance, demolition, siting of site compound/welfare facilities and surcharging of the site) until a road condition survey has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane that includes the

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application site up to and including the junction with Heyhouses Lane. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Within 1 month of the development's practical completion (the point when all surcharging material has been deposited on the site) a road survey showing the post-development condition of the same stretch of the road (The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane from the application site up to and including its junction with Heyhouses Lane) shall be submitted to and approved in writing by the Local Planning Authority. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- c) A scheme which details the extent and construction specification for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development surveys.
- d) a phasing scheme for the completion of the necessary works as approved

The works of resurfacing and/or repair set out in the scheme accompanying the post-development survey shall be implemented in accordance with the approved phasing.

Reason: Construction traffic associated with the development has the potential to cause significant deterioration to the surface of Wildings Lane and its junction with Heyhouses Lane. The developer is required to undertake works of repair to the road surface where deterioration arises as a result of its use by heavy construction vehicles between the pre and post construction periods, in order to ensure continued safe and convenient access for other road users in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

8. The development hereby approved shall be constructed in complete accordance with the principles set out within the submitted Flood Risk Assessment (Ref: Ironside Farrar, 30511/WILDFRA/SRG, dated: June 2023).

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

9. The drainage for the development hereby approved, shall be carried out in complete accordance with principles set out in the submitted Flood Risk Assessment (Ref: Ironside Farrar, 30511/WILDFRA/SRG, dated: June 2023). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer.

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The provision of silt screens within the ditch located to the eastern boundary of the site, as confirmed by paragraphs 4.0 and 5.0 of the FRA, shall be fully implemented prior to commencement of the development, and remain in situ for duration of the development.

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

10. Prior to commencement of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development scheme, pertaining to the surface water drainage system and silt screens, prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

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

11. With the exception of those specimens identified on drawing no. 4177-02 revision B, namely trees T10 and T11, no other trees or hedges shall be pruned, topped or removed.

Reason: To protect the existing trees and hedgerows on the site that are shown to be retained as part of the scheme, in the interests of visual amenity, to safeguard the amenities of existing and future occupiers and to ensure appropriate protection for and/or replacement of valuable green infrastructure networks in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

12. No development shall take place until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on drawing no. 4177-02 revision B. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed in

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the positions indicated by a blue dot-and-dash line on drawing no. 4177-02 revision B. The CEZ shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in order to safeguard existing natural assets at the site in accordance with Policies GD7 and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

13. Prior to commencement of the development hereby approved, temporary fencing with a tarpaulin attachment shall be erected to the perimeter of the site in accordance with the submitted Construction Environmental Method Statement & Amenity Statement (CEMS). The fencing and tarpaulin shall remain in situ for duration of the construction works only and be removed from the site in accordance with the CEMS.

Reason: In the interests of protecting wildlife and biodiversity, and visual appearance of the site, in accordance with policies GD7 and ENV2 of the Fylde Local Plan to 2032, and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

14. No part of the development hereby approved shall be commenced until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
  - a) A risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) If necessary, the times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) If necessary, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on water quality, linked water-dependent nature conservation sites, habitats and species of biodiversity value in accordance with Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

15. 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

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

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

16. Prior to commencement of the development hereby approved (excluding demolition), a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles shall be undertaken. Findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

17. The precautions for avoidance of possible harm to protected species as detailed in section 7 of the Preliminary Ecological Appraisal (Envirotech, 7113 version 1, 28/04/2021), and proposed mitigation (tool box talk) as detailed within section 9 of the Shadow Habitat Regulations Assessment (envirotech, 7113 version 4, 10/07/2023) shall be implemented in full throughout demolition, site clearance and construction of the development.

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

18. Unless a further planning permission is granted on application to the Local Planning Authority, all deposited material approved by this consent shall be removed from the site and the land shall be restored to its former appearance in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted not later than 7 December 2028 and shall include:

- a) Details and a schedule for the removal of all deposited material approved by this consent.
- b) Details and a schedule of all surface treatment and landscaping works required to return the site to its former use.
- d) A timetable for implementation.

Reason: The applicant has confirmed that the surcharging works are necessary in order to expedite construction of housing on the site following approval of the reserved matters and condition discharge applications. The siting of surcharge material has been assessed to have a detrimental impact on the visual appearance of the site and locality and whilst on balance this impact is acceptable on a temporary basis to facilitate construction, it would not be appropriate for the surcharge material to be left in situ indefinitely for these reasons. Therefore, the condition is required in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.



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19. Prior to the removal of any material deposited on the site, a road condition survey shall be submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane that includes the application site up to and including the junction with Heyhouses Lane. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Within 1 month of completion of the site restoration works approved by condition 18, a road survey showing the post-restoration condition of the same stretch of the road (The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane from the application site up to and including its junction with Heyhouses Lane) shall be submitted to and approved in writing by the Local Planning Authority. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- c) A scheme which details the extent and construction specification for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development surveys.
- d) A phasing scheme for the implementation of the schedule of approved works.

The works of resurfacing and/or repair shall be implemented in full in accordance with the approved phasing scheme.

Reason: Construction traffic associated with the site restoration has the potential to cause significant deterioration to the surface of Wildings Lane and its junction with Heyhouses Lane. The developer is required to undertake works of repair to the road surface where deterioration arises as a result of its use by heavy construction vehicles, in order to ensure continued safe and convenient access for other road users in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

### Informative(s)

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

The 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. Habitat Regulation Assessment Adoption Informative:

In issuing this decision the local planning authority has had regard to the document titled 'Shadow habitats regulations Assessment' (Envirotech, 7113 version 4, 10/07/2023) and the

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comments from Natural England in their letter dated 11th July 2023 confirming that they are in agreement with the report findings that the development will not have significant adverse impacts on designated sites including the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment by 'Envirotech Ecological Consultants' as part of its decision.

