

Agenda

Planning Committee

Date:	Wednesday, 24 January 2024 at 9:30am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Richard Redcliffe (Chairman) Councillor Gavin Harrison (Vice-Chairman)</p> <p>Councillors Tim Armit, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Noreen Griffiths, Jordan Ledger, Jayne Nixon, Sandra Pitman, Vince Settle.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 20 December 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 117
	INFORMATION ITEMS:	
5	The Levelling Up and Regeneration Act 2023 and Consequential Revisions to the National Planning Policy Framework	118 - 125
6	List of Appeals Decided	126 - 127

Email: democracy@fylde.gov.uk

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

© Fylde Council copyright 2024

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at www.fylde.gov.uk

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to listening@fylde.gov.uk.

Planning Committee Agenda

Wednesday, 24 January 2024

Item	Appn No.	Location and Description	Officer Rec.	Page No.
1	23/0513	WREA GREEN TENNIS CLUB, MILL LANE, RIBBY WITH WREA, PRESTON PR4 2WP	Grant	5
		ERECTION OF 12 NO. 6.5M HIGH LIGHTING COLUMNS TO TWO TENNIS COURTS		
2	23/0637	258 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON PR4 1AY	Approve subject to s106	13
		OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF THE EXISTING BUILDINGS AND STRUCTURES, AND THE ERECTION OF A RESIDENTIAL CARE HOME WITH UP TO 76 BEDROOMS (USE CLASS C2), INCLUDING A SUB-STATION, VEHICULAR ACCESS, CAR PARKING, SERVICING AND OTHER ASSOCIATED WORKS, (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR ONLY).		
3	23/0643	LAND BETWEEN WHARF STREET AND WEST CLIFFE (FORMER AXA CAR PARK), WEST CLIFFE, LYTHAM FY8 5DR	Approve subject to s106	53
		RE-DEVELOPMENT OF THE SITE FOR SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF UP TO 18 APARTMENTS WITH CARE (USE CLASS C2) AND ASSOCIATED LANDSCAPING, ACCESS ROADS, CAR PARKING, SERVICES AND STORAGE BUILDINGS		
4	23/0807	PATHWAYS STABLES, PATHWAYS, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON PR4 3RJ	Grant	100
		ERECTION OF BUILDING FOR THE STORAGE OF HAY, SHAVINGS AND MACHINERY ASSOCIATED WITH ADJACENT STABLES		

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Summary of Officer Assessment

The application site is the well-established Wrea Green Tennis Club which is located off Mill Lane which is to the west of the Green. In addition to the clubhouse building there are three hard surfaced courts at the site with residential properties providing the majority of the surrounding land uses. The site is therefore an existing sporting facility that is located within the settlement boundary. The proposal is to erect a series of floodlight columns to support the use of 2 of the courts into hours where play is currently not possible due to daylight limitations.

The potential impacts relate primarily to residential amenity and ecology. The Council's Environmental Protection Team have reviewed the submitted information and consider that the proposed development would be appropriate subject to a condition restricting the use of the lights to not later than 9pm each day. With regards ecology the main concern was over the potential to disturb bats that may be using the trees in the area around the courts, but following an assessment of a likelihood of that by a qualified ecologist acting for the applicant, the council's ecological advisors are satisfied that the potential to impact on bat use in the area is acceptably limited.

Therefore subject to a condition relating to the hours of use, the proposed development would accord with Local Plan policies GD1, GD7, ENV2 and HW3, and consent should therefore be granted.

The applicant has requested that committee consider approving with an amended restricted hours condition for use later than 9pm. However, for the reasons set out in the report and notably with reference to comments provided by the Council's Environmental Protection Team and Greater Manchester Ecology Unit, the officer recommendation is that consent should not be approved on this basis. The condition should restrict the use of the lights until no later than 9pm.

Reason for Decision Level

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

Site Description and Location

Wrea Green Tennis club is located on the western edge of the settlement of Wrea Green, within the settlement boundary. The club has been in operation since 1956 and comprises three tennis courts and a clubhouse arranged end-to-end running parallel with McCall Close but with a single row of houses in the intervening space.

Access to the site is from Mill Lane and the site is otherwise adjacent to dwellings and open space associated with The Villa Wrea Green hotel. Mature trees form a substantial part of the western boundary of the site, with smaller trees and other vegetation along the majority of all other boundaries.

Details of Proposal

Planning permission is sought for the erection of a total of 24 lighting columns to provide lighting for courts one and two (i.e. the two courts closes to Mill Lane). Of these 12 lighting columns would be 6.5m high and 12 would be 6.7m high. The lighting level has been designed to meet the Lawn Tennis Associations minimum standard, at 400 lux. Associated below ground wiring is also proposed.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Relevant Planning/Appeal History

None.

Parish/Town Council Observations

Parish/Town Council	Observations
Ribby-with-Wrea Parish Council	<p><u>Comments received on 20/09/2023</u></p> <p>It was resolved to RECOMMEND REFUSAL. Light and noise pollution (late night playing) are a serious concern. Several properties surround the courts which will be adversely affected.</p> <p><u>Further response received on 25/09/2023</u></p> <p>In response to the Officer advice that a 9pm curfew could be secured via condition (rather than the proposed 10.30pm curfew):</p> <p>I have received mixed comments from the parish councillors ... some saying that the 'curfew' of 9pm would suffice but some also saying they need to be shorter. Therefore, with this in mind, I would suggest maintaining an objection on this one. It is then in the capable hands of FBC.</p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	<p>No objection, subject to condition to restrict hours of use.</p> <p><i>There are currently no timed restrictions on the use of the courts. The biggest restrictions are therefore the weather, and the presence of suitable daylight. The speed of any game usually dictates the amount of light needed to play. Hence Tennis needs substantial lighting.</i></p> <p><i>The courts, at the moment will be used in the Summer and this is, by now, an accepted use for nearby residents. This application, however, introduces new lighting, which as well as being noticeable, will allow use of the courts in the evening/at night on far more days than normal. In addition to the possible overspill and glare, this also has the potential for noise issues.</i></p> <p><i>I am satisfied the information provided indicates that the lights will be largely angled to the courts and some of them will have baffle plates fitted, to reduce light overspill on the western edge of the site. The submitted information predicts very little overspill, directly from the lights, so if the lights are installed as per the submitted information, the direct impact of the lighting will be minimised.</i></p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p>A condition to restrict hours of use to 9pm is then suggested.</p>
<p>Greater Manchester Ecology Unit</p>	<p>No objection, subject to time limited use of the floodlights.</p> <p><u>First response, received 01/11/2023</u></p> <p>The vegetated boundary along the southern boundary of court 1 and part of court 2 is very low risk and I have no issues with temporary illumination of this feature. The larger trees on the SE corner of court 2 appear low risk but some appear to be ivy covered which increases the level of risk. Whilst I would regard the risks of a bat roost in any of these trees as low, given current guidance: “that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)” I would recommend a proper assessment of the trees that will be impacted above 10 lux (approx) by a suitably experienced bat consultant.</p> <p><u>Second response, received on 04/12/2023</u></p> <p>As the consultant has determined no further bat surveys are required it can be assumed that the trees are regarded as at best very low risk. This combined with the fact that the floodlighting is time limited and I am satisfied that no further information or measures are required relating to bats.</p>
<p>Cllr Andrews</p>	<p><i>I note Wrea Green Parish Council have recommended the tennis club flood light application be refused. It might help if I explained the following:</i></p> <p><i>Firstly that the height of the lighting towers are the minimum recommended to give adequate light to the 2 courts they would illuminate.</i></p> <p><i>Second. The club requirement for light could be limited to 9pm for most of the year. It’s just the 6 inter-club matches in summer when a 10pm switch off might be required.</i></p> <p><i>Third. The club tries hard to get along with all its neighbours, indeed many of them are club members anyway.</i></p> <p><i>Lastly. The tennis club has added a tremendous amount of amenity and fun to the village for as long as I can remember. It has been a considerate and well managed asset that has improved village life for many.</i></p> <p><i>Can I urge your committee to give full regard to the points I raise and support this application.</i></p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	24 August 2023
Amended plans notified:	N/A
Site Notice Date:	20/09/2023
Press Notice Date:	N/A
Number of Responses	Total number of comments 5 Total Number Objecting 4 Total Number supporting 1
Summary of Comments	The comments received in opposition to the application can be summarised as:

- Light pollution will harm neighbour amenity
- Noise pollution will harm neighbour amenity
- Development would give rise to increased traffic later at night, harming local amenity
- The lights will cause ecological harm
- The use of the lights should be restricted to 9.30pm or earlier
- The tennis club enhances the health and wellbeing of the local community

The comments received in support of the application can be summarised as:

- Existing businesses and sport development should be supported

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 Wrea Green

ENV2 - Biodiversity

HW3 - Protection and Provision of Indoor and Outdoor Sports Facilities

GD7 - Achieving Good Design in Development

Other Policy and Guidance

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The proposal seeks to support an existing, operational use within a settlement boundary and therefore the general principle of development is acceptable subject to assessment against all relevant Local Plan policies, in accordance with Local Plan policy GD1.

The relevant Local Plan policies relate to the potential impact of the development. Potential impacts would arise from the erection of lighting columns and use of outdoor artificial lighting, including in the evening. Therefore, the potential harm relates primarily to impacts on neighbour amenity and ecology, as well as on the appearance of the site and surrounding area. These matters are considered below.

Residential amenity

Local Plan policy GD7 Achieving Good Design sets out a requirement that development should not adversely affect neighbour amenity. As the tennis club has been operational on this site since 1956, it is only relevant to consider any additional impacts which would arise from the proposed development. It should also be noted that there are currently no restrictions on the timing or level of the use of the courts. As there are not currently any floodlights on site, the use of the courts has naturally been restricted to daylight hours. The potential harmful amenity impacts from this application would therefore be those that arise from light and noise during non-daylight hours.

With regards to light impacts, the submitted technical information confirms that the lighting level has been designed to meet the minimum standards set out by the Lawn Tennis Association. The technical information also demonstrates that the lights will be angled towards the courts, with very little overspill and rear baffles fitted to each lighting fixture to provide further screening close to the more open parts of the site boundary. There will be no light sources directed towards any residential dwelling or garden. The Environmental Protection team have reviewed this technical information and have found it to be acceptable.

However, dispersed/reflected light will of course be visible to some extent from the nearby dwellinghouses. The applicant has requested permission to make use of the lights until 10.30pm. It is the opinion of both the Environmental Protection team and planning case officer that the use of the lights should be restricted to no later than 9pm each day. This is an approach that has been taken elsewhere in the borough where sporting facilities such as tennis courts and bowling greens are located alongside dwellings, and is a compromise approach to allow additional use of the sporting facilities whilst that not being overly late in the evening to provide protection to amenity for neighbours and their sleeping patterns.

With regards to noise impacts, the relationship of the tennis court with surrounding dwellings is long-established. However, the sound of tennis being played later into the evening would be a new feature during the autumn and winter. Given the existing established use and the typically low impact of noise arising from tennis, it would be unreasonable to seek to restrict the use on this basis. However, the

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

restriction of the use of the floodlights until a specified time in the evening should naturally restrict any late night adverse impacts arising in this regard.

Subject to a condition to restrict the use of the lights until no later than 9pm each day, the proposed development would not give rise to any significant adverse impacts and thereby accords with the requirements of Local Plan policy GD7.

Ecology

The use of outdoor artificial lighting has the potential to cause harm to wildlife. The NPPF sets out in paragraph 180 that planning decisions should contribute to and enhance the natural environment. Given the presence of mature trees on the site and open water close to it, the potential for impact on bats exists. There are no other recorded priority species or habitats of relevance on or close to the site.

In response to a request from Greater Manchester Ecology Unit, the applicant provided additional bat survey information which confirms that the trees on the site do not have significant potential for bat roosting, in particular that there are preferable habitats in the local area. However, the use of artificial lighting could still impact foraging activity of bats, as well as other animals. On this basis, Greater Manchester Ecology Unit recommend that the proposed development would be acceptable, subject to restriction of the use of the lights until 9pm each day.

Other matters

The addition of lighting columns up to 6.7m in height has the potential to have impact on the appearance of the local area. However, their position next to existing tennis courts and large amount of screening provided by substantial boundary vegetation would mean that the visual impact would be very limited. The development would not significantly adversely impact the character of the site or surrounding areas and thereby complies with the requirements of Local Plan policy GD7. This includes the potential impact on the Windmill which is a listed building that is located around 30m to the west of the courts but with intervening tree cover the columns will not harm its setting at the heights proposed.

The increased evening activity on site would have some impact on the movement of people and vehicles to and from the site. However, the potential use would not exceed the patterns of use throughout some parts of the year and regardless the size of the tennis club would not give rise to a large number of vehicles movements. For these reasons, the proposed development would not have any significant impact on the safe and convenient use of the highways.

Conclusions

The application seeks to support an existing sport facility within a settlement boundary. The potential impacts relate primarily to residential amenity and ecology. The Council's Environmental Protection Team and Greater Manchester Ecology Unit have reviewed the submitted information and consider that the proposed development would be appropriate subject to a condition restricting the use of the lights to not later than 9pm each day. Subject to such a condition, the proposed development would accord with Local Plan policies GD1, GD7, ENV2 and HW3, and consent should therefore be granted.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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 approval relates to the following plans:
 - OS Base Location Plan (received by the Local Planning Authority on 23/08/2023)
 - Site Plan (received by the Local Planning Authority on 14/09/2023)
 - Proposed Column Elevations (received by the Local Planning Authority on 11/08/2023)

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 complies with the requirements in Schedule 2, Part 1, Class AA, Paragraph AA.3 (14) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, any external lighting on the site shall be installed in accordance with the lighting scheme indicated on report reference CalcuLuX Area 7.9.0.0, received by the Local Planning Authority on 23/08/2023, including the details of the illumination and the measures to ensure light is directed to the courts only. No other lighting shall be installed on the site unless a scheme including details of: (i) its position and height on the site; (ii) its spillage, luminance and angle of installation; and (iii) any shields, hoods or timers to be fitted to the lights, has been submitted to and approved in writing by the Local Planning Authority prior to its installation.

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

4. The lighting hereby approved shall only be operational between dawn and 9pm on any day.

Reason: To ensure that the increased timescale of activity associated with the lighting and the disturbance to neighbouring amenity that could arise from the use of the lighting is appropriately restricted to avoid creating undue harm to the amenity of neighbouring residents and the character of the surrounding area. This is to ensure compliance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Item 2

Application No:	23/0637	Case Officer:	Rob Buffham Area Team 1
Applicant:	MULLER PROPERTY GROUP	Agent:	MR JAKE MCLEOD
Location:	258 LYTHAM ROAD BRYNING WITH WARTON PRESTON PR4 1AY		
Proposal:	OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF THE EXISTING BUILDINGS AND STRUCTURES, AND THE ERECTION OF A RESIDENTIAL CARE HOME WITH UP TO 76 BEDROOMS (USE CLASS C2), INCLUDING A SUB-STATION, VEHICULAR ACCESS, CAR PARKING, SERVICING AND OTHER ASSOCIATED WORKS, (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR ONLY).		
Ward:	Warton	Parish:	Bryning with Warton
Date Received:	19 September 2023	Earliest Decision:	26 October 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application	Online application file here	
Officer Recommendation:	Approve Subject to s106		
Location Plan			

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Summary of Officer Assessment

The application site is located to the western edge of and within the settlement of Warton, immediately north of the road junction of Lytham Road and Bank Lane and so on the opposite side of Lytham Road to Bank Lane. The site is approximately 0.43 hectares in size and is presently occupied by a bungalow and external caravan storage business. The site has no formal allocation within the Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR) other than being within the defined settlement of Warton.

Outline planning consent is sought for demolition of all buildings and construction of a 2 storey, 76 bedroom care home facility (Use Class C2 – Residential Institution). All bedrooms will have ensuite facilities, with communal day spaces, external terraces, private and communal dining rooms, café / bistro, cinema, a hair and nail salon, and library also within the facility. Externally, secure landscaped gardens will be accessible for all occupants. All areas to be used by residents will comply with technical standard M4(3(2a)) (wheelchair-adaptable dwellings) and the care home will also provide a shared laundry service, with laundry undertaken on-site. The submission confirms that residents will be elderly and require 24/7 on-site care, and the building will include a drugs store, nursing stations, and treatment rooms to accommodate residents' daily medical needs.

The site is located within the settlement boundary of Warton which is designated as a Key Service Centre and Strategic Location for Development within the FLPPR. In addition, the site occupies an accessible location within an existing residential area and would make efficient use of previously developed land. The location of the proposal is therefore consistent with the Development Strategy advocated by Policies of the FLPPR. Moreover, the proposal will provide for 100% specialist accommodation for the elderly and will meet the needs of an ageing population in the Borough as identified in the FLPPR. The principle of development in this location is therefore acceptable.

The proposal will enhance the appearance of the locality through removal of an unsightly caravan storage business, and provision of an appropriately designed development that provides a front facing aspect to Lytham Road and will harmonise with the residential context of the locality.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the proposal would not have a severe impact on the safe and efficient operation of the local highway network. Appropriate parking for the end use has been demonstrated in the submission. The scheme is considered to have an acceptable relationship with surrounding uses, whilst providing for satisfactory levels of amenity for prospective occupants, nor would it have any adverse impact in terms of flood risk, drainage and ecology, and would deliver measurable biodiversity net gain.

Due to the nature of the end use providing 100% specialist accommodation for the elderly that are in need of care, the proposal is not required to contribute towards the provision of affordable housing. In this circumstance and to ensure that the proposal falls properly within use class C2, it is necessary to restrict occupancy of the development to those aged 55+ years, and a in need of a specific level of care, with this restriction secured by a planning condition.

The proposal therefore accords with the development plan, Bryning with Warton Neighbourhood development Plan, and NPPF, and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF23 and should be approved without delay.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The officer recommendation therefore is that Members support the application and delegate the decision of approval to officers following completion of a S106 legal agreement relative to the provision of health care contributions (£20,389 toward reconfiguration of Holland House Surgery), and, subject to adoption by the Council of the Habitat Regulation Assessment Screening Report, and a schedule of appropriate conditions.

Reason for Decision Level

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

Site Description and Location

The application site is located to the western edge of and within the settlement of Warton, immediately north of the road junction of Lytham Road and Bank Lane.

The site is approximately 0.43 hectares in size and is presently occupied by a bungalow and external caravan storage business. Mature trees and hedgerow form the southern and western boundaries of the site shared with Lytham Road and a housing development that is presently under construction. Vehicular access points to the site are currently via a side road from Lytham Road, although there is also an unused entrance direct from Lytham Road with dropped kerb arrangement.

The site is located in a predominantly residential area, being bound by new build residential development to the west, older stock housing beyond Lytham Road to the south and east, and a car repair garage and caravan park to the north. These properties are constructed of a variety of materials including red brick or render, grey slate and grey or red tile roofs, with a mix of bungalow and 2 storey height.

The site has no formal allocation within the Fylde Local Plan to 2032 (incorporating Partial Review) other than being designated within the settlement area. It is also within the area where the Bryning with Warton Neighbourhood Plan applies.

Details of Proposal

Outline planning consent is sought for the construction of a residential care facility with up to 76 bedrooms. Outline matters relating to layout, scale, appearance and access are sought, with landscaping pursuant to a subsequent further reserved matters application.

A Care Home Needs Assessment (CHNA) has been submitted with the planning application which reaffirms 'the need to provide housing for older people is critical' documented by the Ministry of Housing, Communities and Local Government in their planning guidance 'Housing for Older and Disabled People'. The CHNA recognises the ageing population of the Borough, and fact that care home provision is heavily reliant upon accommodation that has been converted from an alternative use, as opposed to a purpose built facility, which also discourages use for more specialist nursing and dementia care. The CHNA confirms an under supply of accommodation in the locality and Borough, stating that the proposed development would assist in not only accommodating the rising elderly population but offsetting the ongoing trend of care home closures. The CHNA refers to the following benefits of the development:

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- 1) Assist in offsetting the rising statistical undersupply of appropriate accommodation across the Borough of Fylde.
- 2) Assist in offsetting the rising statistical undersupply of appropriate accommodation across the Site locality.
- 3) Create capacity with the design benefits to optimise nursing and dementia care provision - in line with Lancashire County Council strategy.
- 4) Improve the overall environmental quality of the care home estate through development of modern accommodation designed for purpose.
- 5) Help offset future care home closures as dated premises become either unviable or unfit for purpose in the face of changing/increased care needs
- 6) Reduce the impact risks of future pandemics through provision of environment specifically designed for purpose.
- 7) Assist in reducing the number of Delayed Transfer of Care Days across the county – benefiting both the NHS purse and patient wellbeing.

The applicants Planning Statement confirms that residents of the care home will be elderly, and whilst the age of occupant is not provided, it is confirmed that the applicant would support a planning condition that specifies an age threshold.

The development occupies an I-shaped footprint that is positioned centrally on the site and set back from Lytham Road behind a landscaped car parking area, with landscaped garden areas surrounding. The building is 2 storey in scale and has a symmetrical front facing aspect to Lytham Road, with a hipped roof form. It is constructed predominantly of red brick, with a grey roof tile, and rendered gable features to all elevations.

The majority of existing landscape features, including mature tree and hedgerows that form the south and western boundaries are to be retained, a single tree is proposed to be felled on the western boundary, with new landscaping proposed to enhance those features and within the private garden spaces of the development. The eastern boundary will be formed by a hedgerow, and a hedge is also proposed to northern boundary where adjacent to the car repair business. No other boundary treatments are confirmed in the submission.