**AGENDA FOR 20 DECEMBER 2023 PLANNING COMMITTEE**

**Item 2**

<b>Application No:</b>	23/0702	<b>Case Officer:</b>	Kenneth Jim
<b>Applicant:</b>	MR & MRS BURROWS	<b>Agent:</b>	NAPC
<b>Location:</b>	7 RIBBY ROAD, RIBBY WITH WREA, LANCASHIRE PR4 2NB		
<b>Proposal:</b>	ERECTION OF SINGLE STOREY DETACHED RESIDENTIAL ANNEX WITHIN REAR GARDEN FOR USE IN ASSOCIATION WITH 7 RIBBY ROAD, WREA GREEN, PR4 2NB.		
<b>Ward:</b>	Wrea Green with Westby	<b>Parish:</b>	Ribby with Wrea
<b>Date Received:</b>	13 October 2023	<b>Earliest Decision:</b>	7 December 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>	<p>The location plan shows a residential street layout. Ribby Road runs diagonally from the top right towards the middle left. Church View is a curved road at the bottom. A red rectangle highlights a plot at the rear of a property on Ribby Road, labeled as plot 6. Other plots are labeled 1, 2, 3, 4, 5, and 7. Plot 2 is at the top left, plot 1 is in the middle left, plot 4 is below plot 1, plot 5 is at the bottom left, plot 3 is at the bottom right, and plot 7 is on the far right.</p>		

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### Summary of Officer Assessment

This application is a householder application for erecting a single-storey residential annex at the rear of the rear garden to an end of terrace dwellinghouse. The application property is within the settlement area and at the north-eastern edge of the Wrea Green Conservation Area.

The proposed development is subject to an objection by the parish council. They commented that the proposed development is not in keeping with the conservation area and the roof height will protrude 70 cm higher than the rear fencing of the neighbouring property. The parish council is also concerned about setting the precedent by approving a separate residential annex.

The proposed development is modest in size with no impact on the street scene. No adverse impact will be created to the appearance and character of the application property and neighbourhood. Although the application site is in the conservation area, no harm will be resulted to the conservation area as the street scene, roofscape and frontage of the conservation area remains unaltered.

No harmful or adverse impact will be imposed to the surrounding occupiers. The proposed development will not lead to reduction in off-road parking space. The nature of a residential annex is not expected to create a significant increase in traffic and parking demand. Roadside parking and public transport are also available near the application site. Therefore, no unacceptable traffic or highway safety impact will be resulted.

The proposed development slightly exceeds the size that would allow it to be constructed as permitted development (being 0.15 metre higher than the permitted height). Therefore, consideration should also be made to the fall-back position of the case, such that in a slightly revised form the annex can be erected without planning permission by complying with the requirements under the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 1 Class E.

Overall, it is considered that the proposed development accords with the objectives of the relevant policies on the development plan. As there are no material considerations that outweigh the need to determine the application in accordance with the development plan, it is recommended for approval with conditions relating to time limit for commencement, compliance with submitted drawings, use of materials, and restriction to prevent subdivision of the property or occupancy of the annex as a separate dwelling.

### Reason for Decision Level

The officer recommendation for approval is in conflict 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 property is an end of terrace, two-storey dwelling. Built in the 19<sup>th</sup> century, the property is finished with red brick and a grey tiled roof. A two-storey rear extension and a conservatory was added in the 1990s.

Located in an area with a mix of detached, semi-detached and terraced properties, the site falls within the settlement area of Wrea Green as shown on the Fylde Local Plan to 2032 (incorporating Partial

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Review) Policies Map. In addition, the site is within the north-eastern edge of the Wrea Green conservation area.

### Details of Proposal

Planning permission is sought for the erection a single storey detached residential annex within the rear garden. In the planning statement submitted by the applicant it is explained that the building is to be occupied as additional residential accommodation associated with the occupation of the host dwelling, and will specifically be occupied by extended family members.

The proposed annex has a dimension of 8.190 metres x 4 metres with a sloping roof towards the front elevation (i.e. that facing the rear of the application property). The annex has a height of 2.45 metres and 2.65 metres at the rear elevation and front elevation respectively. No windows will be added to the side elevation. The rear elevation contains a two-piece kitchen window and a bathroom window. The front elevation has a three-piece bi-fold door system and a two-piece bedroom window. For the materials, the front elevation will be finished with western red cedar vertical cladding. The other elevations will be finished with cement particle board in anthracite grey.

An external decking with dimension of 4.66 metres x 3.23 metres at height of 0.15 metre will be added in front of the bi-fold door system at the front elevation.

### Relevant Planning Applications

Reference	Description	Decision	Date
23/0701	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT FOR THE SITTING OF A MOBILE HOME WITHIN THE REAR GARDEN FOR USE AS A RESIDENTIAL ANNEX IN ASSOCIATION WITH 7 RIBBY ROAD, WREA GREEN, PR4 2NB	Undetermined	
03/0086	CREATION OF VEHICULAR ACCESS TO RIBBY ROAD PARKING	Refused	05 March 2003
89/0669	CONSERVATORY EXTENSION	Granted	01 January 1989
88/0960	TWO STOREY REAR EXTENSION (KITCHEN & BEDROOM)	Granted	22 February 1989

### Parish/Town Council Observations

Parish/Town Council	Observations
Ribby with Wrea Parish Council	<p><u>Comments received on 19 November 2023</u>  <i>"It was resolved to object the application.</i></p> <p><i>The property is located within the conservation area and not in keeping. It was questioned whether Spire Row is on the FBC list of the heritage properties requiring detailed attention to any alterations.</i></p> <p><i>The roof height will also protrude approximately 70cm higher than the rear fencing on the neighbouring property.</i></p>

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	<i>The precedent being set by approving a separate residential annexe is also of concern."</i>
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### **Statutory Consultees and Observations of Other Interested Parties**

There are no consultee comments to report.

### **Neighbour Observations**

**Neighbours notified:** 24 October 2023

**Site Notice Date:** 2 November 2023

**Press Notice Date:** 16 November 2023

**Number of Responses** 4 Responses

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

#### Size of the Application Site

- The application site is too small to accommodate two separate families and their wider circle.

#### Impact on the Neighbourhood / Conservation Area

- Even if the proposed development is not visible from public vantage points, this may set a precedent that may lead to cumulative change detrimental to the area's character and density.
- The proposal should be critically evaluated to ensure it aligns with the broader objectives of maintaining the character and integrity of the Wrea Green area, particularly the conservation area.

#### The Proposed Use as an Annex

- The proposed annex contains en-suite bathroom, with power, running water and sewage connection. Therefore, it cannot be considered as an ancillary outbuilding.
- Respondent has expressed concern that the annex will be sold separately in future years, which is regarded as inappropriate.
- There is potential for the annex's future conversion into an independent unit which affects neighbourhood amenity and imposes pressure of local infrastructure.

#### Drainage

- Building of a residential annex with kitchen and bathroom facilities could stain existing drainage systems, particularly during heavy rainfall.

#### Tree and Landscape

- There is an established large holly tree which would have to be removed and destroyed. The tree situated between No. 2 Church View Road and the application property has great importance to the birds and wildlife of the area.

#### Impact to the Neighbouring Properties

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- The proposed annex would be less than 3 metres from No. 2 Church Drive side wall. This is considered unnecessarily close given the garden length of the application property.
- The proposed breach of privacy may lead to potential breach of privacy, affecting neighbouring properties.
- The effect on privacy, noise and general disturbance during and after construction which may negatively affect nearby residents' quality of life.
- The annex will lead to a separate family living in the garden at a property in the conservation area, this will bring in additional activity that a family generates but within the quiet space of a garden, this may create disturbance in the longer term.
- Despite the presence of mature vegetation and fencing, the proposed development will lead to overlooking by windows which face the rear of neighbouring properties. The windows will also overlooking neighbouring properties at No. 5, 9 & 11 Ribby Road. This is not a problem if a building is simply an outbuilding which might be used occasionally or for short period which will be expected in a rear garden. The proposed development will be occupied permanently and will significantly change the external environment/dynamic.

### Traffic Impact

- The proposed development will create increased vehicular pressure to the area as there is not parking available which causes traffic related issues at that section of the road.

### Restriction on future change of use

- Should the application is being approved, it is suggested that a condition need to be included to specify that the accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purposes (e.g. short term rental / AirBnB). The reason is that holiday accommodation will be associated with holiday-makers, has the potential to cause disturbance through noise and activity that would have an unacceptable impact on residential amenity.

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

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

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

### **Fylde Local Plan to 2032 (incorporating Partial Review) and other relevant Guidance:**

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GD1 - Settlement Boundaries  
GD7 - Achieving Good Design in Development  
ENV5 - Historic Environment  
T5 - Parking Standards  
SPD1 - Extending Your Home - November 2007  
SPD6 - Provision of Parking on New Developments

### **Other Policy / Guidance**

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

### **Comment and Analysis**

#### **Principle**

The application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of residential extensions within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

The proposed development is regarded as a householder application as it is a development within the curtilage of the dwelling for purpose incidental to the enjoyment of the dwellinghouse. The applicant has confirmed in the planning statement that there will be no separate address, utility connection, septic tank or post box provided for the proposed annex. The proposed development requires planning permission as it exceeds the height limits set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 1 Class E which allows domestic outbuildings to be built as permitted development.

As the application is made on the basis that the proposed outbuilding will be used as an annex associated with the main dwellinghouse of No. 7 Ribby Road, should the application be recommended for approval, a condition will be imposed to prevent the annex being use as a separate unit of residential accommodation.

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

##### **Policy Background**

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

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.



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- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

In addition, design note 1 of the 'Extending Your Home' SPD relates to the general design principles for making householder extension.

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

### Assessment

The proposed annex is inside the rear garden of the application property and is within the residential curtilage. The annex is generally rectangular in form with a sloped roof towards the annex's front elevation. The annex is modest in size which demonstrates a subordinate relationship with the main dwellinghouse.

The neighbourhood of the application site possesses a residential character. Extension features such as conservatories, outbuildings, single and two-storey extensions can be observed along the residential properties in Ribby Road. The proposed annex will not intrude into the street scene of Ribby Road and Church View Fold. As a consequence, no adverse impact will be imposed on the character of the neighbourhood.

For the reasons set out above the proposed development, by reason of its scale, layout, siting, materials and design, would be compatible with the character of the host dwelling and would not have a harmful impact on the appearance of the street scene. Accordingly, it is in compliance with the requirements of criteria d), h) and i) of Policy GD7 and the objectives of the NPPF.

### **Impacts on Heritage Assets**

#### Policy Background

The subsection to policy ENV5 relating to Conservation Areas indicates that “proposals within or affecting the setting of any of the ten designated conservation areas in Fylde [listed in the policy] or within any additional conservation areas designated during the lifetime of the Local Plan, should conserve or enhance those elements that make a positive contribution to their special character and appearance and setting. Proposals that better reveal the significance of these areas will also be supported.” The subsection goes on to state that “there will be a presumption in favour of the retention of buildings and / or features which make a positive contribution to the special character and appearance of a conservation area” before setting out six criteria (a – f) that proposals within the conservation area should satisfy.

Paragraph 200 of the NPPF states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

Paragraph 201 of the NPPF indicates that “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

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refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the [circumstances in a) – d)] apply.”

NPPF paragraph 202 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In addition, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

- “In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2) [which include “the planning Acts”], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

### Assessment

The entire application boundary of the application property is within the Wrea Green Conservation Area which is centred around the Green itself and includes the building that surround that area and a number of older properties on roads leading to it, including this property.

Wrea Green is a traditional rural settlement with a mixture of Victorian, Edwardian and contemporary style structures. The frontage of the application property at Ribby Road will not be harmed and the façade of the application, the historic roofscape and street scene remains unaltered. For the rear elevation of the annex, the boundary treatment contains a circa 2-meter wall with soft landscape. The presence of the dwellinghouse at No. 2 Church View Fold prevents the annex from being seen from that aspect.

As a consequence of this limited scale and discrete location, the building does not cause any harm to the conservation area, As the character and appearance of the conservation area is preserved the scheme is in accordance with Policy ENV5 of the FLPPR and relevant paragraphs of the NPPF.

### **Relationship to Neighbours**

#### Policy Background

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

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

In addition, the guidance in design note 1c and 1d of the Council’s ‘Extending Your Home’ SPD expects extensions should not result in an unacceptable loss of daylight, sunlight or overlooking impact towards neighbouring properties.