Vehicular access to the development is proposed via widening of the existing entrance from Lytham Road, that will result in the removal of approximately 5m of mature hedgerow. 36 parking spaces are indicated on plan, including 3 no. disabled bays, 4 no. electric vehicle charging spaces, motorbike and cycle parking, as well as an ambulance bay.

Revision has been received which has relocated the brick built substation and cycle store closer toward the eastern side elevation of the building.

All bedrooms will have ensuite facilities, with the submitted floor plan drawings indicating the provision of communal day spaces, external terraces, private and communal dining rooms, café / bistro, cinema, a hair and nail salon, and library also within the facility. Externally, secure landscaped gardens will be accessible for all occupants. All areas to be used by residents will comply with technical standard M4(3(2a)) (wheelchair-adaptable dwellings) and the care home will also provide a shared laundry service, with laundry undertaken on-site.

The submission confirms that residents will require 24/7 on-site care, and the building will include a drugs store, nursing stations (on each floor), and treatment rooms to accommodate residents' daily medical needs. The residents of the care home will require various levels of nursing / care assistance,

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

depending on their age, physical condition and medical history. It is not expected that residents will be fit to leave the site independently, and any visits outside the care home are to be accompanied.

It is stated that the development will create up to 76 jobs employed within the care home, operating over 3 no. eight hour shifts. Accordingly, the applicant expects that there will be a maximum of 26 staff on the site at any one time.

Relevant Planning/Appeal History

The planning history on the site relates to the existing uses, including the storage of caravans and the erection of a replacement bungalow on the site frontage. These are not included in here as they are not relevant to the application under consideration as that removes these existing uses in their entirety. There have not been any previous applications for the redevelopment of this site.

Parish/Town Council Observations

Parish/Town Council	Observations
Bryning with Warton Parish Council	<p><u>Comments received on 19 October 2023:</u></p> <p><u>“Introduction</u> <i>This proposal presents a significant structure and potential future facility for the community, but, while naturally it offers obvious advantages toward local elderly care, employment and some small increased trade, in what little commercial facilities exist in the surrounding area, it would come at a significant detriment at this location proposed.</i></p> <p><i>It is surprising to the Parish Council that the applicants have expressed that there has been an interest from such care home providers toward this provision when the planning application on a neighbouring site, a short distance further along Lytham Road, (Gt. Birchwood) offered a far superior overall facilities including access, parking and surrounding landscape features had been supported, approved and granted. Then was not provided because of lack of the Care 'industry' interest! The Parish Council would like the developers to account what demonstrable demand there was to now support this application at this particular location which presents significant concerns.</i></p> <p><u>Infrastructure</u> <i>The Parish Council note with concern the Lancashire Care Board identifying a direct impact on GP services and requesting a one-off payment of £20,000 toward reconfiguring Holland House! Clearly there will be a significant increased demand identified on all local health provision which is already reported as to be stretched beyond capacity, naturally negatively impacting on existing residents? Such a large proposed facility, without the existing Health care infrastructure in the immediate area, is a significant concern to existing members of the Community and a £20,000 'gesture' is surely miniscule to the actual requirements once up and running. It is of</i></p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

course acknowledged that there may be some increased economic advantage to local traders, through employees and visitors, but an establishment of this size, accommodating 76 rooms, will need bulk purchase quantities of provisions etc. from further afield which would require HGV delivery and access on a frequent schedule!

Traffic

The site access directly on to Lytham Road is of an extreme safety concern to the Parish Council and local residents. Claiming to use the existing access to 'reduce impact' yet that access to a single residence has not been used in many years if not decades! LCC response have identified the proximity to the opposite Lytham Road junction Bank Lane being of concern! This concern is supported by the P.C. If the application were to be approved it is suggested that access should only be allowed on to the existing private road which already accommodates a measure of traffic flow and is better located in relation to visibility and response times for drivers using Lytham Road. The Parish Council would remind the planning authority it has long expressed safety concerns with developments/applications seeking access onto Lytham Road in this area and long sought formal pedestrian crossing facilities and traffic 'calming' measures for motorists coming through this area which seems perceived as wide open carriageway by some. The Council used to employ a 'SPID', until it became impractical to do so, immediately before this section of road for east bound traffic, coming from the Lytham direction, highlighting the safety concerns over many years. This facility will generate at times a large number of vehicles accessing or leaving the site and the existing access point will inevitably result in collisions! The Parish Council would make representation that if the development is permitted then these Highway concerns are suitably addressed.

Parking

There is insufficient parking provision (37 spaces for visitors, staff (26-26 nursing staff at any one time with overlapping shifts), health care professionals visits, domestic staff (cleaners etc) other employees (cafe and hairdressing), delivery vehicles etc. The last thing existing residents want is for offsite parking on Lytham Road, Bank Lane etc. This would further endanger traffic and pedestrians using Lytham Road. It is expected they do not expect care home residents to leave the site independently which would mean parking spaces for mini buses and taxis. The Parish Council and local residents would challenge the LCC Highways opinion that there is adequate parking.

Arboricultural

Retention of existing hedgerows and trees. Proposals seem contradictory regarding the southern aspect along Lytham Road. Confirmation is needed to confirm that all existing hedgerow will be retained with a supporting planning condition.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p><i>The Parish Council recommend refusal but would make strong representation that if it is still minded to grant the application the Parish Council request that any final decision be determined by the Development Management Committee."</i></p>
--	--

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
NHS – Lancashire and South Cumbria Integrated Care Board	<p>Request a financial contribution of £20,839 towards reconfiguration at Holland House Surgery for additional clinical capacity.</p> <p>Failure to secure the contribution effectively means that we are objecting to the application.</p> <p>This proposal will generate approximately 76 new patient registrations based on the Outline Application and based on an average household size of 2.4 ONS 2017.</p> <p>The proposed development falls within the catchment area of Holland house Surgery. This need, with other new developments in the area, can only be met through the reconfiguration of the existing practice premises in order to ensure sustainable general practice.</p> <p>The ICB is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the ICB confirms that there are no more than four other obligations towards this project.</p>
Environmental Protection	No objection and no conditions suggested.
Lead Local Flood Authority	No objection, subject to condition (details of final surface water drainage strategy and lifetime site specific operation and maintenance manual for surface water drainage).
United Utilities	<p>No objection subject to condition (details of final foul and surface water drainage strategy and lifetime site specific operation and maintenance manual for surface water drainage).</p> <p>We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.</p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p>Following our review of the submitted Flood Risk Assessment, prepared by Geo Smart Information, Ref: 78714.00.01R1 dated 2023-08-31 and Sustainable Drainage Assessment Ref: 78714.01.02R1, Dated 2023-08-31 we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design, as mitigation from the surface water flooding which also coincides with modelled sewer flooding need to be mitigated as per the flood risk assessment.</p> <p>Should planning permission be granted without the provision of the additional information set out above, we request the that a condition requiring details of foul and surface water drainage, and management/maintenance of the surface water drainage system, be attached to any subsequent Decision Notice.</p> <p>We also request that the currently submitted drainage details are not listed as approved documents on the Decision Notice.</p>
Ecology Consultant (GMEU)	<p>No objection, subject to conditions.</p> <p><u>Proximity to Ribble Estuary SPA</u> The Ribble Estuary SPA is under 1km from the proposed development. There are however no direct likely effects to the SPA, the development within an urban envelope, with no direct hydrological linkage and screened from any potentially functionally linked land. The only potential significant effects would therefore be recreational disturbance to either functionally linked land or direct to the SPA. Ie walking along the estuary and disturbing breeding or wintering birds.</p> <p>It is agreed that the development is very unlikely to have any significant effects on the SPA, as per the submitted Habitat Regulation Assessment.</p> <p><u>Bats</u> Trees and buildings on the site have been subject to bat surveys. No evidence of bats was found with all buildings and one tree assessed as having negligible bat roosting potential and the other mature tree as having moderate potential, downgraded to negligible following an aerial inspection. I have no reason to doubt the findings of the report. As this is an outline application, I recommend an update bat assessment is provided as part of reserved matters. The details can be conditioned.</p> <p><u>Great Crested Newts</u> A valid gcn assessment has occurred. I accept the finding that it is very unlikely that great crested newts are present on the site and would note the adjacent development to the west, carried out full surveys of all ponds within 500m and found no great crested newts. Whilst that survey is no longer valid, it supports the consultant's conclusion. No further survey information is required.</p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p><u>Other Protected Species</u> No evidence of any other protected species was found. I agree with the consultant that it is very unlikely given the nature of the site and the surrounding land use that any other protected species would be present. No further information or measures are required.</p> <p><u>Nesting Birds</u> Trees and scrub will likely be lost, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.</p> <p>No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><u>Other Wildlife</u> Whilst the majority of the site is sub-optimal for wildlife, small areas of scrub and hedge may provide cover for species such as hedgehog (UK Biodiversity Priority Species) and more widespread amphibians that disperse further from ponds than great crested newts. Reasonable avoidance measures have been recommended by the consultant for hedgehog and amphibians. Given the limited suitable habitat, I would not expect such measures to need to be provided in great detail. I recommend a condition along the following lines is applied to any permission.</p> <p>Prior to any earthworks or vegetation clearance a reasonable avoidance measures method statement for mammals and amphibians will be provided to and agreed in writing by the LPA.</p> <p><u>Cotoneaster horizontalis</u> This species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded on the site. It is an offence to cause this species to grow in the wild. Given the limited extent of this plant on the site, relative ease of eradication and given the site is not the wild. I am happy that it can be dealt with via an informative along the following lines.</p> <p>It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Cotoneaster horizontalis are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.</p> <p><u>Contributing to and Enhancing the Natural Environment</u></p>
--	--

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p>Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site consists primarily of low ecological value habitats, with species interest likely limited to nesting birds. A biodiversity net gain assessment has been provided that indicates more than 10% net gain can be achieved. Whilst the ecological consultant appears to have used a slightly large footprint than the actual proposed site layout, I am satisfied that 10% BNG is achievable subject to any amendments to the layout at reserved matters. I am also satisfied that adverse effects to wildlife can also be mitigated and enhanced on site.</p> <p>I recommend that as part of reserved matters an updated biodiversity net gain plan is provided based on the final layout proposal and that measures to mitigate and enhance the site for nesting birds, bats and other wildlife also provided.</p>
<p>Natural England</p>	<p>No objection.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Ribble and Alt Estuaries Special Protection Area (SPA) and Ribble and Alt Estuaries Ramsar or damage or destroy the interest features for which Ribble Estuary Site of Special Scientific Interest (SSSI) has been notified and has no objection.</p> <p><u>Internationally and Nationally Designated Sites</u></p> <p>Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</p> <p>The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.</p> <p>To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:</p> <p>Conclusions of the Report to inform HRA (Arbtech, November 2023)</p> <p><u>Ribble Estuary SSSI</u></p> <p>Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

<p>Tree Officer</p>	<p>No objection subject to the following:</p> <ul style="list-style-type: none"> • I would like to see 4 more trees in the front Hedge line to help screen the property and increase the green infrastructure, which in turn can help with absorbing particulate matter and pollution created by vehicles using the adjacent road. • I would like to see reference to BS8545:2013 Trees from Nursery to Independence in the landscape used within the methodology of the landscape plan throughout as this document covers species selection, tree planting and after care. If followed correctly it will allow trees to have the best possible start in their new location. • Tree ties and stakes, I would prefer two or three stakes per tree using loop supports with a bridge to allow equal distribution of wind loading along the main stem to the root collar. Reason being is that newly planted trees can grow up to 35mm in diameter per year. If tree ties are not installed or adjusted correctly at regular intervals and the supports are too tight. The diameter growth will be just above the supports and create a weakness within the tree reducing the potential life span, requiring removal which would more than likely be after the landscaping time has lapsed and tree then isn't replaced. • I would also like to see statement that All stakes and ties should be removed as soon as the developing root system is strong enough to support the tree.
<p>LCC Highways</p>	<p><u>Response 2 dated 1 November 2023:</u></p> <p>LCC Highways does not have any objections regarding the proposed outline planning application for the demolition of the existing buildings and structures, and the erection of a residential care home with up to 76 bedrooms (Use Class C2), including a sub-station, vehicular access, car parking, servicing and other associated works, (access, appearance, layout and scale applied for only) 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.</p> <p>We would recommend that the proposed access is moved to the eastern end of the site. However, we are satisfied that the proposed access will not have a significant impact on highway safety.</p> <p>We would request that the applicant provides secure, covered cycle storage with space for a minimum of 8 cycles for communal cycle storage areas. This is to support social inclusion and promote sustainable forms of transport.</p> <p>They then suggest conditions about cycle provision and that the access works are to be undertaken under LCC supervision.</p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	<p><u>Response 1 dated 10 October 2023:</u></p> <p>LCC Highways does not have any objections in principle to the proposed outline planning application for the demolition of the existing buildings and structures, and the erection of a residential care home with up to 76 bedrooms (Use Class C2), including a sub-station, vehicular access, car parking, servicing and other associated works, (access, appearance, layout and scale applied for only), providing the applicant can address the issues regarding the access and cycle storage, as detailed in this report.</p> <p>There is highway concern that the proposed vehicular access could conflict with the junction of Bank Lane and Lytham Road. To alleviate this concern, we would recommend that the access is moved towards the eastern end of the site.</p> <p>This would also reduce the distance needed for the refuse vehicle to reverse. The recommended maximum distance a refuse vehicle should reverse is 12m, from Manual for streets and BS5930: 2005</p> <p>The parking provision provided is acceptable however we are concerned about the cycle storage proposed. We would request that the applicant provides secure, covered cycle storage with space for a minimum of 8 cycles for communal cycle storage areas. This is to support social inclusion and promote sustainable forms of transport.</p>
National Air Traffic Services	No safeguarding objections to the proposal.
Ministry of Defence	<p>No objection, subject to condition requiring provision of a construction management strategy with regards to construction equipment heights.</p> <p><u>Aerodrome Height</u> The proposed development site occupies the statutory height safeguarding zone that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded.</p> <p>The MOD has reviewed the documents and has no aerodrome height safeguarding objections to this proposed development.</p> <p>However, the MOD recognises that cranes may be used during the construction of tall buildings at this site. These may affect the performance of the Precision Approach Radar (PAR) and air traffic safety. If the proposal at this site does progress, it will be necessary for the developer to liaise with the MOD at Warton Aerodrome prior to the erection of cranes or temporary tall structures.</p> <p><u>Bird Strike</u> The MOD has reviewed the documents and has no bird strike safeguarding objections to this proposed development.</p>

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

	It is important that the conditions requested in this response are included in any planning permission granted. As per Planning Circular 01/03: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, if Fylde Council decides to grant planning permission contrary to our advice, then we must be notified 28 days prior to a decision being made.
BAE Systems	No objection, subject to condition requiring provision of a construction management strategy with regards to construction equipment heights.
Housing Section	As there is no affordable housing provision and no affordable housing statement it is difficult for us to have an opinion on whether there is a need for a care home on this site. We would not have available the medical data to be able to provide an opinion.

Neighbour Observations

Neighbours notified:	20 September 2023
Amended plans notified:	n/a
Site Notice Date:	29 September 2023
Press Notice Date:	5 October 2023
Number of Responses	Total number of comments 2
Summary of Comments	The comments received in opposition to the application can be summarised as:

What, if any, evidence exists to support the need for a care home of this nature in Warton and if so when and where did it take place because we are not aware of it.

The client group that is applied for is Use Class C2. To fully address the needs of this group can you confirm what level of care and staffing requirement this will involve.

We have concerns about the increased level of vehicular activity on an already incredibly busy road. Given the proposal there will no doubt be nursing staff, care staff, domestic staff, visiting doctors, physio, social workers, delivery of goods and foodstuffs, emergency vehicles etc. with comings and goings at all times of the day and night which will impact on the enjoyment of our homes.

Parking facilities, given the expected high level of traffic/ visitors {noted above} to the proposed seems inadequate -- 36 spaces for all residents, their friends and family and other visitors will result in illegal parking on a busy main road, potentially causing hazards and/or restrict access to our homes {parking across driveways/on pavement etc} as there is no on street parking nearby.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Traffic along Lytham road has already significantly increased due to the numerous new developments that have been approved and built in recent years; traffic calming measures would need to be considered for the safety of both the intended client group and other village residents. My neighbour and myself are directly opposite the existing entrance that serves the garage, housing and caravan site and we already have difficulty gaining access to the road from our drives. The intended entrance {currently not in use} appears to be almost opposite Bank lane just a few yards away from us, so yet another entrance and more traffic will only compound our existing access problems.

Drainage and infrastructure -- the proposed care home is likely to use a lot of water, with a full time laundry service, and a constant need to keep areas clean and hygienic and greater necessity to shower and bathe some clients. Whilst we are told that the drainage has been addressed, it certainly doesn't seem so at times. There is still flooding during high rain periods and we often see drainage contractors working on manholes.

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

S1 - The Proposed Settlement Hierarchy

SL1 - Lytham and St Annes Strategic Locations for Development

DLF1 - Development Locations for Fylde

SL3 - Warton Strategic Location for Development

EC5 - Vibrant Town, District and Local Centres

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

GD9 - Contaminated Land

H2 - Density and Mix of New Residential Development

H4 – Affordable Housing

T5 - Parking Standards

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

HW2 - Community Facilities

ENV2 - Biodiversity

ENV4 - Provision of New Open Space

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

HW1 - Health and Wellbeing
INF2 – Developer Contributions

Bryning with Warton Neighbourhood Development Plan

BWNE1 – Protecting and Enhancing Local Wildlife Habitats
BWNE2 – Protecting and enhancing local character and landscape
BwNE3 – Design to reduce surface water run off

Other Policy and Guidance

NPPF – National Planning Policy Framework
NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of this proposal are considered to be:

- The principle of development,
- Character and appearance of the area,
- Amenity,
- Highway safety
- Drainage,
- Ecology.
- Other matters - affordable housing, healthcare.

Taking each matter in turn.

Principle of Development

Policy Context

Paragraph 60 of the NPPF sets out the Government’s objective of ‘significantly boosting the supply of homes’, including ensuring ‘that the needs of groups with specific housing requirements are addressed’. In this respect, paragraph 63 of the Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) older people (including those who require retirement housing, housing-with-care and care homes).

Paragraph 010 of the chapter to the PPG titled ‘housing for older and disabled people’ prescribes residential care homes and nursing homes as ‘individual rooms within a residential building and provide a high level of care meeting all activities of daily living.’

FLPPR Policy S1 identifies Warton as 1 of 5 Local Service Centres within the Fylde, stating that the settlement is well placed to provide for future local housing and employment needs.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

FLPPR Policy DLF1 encourages the majority of future growth toward 4 sustainable locations, of which Warton is identified as such, stating that development is key to delivery of the development strategy advocated in the FLP.

Policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies. Supporting text to this policy confirms support for development of previously development sites within settlements.

In addition, objectives of the Bryning with Warton Neighbourhood Plan (BWNP) seek to ensure that new development preserves rural character and avoid sprawl into the surrounding countryside.

Policy H2 requires the provision of a broad mix of types and sizes of home, suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment (2014), and identifies four criteria that 'developments to provide 100% specialist accommodation for the elderly, including residential care homes' should meet. With respect to the location of such developments, the first and fourth criteria require that:

- It is situated to provide easy access to regular public transport. Within larger development sites, the part of the site in closest proximity to bus stops with a regular service should be chosen for this type of accommodation.
- The development complies with the development strategy and other policies of the plan.

Policy H2 also states the developments will be considered to be purpose built 100% specialist accommodation for the elderly provided:

- All areas used by residents will comply with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings).
- A communal lounge or similar social facility for the exclusive use of all residents is included within the development.
- A shared laundry service is provided for the use of all residents.
- The development will be marketed with a restriction on age for residents of over 55.
- A daily hot meals service is provided either through a central facility on-site or through an outside provider to residents who require it.
- An emergency alarm call service is provided for all residents.

Assessment

The site is located with the settlement boundary of Warton, having no specific allocation in the FLPPR, and is also considered to be previously developed land by virtue of the presence of the existing dwelling and caravan storage facility on the site. The location of the proposal is therefore consistent with the Development Strategy advocated by Policies S1, DLF1, SL3 and GD1 of the FLPPR and the BWNP.

FLPPR Policy H2 explains that the Borough has a high proportion of older residents, with 28% of residents aged 65+ years in comparison to a national average of 16.3%, and this figure is expected to grow 'dramatically' over the plan period to 41.2% by 2030. On this basis Policy H2 provides support for 100% specialist accommodation for the elderly in order to meet the needs of this ageing population.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The submitted Care Homes Needs Assessment (CHNA) presents a similar needs argument for the proposal. The findings of the CHNA provide further support in favour of the development, though Members are advised that this document has not been assessed for accuracy bearing in mind the general support for specialist accommodation for the elderly provided by FLPPR Policy H2. It is noted that objection has been raised concerning the need for the proposal, notwithstanding, it is clear that Policy H2 provides support for specialist accommodation for the elderly and need does not therefore require any further assessment, subject to consideration of the intended use.