### Assessment

#### **No. 9 Ribby Road**

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This neighbouring terraced property is attached to the east of the application property. No windows will be added to the side elevation of the annex, removing the opportunities for overlooking in that direction. For the front elevation, although there will be windows and decking in front of the annex, it is not considered that an adverse privacy impact will be established as there is a circa 15 metre separation from the annex to the rear elevation of the neighbouring property. The soft landscaping and hedgerow between both properties will also screen views.

Given this generous depth of the rear garden at this neighbouring property, the proposed annex will not create daylight impact to the dwellinghouse of this neighbouring property. The daylight impact to the rear garden of this neighbouring property is also limited with regard to the height of the annex. In addition, the use of rear garden of this neighbouring property will not be affected as a result of the annex.

### **No. 5 Ribby Road**

This neighbouring property is a detached dwellinghouse at the west of the application property, separated by the side street. As the depth of the rear garden of this neighbouring property is circa 18 metres shorter than the application property, therefore no impact on the amenity and privacy will be resulted.

### **No. 3 Ribby Road**

This neighbouring property is a semi-detached dwellinghouse at the west of the application property. The rear side garden of this neighbouring property wraps around the rear of No. 5 Ribby Road and so adjoins the garden to the application property. No adverse privacy impact will be resulted at the front elevation of the annex is only 0.15 metre above ground level with an oblique relationship with this neighbouring property. Daylight and loss of outlook impact is also limited as the proposed annex will be set behind the curtilage of this neighbouring property.

### **No. 1 Church View Fold**

This neighbouring property is a detached property at the south west of the application property. The side elevation of this neighbouring dwellinghouse will be facing the side elevation of the proposed annex. No privacy impact will be resulted as the side elevation of the annex does not have windows. With 10 metres of separation distance between the side elevation of this neighbouring dwellinghouse and the proposed annex, no adverse impact will be resulted on daylight or loss of outlook.

### **No. 2 Church View Fold**

This neighbouring property is a detached property at the south of the application site. The side elevation of this neighbouring property will be facing the rear elevation of the annex. During the consultation, concerns have been raised about the closeness of the annex with this neighbouring property. Whilst the annex will be circa 4m from the side elevation of this property, the proximity to a neighbouring property in this relationship is not a justifiable reason for refusal unless adverse impacts to the neighbouring occupier's amenity are caused.

Regarding privacy impact, the application property has a rear fence / boundary treatment with height of about 2 metres. As a consequence, only the top part of the bathroom window and kitchen window of the annex will be above the boundary fence. However, the exposed parts of the windows are already over 1.8 metres from internal ground level which is above eye level, therefore no unacceptable impact on privacy will be generated towards this neighbouring property. For daylight impact, adverse impact will not be triggered as the annex is only single storey and there are no windows for habitable rooms on the first floor northern side elevation of this neighbouring property.

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For the reasons set out above, the proposed development, by reason of its scale, siting, spacing and screening with neighbouring dwellings, would not have an adverse impact on the privacy and amenity of surrounding occupiers through loss of outlook, overshadowing or overlooking. Accordingly, the proposal complies with the objectives of the Council's 'Extending Your Home' SPD, criteria c) and h) of Policy GD7 and the NPPF

### **Parking and Access Arrangements**

#### Policy Background

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

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.

FLPPR policy T5 also indicates that "car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned." Under the 'Provision of Parking on New Developments' SPD adopted in October 2023, for low accessibility area, there should be 2 parking spaces for 2 or 3-bed houses; 3 parking spaces house for 4+-bed family housing.

Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be service".

#### Assessment

The application property does not provide off-road parking, therefore the proposed development will not lead to loss of parking space. Ribby Road at the front of the application property is a secondary distributor road. There is a speed limit of 20 mph in place with parking restriction starting from the application property towards the Green.

Roadside parking is available at Church View Fold and in some locations around The Green. Public transport is also available with regular bus service of 61 and 76 outside Grapes Hotel. Given the nature of a residential annex (not a separate dwelling), and the site and neighbourhood situation, it is believed a flexible approach in determining parking provision as stated in FLPPR Policy T5 will be suitable.

As the proposed development is to provide additional accommodation for the host property, rather than create an additional dwelling it is not considered that it will lead to a significant increase in parking demand and traffic volumes. With public transport option and roadside parking also available, therefore the proposed development will not lead to unacceptable highway safety impact, complying criteria j), q) and r) of FLPPR Policy GD7 and the NPPF.

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### Other Matters

#### Fall-Back Position

A 'fallback position' refers to development that may be undertaken irrespective of the outcome of this planning application and so becomes a factor in the assessment of the application. There must be a real prospect that the alternative may occur, but it does not have to be probable or likely, a possibility will suffice. This is a matter for the decision-maker's planning judgement with regard to the particular circumstances of the case in hand. Where there is a realistic fallback position, the case law has held that it is right for the decision maker to compare the effect of a proposal against the effect of what other development could lawfully take place.

The proposed annex is only 0.15 metres taller than the requirement under Town and Country Planning (General Permitted Development) (England) Order 2015 Part 1 Class E. In other words, a development that is similar to the current proposal can be carried out lawfully as long as it is not more than 2.5 metres in height when sited within 2 metres of dwellinghouse boundary curtilage without the need of submitting a planning application. This would bring the same implications in terms of privacy, amenity, activity, parking, visual impact, heritage, etc as the current proposal with only a negligible change to the scale

#### Response to Comments during the Consultation Period

The parish council responded that the roof will be 70 cm higher than the rear fencing and so lead to shadowing impacts, Whilst the roof will be higher than the fence it is not considered that any adverse daylight impact will be suffered by neighbouring properties. As assessed in previous section, the windows in the rear elevation of the annex will be around 53 cm higher than the rear fencing. However, being higher than the rear boundary wall will not be a planning concern in this case as the exposed window will be above eye level. As a result, unacceptable privacy impact will not be generated towards the neighbouring occupiers at No. 2 Church View Fold.