In this respect, the proposal seeks consent for a residential care home (C2 land use classification) that would have up to 76 ensuite bedrooms. The submitted floor plan drawings indicate that bedroom floor areas range between 17sqm and 24sqm with each bedroom having ensuite facilities. The proposal also makes provision for communal resident spaces such as dining rooms and lounge areas, cinema room, library, café bistro, hair/ nail salon, laundry and hot meal service, and an emergency alarm call service would be available to all future occupiers. Paragraph 5.10 of the applicant's Planning Statement (PS) confirms that the residential areas will comply with the technical standard M4(3(2a)) (wheelchair adaptable dwellings). The PS also outlines the nature of the intended use. Importantly, paragraph 3.9 states that residents will require 24/7 on site care, of various levels of nursing/ care assistance, dependent on age, physical condition and medical history, and 5.10 confirms that the prospective residents will be elderly and accepts use of an age restricting condition if considered necessary. On this basis the land use proposed is consistent with the criterion of Policy H2 and is considered 100% specialist accommodation for the elderly, affording further support for the principle of development by virtue of FLPPR Policy H2.

In addition, Policy H2 states that 100% specialist accommodation for the elderly will be approved subject to 4 criteria relative to availability of public transport, design, provision of suitable access for emergency services and compliance with other relevant FLPPR policies. Such matters are discussed in greater detail in the proceeding paragraphs, though in summary it can be confirmed that the development is consistent with the 4 criterion:

- The site is in easy reach to public transport, with bus stops positioned on Lytham Road within walking distance of the application site that provide access to Blackpool and Preston, as well as other Towns and Villages within the Borough.
- The proposal is well designed, avoids unnecessary use of high fencing about the site perimeter, is orientated to the street and provides for short pedestrian routes to the main entrance, provides usable outside landscaped gardens with seating, and the site access/ parking is separated from pedestrian routes where practicable.
- The development complies with all other relevant policies and strategies of the development plan.
- Convenient access is provided for vehicles providing hospital transport. The development provides for a demarcated drop off area for ambulances that is close to the main pedestrian entrance, clinical space is also provided on site for treatment.

The site is therefore compliant with the strategic development objectives of the FLPPR and the principle of developing the site for the purposes applied for is supported.

A C2 use is defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) as 'residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses)'.

The submission confirms that the care home, at the time of submission, does not have an operator. Thus, whilst commitment to a care package is confirmed within the PS, the nature and level of care to be provided by the subsequent operator is not known. The applicant has confirmed that the care home

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

will provide specialist accommodation for elderly people in need of care, thus in the absence of an operator and to ensure that the care home falls properly within use class C2, it is considered necessary to impose an age restriction and a specific level of care by condition.

Appeal decisions (APP/M2270/W/16/3161379 and APP/J0405/W/17/3181140) have considered the distinction between C2 and C3 (residential), with the respective Inspectors concluding that an age restriction (minimum over 55's) in combination with residents being subject to 'a care package of a minimum of 1.5 hours a week available 24 hours a day every day', would distinguish from a C3 land use. A planning condition is therefore proposed to ensure that this care provision is brought forward and that all occupiers of the facility are in need of that level of care, in addition to the age restriction.

The proposal includes provision of a café and hair salon which are considered to be town centre uses. Policy EC5 encourages such uses toward the designated town, district and local centres within the Borough, and seeks to restrict such uses outside of those areas in order to protect health, vitality and viability of the Centres. Thus, provision of these uses within the development are contrary to Policy EC5. Notwithstanding, it is recognised that residents of the care home may require such services to be provided since access to existing facilities within a centre may not be possible. On that basis, the café and hair salon uses are supported, though it is considered necessary to restrict their use to occupants, family members and workers of the care home, so as to minimise impact to existing Centres. This can be controlled by a planning condition.

Character and appearance of the area

Policy Context

FLP Policy GD7 requires development to be of a high standard of design, providing a number of criteria for planning applications to be determined against. Appropriate to the current application the following criteria of GD7 are considered relevant:

- a) Development will be expected to deliver active street frontages,
- b) Density of new development should wherever possible enhance the local character of the surrounding area.
- d) 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.
- g) Applying Secured by Design principles to all new developments.
- h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- i) 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.
- j) 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.
- k) sustainable and inclusive connections between people and places.
- l) Creating safe and accessible environments.
- m) Protect existing landscape features and natural assets.

FLP Policy CL3 states that opportunities for renewable and low carbon development should be maximised in support of the Governments long term commitment to reduce greenhouse gas emissions by at least 34% by 2020 and 80% by 2050.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The 'density' subsection of FLPPR policy H2 requires that 'high density development should be very carefully designed to relate well to its surroundings, be orientated towards and have principal entrances facing towards the street.' In addition, the second criterion relating to developments providing 100% specialist accommodation for the elderly, including residential care homes, states that proposals will be approved providing that they are 'well-designed, avoiding unnecessary use of high fencing around the perimeter, orientated towards the street with an entrance on the street side of the building providing the shortest possible pedestrian access, including usable outside landscaped gardens with seating, and access and parking for vehicles well separated from pedestrian routes.'

Criteria a) – e) of FLPPR policy ENV1 require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Policy BWNE2 of the BWNP states that development should demonstrate good design, respect local character wherever possible and reinforce local distinctiveness.

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

Assessment

The proposal seeks outline consent for a 76 bedroom care home. The matters applied for relate to access, appearance, layout and scale, thereby allowing an assessment of design and visual appearance of the scheme to be undertaken. Whilst landscaping is not a matter that has been applied for, the application has included landscape details and is also considered in the assessment for completeness.

The application site is circa 0.43 hectares in size and roughly rectangular in shape, with land levels that gently rise in a northerly direction away from Lytham Road, and boundary treatment that is formed by mature trees to the west and overgrown hedgerow to the south. It is presently occupied by a detached bungalow that is located adjacent to and has a front facing aspect toward Lytham Road, with an external caravan storage facility to the rear of the property that presently detracts from the locality. The site is positioned within a predominantly residential area with existing housing stock located to the south and east, and recently constructed dwellings to the west, that have front or rear facing aspects toward the development. These properties are constructed of a variety of materials including red brick or render, grey slate and grey or red tile hipped and dual pitched roofs, with a mix of single and 2 storey scale. The main street scene is formed by dwellings that have a front facing aspect to Lytham Road, set back from the road behind front garden spaces. Those existing dwellings to the east and those under construction to the west form a strong build line through the application site, with built form set back some 20m from Lytham Road behind hard and soft landscape spaces.

Submitted drawings make provision for a single accommodation block that has an I-shaped footprint positioned centrally on the site. The structure is 2 storey in scale and equates to 4342sqm of internal floor area, providing for single room accommodation with en-suite facilities, and includes day to day amenities for the comforts of its residents such as dining rooms and lounge areas, cinema room, library, café bistro and hair/ nail salon. Level access is provided throughout, with an external ramp providing access direct to the main pedestrian entrance of the facility. The facility is purposefully designed to provide residents with a good quality of life and encourage independence, though is set within a safe and secure environment.

The building measures approximately 53m x 75m and is enveloped by landscaped grounds, set back circa 20m from Lytham Road behind a landscaped car parking area. The submitted site plan illustrates

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

that this set back respects the existing pattern of development formed primarily by an existing front build line sited to the east and west of the application site. The building has a front facing southerly aspect to Lytham Road, with all bedrooms and social spaces overlooking the external garden spaces, ensuring that these rooms receive natural light and sunlight at some point over the course of the day. With the exception of a single tree to the western boundary that is to be felled due to poor health, all other existing mature trees to the western boundary and mature hedgerow to the southern boundary are indicated for retention on the site plan drawing, albeit a 5m section of hedgerow must be removed to facilitate the access arrangement. The garden spaces will be soft landscaped with lawned areas, trees and shrubs, with new hedgerow planting forming the north and eastern boundaries. This will ensure a soft edge to the development that will assimilate the proposal into its surroundings.

The building itself is 2 storey in scale and constructed of a red brick with a grey tile hipped roof form. The width of the front elevation presents a terrace appearance to the street scene and would be similar in appearance to existing terrace properties within the vicinity. The expanse of brick work to the front elevation is broken up by the presence of 3 no. 2 storey gable features, which are constructed in a contrasting render to emphasise verticality of the gable features whilst giving 3 dimension to the structure. The central gable has a recessed glazed feature elevation that acts to sign post users to the pedestrian entrance of the care home. The gable features are positioned uniformly to each elevation, which when combined with the position and alignment of windows, ensure symmetry to main elevations of the building. This ensures that the building presents active elevations to all street frontages, providing a more domestic appearance that will integrate into the residential context of the site and surroundings.

The proposed building would be circa 10.4m to ridge at its highest point, with the outer wings to the front elevation stepped to a lower height of 9.4m. This will result in a larger roof area and taller ridge line in comparison to the majority of existing dwellings in the vicinity. Notwithstanding, the taller 3 storey buildings within the new residential development are of similar scale. Moreover, the bulk of the roof space when viewed externally is reduced by the set back from the road, puncturing of the gable features that project beyond the eaves, as well as the lower ridge height to the outer wings of the front elevation and hipped roof design. On this basis it is considered that the proposed building would have an acceptable roof form and the scale of development would not appear overly dominant within the main street scene.

Overall, the development is considered to make a positive contribution to this area of Warton, particularly when compared to the sites current visual appearance, taking into consideration the character and traits of the locality. For the reasons set out above, the appearance, layout and scale of the development would achieve a high quality design that assimilates sympathetically with its surroundings in accordance with the requirements of FLPPR policies H2, GD7 and ENV1, the BWMP and the NPPF.

Amenity

Policy Context

FLPPR policy H2 requires high density development to be carefully designed to relate well to its surroundings and should include sufficient usable amenity space to provide for the needs of residents. In addition, the second criterion relating to developments providing 100% specialist accommodation for the elderly, including residential care homes, states that proposals will be approved providing that they include usable outside landscaped gardens with seating.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

FLP Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses and occupiers, and that existing uses in the local would not undermine amenity of proposed occupants. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours or those living within the development, or during the construction period.

While used principally in the assessment of applications involving extensions to existing dwellings, the guidance in Design Note 1D i), ii), iii) and iv) of the Council's 'Extending Your Home' Supplementary Planning Document (the 'SPD') identifies several principles and recommended spacing distances which are relevant to applications involving the provision of new housing as follows:

- Windows to habitable rooms at ground level should not enable or allow an unrestricted view into neighbouring garden areas or into ground floor windows of any other property.
- Windows to first floor habitable rooms that overlook neighbouring garden areas should be a minimum of 10.5 metres from boundaries they face.
- Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.
- Extensions sited adjacent or close to a boundary should have a blank side facing the neighbour, obscure glazing and non opening windows, or be screened by a fence or wall that extends above eye level when viewed from within the extension.

Furthermore, paragraph 135 f) of the NPPF indicates that planning decisions should ensure developments provide for a high standard of amenity for existing and future users. In addition, paragraph 185 of the Framework indicates that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. With respect to noise, bullet point a) to paragraph 185 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Assessment

Objection has been received with regards to disturbance associated to the increased activity associated to the development, and impact this would have to neighbouring dwellings.

Existing neighbours which could be affected by the proposal live within new build housing adjoining the application site to the west, as well as existing housing to the south and east. These dwellings are single or 2 storey in scale, and display front, side and rear facing aspects toward the development proposed.

The proposed building would be two storeys in height and includes habitable room windows across all elevations at ground and first floor levels. In addition, 3 first floor terraces are proposed to the north, east and western elevations of the building.

The submitted site plan illustrates separation distances to neighbours. Minimum separation to neighbouring dwellings is shown to be:

- Circa 26m between the rear elevation of recently constructed 2 storey dwellings to the west and care home building.
- Circa 46m between properties located to the south and the care home building.
- Circa 30m between bungalow properties located to the east and the care home building.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

This degree of separation is greater than that required by the SPD, thus will ensure that the development would not have an unacceptable impact on these neighbours.

The scheme makes provision for 3 first floor terraces located to the north, east and western elevations of the building, which act as an extension of the internal lounge spaces within the building. The terraces will be enclosed by a 1.8m glazed safety balustrade. The terraces provide for good separation to neighbouring properties:

- the western terrace positioned circa 22m from the rear elevation of dwellings to the west (12.5m to the rear garden boundary),
- the side of the northern terrace sited circa 29m from the rear elevation of dwellings west to the west (18m to the rear garden boundary),
- the eastern terrace located approximately 33m from dwellings to the east.

Notwithstanding, the use of a terrace may encourage significant and prolonged overlooking thus whilst good separation is provided, it is considered necessary to safeguard neighbouring amenity through use of obscure glazing of the balustrade. In this respect, the sides of the northern and western terraces are advised to be obscure glazed and an appropriate condition is suggested to this effect.

The proposed vehicular access is to be via Lytham Road which provides the single point of entry for both cars and service vehicles. Inevitably vehicle numbers to the site will increase, though these numbers are reported to be low within the submitted Transport Assessment. Moreover, any consequent disturbance to neighbours is not considered to be of significant concern bearing in mind the separation distance to neighbours. In addition, Lytham Road is heavily trafficked, with high ambient noise levels as a consequence, which will act to dilute any noise disturbance generated by the development.

The nature of external lighting on the development is not confirmed, though it would be expected for external areas of the site, including car parking and garden spaces to be illuminated. This detail is required to ensure the external lighting does not compromise the amenity of neighbours and an appropriately worded condition is suggested.

The layout of the development provides for an acceptable level of amenity space, both internally and externally, through provision of communal areas within the building, landscaped gardens and terrace areas. As per above assessment, appropriate separation distances are provided to neighbouring properties to ensure that the development would not be overlooked, or be subject to loss of light or overshadowing. A noise assessment (ref: e3p, 50-799-R1-5, September 2023) was submitted with the planning application which has considered the effects of noise generated by neighbouring uses on the amenity of future occupiers. The noise assessment concludes that, in order to mitigate the effects of noise generated from passing road traffic, higher specification glazing is required for habitable rooms located facing Lytham Road and use of mechanical extraction. A condition has been recommended to ensure provision of mitigation measures identified within the noise assessment. This will ensure that future occupiers of the development do not experience any adverse amenity impacts from noise disturbance.

It is inevitable that there will be some disruption for neighbours during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions will be imposed to reduce this disruption for neighbours including construction hours of construction/deliveries restriction, wheel wash facility, noise/ dust/ vibration controls.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policies H2 and GD7 of the FLPPR.

Highways

Policy Context

FLPPR policy GD7 supports good design that prioritises non-motorised users (p), would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly Policy T4 also encourages walking and cycling to improve quality of life and reduce the Boroughs carbon footprint.

Policy T5 relates to parking provision and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development. In addition, the recently adopted Car Parking Supplementary Planning Document requires Class C2 residential care homes/nursing homes to provide 1 parking space per 5 residents for suburban areas/moderate accessibility, and 1 space per 6 residents for high accessibility locations, with disabled parking based upon 10% of the total provision. The SPD also requires 1 cycle space for every 5 parking spaces with motorbike parking requires on a case by case basis, as well as general support for the provision of electric vehicle charging within new development.

FLPPR policy H2 requires high density development to pay particular attention to ensuring that there is no unacceptable impact on highway safety and that sufficient car parking is provided on site.

Objective 11 of the BWNP seeks to ensure that new development does not have a detrimental impact on highway safety.

Assessment

Objection has been received to the development with regards to insufficient car parking, displacement of parked vehicles to surrounding roads, as well as intensification of vehicles using Lytham Road restricting access to residential driveways. The Parish Council also raise similar concerns, but add that direct access from Lytham Road is a safety concern and suggest that access should be via the private road serving the caravan site. In addition, the Parish Council state that it has 'long expressed safety concerns with developments/applications seeking access onto Lytham Road in this area and long sought formal pedestrian crossing facilities and traffic 'calming' measures for motorists coming through this area which seems perceived as wide open carriageway by some.'

Vehicular access to the site is proposed from the widening of an existing residential entrance from Lytham Road. This will include provision of drop kerbs and tactile paving where the access meets with the footway. The existing footpath on Lytham Road will be continued into the site. 36 parking spaces are indicated on plan, inclusive of 3 disabled bays, 4 electric vehicle charging spaces, a motorcycle space, a designated ambulance bay and a covered cycle store for up to 10 bicycles.

The planning application is accompanied by a Transport Assessment (TA) and Travel Plan (TP).

The TA confirms that the 2016 Annual Average daily flow on the A583 past the site (all motor vehicles) is 14,155. In 2019 (pre-Covid) it is estimated to be similar at 14,220 (approximately 0.5% increase in 4 years). Based on the TRICS database, the TA estimates that the development will generate 6 arrivals and 6 departures between 8am-9am (1 arrival and departure every 10 minutes), 4 arrivals and 9 departures during 4pm-5pm (1 arrival every 15 minutes and 1 departure every 7 minutes). In addition,

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

accident analysis indicates that there has been a single slight incident on the local highway network (Lytham Road/A584) in the last 5 years. The TA states that the site is accessible by both active and public transport which will encourage staff and visitors to utilise sustainable travel options, which will reduce the need to travel by car.

The Highway Authority (HA) have provided comments on the planning application and with regards to trip generation confirms that the development would not have a significant impact on capacity in the immediate vicinity of the site. It must therefore be assumed that the HA is satisfied with the trip generation data provided and that there is no objection to the development on such grounds. On that basis there is no reason to suggest that the residual cumulative impacts of the development on the capacity of the surrounding highway network would be severe, such as to warrant refusal of the proposal. Furthermore, the TP encourages alternatives forms of transport which will reduce vehicular trips to the site if implemented. Moreover, the site is positioned in an accessible location, having good footpath and cycle links and close proximity to bus services which will encourage use of measures within the TP.

The TA confirms that car parking will only be needed for staff and visitors due to the nature of residents at the care home. The proposed parking provision is based upon anticipated staff and visitor requirements and does exceed the minimum requirement of the adopted SPD Standard (1 space per 5 residents = 15.2 parking spaces for a 76 bedroom development). Notwithstanding, Policy T5 does provide support for a bespoke and justified approach. Support for additional parking numbers beyond that of the SPD requirement will also help to reduce any perceived pressure for displacement of car parking to surrounding streets, as referred to by objectors.

The existing access arrangement from Lytham Road is proposed to be widened in order to accommodate a 2 way flow of vehicles into the site. The junction of the site access with Lytham Road is set back behind a grass verge and footway and therefore provides good visibility of oncoming vehicles. The TA includes vehicle tracking drawings which demonstrate that that two cars can pass each other when accessing/ exiting the site via the proposed access arrangement. The drawings also demonstrate that refuse collection and servicing, including that for ambulances, will be undertaken within the site and that these vehicles can also achieve access safely.

The HA initially advised that the vehicular access could conflict with the junction of Bank Lane and Lytham Road, recommending that the access be relocated to the eastern end of the site. In response the applicant provided additional information which confirmed that the access has been designed to ensure that there is no conflict between right turning vehicles and that vehicle use through the affected junction and that generated by the development are low. Revised comments from the HA maintains their initial stance for relocation of the access arrangement, though does concede that 'we are satisfied that the proposed access will not have a significant impact on highway safety.'

In light of the above, the HA has no objection to the proposal confirming that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, and have advised of conditions relating to provision of cycle parking and design of the access arrangement.

It is considered that the proposed development would ensure safe and suitable access and circulation arrangements for all road users and a suitable level of parking provision commensurate to staff and visitor expectations. The development would not have any adverse effects on highway safety or capacity. Accordingly, the proposal is in compliance with the objectives of policies GD7, T4 and T5 of the FLPPR, objectives of the BWNP and the NPPF.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Ecology

Policy Context

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

Policy BWNE1 of the BWNP requires new development to demonstrate impact on local wildlife and habitats, and retain existing habitats and provide new habitats wherever possible.

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

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

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

Assessment

The planning application is accompanied by a Preliminary Ecology Appraisal and Roost Assessment (PEA) which has considered the developments potential impact to existing habitats and ecological features, as well as the presence of protected species, on the application site. Key findings are summarised below:

- Designated Sites – No direct impacts are reported to any designated sites. But increased recreational pressure could occur resultant from occupants of the development.
- Habitats and flora - The PEA reports loss of grassland and bramble scrub (and in accurately reports loss of 2 trees) as a consequence of the development, which are considered to be of low ecological value. Enhancement including tree, shrub, wildflower meadow and hedgerow planting is suggested.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Amphibians – low potential for impacts to great crested newts, no further survey work is required and precautionary working methods during construction are advised. Provision of hibernacula is advised.
- Bat roosting – A single tree is proposed to be felled and this has been surveyed for presence of bats. The results of the survey have indicated that no bats are present within the tree. The PEA advises that in the unlikely event of bats being discovered during construction, all works must stop and a bat licensed ecologist contacted for further advice. External lighting should consider impact to foraging habitat for bats. Provision of 2 bat boxes is advised along with foraging habitat.
- Hedgehog – The loss of grassland from the site is likely to be inconsequential, precautionary working methods are advised during construction. Provision of hedgehog houses and foraging habitat is advised.
- Birds – The PEA advises removal of trees and bramble scrub outside of the bird nesting season, unless a nesting survey establishes no presence of nesting birds. Active nests will need to be retained until all young have fledged. Provision of 2 bird boxes is advised.