Regarding the concern of setting the precedent should the application be approved, this comment is not accepted as a relevant consideration as each application has to be considered on its merits. Whilst the circumstances here lead to a recommendation of approval that would not necessarily be the case elsewhere. If an alternative development elsewhere requires planning permission, then a range of material considerations such as the site specific situation will be reviewed in the assessment process for that scheme.

For the concern about drainage, the proposed annex (including the external decking) will lead to increase in site coverage of around 48 square metres within the residential curtilage. This is not likely as the extent of site coverage increase will lead to adverse drainage impact to the application site and neighbourhood.

Regarding the concern about the site size being small for an annex, this is the case, but as any annex is only to support the accommodation provided in the main dwelling its limited size is not an issue.

For the concern about the proposed annex affecting the existing tree within the application site. The tree is not protected by a Tree Preservation Order (TPO) and is also not visible from the street scene. The tree does not make positive contribution to the appearance and character of the conservation area. As a consequence, it is not reasonable to refuse the proposed development because of the removal of an existing tree at the application site.

Regarding the concern towards the impact on neighbouring properties, the previous section has confirmed no adverse impacts will be resulted. There is also concern over the increase in activity level

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in the rear garden which might affect the neighbouring occupiers. Under planning law, development can be in the form as a material change of use. However, as shown in the case law, uses taking place within the curtilage which are incidental to the enjoyment of the dwellinghouse is not a material change of use, hence not a development.

There are also concerns about the use of the annex as a separate dwelling. The proposed annex will only use the existing access to the main dwellinghouse. As the assessment on this application is based on the use as an annex being associated with No. 7 Ribby Road, therefore a planning condition will be imposed, restricting the sales, sublet and occupancy as a separate dwelling. For the concern that the proposed dwelling might be used as short-term rental / Airbnb, currently planning control cannot restrict the length of tenancy of a dwellinghouse. In addition, Airbnb may still fall under use class C3. Therefore, in order to prevent the undesirable situation of the annex being used a separate dwelling, along with the condition mentioned above, a separate condition will be imposed to restrict to erection of fence which may subdivide the annex from the dwellinghouse. This can prevent the annex from having an exclusive access from the side gate of the application property.

### **Conclusions**

The application relates to the erection a single storey annex at the rear of the detached property. The proposed development will be compatible with the appearance and character of the host dwelling, neighbourhood and the conservation area. No adverse effect would be resulted to the amenity and privacy of the surrounding occupiers.

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

### **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 and Proposed Site Plan - Drawing No. CS-23081 01 P0
- Proposed Floor Plan and Elevation Plan - Drawing No. CS-23081 02 P0

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

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

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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 GD5, GD7 and the National Planning Policy Framework.

4. The residential annex hereby approved shall only be occupied for single family purposes as part of the main residential use of the dwelling known as "No. 7 Ribby Road, Ribby With Wrea, PR4 2NB" , and shall not be sold, sublet or otherwise occupied independently of the main dwelling as a separate unit of residential accommodation.

Reason: To preserve the character and appearance of the area, to ensure that the curtilage of the dwelling is not overdeveloped or subdivided inappropriately and to achieve a high standard of amenity for existing and future occupiers in accordance with the requirements of policies GD7 and H2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

5. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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), no additional gate, fence, wall or other means of enclosure shall be erected or constructed that subdivides or segregates the annex from the dwellinghouse known as "No. 7 Ribby Road, Ribby with Wrea, PR4 2NB".

Reason: To preserve the character and appearance of the area, to ensure that the curtilage of the dwelling is not overdeveloped or subdivided inappropriately and to achieve a high standard of amenity for existing and future occupiers in accordance with the requirements of policies GD7 and H2 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

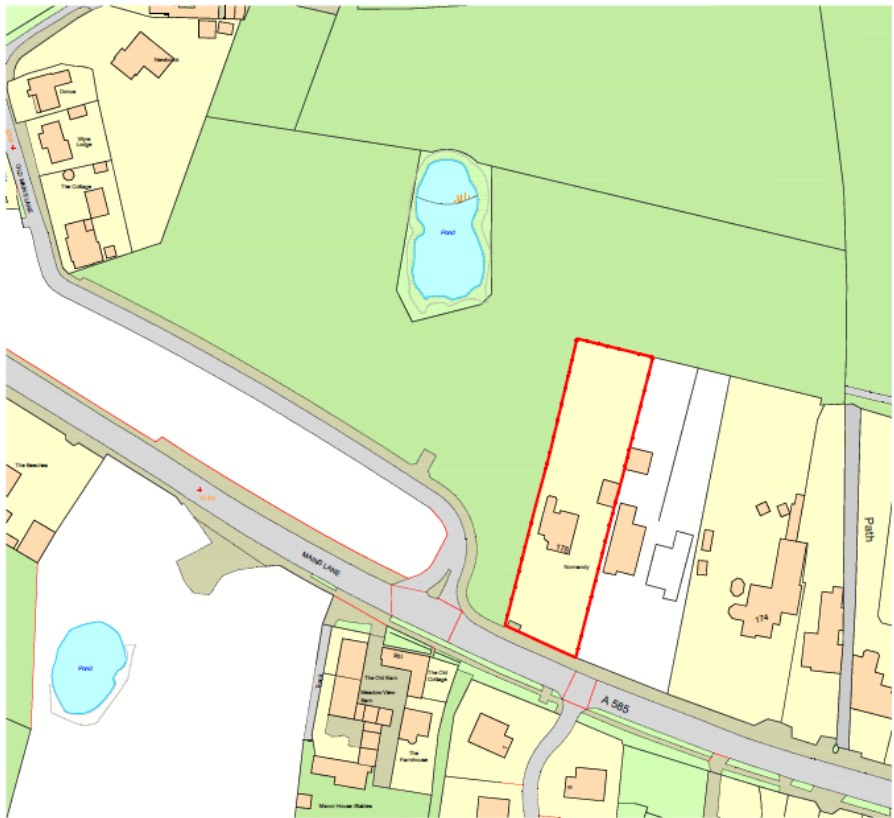
### **Informative(s)**

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

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

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**Item 3**

<b>Application No:</b>	23/0521	<b>Case Officer:</b>	Mark Evans Area Team 2
<b>Applicant:</b>	Mr and Mrs G Cowburn	<b>Agent:</b>	Abbot Hull Associates
<b>Location:</b>	NORMANDY, 178 MAINS LANE, SINGLETON, POULTON-LE-FYLDE FY6 7LB		
<b>Proposal:</b>	ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE FOLLOWING DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE		
<b>Ward:</b>	Rural North Fylde	<b>Parish:</b>	Singleton
<b>Date Received:</b>	4 August 2023	<b>Earliest Decision:</b>	29 September 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to scale or nature of application	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Refuse		
<b>Location Plan</b>			



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### **Summary of Officer Assessment**

The application property is a detached dwelling located to the western (Poulton) end of Mains Lane which is designated as Countryside in the Local Plan. The proposal involves the demolition of that existing dwelling and its detached garage and its replacement with a significantly larger dwelling, together with a detached garage within the front curtilage.