The Council's consultant Ecologist raises no concerns with the report findings and considers that the development's ecological effects can be addressed through the imposition of conditions, including an updated bat survey, reasonable avoidance measures method statement, demolition and site clearance to avoid the nesting bird season, as well as an informative advising of appropriate actions for invasive species on the site. Subject to the provision of the identified mitigation measures, the development would not impinge upon existing habitats and/or the favourable conservation status of protected species on the site in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

Members should note that the Environment Act is soon to be enacted, and that this will require all new development to deliver a minimum 10% biodiversity net gain. Until this time, the NPPF is relevant to the decision making process and requires development to secure measurable net gains only. In practical terms, this could be very limited ie, 0.1%, as opposed to the minimum 10% threshold of the Environment Act. To demonstrate net gain, the application is accompanied by a Biodiversity Net Gain assessment which confirms that the proposed development, inclusive of landscaping, will deliver a 23.3% net gain increase of habitat units, and 183.15% hedgerow units. Thereby ensuring biodiversity net gain is delivered by the development in accordance with the NPPF, as well as the Environment Act.

The site also falls within the Impact Risk Zone (IRZ) of the Ribble and Alt Estuaries SPA and Ramsar, and Ribble Estuary Site of Scientific Interest (SSSI). In light of initial comments from Natural England the applicant has undertaken a Habitat Regulation Assessment screening assessment to determine the potential significant effects that the development may have on these designations. Key findings are summarised below:

- Air pollution - Construction activity will not generate aerial outputs that would result in accumulation on any protected site. The development will encourage car use, though this would not have an appreciable effect due to the small scale nature of development.
- Atmospheric pollution – No material increase of sulphur dioxide or ammonia are reported.
- Water quality – There is no hydrological link between the development and designations. Connectivity to designations via underground aquifers is unlikely, and foul drainage will be connected to the mains sewer.
- Water pollution - There is no hydrological link between the development and designations. No work will take place within any watercourse. All machinery will be on an existing use development and all arising will be placed on the site and not adjacent to the watercourse. This will ensure that there is no sediment release into any water course.
- Light pollution – No light pollution as a result of the development. The site and surrounds are presently illuminated by street lighting.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Visual disturbance – There is no line of sight between the development and designations.
- Noise disturbance – existing noise levels will mask any impact to designations resultant from the proposal. Noise from construction or end use would not be at the designations due to distance.
- Loss of habitat – The development will not effect the designations and no habitats and site are associated to those on the designations either. Qualifying bird species are unlikely to use the site. The development will result in very little land-take compared to the existing usage of the site. Therefore outside of the SPA there is the unlikely possibility that the existing land use would be utilised by SPA / Ramsar birds.
- The proposed construction site and residential development will not create a barrier to any bird movements over the site nor cause fragmentation.
- The residential development is self-contained with recreational activities extremely limited.

Importantly the HRA screening assessment concludes that ‘..the proposed works will not, either alone or in combination with other plans and projects, have an adverse effect upon the qualifying features of the site...The integrity of the Ribble and Alt Estuaries SPA/Ramsar site will be maintained.’

Both GMEU and Natural England have been consulted and agree with the findings of the HRA assessment. Natural England confirm that the development ‘will not have significant adverse impacts on designated sites Ribble and Alt Estuaries Special Protection Area (SPA) and Ribble and Alt Estuaries Ramsar or damage or destroy the interest features for which Ribble Estuary Site of Special Scientific Interest (SSSI) has been notified and has no objection.’ And advise that the HRA screening assessment is adopted by the Council.

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

Flood risk and drainage

Policy Context

Policy CL1 requires all new development should 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 BWNE3 encourage use of sustainable urban drainage, with use of levels to manage the flow of water, as well as use of rain water harvesting and porous paving

Assessment

The site is located in flood zone 1 as defined on the Flood Map for Planning and so is in an area at the lowest risk of flooding from fluvial and tidal sources. In addition, as the site is under 1 hectare in area there is no requirement for the application to be accompanied by a Flood Risk Assessment. Notwithstanding, the application is accompanied by a Flood Risk Assessment and Sustainable Drainage Assessment and key findings are summarised below:

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Flood Risk Assessment:

- River (fluvial) and sea (Estuarine/Coastal) flooding - the site has a very low risk of flooding from these sources.
- Surface water (pluvial) flooding - the Site has a risk of pluvial flooding ranging from Very Low to High. Portions of the site located to the south could experience surface water flooding.
- Groundwater flooding – It is unlikely that there is a significant aquifer beneath the Site and therefore no mechanism for groundwater flooding.
- Recommendations – raising of floor levels 1m above existing levels, provision of surface water drainage strategy to ensure effective management of such, consideration for flood plain compensation.

Sustainable Drainage Assessment:

- The site has moderate potential for infiltration drainage, subject to further investigation.
- A United Utilities public surface water sewer is located on Lytham Road, and discharge to this is considered feasible.
- Use of sustainable urban drainage including permeable paving, rainwater butts and 2 no. soakaways.

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 FRA, submission of drainage strategy, construction phase surface water management plan and operation, maintenance and verification report of the constructed drainage system.

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

Other Matters – infrastructure contributions

The development involves the provision of residential accommodation and exceeds the 10-unit threshold whereby affordable housing and other infrastructure contributions may be required in accordance with the provisions of FLPPR policies H4, INF2, HW1 and ENV4. However, the nature of the accommodation to be provided means that the development is not liable for all contributions normally applicable to market-led housing schemes. Those of relevance to this assessment are outlined below:

Affordable Housing

FLPPR policy H4 requires all market housing schemes of 10 or more homes to provide 30% affordable housing, with a presumption that affordable housing is to be provided on the application site. However, FLPPR Policy H2 states that affordable housing contributions will not be sought on sites that provide 100% specialist accommodation for the elderly. This exemption reflects Paragraph 66 of the NPPF which states that development exceptions to affordable housing requirements include 'specialist accommodation for a group of people with specific need (such as purpose built accommodation for the elderly or students).'

In the circumstances of this proposal, the development sought relates to a residential care home and is categorised as being within land use classification C2. The future occupation of the development would be controlled by clause in a legal agreement which will restrict the age of future occupiers and

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

ensure that occupants require care in order that the scheme delivers 100% specialist accommodation for the elderly. Subject to this condition, the nature of the proposed development satisfies the exemption in FLPPR policy H2 and NPPF.

Healthcare

FLP Policy HW1 d) seeks to reduce health in-equalities through seeking financial contributions towards new or enhanced facilities where new housing results in a shortfall or worsening of provision. Similarly, FLP Policy INF2 e) requires development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community, including health.

In addition, paragraph 97 b) of the NPPF requires that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

The Lancashire and South Cumbria Integrated Care Board (ICB) comment that the development is located within the catchment area of Holland House Surgery (Lytham) and that the pressure resultant of a 76 bedroom care home, along with all other committed development, can only be met through the reconfiguration of the existing practice premises in order to ensure sustainable general practice. Contributions of £20,839 toward this reconfiguration of Holland House Surgery have therefore been requested, with payment made pre-commencement of development to ensure that the additional capacity is created in advance of the population growth.

The development has the potential to draw new residents into the area and impinge upon existing service provision at Holland House Surgery as a consequence. The contribution request is therefore valid and consistent with the development plan requirements. The applicant has confirmed acceptance of the contribution amount and will be required by S106 Agreement with those monies payable prior to commencement of the development.

Conclusions

The principle of the proposed development is considered acceptable being located within a Strategic Location for Development.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. Appropriate car parking is provided, and, design and layout of the scheme is acceptable. The proposal is considered to have an acceptable relationship with neighbours, and the development would have no adverse impacts in terms of flooding or drainage, and delivers measurable net gains for ecology.

There are no other technical issues which would warrant refusal of the proposal.

The proposal therefore represents sustainable development and is recommended for approval.

Recommendation

That authority be delegated to the Head of Planning to GRANT planning permission subject to Stipulation 1 below being satisfied, Stipulation 2 being undertaken, and the suggested conditions in Stipulation 3 (including any amendment to the wording of these conditions or additional conditions

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

that the Head of Planning considers necessary to make otherwise unacceptable development acceptable), or otherwise to refuse permission:

Stipulation 1:

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

- a) a financial contribution of £20,839 towards addressing the expected shortfall in Primary Care capacity to serve the occupants of the development to be spent in connection with the provision of additional clinical capacity at Holland House Surgery, Lytham, in accordance with the requirements of Policies HW2 and INF2 of the FLPPR
- b) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in b) above.

Stipulation 2

The shadow Habitat Regulation Assessment produced by the applicant's consultants is formally adopted by the council.

Stipulation 3:

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

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

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

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

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

3. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the "reserved matters") before any development takes place:

- Landscaping.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

4. This permission relates to the following plans:

- Site Location Plan - Drawing no. (9-) 1 revision B
- Proposed Site Plan - Drawing no. H.22.101 (9-) 2 revision D

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Proposed Ground Floor Plan - Drawing no. H.22.104 (00) 1
- Proposed First Floor Plan - Drawing no. H.22.104 (00) 2
- Proposed Roof Plan - Drawing no. H.22.104 (27) 1
- Proposed East Elevation - Drawing no. H.22.104 (21) 4
- Proposed South Elevation - Drawing no. H.22.104 (21) 2 revision C
- Proposed North Elevation - Drawing no. H.22.104 (21) 3 revision A
- Proposed West Elevation - Drawing no. H.22.104 (21) 5 revision A
- Proposed Cycle Store - Drawing no. H.22.104 (90) 2
- Proposed Bin Store - Drawing no. H.22.104 (90) 3
- Proposed Substation H.22.104 (90) 1

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with and/or not exceed the details shown on the approved plans insofar as they relate to the site area, the quantum of development and the means of access to the development.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established by this permission.

5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 3 of this permission shall include a hard and soft landscaping scheme which demonstrates compliance with the landscaping strategy indicated on the Proposed Site Plan (Drawing no. H.22.101 (9-) 2 revision D). The soft landscaping scheme shall include, but not be limited to, the following details:
- a) all trees, hedgerows and any other vegetation on/overhanging the site to be retained, including but not limited to the hedgerow located to the southern boundary of the site, as well as trees and hedgerow located to the western boundary of the site.
 - b) all trees, hedgerows and any other vegetation on/overhanging the site to be removed,
 - c) compensatory planting to replace any trees or hedgerows to be removed under b);
 - d) the strengthening and/or introduction of landscaping buffers along the north, south, east and western boundaries of the site;
 - e) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within a), c) or d);
 - f) the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season that occurs after the development is substantially completed. The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the Local Planning Authority before any of the dwellings are first occupied. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

6. The residential accommodation within the care home hereby approved shall only be occupied by qualifying occupants where at least one member of the household is aged 55 or above and is in receipt of a minimum of 1.5 hours of care per week, save that such a restriction shall not apply to the continued occupation of the accommodation by a surviving spouse, partner or other member of the household who is under the qualifying age and is not in receipt of care after the death of the member of the household who was of the qualifying age and in receipt of care.

Reason: To ensure that the approved care home and assisted living units fall properly within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, accordingly, that those units of residential accommodation would not attract or be required to make contributions towards affordable housing or education in accordance with the provisions of policies H2 and INF2 of the Fylde Council Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

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

Reason: To ensure a satisfactory relationship between the development and neighbouring properties of the application site, so as to ensure a good standard of amenity for existing and future occupiers, and in the interests of visual amenity, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

8. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works of development shall take place until samples or full details of all materials to be used on the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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

9. Notwithstanding any details shown on the approved plans and the requirements of condition 4 of this permission, the development hereby approved shall not be occupied until details of the siting, height, design, materials and finish of all boundary treatments within the development have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: To achieve clear demarcation of public and private areas and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

10. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to: i) human health; ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; iii) adjoining land; iv) groundwaters and surface waters; v) ecological systems; and vi) archaeological sites and ancient monuments.

where necessary, an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

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

11. The noise attenuation measures for the development hereby approved identified in paragraph 5.1 of the Noise Impact Assessment (ref: e3p, 50-799-R1-5, 04/09/2023) shall be implemented prior to any occupation of the development. The duly implemented attenuation measures shall be retained as such thereafter.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

12. Prior to commencement of the development hereby approved, a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed surface water sustainable drainage scheme shall be based upon the site-specific flood risk assessment (Ref: GeoSmart Information, 78714R3, August 2023) and indicative surface water sustainable drainage strategy (Ref: GeoSmart Information, 78714.01.02R1, August 2023) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The drainage scheme(s) should include, unless otherwise agreed in writing by the Local Planning Authority:

- (a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;
- (c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (e) Foul and surface water shall drain on separate systems.
- f) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep
- g) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - iv. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - v. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vi. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- h) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

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

The drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

water in accordance with policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

13. The development hereby approved shall not be occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 8 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

- a) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures.
- b) 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.
- c) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life.
- d) Means of access for maintenance and easements.

The surface water drainage system shall thereafter be managed and maintained in accordance with the details and timetable contained within the duly approved scheme.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the surface water drainage system and associated sustainable drainage features throughout the lifetime of the development in order to minimise the risk of flooding from the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

The submitted access scheme shall accord with Drawing no. H.22.101 (9-) 2 revision D and make provision of drop kerb with tactile paving arrangement to facilitate the crossing over the access by pedestrians.

The approved access design, as well as the pedestrian access points, car parking (including disabled and motorbike spaces, and electric vehicle charging bays), covered cycle store and vehicular manoeuvring areas, as detailed on Drawing no's. H.22.101 (9-) 2 revision D and H.22.104 (90) 2, must be made available for use prior to first occupation of the development and retained as such thereafter.

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

15. The Travel Plan (ref: Sanderson Associates, 153381, September 2023) shall be implemented in accordance with the approved details and timetable contained therein for duration of the development hereby approved.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with Policies GD7 and T4 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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

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

Reason: To ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and general disturbance which may harm the amenity of surrounding occupiers, and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety, and in the interests of aviation safety, in accordance with Policies GD7 and T2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

17. 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.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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.

18. The privacy screen to the western side of the first floor roof terrace positioned on the western elevation as indicated on drawing no. H.22.104 (21) 5 revision A, as well as the privacy screen to the western side of the first floor roof terrace positioned on the northern elevation as indicated on drawing no. H.22.104 (21) 3 revision A, shall be a minimum of 1.8m in height and fitted with obscured glass which achieves a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the balcony is first brought into use. The duly installed privacy screen shall be retained as such thereafter.

Reason: To safeguard the privacy of neighbouring occupiers by limiting the potential for overlooking towards surrounding dwellings and/or their outdoor amenity areas in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved, a scheme for the provision of ecological mitigation and enhancement measures within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on those mitigation measures outlined on paragraph 4.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (arbtech, issue no. 2, 24/03/2023) and include:

- a) Details of the area, siting, size and design of all ecological mitigation and enhancement measures and features to be introduced as part of the development.
- b) A timetable and phasing plan for the introduction of the measures and features set out in a).
- c) Details for the ongoing management and maintenance of the measures and features set out in a).

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

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

20. The development hereby approved shall be constructed in complete accordance with the reasonable avoidance measures for amphibians and hedgehogs outlined in paragraph 4.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (arbtech, issue no. 2, 24/03/2023).

Reason: To ensure that adequate mitigation measures are introduced during construction of the development to ensure the favourable conservation status of any protected species in accordance with Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial review), the

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

21. Any application for approval of reserved matters submitted pursuant to condition 3 of this permission shall include an updated bat survey of the site. The survey shall establish whether features/habitats on the site are utilised by bats and provide a method statement to confirm the necessary mitigation measures in the event that bat populations are found to be present. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained within the approved method statement and retained as such thereafter.

Reason: The existing bat surveys undertaken are valid for a limited period of time. Due to the outline nature of the planning application, further surveys are required to establish whether habitats on the site which are potentially suitable to support bats are (or have become) used by these species since the initial surveys were carried out. If the additional surveys reveal that such a presence has become established, then there will be a requirement to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review), the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

22. No external lighting shall be installed on the site until a scheme for the installation of any exterior lighting on the buildings and the external areas of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with best industrial practice contained in the Institution of Lighting Professionals and Bat Conservation Trust publication - Guidance Note 08/18: Bats and artificial lighting in the UK, and shall include details of the lighting's:

- a) position and height on the building and/or site;
- b) spillage, luminance and angle of installation, which shall be designed to avoid light spillage towards those areas/features on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and
- c) any hoods to be fixed to the lights.

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

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

23. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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.

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

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

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

25. There shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing and any newly planted trees on the site, in the interests of visual amenity, in accordance with Policies GD7 and ENV2 of the Fylde Local Plan o 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

26. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the premises shall be used as an elderly care home only with room use limited to that as indicated on the approved floor plan drawings (ref: Proposed Ground Floor Plan - Drawing no. H.22.104 (00) 1 and Proposed First Floor Plan - Drawing no. H.22.104 (00) 2) , and for no other purpose (including any other uses falling within class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order.

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

27. The cafe/ bistro, and hair/ nail salon uses shall remain ancillary to the specialist elderly accommodation hereby approved and shall only be available for use by those working at the premises, occupants of the development and their visitors.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Reason: In order to avoid conflict with town centre retail policies and ensure appropriate levels of car parking on the site, in accordance with Policies EC5, GD7 and T5 of the Fylde Council Local Plan to 2032 (incorporating Partial Review) and the NPPF.

Informative(s)

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

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

2. Habitat Regulation Assessment Adoption Informative:

In issuing this decision the local planning authority has had regard to the document titled 'HRA Screening Report' (arbtech, Issue no. 2, 24/11/2023 and the comments from Natural England in their letter dated 19th December 2023 confirming that they are in agreement with the report findings that the development, either alone or in combination with other plans or projects, would not have significant adverse impacts on designated sites (Ribble and Alt Estuaries Special Protection Area (SPA) and Ribble and Alt Estuaries Ramsar) or damage or destroy the interest features for which Ribble Estuary Site of Special Scientific Interest (SSSI) has 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 above mentioned Habitat Regulations Assessment by 'arbtech consultants' as part of its decision.

3. Invasive Species Informative

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as *Cotoneaster horizontalis* are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Item 3

Application No:	23/0643	Case Officer:	Matthew Taylor Area Team 1
Applicant:	GLADMAN RETIREMENT LIVING	Agent:	GLADMAN RETIREMENT LIVING
Location:	LAND BETWEEN WHARF STREET AND WEST CLIFFE (FORMER AXA CAR PARK) WEST CLIFFE LYTHAM FY8 5DR		
Proposal:	RE-DEVELOPMENT OF THE SITE FOR SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF UP TO 18 APARTMENTS WITH CARE (USE CLASS C2) AND ASSOCIATED LANDSCAPING, ACCESS ROADS, CAR PARKING, SERVICES AND STORAGE BUILDINGS		
Ward:	Lytham West	Parish:	
Date Received:	21 September 2023	Earliest Decision:	26 December 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application	Online application file here	
Officer Recommendation:	Approve Subject to s106		
Location Plan	<p>The location plan shows a site bounded by Wharf Street to the west, West Cliffe to the east, and a road to the south. The site is outlined in red and blue. The map also shows surrounding residential areas and streets including Birch Street, West Cliffe, and Warton St.</p>		

Summary of Officer Assessment

The application relates to a broadly rectangular parcel of land extending to *circa* 0.26 hectares located on the north side of North Warton Street between Wharf Street and West Cliffe, Lytham. The site has previously been used as the car park of the former AXA offices and, more recently, as a construction compound in association with the recently completed 'Sidings' development which provides 65 extra care apartments for occupiers aged over 55 on neighbouring land to the northwest. The site falls within the settlement and Town Centre boundaries of Lytham and is allocated for housing (site reference 'HS14') on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The application seeks permission for the redevelopment of the site to provide up to 18 extra care apartments for occupiers aged over 55. The apartments would be contained within a two storey building occupying a broadly rectangular footprint to the western part of the site, with associated parking and an ancillary storage building on the eastern part. Vehicle access into the site would be from West Cliffe, achieved by modifying the former AXA car park access, with separate pedestrian accesses onto Wharf Street within the western boundary and into The Sidings within the northern boundary. The development would form an extension of The Sidings and would have shared access to the existing facilities at that site and the accommodation would be offered subject to the same restrictions concerning the age and care needs applicable to future occupiers. Accordingly, the proposed use would fall within class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed use is one which is inherently residential in character and would make a proportionate contribution to the supply of housing within the borough. In addition, the site occupies a highly accessible location within one of the Key Service Centres and Strategic Locations for Development identified in the local plan, and would make efficient use of previously developed land. Therefore, it is a suitable location for the nature of the development proposed and would accord with the development strategy of the local plan. It would also be compatible with the prevailing residential character of surrounding land uses.

The apartment building would be set across two storeys and presents active frontages to all elevations with a strong sense of rhythm and symmetry to its elevations which reflect the character of nearby buildings and respect the storey heights of those which surround it. The three-dimensional scale and massing of the building would be broken up through a combination of split-level hipped roofs, protruding gables and recessive walls across a stepped footprint which narrows from west to east. The building would be set back from the roadside behind a landscaped perimeter and, in addition to the legibility of its elevations, its use of mixed hard and soft landscaping and boundary treatments would ensure a high quality design that assimilates sympathetically with its surroundings. In addition, the proposed development's relationship with nearby heritage assets would ensure that it does not harm their significance.

The development's layout, scale, spacing, landscaping and fenestration arrangement in relation to neighbouring buildings would be compatible with the density and character of surrounding development and the levels of mutual overlooking typical in the area in order that the proposal would not have an adverse impact on the amenity and privacy of existing occupiers through loss of outlook and daylight, overshadowing or overlooking. It would also achieve a good standard of amenity for future occupiers.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The site occupies a highly accessible location with good access to public transport and nearby shops and services within Lytham Town Centre by means of transport other than private car. The proposed vehicular and pedestrian accesses into the site would achieve a safe and suitable means of access for all users and the level of parking provision meets (and exceeds) the standards set out in the Council's 'Provision of Parking on New Developments' Supplementary Planning Document. In combination with the limited level of additional traffic which would be generated by the development, the proposal would not have any unacceptable impact on highway safety or give rise to severe effects on the capacity of the surrounding highway network.

As the proposal involves the provision of specialist accommodation for the elderly with a care need within use class C2, it is not required to contribute towards the provision of affordable housing to make the development acceptable in planning terms. However, those occupancy restrictions for future occupiers, along with proportionate financial contributions towards healthcare and public realm improvements in Lytham, are required and must be secured through the completion of a planning obligation.

The development would deliver measurable net gains in biodiversity at the site and appropriate measures can be put in place to ensure it would have no harmful effects with respect to impacts on ecology, flood risk and contamination. Accordingly, no adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Reason for Decision Level

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

Site Description and Location

The application relates to a broadly rectangular parcel of land extending to *circa* 0.26 hectares located on the north side of North Warton Street between Wharf Street and West Cliffe, Lytham. The site comprises an area of hardstanding which was previously used as the car park of the former AXA offices. More recently, it has been used as a construction compound in association with the recently completed 'Sidings' development which provides 65 extra care apartments for occupiers aged over 55 on the neighbouring site to the northwest, constructed pursuant to planning permissions 17/0738 and 20/0417 (as amended). A former gasworks building located to the southeast corner of the site and a tall boundary wall flanking the footway of North Warton Street have recently been demolished pursuant to prior approval application 23/0644. The site is presently enclosed by a combination of close-boarded timber and Heras fencing, with a coniferous hedge retained to the northeast corner fronting West Cliffe.

The land falls within the settlement boundary and is also within the boundaries of Lytham Town Centre as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. In addition, the site is also a non-strategic housing site (reference 'HS14') allocated in the local plan. Aside from the adjacent Sidings development to the northwest, surrounding land uses are principally residential in character and include dwellings on Wharf Street (west); North Warton Street, Warton Street and Birch Street (south); and West Cliffe (east and northeast). Whilst these dwellings are mixed with respect to

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

their era of construction, materials and style, they are all two storeys in height. A row of three dwellings on Warton Street (nos. 47-51) on the west side of the junction with Birch Street are statutorily listed (grade II).

The site has an existing access of West Cliffe which lies centrally within its eastern boundary. Surrounding streets are typically lined by buildings constructed up to the back edge of sometimes narrow footways and waiting restrictions are in place along much of North Warton Street and around its junctions with Wharf Street and Birch Street. A row of 10 car parking spaces have been marked out on the east side of Wharf Street to provide off-street parking for the residents of nos. 7-15 as part of The Sidings development, whose principal access is taken from Wharf Street.

Details of Proposal

The application seeks full planning permission for the redevelopment of the site to provide a development of specialist accommodation for the elderly involving up to 18 extra care apartments for occupiers aged over 55. The apartment mix would include 8 x 1-bed, 10 x 2-bed and 2 x 3-bed units. The development would form an extension of The Sidings, is submitted by the same applicant, and would have shared access to the existing facilities within that building. The accommodation would also be offered subject to the same restrictions concerning the age and care needs applicable to future occupiers. Accordingly, the proposed use would fall within class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The apartments would be contained within a two storey building occupying a broadly rectangular footprint to the western part of the site. The building would measure 57m in length, with the widest part to the west spanning 22.3m in width and the narrowest part to the east being 15.8m wide. It would be topped by a split-level hipped roof reaching between 5.1 and 5.45m to the eaves and a maximum of 9.5m to the ridge, the main sections of which would step down to the east to a minimum height of 8.9m. The building's elevations include a combination of windows, Juliet and protruding balconies arranged in a consistent pattern across all four elevations. Protruding gables of similar width would be consistently spaced to break up the elevations and a protruding ground floor canopy would define the building's main entrance on its eastern elevation. The external walls of the building would be finished in red brick with cream rendered dressings and artstone string courses, headers and cills to match the adjacent Sidings development. The roof would be finished in a grey roof tile and windows, doors, canopies and balcony frames would all match The Sidings.

The building would be set away from the site perimeter by a minimum distance of 2.75m behind a combination of roadside boundary treatments, soft landscaping and a continuous 1.5m wide footpath encircling it and providing separate pedestrian connections onto West Cliffe, Wharf Street and though the northern boundary and car park of The Sidings to ensure a pedestrian connection between the two sites. Boundary treatments include a mix of low (maximum 1.35m high) boundary walls and railings, with the exception of the northeastern boundary where a wire mesh fence to the rear of nos. 7-23 West Cliffe would be replaced by 1.8m high close-boarded timber fencing inside the existing rear boundary fences of those dwellings.

Vehicular access to the site would be taken from West Cliffe through modifications to the existing access which widen this and provide a dedicated pedestrian connection onto the current footway. This access would open onto a 13-space car park which terminates at a turning head, drop off and ambulance waiting area in front of the building's main entrance on its eastern elevation. A single storey, hip-roofed outbuilding measuring 13m in length, 4m in width, 2m to eaves and 3.5m to ridge would provide a shared refuse, mobility scooter and cycle store located behind the bank of parking spaces along the northern site boundary.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Relevant Planning/Appeal History

Reference	Description	Decision	Date
13/0152	OUTLINE APPLICATION FOR ERECTION OF UP TO 45 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approve Subject to 106	
17/0738	DEVELOPMENT OF SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF 65 APARTMENTS WITH CARE, COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE	Approve Subject to 106	05 March 2018
20/0025	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0738 FOR ALTERATIONS TO THE DESIGN OF THE BUILDING'S ROOF INCLUDING: 1) FORMATION OF A DOUBLE SPAN ROOF WITH A CENTRAL, FLAT RECESSED VALLEY TO REPLACE APPROVED SINGLE SPAN ROOF; AND 2) ASSOCIATED MINOR ALTERATIONS TO ROOF CONFIGURATION OF PROTRUDING FEATURES	Granted	25 February 2020
20/0417	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0738 (A DEVELOPMENT OF SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF 65 APARTMENTS WITH CARE, COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE) TO ALLOW : 1) AN INCREASE IN THE AMOUNT OF FLOORSPACE AVAILABLE AT THIRD FLOOR LEVEL (WITHIN THE BUILDING'S ROOF SPACE) IN ORDER TO PROVIDE EXTENDED LIVING ACCOMMODATION FOR EACH APARTMENT AND ADDITIONAL COMMUNAL/STORAGE AREAS AT THAT LEVEL; 2) ASSOCIATED EXTERNAL ALTERATIONS TO THE BUILDING'S NORTH AND WEST FACING ELEVATIONS; AND 3) REVISIONS TO THE SOFT LANDSCAPING SCHEME WITHIN THE EXTERNAL AREAS OF THE DEVELOPMENT	Subject to 106	23 November 2020
21/0846	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 20/0417 FOR EXTERNAL ALTERATIONS TO BUILDING ELEVATIONS INCLUDING: 1) SWAPPING POSITIONS OF WINDOWS AND BALCONIES AND RAISING OF CILL HEIGHTS TO KITCHEN WINDOWS ON SOUTH FACING ELEVATION; 2) MINOR ALTERATIONS TO SIZE AND POSITIONING OF SELECTED WINDOW AND DOOR OPENINGS ON EAST AND WEST FACING ELEVATIONS; AND 3) RE-POSITIONING AND/OR INSERTION OF ADDITIONAL ROOF LIGHTS TO NORTH, WEST AND EAST FACING ROOF SLOPES	Granted	27 September 2021

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

23/0644	PRIOR APPROVAL FOR DEMOLITION OF SINGLE STOREY BUILDING PURSUANT TO SCHEDULE 2, PART 11 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Prior Approval not required	19 October 2023
---------	--	-----------------------------	-----------------

Parish/Town Council Observations

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

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection – Comments dated 10.10.23 and 06.12.23 advise as follows:

- The mitigation measures recommended in the noise assessment must be implemented to meet the internal noise guidelines in BS8233 and the measures to mitigate air pollution set out in section 5 of the air quality screening assessment should also be implemented.
- The remediation strategy provided on 06.12.23 is acceptable to deal with issues concerning contaminated land.

Greater Manchester Ecology Unit (GMEU) – Comments 19.10.23 as follows:

- **Bats** – The buildings on site were considered to have high potential to support bats but no evidence of bats was recorded during the surveys. However, as bats are highly mobile creatures an informative note should be attached to any permission granted to clarify the applicant’s obligations with respect to bats. The Appraisal also states that “three bat boxes will be integrated into the new structure which will be positioned on southeast aspects”. These boxes do not appear to have been included on the submitted plans, and we would therefore recommend that a condition be imposed requiring the installation of bat and bird boxes as set out in sections 4.13 and 4.18 of the Ecological Appraisal by FPCR Environment and Design Ltd dated September 2023.
- **Nesting birds** – Evidence of nesting birds was found in the buildings to be demolished and the tree and shrubs on the site were considered to have potential to support nesting birds. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), a condition should be imposed requiring works involving the demolition of existing buildings and removal of vegetation to take place outside the bird nesting season (between 1 March and 31 August inclusive), unless nesting birds have been shown to be absent by an ecological survey.
- **Statutory designated sites** – Although the development lies with the bespoke SSSI Impact Risk Zone for Recreational Disturbance, associated with Ribble & Alt Estuaries SPA, we consider it extremely unlikely that a small development of specialist accommodation for the elderly would result in a significant effect on the special interest of the SPA.
- **Biodiversity Net Gain** – Given the low baseline of the site, the Biodiversity Net Report and Metric have demonstrated that a net gain for biodiversity can easily achieved at this site.

Lancashire and South Cumbria Integrated Care Board (ICB) – Comments 29.09.23 as follows:

- The ICB has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.
- Based on the bedroom mix of the development, and in accordance with the ICB’s established methodology for calculating demand for new patient places, the proposal is estimated to

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

generated 34 new patient registrations. The proposed development falls within the catchment area of Holland house Surgery. The practice is located less than 0.4 miles from the development and would therefore be where the majority of the new residents register for general medical services.

- From a ICB perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. A financial contribution of £9,323 towards the reconfiguration of Holland House Surgery for additional clinical capacity would be required to mitigate the development's impact.
- It is important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. The ICB would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development. Failure to secure the requested contribution would effectively mean that the ICB are objecting to the application.

Lancashire Fire and Rescue – Comments 19.10.23 as follows:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory features, but professional advice should be sought in such cases.
- It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance.

Local Highway Authority (LHA) – Comments as follows:

- **Summary** – No highway objections are raised subject to a number of planning conditions being imposed. The application is seeking full planning permission for the development of 18 apartments with care for the elderly, together with 13 car parking spaces including 2 accessible spaces. Pedestrian and vehicle access to the development is from West Cliffe and a pedestrian link to the existing retirement / care apartments off Wharf Street. The developer has provided a Transport Statement (TS) in support of the proposal.
- **Traffic generation** – Once operational the development will generate low levels of traffic. The TS estimates that a maximum of 4 vehicle movements will occur in the peak hours. The trip rates in the TS are accepted as being representative of this type of development. The road safety record for the area is good and the number of pedestrian and vehicle movements associated with the development are unlikely to materially impact on it.
- **Access** – The existing access to the site from West Cliffe will require minor modification to provide a kerbed radius and pedestrian dropped kerbs. This will need to be provided under a s278 agreement. It is noted that the current access is used by construction traffic and will be used by construction traffic for this development. This is likely to lead to damage of the footway between North Warton Street and the site access, therefore the s278 works should also include the reconstruction of this short length of footway.
- **Parking** – The car parking layout is acceptable, and it has been demonstrated by a swept path analysis that it can accommodate refuse vehicles. The TS provides a methodology to show that the number of car parking spaces is adequate, as such no objections are raised to the layout or number of spaces proposed.
- **Construction** – During construction it is expected that a significant number of vehicles movements will occur and as such a Construction Traffic Management Plan should be provided.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- **Conditions** – Should be attached to any permission granted requiring: i) the completion of all the highway works prior to the occupation of the development; ii) the submission of a construction method statement; and iii) the laying out of the car parking and manoeuvring areas before the occupation of the development.

Lead Local Flood Authority (LLFA) – Comments dated 17.10.23 indicate an objection to the application due to “the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development”. However, the applicant subsequently supplied a drainage strategy on 29.11.23 and the LLFA’s comments on this dated 19.12.23 confirm that their original objection is withdraw as follows:

- **Summary** – The LLFA wishes to withdraw its objection to the application as the applicant has now submitted an appropriate drainage strategy. The application will be acceptable subject to the inclusion of conditions.
- **Conditions** – Are needed to require: i) the development is carried out in accordance with the submitted drainage strategy (November 2023, Ref: 00027-652 Drainage Strategy, Adlington Retirement Living) and full implemented prior to occupation of the development; and ii) the submission of a report which verifies the installation of the surface water drainage system.
- **Discharge rate** – the proposed discharge rate of 7.3 l/s is several times higher than the greenfield runoff rate for the site, and higher than the greenfield response rate represented by soil type 5 (~2 l/s) which is the suggested reasonable approximation of the existing pre-development runoff rates for brownfield sites without existing drainage, as set out in section 24.5 of the Ciria SuDS Manual. The LLFA has not objected to this proposed higher discharge rate as the applicant has provided evidence of an agreement with United Utilities as the asset owner of the receiving public sewer to discharge at 30 l/s for the overall 1 ha site.
- **Agreement with United Utilities** – the correspondence included as an appendix in the submitted FRA is from 2017. As such, the applicant must provide evidence at the discharge of conditions stage that demonstrates that the agreement with United Utilities to discharge surface water to their asset is still in place.

Natural England – Comments dated 18.10.23 as follows:

- Habitat Regulations Assessment (HRA) Screening is required. For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 (‘the Habitat Regulations’). Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. Where the HRA Screening cannot rule out a likely significant effect on the coastal designated sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

Neighbour Observations

Neighbours notified:	28 September 2023
Site notice posted:	6 October 2023
Press notice:	26 October 2023
Amended plans notified:	5 December 2023 (21 days)
No. Of Responses Received:	11 (10 in objection and 1 in support)

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The appropriate neighbouring properties were notified of the application by letter on 28.09.23. In addition, as the application involves major development notices have been posted on site and in the local press. Neighbouring residents were also re-notified of the application on 05.12.23 and given a further 21 days to submit additional comments following the receipt of amended plans and additional information from the applicant which alter the scheme's design and/or provide additional supporting information. A total of 11 letters of representation have been received in connection with the application. The points raised in the letters are summarised as follows:

Principle of development:

- A previous outline application on the site in 2013 (reference 13/0152) allowed a development for up to 45 dwellings. Adlington have already constructed 65 and the additional 18 proposed by this application will nearly double the number previously permitted on the site. This represents an inappropriate overdevelopment of the site.
- The scheme permitted by 13/0152 also included 30% affordable housing and contributions of £80,000 and £327,279 towards public realm enhancements and education provision. However, this scheme does not include these contributions. There would also be no diversity in the occupants or provision of housing for families to support the long term viability of schools and employment in the area.
- There is a lack of capacity at the nearby GP surgery to accommodate the additional patients that will be generated by the development, especially given that it would involve the provision of housing for people with greater healthcare needs who could be re-locating from outside the area. This will increase the pressure on already stretched healthcare services.
- The lack of affordable housing in the development will force young people to move out of the area. The development will be occupied by wealthy individuals who generate profit for the developer but this is not necessarily beneficial to the town.

Design:

- The pitched roofs of the building are unnecessarily tall, steep and emphasise their prominence. The size of the roof space will be dominant in the skyline when seen against other buildings in the area and would also allow the developer to create more apartments by extending into the roof at a later date. The height of the building should be limited to match that of surrounding dwellings.
- The scale of the building is excessive in relation to surrounding dwellings and its bulk will loom over nearby buildings. The recent demolition of the boundary wall has brought to light that the ground level of the site is ~350mm above North Warton Street, which increases the height differential. If the present ground level is retained the architectural drawings are therefore misleading, particularly the elevations, sections and views.
- It is proposed to replace the existing boundary wall onto North Warton Street with a hedge and railings. The hedge is inappropriate as it will become overgrown, obstruct the already narrow footpath and attract litter. Railings will also not fit in with the street scene of North Warton Street which is otherwise characterised by low, attractive brick walls. Therefore, the hedge and railings should be replaced with a wall for aesthetics and continuity. The same approach should also be taken with the boundary to West Cliffe.
- The proposed development has extremely limited garden space, an overly small car park and lacks the external space that the previous development at the Sidings benefitted from. It is also extremely close to the footway on North Warton Street. Accordingly, the proposal represents an overdevelopment of the site.
- Mature trees suitable for small gardens should be planted around all the site's boundary to screen the proposed development from its neighbours and provide privacy.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- The present Gas installation on the corner of West Cliffe and North Warton Street should be enclosed in brick instead of the present wooden enclosure that does not adequately disguise it.

Officer note: This apparatus (and its enclosure) is outside the red line boundary and the applicant's ownership. Accordingly, it is not in the applicant's gift to alter the means of enclosure that surrounds it.

Amenity impacts:

- The proximity of the proposed building to existing dwellings on Warton Street and Birch Street to the south, in combination with number of windows and balconies within its south-facing elevation, will result in a loss of privacy to neighbouring properties. Although there is reference to the use of obscured glazing and privacy screens to balconies along the building's northern elevation, no such mitigation is provided for those dwellings to the south who would be equally overlooked. Views through to these properties will be even more direct once a mature sycamore tree on the southern boundary is removed.
- The owner of the land to the rear of 45 Warton Street has made successful planning applications to build a dwelling on this land under application references 20/0014 and 17/0028. The owner will no doubt be concerned about the proximity of the proposed building to their plot as it appears that the proposed building has a balcony that is perfectly aligned with the permitted dwelling. However, they do not appear to have been consulted on the application.

Officer note: The applicant for 20/0014 has been notified of this planning application. It is, however, the case that planning permission 20/0014 (granted 02.03.20) lapsed on 02.03.23 without being implemented.

Highway impacts:

- The 13 car parking spaces proposed for the 18 apartments are insufficient. This lack of parking would displace vehicles associated with the development onto surrounding streets causing unacceptable congestion, obstruction of access for emergency vehicles and conflicts between residents. There should be at least 1 parking space per apartment considering that visitors, carers and delivery vehicles will be on site daily. The scheme should be altered to reduce the number of apartments and increase the amount of parking.
- The existing Sidings development has 65 apartments with 52 car parking spaces. However, 4 of these have been changed to electric vehicle charging spaces which are presently unused. There is also a lack of disabled parking provision. Although the current development is only around 50% occupied, the car park is already full on most days which leaves residents battling for spaces. This is worsened by a lack of staff and visitor parking and exacerbated by the site's location close to surrounding narrow roads with double yellow lines which prevent on-street parking.
- The footpath on North Warton Street should be widened as it is too narrow (approximately 0.8m in width) and a danger to users as it does not allow pedestrians travelling in opposite directions to pass one another or provide space for wheelchair users and prams. To enable widening to the required 2m, the tall brick wall along its length should be removed completely and replaced by a small brick wall set further back into the site than the one removed. The present boundary line of the site is set too far forward, which makes the footpath too narrow. Setting the new wall further back would enable the footpath to be wider without encroaching into the width of the road.
- The developer should be required to re-surface the whole of Wharf Street and rectify the patch repair which has been undertaken to only the northern section.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Construction impacts:

- The previous Adlington development required piling and the vibrations from it caused cracks and other damage to surrounding properties which Adlington have not rectified. The noise level was also unacceptably high, surrounding roads were not kept clean and were damaged, and air pollution was caused by dust. Additional mitigation is required when this development is constructed as it is even closer to neighbouring dwellings than the previous scheme.
- During the previous development contractors would often drive at excessive speeds and park on surrounding streets and damage was caused to the road surface and residents' cars. Deliveries to the site should be limited to between 9.30am and 3pm to avoid school drop off and pick up times.
- The issues that arose during the construction period for the previous development need to be rectified for the second phase. The developer should be required to engage with residents, rectify damage to neighbouring properties, enforce a 5mph speed limit at and around the site, clean vehicle wheels and surrounding roads regularly, require a banksman to be present for deliveries by large vehicles and not use metal tracks on vehicles due to the vibrations this causes. All this needs to be effectively enforced by the Council.

Heritage impacts:

- The applicant's heritage statement only refers to the front of the nearby grade II listed buildings and not to the outbuildings at the rear of them which are also grade II listed. These outbuildings would be overlooked by the development in a way that the existing Adlington development does not.

Other matters:

- There is residual hazard left over from past industrial uses on this land due to land contamination. No building work should take place on the site until this hazard is either removed or deemed safe for building to ensure it poses no risk to existing and new residents in the area. Given that the ground is known to be contaminated, it would seem beneficial for the site to remain bounded by a solid barrier such as a wall to prevent/minimise migration, rather than the railings proposed.
- There are a significant number of bats in the area. Therefore, bat boxes should be embedded in the eaves of the proposed building.
- The removal of an existing sycamore tree shows a disregard for local wildlife and would harm visual amenity in the area.

Letter of support:

- The new apartments will blend in with the surrounding properties and will provide much needed housing for the area on a site that would otherwise be left a vacant eyesore.