Having viewed the proposal and assessed the issues raised, including the material considerations put forward by the applicant, it is the considered view that the proposed development fails to accord with policies ENV1, GD4, GD7 and H7 of the Fylde Local Plan to 2032 (incorporating Partial Review) due to the harmful impact that the excessive scale of proposed dwelling would have on the character and visual amenity of this rural area and the amenity of the occupiers of the neighbouring No.176A Mains Lane. Accordingly, the application is recommended for refusal.

### **Reason for Decision Level**

Whilst the proposal falls within the approved scheme of delegation, in this instance the Head of Planning has concluded that the scheme raises material considerations that need to be considered against development plan policy and so should be considered by the Planning Committee.

### **Site Description and Location**

The application site is a detached four bedroomed dwelling located in a prominent position at the far western end of a ribbon of built development on the north side of Mains Lane that runs between the junction with Shard Road to the east and Old Mains Lane to the west. There is an area of open countryside to the west and north of the site, directly to the south is a small residential development of nine bungalows with the new Windy Harbour/Skippool link road which is currently under construction behind and open countryside beyond. To the east is a ribbon of built development that stretches *circa* 460 metres to the Shard Road junction.

The existing dwelling is a detached four bedroomed dwelling with first floor accommodation set within the deep hipped roof and served by a mix of eaves level dormers and gable windows. It has an asymmetrical appearance, elevations finished in a mix of render and red brick, and a red concrete tile roof covering.

### **Details of Proposal**

#### **The Scheme**

Planning permission is sought for the construction of a new 5 bedroomed dwelling to replace the existing dwelling, which is shown to be demolished as part of this proposal. The scheme also includes a detached garage to be built within the front garden forward of the dwelling's front elevation, and replacement of the existing gravelled surface within the front curtilage with paving.

Following concerns expressed by your officers in regard to the size and scale of the proposed dwelling, revised plans have been submitted in order to seek to reduce the size of the proposed dwelling over that which was originally submitted. The replacement dwelling would be two storeys in scale, featuring a gabled roof profile with a 9.1 metre high ridge. The front elevation would have an asymmetrical appearance, featuring 3 No. front facing gables of differing ridge and eaves heights. Two of these gables would have first floor balcony areas. The rear elevation would feature 2 No.

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rear facing gables with the one closest to the shared boundary with the neighbouring dwelling (No.176A Mains Lane) providing a first floor balcony area. An elongated single storey outrigger would project circa 17 metres from the main rear elevation and along the shared boundary with No.176A.

The proposed dwelling would encompass the footprint of the existing dwelling, with its front elevation slightly behind that of No.176A Mains Lane, and have a width that effectively fills the full width of the plot leaving a 2.2 metre gap to the west boundary and a 4 metre gap to the shared boundary with No.176A, stepping down to 0.6m moving back into the site.

The forward elevation of the proposed garage would be sited approx. 10m in front of the main front elevation of the proposed dwelling and feature a 4.5 metre high hipped roof with 2.5 metre eaves. Its width and depth are sufficient to contain 2 No. cars.

The proposed external materials are listed as follows:

- Elevations – Multi red facing brickwork
- Roof – Dark grey natural slate tiles
- Windows & Door Frames – Black/dark grey aluminium with natural stone heads and cills
- Hard surface – Marshalls driveline nova coarse paving

### Supporting Information

Information that sets out justification for such a large property is required has been submitted by the applicant. As this is of a private nature the information is presented as a separate exempt report.

### Relevant Planning/Appeal History

Reference	Description	Decision	Date
97/0444	ADDITION OF FIRST FLOOR WITH DORMER WINDOW TO FRONT TWO STOREY SIDE EXTENSION AND CONSERVATORY TO REAR	Granted	27 Aug 1997
97/0214	ERECTION OF DETACHED DOUBLE GARAGE TO REPLACE EXISTING SINGLE GARAGE	Granted	29 April 1997
90/0868	OUTLINE APPLICATION FOR ONE DWELLING AND ACCESS	Refused	27 Feb 1991
81/0657	EXTENSION TO ENLARGE KITCHEN, FORM DINING ROOM AND SUN LOUNGE.	Granted	16 Sept 1981

### Parish/Town Council Observations

Parish/Town Council	Observations
Singleton Parish Council	<u>Comments received on 21 August 2023</u>  <i>No specific observations to make on the proposal</i>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
National Highways	<i>As the proposal involves the replacement of an existing dwelling with a dwelling of similar size with an existing access onto Mains Lane,</i>