Relevant Planning Policy & Government Guidance

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

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

National Policy and Guidance:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy

DLF1 - Development Locations for Fylde

SL1 - Lytham and St Annes Strategic Locations for Development

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

GD9 - Contaminated Land

EC5 - Vibrant Town, District & Local Centres

H1 - Housing Delivery and the Allocation of Housing Land

H2 - Density and Mix of New Residential Development

H4 - Affordable Housing

HW1 - Health and Wellbeing

INF2 - Developer Contributions

T4 - Enhancing Sustainable Transport Choice

T5 - Parking Standards

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

ENV1 - Landscape and Coastal Change Management Areas

ENV2 - Biodiversity

ENV5 - Historic Environment

Other relevant guidance:

Extending Your Home Supplementary Planning Document

Provision of Parking on New Developments Supplementary Planning Document

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Accordingly, it is not Schedule 2 development and is not EIA development.

Analysis

Policy context and main issues:

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

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

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

1. The principle of development and whether it is a suitable location for the type of accommodation proposed.
2. The development’s effects on the character and appearance of the area, including heritage assets.
3. The scheme’s impact on the amenity of surrounding occupiers and whether it would achieve a good standard of amenity for future occupiers.
4. The development’s impact on highway safety.
5. Other matters including the need for infrastructure contributions, ecological effects, flood risk and contamination.

Principle of development:

Housing land supply position and the ‘tilted balance’:

Footnote 8 to paragraph 11 d) of the NPPF clarifies that policies which are most important for determining applications involving the provision of housing will be considered out-of-date in situations “where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”

Paragraph 76 of the Framework states that “local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.”

The FLPPR was adopted on 06.12.21 and so is less than five years old. Paragraph 30 of the Inspector’s Report on the Examination of the Partial Review of the Fylde Local Plan to 2032 identifies that “the Plan does not make any revisions to the existing housing land supply set out in the [Fylde Local Plan to 2032 (adopted 2018)]. This provides for 8,819 net new homes over the plan period and is fully justified, having been found sound in 2018. The housing land supply therefore significantly exceeds the 7,275 dwellings required to meet identified needs”. In addition, the Housing Trajectory in Appendix 2 of the FLPPR and the “Five Year Housing Land Supply Annual Position Statement 2020” listed in Appendix 9 which formed part of the evidence base to the plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. As a result, both criteria

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

in paragraph 76 of the NPPF are met by the FLPPR and so the LPA benefits from the provisions of this paragraph for the purposes of 'situation (a)' in footnote 8 of the Framework.

For the purposes of 'situation (b)', the results of the latest housing delivery test published by government on 14.01.22 shows the rate of housing delivery in Fylde at 194% of the housing requirement over the previous three years.

Therefore, as none of the situations in footnote 8 of the NPPF are applicable, it follows that policies in the FLPPR relating to the supply of housing are not out-of-date and, furthermore, that the 'tilted balance' in paragraph 11 d) of the Framework is not engaged in this case. In turn, there is no reason why the application should be determined other than in accordance with the development plan for the purposes of paragraph 12 of the NPPF.

Suitability of proposed use and site location:

Policy Context:

The site falls within the settlement boundary of Lytham and comprises 'previously developed land' as defined in Annex 2 of the NPPF. It is also within the boundary of Lytham Town Centre as identified on the FLPPR Policies Map, though it is outside the primary and secondary shopping frontages of the town centre and is allocated as a non-strategic housing site (reference 'HS14') within that centre which, in tandem with the adjacent portion of the site to the north which has already been developed, is anticipated to deliver 65 homes over the plan period in accordance with policy SL1.

FLPPR policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies. Policy EC5 relates to development within town centres, stating that "retail and other main town centre uses" will be encouraged within the town centres. Paragraph 60 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes", including ensuring "that the needs of groups with specific housing requirements are addressed". In this respect, paragraph 63 of the Framework states that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) [...] older people (including those who require retirement housing, housing-with-care and care homes)"

FLPPR policy H1a) identifies a minimum housing requirement of 415 net homes per annum for the period 2011-2019 and a minimum housing requirement of 305 net homes per annum for the period 2019-2032. Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 7,275 new homes in accordance with a Development Strategy which follows the four-tier settlement hierarchy set out in policy S1. In turn, FLPPR policy S1 identifies Lytham as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development".

The subsection of FLPPR policy H2 relating to housing "density" states that "developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare. When considering a proposal for a significantly higher density development, in addition to the above considerations, particular attention will be paid to ensuring that there is no unacceptable impact on highway safety and that sufficient car parking is provided on-site. High density development should be very carefully designed to relate well to its surroundings, be orientated towards and have principal entrances facing

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

towards the street, and should include sufficient usable amenity space to provide for the needs of residents.”

In addition, the subsection of policy H2 relating to “mix” requires the provision of “a broad mix of types and sizes of home, suitable for a broad range of age groups [...] to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment (2014)” and that relating to “specialist accommodation for the elderly” identifies four criteria that “developments to provide 100% specialist accommodation for the elderly, including residential care homes” should meet. With respect to the location of such developments, the first and fourth criteria require that:

- It is situated to provide easy access to regular public transport. Within larger development sites, the part of the site in closest proximity to bus stops with a regular service should be chosen for this type of accommodation.
- The development complies with the development strategy and other policies of the plan.

Assessment:

The application site forms the smaller southern portion of site reference HS14, with the larger northern portion having already been developed for 65 extra care apartments at The Sidings. This scheme seeks to expand that current provision through the construction of two storey block accommodating a further 18 extra care apartments. Although the new apartment block would not benefit from its own communal lounge and restaurant, those current facilities within the existing building would be made available to all future occupiers and this requirement is to be secured through the imposition of a planning condition. Paragraph 010 of the chapter to the PPG titled “housing for older and disabled people” sets out the characteristics of “extra care housing or housing with care” as follows:

- “This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.”

The applicant’s supporting planning statement (SPS) makes clear that this is the type of housing that the development would deliver. Specifically, paragraph 2.2.2 of the SPS indicates that “in order to occupy an Adlington apartment a resident must have been a) assessed to be in need of care following a 2-stage assessment and b) be over the prescribed age limit which in this case is 55 years old.” Paragraph 2.2.4 of the SPS states that “residents receive at least 2 hours of care per week (most residents also pay for additional care)” and section 2.3 highlights other decisions (including appeals) where Adlington’s model for the provision of care has been found to fall properly within use class C2 (rather than C3), including at The Sidings development. Accordingly, there is no reason to conclude otherwise and the development is assessed on the basis that it falls within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) – a circumstance which would be secured through the completion of a planning obligation.

Although the proposed use falls within class C2, the provision of extra care housing on the site will continue to contribute to the Council’s housing land supply, as was the case with the 65 apartment scheme permitted by 17/0738. Accordingly, it will not prejudice or undermine the allocation of site reference HS14 for housing. Whilst the site is located within Lytham Town Centre and does not fall specifically within one of the “main town centre uses” identified as being suitable within the town

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

centre in FLPPR policy EC5, as it is specifically allocated for housing in the local plan there would be no conflict with the objectives of policy EC5 and paragraph 90 f) of the NPPF requires that planning decisions should take a positive approach to the growth, management and adaptation of town centres by “recognis[ing] that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”

The site occupies a highly accessible location in relation to shops and services within Lytham Town Centre. In particular, the Booths supermarket is located on adjacent land to the west, with a dedicated residents access through to The sidings, and various shops and services within the main strip of Lytham Town Centre along Clifton Street are located at a minimum walking distance of approximately 215m away from the site. The closest bus stops on Warton Street (frequented by two services which provide connections to Blackpool, Freckleton, St Annes, Singleton, Weeton, Wesham, Wrea Green and Warton) are located a *circa* 80m walking distance from the development’s proposed pedestrian access onto the junction of North Warton Street and Wharf Street. Accordingly, the locational test in the second criteria of policy H2 which requires developments involving specialist accommodation for the elderly to be situated to provide each access to regular public transport is met.

The proposal would provide 18 extra care apartments on a site of 0.26 hectares at a net residential density of 69 dwellings per hectare. With reference to a previous application for housing which involved the provision of up to 45 dwellings across site HS14 (reference 13/0152), objectors opine that the combined development of 83 apartments on the site would result in an overdevelopment of the land and a significant exceedance of the number of dwellings anticipated to be delivered. It is, however, the case that no permission was issued pursuant to application 13/0152 as a planning obligation to secure various contributions was not signed, that the two developments involve different uses (13/0152 being for class C3 housing and Adlington’s development involving class C2 extra care apartments) and that 13/0152 proposed a development of individual dwellings within separate curtilages rather than blocks of apartments set in communal grounds and, in turn, involved a greater land take which would naturally reduce the number of dwellings. As a result, the two schemes are not directly comparable. Moreover, the site’s location within the town centre and an inherently urban setting where surrounding buildings are typically laid out to a relatively high density lends itself to a higher density form of development than might be expected in more suburban settings. As is provided for in the subsection of policy H2 relating to density, providing that the scheme satisfies the requirements relating to higher density development (within the context of the proposed use), there is no reason, in principle, that a higher density development cannot be accommodated on the site.

Objectors also contend that the lack of diversity in the housing mix on the site and the scheme’s provision of 100% specialist accommodation for the elderly would not provide a balanced community. However, both the subsection of FLPPR policy H2 relating to the provision of “specialist accommodation for the elderly” and the justification to the policy identify a pressing need for the provision of this type of accommodation in the borough to meet a demographic trend where “the number of people 65 and over in Fylde is predicted to grow dramatically [(by 41.2% between 2011 and 2030)] over the plan period. Furthermore, over one-third of all the increase in population in Fylde will be due to an increase in the number of people aged 85 and over. This highlights that the number of older people with support needs is likely to increase considerably [and] the projections for the future show that there will be a significant growth in the numbers with support needs of one kind or another”. Therefore, the proposed development would make a valuable contribution towards addressing the borough’s need for specialist accommodation for a group in the community whose population is predicted to grow dramatically over the plan period.

The proposal would make efficient use of previously developed land on a site within the settlement boundary of a Key Service Centre and a Strategic Location for Development that is highly accessible to

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

local shops, services and public transport. In addition, the scheme would deliver smaller units of specialist accommodation to a group in the community for which there is a pressing housing need and would contribute positively to the Council's supply of housing land. Accordingly, the principle of the proposed development in this location is acceptable and all other matters of relevance relate to issues concerning the scheme's detailed design.

Character, appearance and heritage impacts:

Policy context:

The "density" subsection of FLPPR policy H2 states that "high density development should be very carefully designed to relate well to its surroundings [and] be orientated towards and have principal entrances facing towards the street." In addition, the second criterion relating to developments providing 100% specialist accommodation for the elderly, including residential care homes, states that proposals will be approved providing that they are "well-designed, avoiding unnecessary use of high fencing around the perimeter, orientated towards the street with an entrance on the street side of the building providing the shortest possible pedestrian access, including usable outside landscaped gardens with seating, and access and parking for vehicles well separated from pedestrian routes."

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 16 guiding principles (a – p). In particular, criteria b), d), g), h), i) and k) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- 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.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

Criteria a) – e) of FLPPR policy ENV1 require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

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

Assessment:

Appearance, landscaping, layout and scale:

The development layout positions the apartment building to the western portion of the site, with a car park, storage building and the principal access from West Cliffe to the eastern portion. The site

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

widens to the west and this is reflected by the building's 'stepped' footprint which narrows from west to east across its *circa* 57m overall length. The building would be set back to varying degrees from the three surrounding roads, with the closest point of its wall to the roadside comprising the outer edge of a chamfered gable on the southwest corner set back approximately 2.75m from Wharf Street.

The surrounding area is inherently urban in its character, with buildings constructed to varying, but moderate to high densities, and typically laid out in linear rows driven by strong building lines. Properties are either built up to the roadside (on Wharf Street and across the site's frontage on North Warton Street) or set back behind shallow front gardens. This pattern of development is replicated by the proposed apartment building which follows a regular, linear building line facing surrounding roads whilst achieving a standoff to its perimeter through the provision of a circular footpath (including seating) and soft landscaped buffering to provide a garden-fronted roadside setting around the edges of the building. The building's stepped footprint also ensures a staggered profile that assists in breaking up its overall massing. This is articulated further through the use of regularly-spaced, domestically-proportioned protruding gables set below the ridgeline alongside larger sections of recessive wall. As a result, the building's layout would follow prevailing building lines and respect the pattern of surrounding development in the area.

The storage building to the northern edge of the car park within the eastern portion of the site would be set back from West Cliffe by a distance of 11m, and *circa* 5.8m behind the existing building line to the side of no. 7 West Cliffe. In combination with its single storey height, matching materials with the main building, low eaves and ridge heights, shallow hipped roof and positioning behind perimeter boundary treatments, the siting, scale and design of this building would ensure that it integrates sympathetically with its surroundings. The grouping of the 13 car parking spaces within the open area to the east of the site would create hardstanding frontages on both sides of the access. However, the presence of this hardstanding would be screened from flanking roads to the south and east through the provision of boundary tree and hedge planting in order that this does not present an over-engineered aspect to the roadside.

The layout includes the provision of dedicated pedestrian access points within the eastern (onto West Cliffe), western (onto Wharf Street) and northern (into The Sidings) site boundaries to ensure permeability through the site for future occupiers. Boundary treatments to the site perimeter include the removal of existing tall brick walls and fences and the provision of a combination of 1.2m high brick walls (to the northern and western boundaries) and metal railings supported by 1.35m high brick piers backed by hedging (to the southern and eastern boundaries). This arrangement, along with the connection between The Sidings and the neighbouring supermarket to the northwest, ensures the provision of a dedicated pedestrian desire line through the site and with surrounding highways with maximise pedestrian connections around and beyond the site, along with a low-level means of enclosure to define the site boundaries and distinguish between public and private areas without the use of tall, solid enclosures which would otherwise appear dominant and imposing in the street scene. Whilst the site's setting and previous use is one which is inherently urban in character, the provision of soft landscaped borders and associated planting to the boundaries of the site, buildings and car park would ensure an appropriate balance between hard and soft landscaped areas and proportionate enhancements commensurate with its urban setting.

The apartment building would be set across two storeys, with its roof following a series of hips punctuated by lower, protruding facing gables set across three separate 'blocks'. Whilst objectors opine that the height and massing of the building's roof is unnecessarily tall in relation to surrounding buildings, the row of cottages on Wharf Street, Birch Street and outbuildings facing North Warton Street are notably squatter in comparison to other neighbouring dwellings and the submitted sections indicate that, at its tallest point, the proposed building would be 0.6m taller to eaves and 2m taller to

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

ridge than existing houses on West Cliffe, thus avoiding any excessive or incongruous mismatch in height.

Whilst the greater span and depth of the building in comparison to the narrower footprints of surrounding dwellings necessitates a larger roof area and taller ridgeline to achieve the required pitch, the overall bulk of the roofspace would be reduced by virtue of its diminishing height (falling from west to east) split across three blocks, the provision of lower-level breaks linking the taller roof spaces of each block, the change in orientation of its ridge to the eastern block, its hipped edges and slope away from the site boundaries. The visual impact of the roofspace would be lessened further by the building's setback position from the roadside. It is also the case that the pitch and profile of the building's roof would mimic that of the existing Sidings building behind (though its tallest point would be some 3.05m lower than the ridge three storey section of the adjacent building). Accordingly, when these factors are taken in combination, it is not considered that the building would have an incongruously tall or top-heavy roof.

The three-dimensional scale, density and continuous, overall massing of the proposed building is significant. The applicant has sought to address this by replicating the prevailing two storey height of neighbouring buildings, minimising the building's roof level massing, breaking up the elevations and picking up the features and domestic proportions of surrounding dwellings to give the building the appearance of a row of terraced houses, similar to that adopted by the apartments at 'The Mariners' which includes a *circa* 59m long stretch facing onto North Warton Street and the terrace at nos. 10-26 West Cliffe opposite the proposed access, which stretches for a combined length of approximately 48m. This approach is articulated in the building's external appearance which includes a series of regularly-spaced facing gables and a strong symmetry, rhythm and legibility to the positioning, alignment and proportions of window and door openings across all elevations. This ensures that the building presents active elevations to all street frontages and affords it a more domestic appearance which will be read alongside long rows of surrounding terraces, thus integrating with its wider context. The use of a chamfered gable to the southwest corner of the building where it faces the crossroad junction between Wharf Street and North Warton Street would achieve a sympathetic corner turning aspect to that junction, mirroring the same feature on the southwest corner of The Sidings. Indeed, the two buildings would be read as a complementary pair in views at and surrounding this junction.

For the reasons set out above, the appearance, landscaping, layout and scale of the development would achieve a high quality design that assimilates sympathetically with its surroundings in accordance with the requirements of FLPPR policies H2, GD7 and ENV1, and the NPPF.

Heritage impacts:

A row of three grade II listed buildings on Warton Street (nos. 47-51) are located to the south of the site around the junction with Birch Street. The official list entry for nos. 47-51 Warton Street is as follows:

- "Terrace of 3 small town houses. c.1850-60. Brown brick in Flemish bond (sides and rear in English garden wall bond), with sandstone dressings and slate roof. Double-depth plan, each house single-fronted, with back extensions. Two storeys, 2+2+1 windows, the 2nd and 4th bays breaking forwards slightly, with corner pilasters, frieze and cornice. The 2nd and 4th bays have doorways to Nos 47 & 49, with pilastered architraves and moulded cornices, and altered doors with overlights. No.51 has a single-storey cross-gabled porch to the right-hand return wall, and a canted bay window to the front; otherwise, all have are [sic] unhorned 12-pane sashed windows. Similar windows at rear."

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Objectors opine that the scale of the proposed development would harm these listed buildings, including outbuildings within their curtilage, and create unacceptable overlooking towards them.

The subsection of FLPPR policy ENV5 relating to “Listed Buildings” states that “Fylde’s Listed Buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and/or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm shall be weighed against the public benefits of the proposal, including securing its optimum viable use, having special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest it possesses.”

Similar provisions in relation to designated heritage assets are identified in paragraphs 205-208 of the NPPF. In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The proposed building would be located *circa* 10.65m from the outbuilding on the rear garden boundary of nos. 47 and 49 Warton Street. However, historical maps (the 1890s OS map) suggest that this outbuilding may be located outside the original gardens of nos. 47-49 (with a large gasworks building being located within the application site behind), it is not mentioned within the list entry and could only be listed by virtue of falling within the curtilage of nos. 47-49. The building itself is nondescript and, accordingly, its significance in individual terms is very limited. It is, instead, apparent from the list entry that the principal heritage interest of the group derives from the architectural features of the dwellings’ main elevations, particularly their front elevations facing onto Warton Street.

The closest part of the rear elevation of nos. 47-51 Warton Street would be located approximately 40m away from the south facing elevation of the proposed building. In addition to this spacing distance, the three listed buildings are buffered from the site by a combination of elongated gardens, outbuildings, the highway of North Warton Street and, in the case of no. 51, the two dwellings at nos. 1-3 Birch Street. Given this relationship, any potential harm to the heritage assets arising from the development would be limited to that associated with its effects on the setting of the listed buildings.

Particular concerns are raised by objectors in relation to the height and roof-level massing of the proposed building and its potential to ‘loom’ over surrounding properties. However, nos. 47-51 Warton Street have notably taller floor-to-ceiling heights in comparison to the outbuilding at the rear of nos. 47-49 and cottages on Birch Street, as well as being on slightly elevated ground. The submitted sections show that the setback ridge of the section of the building located immediately to the rear of nos. 47-51 would be *circa* 2.4m higher than that of the outbuilding to the rear of nos. 47-49. Given that the dwellings themselves have taller roofs than the outbuilding and are elevated in relation to it, there would not be any discernible mismatch in height which would cause the proposed building to ‘loom’ over nos. 47-51 Warton Street.

The application is accompanied by a heritage note. Paragraphs 2.11 and 2.12 of this conclude that: “views north to land beyond their [the listed buildings’] curtilages do not appear to have been part of their design intent historically, and do not contribute to their heritage significance today. As such, the construction of a two-storey apartment building beyond their curtilages and outbuildings, and beyond

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

North Warton Street, with a backdrop of the three/four storey apartment block does not have the potential to cause harm to the heritage significance of the Listed buildings through changes to setting.”

The heritage not also includes citations from publications by Historic England titled “Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2” (‘GPA:2’) and “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)” (‘GPA:3’) which state that:

- “Change to heritage assets is inevitable but it is only harmful when significance is damaged”.
- “Setting is not itself a heritage asset, nor a heritage designation. [Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance]”.
- “Conserving or enhancing heritage assets by taking their settings into account need not prevent change. [Many places coincide with the setting of a heritage asset and are subject to some degree of change over time]”.

In this case, it is apparent that the most important part of the setting to nos. 47-51 is their frontage onto Warton Street as this is the vista along which the features that their principal significance derives from are displayed. In contrast, the buildings are separated from the ‘back street’ context of North Warton Street by long gardens and intervening buildings. Beyond this, the highway of North Warton Street forms an additional buffer with the site and the proposed building would be set back a minimum of 4.75m from the roadside itself. As a result, there would be limited intervisibility between the elements of the listed buildings (and their setting) from which their principal significance derives and the proposed development. Instead, this would be restricted to glimpsed, medium distance views through the narrow gap between nos. 45 and 47, and views along Birch Street where a series of other buildings intervene between the site and where the rear elevations of more modern dwellings on West Cliffe form the current backdrop. In turn, the proposed development’s impact on the setting of the listed buildings at nos. 47-51 Warton Street would be a neutral one which would not cause any discernible harm to the significance of these designated heritage assets. As a result, no conflict arises with the requirements of FLPPR policy ENV5, chapter 16 of the NPPF or Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst objectors opine that the development would cause increased overlooking towards the listed buildings which would harm the privacy of their occupants, any effects in this regard relate to impacts on the amenity of the occupiers of the buildings (as assessed below), rather than affects on their significance as heritage assets.

Impacts on amenity:

Policy context:

The “density” subsection of FLPPR policy H2 states that “high density development should be very carefully designed to relate well to its surroundings [and] should include sufficient usable amenity space to provide for the needs of residents”. In addition, the second criterion relating to developments providing 100% specialist accommodation for the elderly, including residential care homes, states that proposals will be approved providing that they “includ[e] usable outside landscaped gardens with seating”.

In addition, criteria c), h) and o) of FLPPR policy GD7 require that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Being sympathetic to surrounding land uses and occupiers.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

Furthermore, paragraph 135 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.” In addition, paragraph 185 of the Framework indicates that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. With respect to noise, bullet point a) to paragraph 185 states that planning decisions should “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

Assessment:

Existing occupiers:

With the exception of a funeral and wedding car service located within a two storey building on the east side of the junction between Birch Street and North Warton Street, adjacent uses bordering the site are residential in character and buildings are predominantly two storeys in height (though of different scales depending on their type and era). More distantly, a supermarket (Booths) is located to the northwest beyond the adjacent split-level three/four storey building at The Sidings and a railway line lies to the north of The Sidings.

The proposed apartment building would be located to the western part of the site and set back from the site boundaries behind a circular footpath and shallow, landscaped gardens. The building would achieve the following minimum spacing distances with surrounding properties:

- A minimum of 24m with the three storey façade of The Sidings to the north.
- A minimum of 17.75m (to the corner of the chamfered gable) and 19m (to the main western wall) with two storey dwellings at nos. 7-15 Wharf Street to the west.
- A minimum of 14m between the centre of the windows on the chamfered gable to the southwest corner of the building and the northern elevation of no. 6 Wharf Street.
- A minimum of 10.5m with the closest building on the south side of North Warton Street (no. 3 Birch Street).
- A minimum of 15.9m with the closest dwellings on West Cliffe to the north

While used principally in the assessment of applications involving extensions to existing dwellings, the guidance in Design Note 1D i), ii), iii) and iv) of the Council’s ‘Extending Your Home’ Supplementary Planning Document (the ‘SPD’) identifies a series of principles and recommended spacing distances which are equally relevant to applications involving the provision of new housing as follows:

- Windows to habitable rooms at ground level should not enable or allow an unrestricted view into neighbouring garden areas or into ground floor windows of any other property.
- Windows to first floor habitable rooms that overlook neighbouring garden areas should be a minimum of 10.5 metres from boundaries they face.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.
- Extensions sited adjacent or close to a boundary should have a blank side facing the neighbour, obscure glazing and non opening windows, or be screened by a fence or wall that extends above eye level when viewed from within the extension.

Objectors opine that the proximity of the proposed building to existing dwellings would have a harmful impact on their amenity, particularly due to a loss of privacy from overlooking. The proposed building would be two storeys in height and includes habitable room windows across all elevations at ground and first floor levels. In addition, a number of balconies are proposed at first floor level in both 'Juliet' (with glazed balustrades across the doors and no protruding platforms) and protruding (limited to the east and north facing elevation) formats.

The minimum spacing distances achieved between habitable room windows in the building's elevations and the closest neighbouring dwellings (including their garden boundaries) to the northwest (The Sidings) south (Warton Street and Birch Street) and east (West Cliffe) meet or exceed the relevant separation distances in design note 1D ii) and iii) of the SPD. Whilst concerns have been raised regarding the use of balconies in the building's southern elevation and the views these may provide towards the rear gardens of dwellings on Warton Street, all balconies across the southern elevation are of a 'Juliet' style and so would not lead onto platforms that could be used to sit out or provide any greater views than could be obtained from a window in the same elevation.

Objectors also refer to potential overlooking of the outbuilding to the rear of nos. 47-49 Warton Street and a dwelling granted by other planning permissions (most recently application 20/0014) to the rear of no. 45 Warton Street. However, the outbuilding to the rear of nos. 47-49 is not a separate dwelling and does not include habitable room windows facing the site and the planning permission granted by 20/0014 lapsed on 02.03.23 without being implemented and so is not extant (though for the reasons given below, the presence of the proposed development would not necessarily stymie any future development on that adjacent site, subject to its detailed design). Moreover, the density of surrounding development is such that similar (or heightened) levels of mutual overlooking are commonplace in the area (e.g. first floor windows in nos. 1 Birch Street and 6 Wharf Street facing across the far end of the rear gardens of nos. 43-49 Warton Street, or Windows in the southern elevation of The Mariners facing the rear gardens and outbuildings of nos. 17-27 Warton Street).

The spacing distances recommended in design notes 1D ii) and iii) of the SPD would not, however, be achieved with existing dwellings to the northeast on West Cliffe – where 2 habitable room windows and a balcony in the building's northern elevation (to apartment 18) would be located *circa* 5m (rather than 10.5m) away from the rear garden boundaries of nos. 21 and 23 – and to the west/southwest on Wharf Street – where spacing distances between existing and proposed habitable room windows would fall below 21m. Nevertheless, it is considered that any adverse effects on existing occupiers arising from these relationships would be avoided and/or mitigated for the following reasons:

- The two first floor habitable room windows in the north side of apartment 18 are to be obscurely glazed and non-opening. This would prevent any unacceptable overlooking towards the rear gardens and elevations of nos. 21-23 West Cliffe. In addition, a 2m high obscurely glazed privacy screen would be erected along the north side of the protruding first floor balcony to the northeast corner of apartment 18 to prevent any directly overlooking towards neighbouring dwellings.
- The direct line of sight from the centre of the Juliet balcony on the protruding gable to the southwest corner of first floor apartment 13 would be onto the crossroad junction of Wharf Street and North Warton Street. Views back towards windows in the north facing elevation of

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

no. 6 Wharf Street would be at an oblique angle, indirect and, in combination with the distance over which they would occur, would not cause the privacy of the occupiers of no. 6 Wharf Street to be unduly compromised.

- Windows in the building's western wall facing those in the front of nos. 7-15 Wharf Street would be located a minimum of 19m away (with that in the closer chamfered gable set at an angle to face away from those properties). In comparison, spacing distances between windows in the opposing two storey front elevations of other existing dwellings on Wharf Street – between nos. 1-5a on the west side of the street and nos. 2-6 on the east side – range from a minimum of approximately 9.25m to a maximum of approximately 10.9m. Therefore, in the context of the typical density and spacing achieved between dwellings on Wharf Street, the proposed 19m separation distance will ensure that the development would be compatible with the general levels of mutual overlooking typical in the area and would not result in an unacceptable loss of privacy for existing dwellings at nos. 7-15 Wharf Street.

Concerns have also been raised regarding the scale of the proposed development in relation to neighbouring dwellings. However, as set out above in relation to the scheme's impact on the character and appearance of the area, the building, whilst larger in its overall 3-dimensional scale, has been limited to two storeys in height to respect the prevailing storey height of surrounding dwellings, it has been set away from the site perimeter, its massing has been split across a series of individual sections and its roof hipped to slope away from the site boundaries in order to reduce its overall bulk when seen from neighbouring dwellings. Therefore, whilst the outlook from neighbouring dwellings across the presently open site will change as a result of the development, its layout, scale and design will ensure that it does not appear as an unacceptably dominant or imposing addition in the outlook of surrounding properties or have any undue effects through overshadowing or loss of daylight.

Objectors refer to various issues which arose during the construction period for The Sidings development including damage to surrounding properties, noise, dust, vibration, contractor parking and traffic blocking surrounding roads. Whilst it is recognised that there will be some disturbance and inconvenience to surrounding occupiers during the construction period, such issues are synonymous with all development projects undertaken in situations where sites are surrounded by existing buildings and, in turn, are unavoidable. Accordingly, permission could not be refused on these grounds as that would mean that no development could ever be allowed to occur on sites surrounded by existing buildings. Instead, the test in this case is not whether neighbouring occupiers would experience *any* disturbance during the construction period but, instead, what measures should be put in place to mitigate and minimise the effects of building operations. In this case, a pre-commencement condition has been recommended requiring the submission of a Construction Method Statement (CMS) to provide details of mitigation measures to be put in place to minimise the development's effects in this regard.

With respect to potential damage caused to neighbouring properties, although the intention of the CMS will be to minimise and monitor effects relating to matters such as vibration, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, issues relating to any damage caused to surrounding properties while carrying out a development are private, civil matters between adjoining landowners which are dealt with under separate legislation (the Party Wall Act 1996) which falls outside the remit of the planning system and so are not material planning considerations.

Future occupiers:

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

For the same reasons set out above with respect to the development's spatial relationship with existing properties, future occupiers of the apartments will experience a good standard of amenity and privacy commensurate with the density and character of surrounding development.

Objectors opine that the proposal would result in an overdevelopment of the site owing to, among other issues, a perceived lack of outdoor amenity space for future occupiers. It is, however, the case that the whole of the building's footprint would be encircled by a footpath and soft landscaped gardens with seating providing a setting to the building. Whilst it is recognised that these external spaces, taken in isolation, would be limited and, to varying degrees, exposed in public views, future occupiers of the development would also benefit from unrestricted access to the much larger private communal gardens to the north and east of The Sidings. When these two areas are taken in combination, the proposed development would satisfy the requirements of FLPPR policy H2 which require developments involving specialist accommodation for the elderly to include sufficient outside landscaped gardens with seating.

Although surrounding uses are predominantly residential in character, the application is accompanied by a noise assessment which, with reference to the assessment undertaken in connection with application 17/0738, considers the effects of noise generated by neighbouring uses on the amenity of future occupiers. The noise assessment concludes that, in order to mitigate the effects of noise generated from passing road traffic, the nearby supermarket and railway line during the night-time period, windows will need to be kept closed and alternative means of passive ventilation provided to meet the internal noise levels in BS8233. As with the mitigation introduced for The Sidings, this will require the installation of specialist glazing with trickle vents. A condition has been recommended to secure the implementation of the mitigation measures identified within the noise assessment to ensure that future occupiers of the development do not experience any adverse amenity impacts from noise disturbance.

For the reasons set out above, the proposed development's layout, scale, spacing and fenestration arrangement in relation to neighbouring buildings would be compatible with the density and character of surrounding development and the levels of mutual overlooking typical in the area in order that the proposal would not have any adverse impacts on the amenity and privacy of existing occupiers through loss of outlook and daylight, overshadowing or overlooking. It would also achieve a good standard of amenity for future occupiers in accordance with the objectives of FLPPR policies H2 and GD7, and the NPPF.

Highways:

Policy context:

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

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

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

The ‘Provision of Parking on New Developments’ SPD was adopted for this purpose by the Council on 17.10.23. The map in Figure 4 of the SPD shows the application site to fall within an area of “high accessibility” where the level of parking provision required for developments is reduced due to their accessibility by other modes of transport. Table 2 of the SPD indicates the following parking standards for new developments involving “class C2 Residential care homes/nursing homes”, “purpose-built 100% specialist accommodation for the elderly (in accordance with Local Plan Policy H2)” and “sheltered housing/ housing specifically aimed at older people” within these areas:

- 1 space per 6 residents.
- 1 space per 3 dwellings.
- 1 space per 2 dwellings (1 per 3 dwellings if a care element is included in the provision).

In addition, the “density” subsection of FLPPR policy H2 states that “when considering a proposal for a significantly higher density development [...] particular attention will be paid to ensuring that there is no unacceptable impact on highway safety and that sufficient car parking is provided on-site”. Furthermore, the second and fourth criterion relating to developments providing 100% specialist accommodation for the elderly, including residential care homes, states that proposals will be approved providing that they provide “access and parking for vehicles well separated from pedestrian routes [and] convenient access arrangements for vehicles providing hospital transport.”

Paragraph 111 of the NPPF sets out 5 criteria (a – e)) that should be taken into account when setting local parking standards for residential and non-residential development as follows:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

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

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

Assessment:

The principal means of access to the development (including vehicular access) is proposed from via the former AXA car park entrance from West Cliffe within the eastern site boundary. Minor modifications would be made to the existing access to alter kerb radii and widen this to create a separate pedestrian entrance connecting to the footway of West Cliffe. Separate, pedestrian-only access points would be created to the southwest corner of the site (onto the footway at the crossroad junction of Wharf Street and North Warton Street) and into The Sidings to the northwest boundary. The main access from West Cliffe would open onto a hardstanding forecourt providing a total of 13 car parking spaces (including two disability spaces), a large turning head to the front of the building for vehicle manoeuvring, drop-off and ambulance waiting, a communal storage building for refuse, mobility scooters and bicycles, along with two cycle stands adjacent to the main entrance on the building’s eastern elevation.

The application is accompanied by a Transport Statement (TS). Utilising average trip rate survey data from other sites providing the same type of accommodation operated by the same developer, the TS estimates that “during the week the total 12 hour daily traffic generation is 26 vehicles, with no more than 4 two-way trips being generated in any one hour [peaking at 11am and 2pm]” and “the weekend average traffic generation is lower than the weekday average, with 12 hour vehicular totals of 18 and no more than 2 two-way trips being generated in any one hour”. The Local Highway Authority (LHA) accept that the trip rates set out in the TS are “representative of this type of development” and agree that “the number of pedestrian and vehicle movements associated with the development are unlikely to materially impact on it [road safety]”. As a result, there is no reason to suggest that the residual cumulative impacts of the development on the capacity of the surrounding highway network would be severe.

The LHA also opine that the proposed means of access to the development is acceptable subject to the imposition of conditions requiring the agreement of a scheme “to provide a kerbed radius and pedestrian dropped kerbs” at the site access, along with the reconstruction of the short length of footway between North Warton Street and the site access. Given that substantially the same access previously served the AXA car park, the low levels of traffic that would be generated by the development and the segregation between pedestrian and vehicular traffic that would be provided at the access and through the parking forecourt (including to the storage outbuilding), there is no reason to conclude differently to the LHA. Accordingly, the development would achieve a safe and suitable means of access for all users.

Objectors opine that the level of off-street parking (including the number of disability parking spaces) provided for the scheme would be substandard and displace vehicles from the development onto surrounding streets, thus increasing demand for on-street parking, causing conflicts with existing residents and increasing congestion which would be detrimental to highway safety. Objectors also assert that the installation of any electric vehicle charging points should not result in those spaces being reserved for that type of vehicle alone and that the development should include the widening of the narrow (*circa* 0.9m wide) footway along the north side of North Warton Street to improve its usability.

The application is accompanied by a parking statement. This considers parking demand arising from residents, staff and visitors and provides the results of parking surveys undertaken in April 2023 at 12

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

other sites operating the same type of accommodation. In summary, the parking statement indicates that:

- **Parking demand from residents** – The restrictions to occupation for residents with assessed care and support needs gives an average age for residents of over 80. Many of the residents will have mobility/dexterity/vision problems or conditions which prevent them from driving. These are factors which result in a low level of car ownership in the long term and most demand for resident parking is from couples in larger apartments where the partner has no, or lesser, care needs. However, occupancy and age restrictions control the nature and size of households, there is typically a 2-3 year lag time between developments completing and being fully occupied and by this time many of the first residents will have chosen to cease car ownership due to their circumstances and/or the availability of other modes of transport (including mobility scooters).
- **Parking demand from staff** – This varies according to occupancy levels, though the 18 extra apartments are likely to require 1 extra member of staff and carers working in shifts tend to live locally. The site has good access to public transport and staff will have access to parking spaces across both this development and The Sidings.
- **Parking demand from visitors** – These visits are unpredictable, but durations are likely to be short and peak during the evenings and weekends. Parking within the development is managed, regular car park users (residents and staff) are registered and unauthorised users are excluded to ensure that parking is for the benefit of residents, staff and visitors.
- **The April 2023 parking survey** – Indicates that the number of residents with cars ranges from a minimum of 50% and a maximum of 88% of the total parking provision made at 12 existing sites operating the same model with a maximum of 69% car parking provision relative to the number of apartments. This affords a residual spare capacity which is available for use by staff and visitors.

The proposed development includes provision for 13 car parking spaces, including two dedicated spaces for disabled users in line with paragraph 6.20 of the Parking SPD which requires “one space in every 10 spaces [i.e. 10%] provided in total [to] be a space for disabled users”. This equates to 72% parking provision for the development relative to the 18 apartments provided. In addition, users of the development would also have access to the existing parking provision of 52 spaces at The Sidings (equating to 80% parking provision for the 65 apartments in that scheme) as the two sites would function together.

The application involves the provision of extra care housing within use class C2. Table 2 of the SPD does not include a specific category for this type of housing, though applying the worst-case scenario for uses involving “purpose-built 100% specialist accommodation for the elderly (in accordance with Local Plan Policy H2)” and “sheltered housing/ housing specifically aimed at older people” would require the provision of 1 space per 3 dwellings (where care is included) in areas of high accessibility within which the site falls. In this case, that would translate to a minimum parking provision requirement of 6 spaces for the 18 dwellings proposed by this scheme. The 13 parking spaces to be provided by the development are, therefore, more than double the minimum parking requirement set out in the SPD. In combination with the parking survey data for existing sites provided by the applicant for the purposes of benchmarking, there is no reason to conclude that the level of dedicated parking provision for the development would be deficient for the purposes of FLPPR policy T5 or, in turn, result in a degree of parking displacement onto surrounding streets which would unacceptably affect highway safety. The same conclusion is reached by the LHA who opine that “the number of car parking spaces is adequate, as such no objections are raised to the layout or number of spaces proposed”.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The site plan shows that electric vehicle (EV) charging points are to be installed to the rear of all 13 car parking spaces to provide a charging facility for each space. The applicant has indicated that this is due to a recent change in the Building Regulations and does not mean that all 13 spaces will be reserved for EVs. It is noted that EV charging points have been installed to 6 car parking spaces at The Sidings and that signage for these spaces indicates these are for “EV Parking Only”. The applicant has indicated that they will review this to ensure that the number of parking spaces at The Sidings reserved in this way is monitored and rationalised according to demand. The applicant has, however, confirmed that no such restrictions will be imposed for this development. An appropriate condition has been imposed to ensure this remains the case.

The scheme does not include provision for widening the existing footway on North Warton Street, nor has this been requested by the LHA. Moreover, the development includes a dedicated 1.5m wide footpath running east-west through the site between West Cliffe and Wharf Street which means that residents would be able to travel to and around the site without the need to use the footway on North Warton Street. Furthermore, the low levels of additional footfall likely to be generated by the development would not require or justify the widening of the footway and so would not be fairly and reasonably related in scale and kind to the development.

For the reasons set out above, the proposed development would achieve a safe and suitable means of access to the site for all users, includes an appropriate level of parking provision, would not generate a degree of additional movement which would have a severe residual cumulative impact on network capacity and would not have a harmful effect on highway safety. The proposal is therefore in accordance with the requirements of the Provision of Parking on New Developments SPD, FLPPR policies GD7 and H2, and the NPPF.

Other matters:

Affordable Housing and other Infrastructure contributions:

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

As the development involves the provision of 18 dwellings it exceeds the 10-unit threshold where affordable housing and other infrastructure contributions may be required in accordance with the provisions of FLPPR policies H4, INF2, HW1 and ENV4. However, the nature of the accommodation to be provided – specifically that this would be restricted to people aged over 55 with an identified care need – means that the development is not liable for all contributions normally applicable to market-led housing schemes. In particular, FLPPR policy H2 sets out the circumstances where developments involving the provision of care will be exempt from affordable housing contributions and those aspects of policies INF2 and ENV4 which require contributions towards the provision of education and public open space are not applicable to developments of the nature proposed in this case.

Affordable Housing:

FLPPR policy H4 requires “all market housing schemes of 10 or more homes [...] to provide 30% affordable housing”, with a presumption that affordable housing is to be provided on the application site. However, the subsection to policy H2 titled “Specialist Accommodation for the Elderly” states

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

that “on sites where 100% specialist accommodation for the elderly is proposed [as defined in the policy] affordable housing contributions will not be sought”.

In addition, paragraph 66 of the NPPF states that “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development: b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)”.

In this case, the proposed extra care housing would comprise a residential institution within use class C2. The future occupation of the apartments would be controlled by planning obligation in a manner which would restrict the identity of future occupiers in order that the scheme involves 100% specialist accommodation for the elderly. In turn, and with this obligation in place, the nature of the proposed development satisfies the exemption in FLPPR policy H2 (and, laterally, paragraph 66 of the NPPF) where it is not required to contribute to the provision of affordable housing.

Healthcare:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include “community facilities providing for the **health (i.e. new or enhanced healthcare facilities)** and wellbeing, social, educational (i.e. schools), spiritual, recreational, leisure and cultural needs of the community” (emphasis added). FLPPR policy HW1 d) states that “the Council will integrate public health principles and planning to help reduce health inequalities by: seeking land or financial contributions, where appropriate and viable, towards new or enhanced healthcare facilities from developers where new housing results in a shortfall or worsening of provision”.