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	<p><i>National Highways would have no objection to this proposal from a traffic impact perspective and no alterations to the existing footway are required. For the access to be used safely, it is essential to vehicles leaving an entering to the site always to so in a forward gear.</i></p> <p><i>We welcome the fact that the driveway and parking area are to be surfaced in place of the existing loose stones. This is because loose gravel eventually becomes wheel-tracked onto the footways and carriageways of Mains Lane where they pose a hazard to vehicles and pedestrians. Notwithstanding this, the existing surfacing is permeable and paved surfacing may result in surface water from the whole of this area running onto the A585 during periods of intense rainfall. We therefore recommend that a permeable surfaced drainage solution is adopted for at least part of the driveway and parking area in front of the dwelling. Whilst some surface runoff is both acceptable and acceptable, drainage of the entire area onto the highway should be avoided if possible.</i></p> <p><i>In any event, it should be noted that Circular 01/2022 does not allow for drainage connections between development and the highway drainage system.</i></p> <p><i>We therefore formally recommend that the applicant agrees with us a surface water drainage strategy with National Highways. If this is not completed prior to the determination of the application, then this should be incorporated as a planning condition.</i></p>
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed erection of replacement dwelling and detached garage following demolition of existing dwelling and detached garage and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>LCC Highways would also request that all construction/contractor traffic are parked off Mains Lane.</i></p> <p><i>Mains Lane is a trunk road that is due to be de-trunked in the future as part of the National Highways A585 Windy Harbour to Skippool scheme. There is currently no confirmed date when responsibility for Mains Lane will be handed back to LCC, so National Highways comments on the application should take precedence.</i></p>
United Utilities	<p>They do not raise objection to the application, but highlight the need for all surface water drainage arrangements associated with new development to be designed to accord with the surface water drainage hierarchy.</p>
Greater Manchester Ecology Unit (GMEU)	<p>As you are aware the information submitted with the application includes a bat survey. This survey found the building to be demolished to have negligible bat roosting potential. However as</p>

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	<p>bats are highly mobile creatures we would advise that the following informative be attached to any permission, should it be granted:</p> <p><i>Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found 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.</i></p> <p>We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would therefore recommend that the following condition be attached to any permission, if granted:</p> <p><i>A scheme for the Biodiversity Enhancement Measures, as set out in section 8.7 of the Preliminary Roost Assessment (Bats) by Contract Ecology Ltd dated August 2023, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter</i></p>
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### Neighbour Observations

<b>Neighbours notified:</b>	4 August 2023
<b>Site Notice Date:</b>	8 September 2023
<b>Number of Responses</b>	Total number of comments      0

### Relevant Planning Policy & Government Guidance

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

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

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

GD4 - Development in the Countryside

GD7 - Achieving Good Design in Development

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

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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**

#### **Principle of a Replacement Rural Dwelling**

The application site is located in the Countryside Area as identified on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. In these areas the principle of replacement dwellings is acceptable in accordance with the allowance in criterion c) of policy GD4, subject to the design criteria as examined below with reference to Policy GD7 of the Plan, and to additional assessments of the overall scale of the new dwelling compared to the original dwelling, and then how it respects the character of the surrounding rural area as required by Policy H7 a) and b) of the Plan.

#### **Revisions made since original proposal**

Following an initial assessment, concerns were expressed to the applicant, resulting in the submission of revised plans, which have been amended as follows:

- The width of the dwelling has been reduced, increasing the separation between the western and eastern boundary.
- The building has been pushed back to increase the visibility of No. 176 Mains Lane.
- Additional features have been added to the western elevation to add interest. The right hand side gable to the front elevation has been brought forward to add additional depth to the front elevation.
- Additional soft landscaping has been added to the front garden and the area of hardstanding has been reduced. This has been achieved by upgrading and centralising the vehicle access, furthermore, the proposed boundary wall has been tiered with planting between in order to soften the appearance of the proposed wall.

The assessment of the application has been carried out in regard to these revised plans.

#### **Scale of Replacement Dwelling:**

Policy H7 imposes strict restrictions on the scale and design of replacement dwellings compared to the original dwelling with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many smaller rural dwellings been lost in recent years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two-pronged approach to

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assessing applications such as this, by requiring firstly that the replacement dwelling results in no more than a 33% increase in the ground floor area (the footprint) of the original home (criterion a)), and secondly that the appearance of the replacement home respects the character of the surrounding rural area (criterion b)).

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

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

In this instance the existing dwelling has four bedrooms and a ground floor area of *circa* 154 square metres in size. The proposed dwelling would have five bedrooms and a ground floor area of *circa* 520 square metres, which equates to an increase of *circa* 330% in ground floor area and thus far exceeds the 33% limit set out in criterion a) of policy H7. The applicant has asserted that as the existing property has four bedrooms then the approach to the application of policy H7a) established by previous appeal decisions (e.g. PINS ref. 3221121 referred to above) should apply and the increase in floor area disregarded. Although similar issues are raised, it should be noted that the previous appeal decisions that took this approach were all related to extensions to existing dwellings. In this instance the proposal is for a new replacement dwelling, which is considered to be a materially different proposal to that of a house extension.

The existing dwelling is four bedroomed in size, but it does not therefore follow that as the existing dwelling is already sizable there should be no restraint on the permitted increase in scale for a replacement dwelling. If the same approach to replacement dwellings was taken as that taken to householder extensions then it could potentially set an unacceptable precedent of allowing unrestrained increases in scale for future proposals for replacement dwellings in the countryside. For this reason it is this council's view that in the case of replacement dwellings within the countryside the 33% restriction on the increase in ground floor area, as set out in policy H7a), should be strictly applied in order to ensure that the development of large properties within designated countryside can be adequately controlled and prevent inappropriate intrusion into, and the erosion of, the wider rural character.

### **Character and appearance:**

With regard to criterion b) of policy H7, this requires replacement homes within countryside to respect the character of the surrounding rural area. Criteria d), h) and i) of policy GD7 also require developments to demonstrate good design by:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.

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- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 127 of the NPPF sets out six general principles of good design (a - f) and paragraph 130 indicates that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

This north side stretch of Mains Lane is typically characterised by detached regularly spaced properties set in large, elongated plots with open front garden areas. The proposed dwelling would occupy a prominent and highly visible position at the western end of this ribbon of residential development.

The proposed dwelling would be notably larger at first floor level than the existing dwelling in both width and depth (circa 9 metres greater and 3 metres greater respectively), with the greater depth being emphasised by the greater extent and massing of its gabled roof, and its greater width emphasised by its occupation of virtually the full width of the plot.

This increased mass of development on this prominent plot would appear unacceptably bulkier and more imposing in views from Mains Lane and from across the large open area to the west, thus harming the established character and appearance of the local streetscape. Furthermore, the siting of the proposed detached garage forward of the dwelling, and within the front garden area, would conflict with the established pattern of open and undeveloped front gardens along the north side of this stretch of Mains Lane.

Accordingly, the overall impact of the proposed development fails to respond to, or relate well with, the surrounding context of built development, contrary to the aims of policy H7b) and policy GD7 of the FLPPR and paragraphs 130 and 134 of the NPPF.

### **Relationship to Neighbours**

The only neighbouring dwelling potentially affected by the proposal is No.176A, which immediately neighbours the application site to the east.

The proposed dwelling features a rear facing first floor balcony to the rear gable closest to the shared boundary with No.176A and a single storey rear outrigger that runs directly adjacent to, and along, the shared boundary with No.176A. The proposed balcony is recessed into the west facing roof slope of the outrigger such that the ridge of the outrigger is set *circa* 2 metres above the floor level of the balcony, thus providing a screen that would prevent overlooking of No.176A's private rear amenity space.

With regard to other impacts, No.176A features a small area of private amenity space between its rear elevation and its own detached garage to the rear which is sited against the shared boundary with the application site. The single storey rear outrigger of the proposed dwelling would be sited alongside the section of shared boundary that runs between the rear of No.176A and its garage. The separation between the side of the outrigger and No.176A would be *circa* 1.9 metres, and the outrigger's projection beyond No.176A's rear elevation would be *circa* 11.7 metres. This spatial relationship fails to accord with the guidance set out in Design Note 4 of the council's adopted householder SPD, which advises that single storey rear extensions should project no further than 3 metres, plus any off-set distance, beyond the rear elevation of a neighbouring dwelling. This guidance is intended to prevent

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unacceptable overshadowing of neighbouring ground floor windows and ensure any extension does not unacceptably overbear or dominate a neighbour's private rear amenity space. In this instance the outrigger exceeds this guide distance by *circa* 6 metres.

The shared boundary between the two property's is populated by a *circa* 2.5 metre high fully boarded timber fence and it is acknowledged that this fence already provides some overshadowing of No.176A's fully glazed rear gable and the private external amenity area. However, the eaves of the proposed outrigger would be 0.3 metres than the fence and its main ridge would be 2.3 metres higher. It is considered that the additional height of the outrigger above the boundary fence is sufficient to potentially result in unacceptable overshadowing of No.176A's fully glazed ground floor gable, and introduce a structure that has an unacceptably overbearing and oppressive presence when viewed from No.176A and the external amenity area between its rear elevation and its detached garage.

Although there is an existing detached garage adjacent to this boundary, its eaves height is similar to the height of the boundary fence and so is lower than the proposed outrigger. As such the single storey outrigger of the proposed dwelling would have an unacceptable spatial relationship with No.176A, to the detriment of its occupiers' amenity, and thus conflict with criteria c) and h) of Policy GD7. Whilst no objections have been received from the neighbouring occupier, this potential impact needs to be assessed in the determination of the application in order to ensure all planning applications are determined in a broadly consistent manner.

### **Access & Parking**

Mains Lane currently falls within the classification of being a trunk road. As such both National Highways and LCC Highways have been consulted on the application. Neither have raised any objection to the proposal, although National Highways have requested that the hard surface for the driveway and parking areas be water permeable to avoid excessive surface water run-off into the highway.

### **Ecology**

The application is supported by a Preliminary Bat Roost Survey (dated August 2023). Greater Manchester Ecology Unit has examined the findings of this assessment and the ecological environment of the site and raise no objections to the application but have requested a condition (if approved) requiring the inclusion of measures to enhance biodiversity at the site and provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

### **Other Matters**

All other matters have been taken into consideration including the personal circumstances of the applicant and her family. However, on balance your officers consider that whilst these circumstances may be able to justify a building larger than established policy would normally allow, the scale of the dwelling is significantly larger than any demonstrated need. In addition, the larger footprint of the proposed dwelling would result in a much wider building that would erode the space between the existing dwelling and the neighbouring property, resulting in a more built up frontage which would be contrary to the established character of the area which is dominated by green space as the built area transitions into the more open countryside beyond. Accordingly, members are recommended that planning permission should be refused.



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### Conclusions

The proposal involves the demolition of an existing dwelling and detached garage within a countryside location and its replacement with a larger dwelling, together with a detached garage within the front curtilage. Having viewed the proposal and assessed the issues raised, it is the considered view that the proposed development fails to accord with policies ENV1, GD4, GD7 and H7 of the Fylde Local Plan to 2032 due to the harmful impact that the excessive scale of proposed dwelling would have on the character and visual amenity of this rural area and the amenity of the occupiers of the neighbouring No.176A Mains Lane. Whilst the size of the dwelling has been reduced following concerns expressed to the applicant by your officers, the amendments that have been made are not considered to address those concerns. Accordingly, the application is recommended for refusal.

### Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The ground floor area of the proposed replacement dwelling would be approximately 330% larger than that of the existing home. Furthermore, the proposed replacement dwelling would have a sprawling, L-shaped footprint, a width that encompasses almost the full width of the application site, and a deeper, bulkier and more imposing main body and roof space when viewed from Mains Lane and from across the large open space to the west. In addition, the scheme includes a large detached garage forward of the proposed dwelling and within the front curtilage of the site which would conflict with the established pattern of open and undeveloped front gardens that characterise this stretch of Mians Lane.

Accordingly, by virtue of the proposed dwelling's excessive size, bulk and massing, and the siting of the detached garage, the proposal would appear as a dominant, imposing and discordant form of development that fails to respect the character and pattern of prevailing built development within the surrounding locale and would therefore represent poor design that conflicts with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) Policy H7, and of criteria d), h) and i) of policy GD7, and paragraphs 130 and 134 of the National Planning Policy Framework.

2. By virtue of its height and excessive projection along the shared boundary with No.176A Mains Lane the single storey rear outrigger of the proposed replacement dwelling would represent an oppressive and overbearing form of development that would result in an unacceptable loss of outlook, overshadowing and sense of overbearingness and oppression to the ground floor windows and private external amenity space at the rear of No.176A. Accordingly, the proposed development would have a harmful impact on the amenity and living conditions of its occupiers, in conflict with the requirements of Design Note 4 of the "Extending Your Home" Supplementary Planning Document, criteria c) and h) to policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and paragraph 130 f) of the National Planning Policy Framework.