In addition, paragraph 97 b) of the NPPF states that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

The response from the Lancashire and South Cumbria Integrated Care Board (ICB) dated 29.09.23 indicates that the proposed dwelling mix is anticipated to generate 34 new patient registrations at the closest GP Practice (Holland House Surgery, Lytham). A contribution of £9,323 is sought from the ICB towards the reconfiguration of the existing practice to provide additional clinical capacity for the anticipated population generated by the development.

Public realm improvements:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion i) of the policy identifies that this may include “Public realm – the public realm needs to be designed appropriately, to reflect the character and appearance of an area, including landscaping, street furniture and materials and to ensure that it is appropriately managed and maintained so as to add to the quality and distinctiveness of the particular area.

The planning obligation for The Sidings development (application 17/0738) included a contribution equivalent to £1,000 per dwelling “towards a scheme of public realm improvements on Clifton Street, Lytham St Annes” (the “Public Realm Contribution”). Given the site’s close proximity to Clifton Street

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

(and, indeed, within Lytham Town Centre of which Clifton Street forms the main connecting thoroughfare to the development), a proportionate in-kind contribution of £1,000 per dwelling is also sought from this scheme.

Monitoring fees:

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

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

The Council's strategy for monitoring fees follows the process highlighted in bold above – that a fixed fee will be charged per obligation contained in each agreement for in-kind contributions. This fee is charged at a rate of £300 per trigger for each contribution (for example, if commuted sum payments towards healthcare and public realm improvements were made in single instalments, the monitoring fee would be £600) and will be payable on completion of the obligation (that being the point when the monitoring period commences). As the precise triggers for each contribution required in this case are unknown at this stage (they are to be determined through the drafting of the S106 agreement), the resolution sets out the approach and charges that will be applied rather than specifying a figure.

Summary and mechanism for securing contributions:

Restrictions must be imposed to ensure that future occupiers of the development meet certain criteria relating to their age and care needs in order that the extra care apartments fall properly within use class C2. In addition, the proposed development is required to make commuted sum payments towards healthcare and public realm improvements, along with an appropriate monitoring fee. The resolution at the end of the report requires these provisions to be secured through a planning obligation entered into pursuant to S106 of the Town and Country Planning Act 1990.

Ecological effects:

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

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

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

The application is accompanied by an Ecological Appraisal (EA) which assesses the development's effects on the value of existing habitats and ecological features within the site, along with the potential for the presence of protected species. The EA includes the following conclusions and recommendations in this regard:

- **Habitats** – The site is dominated by hardstanding with very limited botanical or ecological interest. Habitats of greater ecological value were present in the form of a single sycamore tree and conifer shrubs. The removal of these should be compensated for with new native tree and hedge planting.
- **Bats** – Existing buildings on the site offer high potential to support roosting bats. However, no evidence of bats was recorded internally or externally during the inspection and no bats were recorded to emerge or return to the building during the nocturnal surveys. It is therefore considered that roosting bats are not a statutory constraint to the proposed works. Three bat boxes will be integrated into the new structure which will be positioned on southeast aspects. These will comprise Schwegler 1FR Bat Tubes (or similar).
- **Birds** – The buildings, conifer shrubs and sycamore tree on the site offer some potential to support nesting birds. These features should be removed outside the bird breeding season (March to August inclusive) to avoid the disturbance or destruction of active nests. If this is not possible then the buildings, conifer shrubs and the tree should be checked prior to works. A total of four bird boxes will be integrated into the new unit comprising two Schwegler 1SP Sparrow Terraces and two Schwegler No. 16 Swift Boxes (or similar).
- **Designated sites** – The Site is located approximately 450m north of Ribble and Alt Estuaries SPA and Ramsar. The SPA is designated due to the internationally important populations of waterbirds that overwinter at the site. No direct impacts to any of the statutory designated sites are anticipated due to their distance from the Site, baseline habitats on site, and nature of proposals. Increases in recreational pressure are expected to be limited given the size and nature of the proposals.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

GMEU have commented on the details contained with the applicant's EA. In summary, they do not disagree with the methodologies, conclusions and recommendations in the survey and consider that the development's ecological effects can be addressed through the imposition of conditions which: i) require the installation of the bat and bird boxes mentioned in paragraphs 4.13 and 4.18 of the EA; and ii) restrict the timing of works associated with the demolition of the existing building and removal of vegetation on the site so that these occur outside the bird nesting season (between 1 March and 31 August). Accordingly, it is considered that the implementation of appropriate and proportionate mitigation measures can be dealt with through the imposition of conditions to ensure that the proposed development does not adversely affect existing habitats and/or the favourable conservation status of protected species on the site in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

The site also falls within the Impact Risk Zone (IRZ) of the Ribble and Alt Estuaries SPA and Ramsar. Guidance on Natural England's 'Magic Map' advises that "new residential developments in this area should consider recreational disturbance impacts on the coastal designated sites. Please consider this issue in the HRA screening." Therefore, a proportionate assessment of impacts relating to recreational disturbance arising from the development is required via the screening stage of the Habitat Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). GMEU do not disagree with the EA's conclusion that the size and nature of the proposal will limit any increases in recreational disturbance and advise that "we [GMEU] consider it extremely unlikely that a small development of specialist accommodation for the elderly would result in a significant effect on the special interest of the SPA". Accordingly, it is concluded that any impacts on the Ribble and Alt Estuaries SPA and Ramsar arising from the development in relation to recreational disturbance would be nugatory and therefore any risk is only hypothetical. As a result, any likely significant effects on this designated nature conservation site can be screened out at stage 1 of the HRA process and there is no need to progress to an Appropriate Assessment for the LPA to discharge its obligations as a competent authority for the purposes of the Habitat Regulations. It is also the case that Natural England's response does not advise that an Appropriate Assessment is required and they opine that "if your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England."

Biodiversity net gain:

The Environment Act 2021 makes a 10% biodiversity net gain (BNG) mandatory for all but exemptions and small sites from an as-yet unconfirmed date, currently anticipated in January 2024. This 10% uplift is set against a benchmark figure for the site's pre-development habitat value, with both calculated using the biodiversity metric published by Natural England. The metric calculates values as 'biodiversity units' which are influenced by the size of the habitat, its quality and location.

At present, the secondary legislation to mandate the 10% BNG requirement in the Environment Act has not come into force and transitional arrangements mean that it will not apply retrospectively to applications submitted prior to the mandate coming into force. However, paragraphs 180 d) and 186 d) of the NPPF state that planning decisions should "[minimise] impacts on and [provide] net gains for biodiversity" and that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can **secure measurable net gains for biodiversity**" (emphasis added). In addition, criterion d) to subsection 2 of FLPPR policy ENV2 indicates that where development is permitted that might have an adverse effect on a priority species or its habitat, planning conditions or agreements will be used to "identify and pursue opportunities for securing measurable net gains for biodiversity". Accordingly, developments should, as a minimum, deliver a measurable net gain in biodiversity to meet these objectives. In practical terms, this could be

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

very limited (e.g. 0.1%), but it must ensure an uplift against the current benchmark, rather than a net loss or neutral ('break even') position.

The applicant has provided a BNG report which includes details of pre and post development biodiversity units inputted using Natural England's standard 'Biodiversity Metric 4.0'. The headline results of this are summarised in section 5 of the BNG report and attribute scores of 0.29 habitat units and 0.01 hedgerow units to the pre-development baseline which comprises a site dominated by hardstanding with a single sycamore tree and short ornamental conifer hedge. Set against this, the creation of on-site habitats as part of the scheme – which include the introduction of shrubs, non-native ornamental hedgerows and urban trees in the quantities set out in section 4 of the BNG report – give post-development intervention scores of 0.45 habitat units and 0.10 hedgerow units. In turn, table 3 of the BNG assessment identifies the following on-site net biodiversity unit and percentage changes arising from the development:

Total net unit change	Habitat units	+0.16
	Hedgerow units	+0.09
	River units	0
Total net % change	Habitat units	+53.44%
	Hedgerow units	+874.65%
	River units	0

The BNG report indicates that the proposed development would result in a substantial net gain in both habitat units and hedgerow units against the pre-development benchmark through the creation of new on-site habitats as part of the development. Indeed, the degree of uplift far exceeds the minimum 10% requirement to be mandated by the Environment Act 2021. This is due largely to the low ecological value of the existing site (with the existing hardstanding which dominates most of the site scoring 0 in pre-development benchmarking) and the consequential effects arising from the introduction of new habitats as part of the development's soft landscaping strategy relative to this low benchmark. Nevertheless, with the proposed soft landscaping in place, the development will deliver a net gain in biodiversity units to ensure compliance with the current "measurable net gain" requirement in the NPPF. The delivery and future maintenance of the post-development habitat creation measures set out in section 4 of the BNG report can be secured by condition.

Flood risk and drainage:

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development, as required by the NPPF (paragraph 165). FLPPR policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible. Where discharge is allowed to a surface water sewer, policy CL2 indicates that evidence must be provided to demonstrate that capacity exists within that sewer, including relevant authorisation from the appropriate infrastructure provider.

The site is located in flood zone 1 as defined on the Flood Map for Planning and so is in an area at the lowest risk of flooding from fluvial and tidal sources. In addition, as the site is under 1 hectare in area there is no requirement for the application to be accompanied by a Flood Risk Assessment. The application is, however, accompanied by a drainage strategy and a copy of the 2017 flood risk

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

assessment prepared in connection with application 17/0738, as requested by the LLFA during the course of the application. The drainage strategy sets out the following principles for the disposal of foul and surface water from the site:

- Surface water discharge to ground water via infiltration is ruled out due to danger to receptor paths arising from contaminated soils on the site. As there are no surface water bodies nearby, it is proposed to discharge to the existing sewer system at a restricted rate of 7.1 l/s and to attenuate the 1 in 100 plus 30% storm by providing SuDs in the form of permeable paving, filter trenches and Vortex flow controls to restrict the discharge rate.
- Surface and foul water flows will connect to existing drainage apparatus on the site which discharges to the combined sewer in North Warton Street. However, the discharge of surface water and foul water networks will remain separate to the demarcation chamber where they will then connect to the existing combined sewer system.
- The finished floor level of the building will create a freeboard to ensure that excess water flow will be directed away from the proposed building.
- Currently 96% of the 2589 sqm site is hardstanding comprising of asphalt surfacing and low rise buildings. The proposed development removes the hardstanding and replaces it with 2000 sqm of area to be positively drained with 589 sqm as landscaping. Calculations show that no flooding occurs on site during various storm events.

The LLFA's comments dated 19.12.23 follow the submission of the detailed drainage strategy and indicate that they have no objections to this subject to the imposition of conditions requiring: i) the development to be carried out in accordance with the submitted strategy; and ii) the submission of a report to verify the construction of the surface water sustainable drainage system. The LLFA 's response also notes that the proposed discharge rate identified in the drainage strategy is reliant on an agreement with United Utilities which dates back to 2017 and that any application to discharge conditions should be accompanied by evidence to demonstrate that the agreement with United Utilities to discharge surface water to their asset at the same rate is still in place.

United Utilities have not commented on the current application. However, correspondence from them associated with the flood risk assessment prepared for application 17/0738 indicates that they acknowledge a pre-existing discharge from the site to North Warton Street and an 'in-principle' agreement for this existing situation to continue at a reduced flow rate of 30 l/s across the site as a whole (which was split between the existing Sidings site and the application site). In the absence of any comments to the contrary from United Utilities, there is no reason to doubt that this 'in-principle' agreement remains in place. It has, however, been highlighted to the applicant that the delivery of the proposed drainage strategy relies on a previous agreement with United Utilities and they have been advised to contact United Utilities directly to ensure this remains in place. The wording of the proposed drainage condition does, therefore, allow for the submission of an alternative drainage strategy in the event that United Utilities alter the position expressed in 2017. Nevertheless, with this condition in place there is no reason to conclude that the development would be at an unacceptable risk of flooding, would increase flood risk elsewhere or that an appropriate means of disposal for foul and surface water could not be achieved in accordance with FLPPR policies CL1 and CL2, and the NPPF.

Contamination:

FLPPR policy GD9 states that development will be encouraged on previously developed land that may be contaminated as result of previous uses provided that three criteria relating to: a) evidence of satisfactory site investigation; b) the stability of surrounding areas; and c) evidence of remedial and mitigation measures, are met. Similar requirements are identified in paragraphs 124 c), 180 f) and 189 of the NPPF.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The application is accompanied by a phase II site investigation report and phase III remediation strategy which include the following observations and recommendations:

- Contamination was recorded within the made ground and natural ground in several locations at the site in the form of elevated levels of Polycyclic Aromatic Hydrocarbons (PAH), BTEX, visible tar, arsenic, lead and mercury. Groundwater samples from boreholes also identified hydrocarbon contamination and pipework containing tarry water was also found.
- Principal remediation actions include: i) removal of all hardstanding (asphalt and subbase) and any subsurface slabs in their entirety; ii) decommissioning of any remaining boreholes; iii) areas of ground requiring excavation and removal from the site (those contaminated by the sources identified in the phase II report) shall be directly excavated onto haulage lorries or if this is not achievable, stockpiled in a designated area to await disposal. Material designated as hazardous waste should be stockpiled separately from any non-hazardous waste; iv) deeper tarry impacted ground and old pipework will be removed as encountered throughout the earthworks; v) dewatering of excavated areas to be collected and treated on site prior to disposal to a sewer; vi) construction of a piling mat and removal of piling arisings; and vii) the installation of a gas-proof membrane for the building.
- A capping layer is required in all areas of landscaping and should comprise a geotextile membrane at the base, then 300 mm of clean, imported subsoil and topsoil. Any imported fill such as subsoil or topsoil used at the site should be sourced from a suitable provider of such material, who should provide recent chemical testing certificates of the material destined for the site. Testing of imported fill would also be required once in-situ.
- Following the completion of the remediation works, all records of works undertaken, borehole decommissioning records, gas membrane certificates of conformity, duty of care certificates, imported soil chemical testing certificates and details of any environmental monitoring undertaken shall be provided in a verification report submitted to the regulatory authorities for approval.

The Council's Environmental Protection Service have confirmed that the remediation strategy set out in the phase III report will ensure an appropriate means of dealing with sources of contamination at the site. Accordingly, the implementation of this strategy and subsequent verification of it being carried out successfully is to be secured by the imposition of an appropriately worded condition to meet the objectives of FLPPR policy GD9 and the NPPF.

Whilst objectors opine that the use of railings, rather than a wall, along the boundary with North Warton Street would be less favourable as a means of creating a barrier to contamination, the requirements of the remediation strategy apply equally to that part of the site and so the type of boundary treatment installed would not affect potential pollution pathways as the ground on which the boundary treatment stands would already have been remediated.

Conclusions

The application relates to a broadly rectangular parcel of land extending to *circa* 0.26 hectares located on the north side of North Warton Street between Wharf Street and West Cliffe, Lytham. The site has previously been used as the car park of the former AXA offices and, more recently, as a construction compound in association with the recently completed 'Sidings' development which provides 65 extra care apartments for occupiers aged over 55 on neighbouring land to the northwest. The site falls within the settlement and Town Centre boundaries of Lytham and is allocated for housing (site reference 'HS14') on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The application seeks permission for the redevelopment of the site to provide up to 18 extra care apartments for occupiers aged over 55. The apartments would be contained within a two storey building occupying a broadly rectangular footprint to the western part of the site, with associated parking and an ancillary storage building on the eastern part. Vehicle access into the site would be from West Cliffe, achieved by modifying the former AXA car park access, with separate pedestrian accesses onto Wharf Street within the western boundary and into The Sidings within the northern boundary. The development would form an extension of The Sidings and would have shared access to the existing facilities at that site and the accommodation would be offered subject to the same restrictions concerning the age and care needs applicable to future occupiers. Accordingly, the proposed use would fall within class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed use is one which is inherently residential in character and would make a proportionate contribution to the supply of housing land within the borough. In addition, the site occupies a highly accessible location within one of the Key Service Centres and Strategic Locations for Development identified in the local plan, and would make efficient use of previously developed land. Therefore, it is a suitable location for the nature of the development proposed and would accord with the development strategy of the local plan. It would also be compatible with the prevailing residential character of surrounding land uses.

The apartment building would be set across two storeys and presents active frontages to all elevations with a strong sense of rhythm and symmetry to its elevations which reflect the character of nearby buildings and respect the storey heights of those which surround it. The three-dimensional scale and massing of the building would be broken up through a combination of split-level hipped roofs, protruding gables and recessive walls across a stepped footprint which narrows from west to east. The building would be set back from the roadside behind a landscaped perimeter and, in addition to the legibility of its elevations, its use of mixed hard and soft landscaping and boundary treatments would ensure a high quality design that assimilates sympathetically with its surroundings. In addition, the proposed development's relationship with nearby heritage assets would ensure that it does not harm their significance.

The development's layout, scale, spacing, landscaping and fenestration arrangement in relation to neighbouring buildings would be compatible with the density and character of surrounding development and the levels of mutual overlooking typical in the area in order that the proposal would not have an adverse impact on the amenity and privacy of existing occupiers through loss of outlook and daylight, overshadowing or overlooking. It would also achieve a good standard of amenity for future occupiers.

The site occupies a highly accessible location with good access to public transport and nearby shops and services within Lytham Town Centre by means of transport other than private car. The proposed vehicular and pedestrian accesses into the site would achieve a safe and suitable means of access for all users and the level of parking provision meets (and exceeds) the standards set out in the Council's 'Provision of Parking on New Developments' Supplementary Planning Document. In combination with the limited level of additional traffic which would be generated by the development, the proposal would not have any unacceptable impact on highway safety or give rise to severe effects on the capacity of the surrounding highway network.

As the proposal involves the provision of specialist accommodation for the elderly with a care need within use class C2, it is not required to contribute towards the provision of affordable housing to make the development acceptable in planning terms. However, those occupancy restrictions for future occupiers, along with proportionate financial contributions towards healthcare and public

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

realm improvements in Lytham, are required and must be secured through the completion of a planning obligation.

The development would deliver measurable net gains in biodiversity at the site and appropriate measures can be put in place to ensure it would have no harmful effects with respect to impacts on ecology, flood risk and contamination. Accordingly, no adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Recommendation

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

Stipulation 1:

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

- c) Restrictions on the eligibility of future occupiers of the development to people over 55 years of age with a care need.
- d) A contribution of £1,000 per dwelling towards a scheme of public realm improvements on Clifton Street, Lytham.
- e) A contribution of £9,323 towards addressing the expected shortfall in Primary Care capacity to serve the occupants of the development to be spent in connection with the provision of additional clinical capacity at Holland House Surgery, Lytham.
- f) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in b) and c) above.

Stipulation 2:

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

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

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

2. This permission relates to the following plans:

- Drawing no. 00027-XX-T-PL-900-006 – Location plan.
- Drawing no. 00027-XX-T-PL-900-004 Rev P1 – Site plan.
- Drawing no. 00027-XX-T-PL-900-001 Rev P1 – Floor plans.
- Drawing no. 00027-XX-T-EL-900-002 Rev P1 – GA elevations.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- Drawing no. 00027-XX-T-SE-900-003 Rev P1 – Sections.

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. All occupiers of the apartments hereby approved shall have unrestricted access at all times to the communal facilities (including, but not limited to, the restaurant, residents' lounges, hair salon, activities & crafts room, cinema and communal gardens) located within the development known as 'The Sidings, Wharf Street, Lytham, FY8 5DP' granted by planning permission 20/0417 and the connecting pedestrian route between the development hereby approved and 'The Sidings' annotated as "pedestrian connection to existing building" on drawing no. 00027-XX-T-PL-900-004 Rev P1 shall be constructed and made available for use before any of the apartments hereby approved are first occupied. This connecting pedestrian route shall be retained as such and remain unobstructed thereafter.

Reason: To ensure that future occupiers of the development have unfettered access to the communal facilities at 'The Sidings' in order that the development functions properly as a retirement community with the shared, communal facilities required for developments involving the provision of specialist accommodation for the elderly in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy H2.

4. 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 surrounding buildings and the area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2 and GD7, and the National Planning Policy Framework.

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
 - a) hours and days of work for site preparation, delivery of materials and construction;
 - b) areas designated for the loading, unloading and storage of plant and materials;
 - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
 - d) arrangements for the parking of vehicles for site operatives and visitors;
 - e) arrangements for vehicle manoeuvring to be made within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- i) measures to protect vulnerable road users (pedestrians and cyclists);
- j) measures to control the emission of dust and dirt during the construction period;
- k) measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
- l) a nominated person who will act as the 24 hour point of contact in the event of any emergencies;
- m) the siting, luminance and design of any external lighting to be used during the construction period;
- n) the erection and maintenance of security hoarding;
- o) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the remediation of contamination on the site shall be carried out in full accordance with the details and timetable contained within the document titled 'Options Appraisal and Remediation Strategy Report' (document reference S11978-JNP-XX-XX-RP-G-0003, dated October 2023) by JNP Group Consulting Engineers. A verification report confirming the implementation of the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied.

Reason: To ensure the safe development of the site and to secure appropriate remediation of any contamination in order to prevent pollution of the surrounding environment in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 and the National Planning Policy Framework.

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Reason: To ensure a satisfactory relationship between the development and surrounding buildings and/or land uses before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2 and GD7 and the National Planning Policy Framework.

8. Unless an alternative strategy for the disposal of foul and surface water from the development has first been submitted to and approved in writing by the Local Planning Authority, foul and surface water from the development shall be disposed of in accordance with the details contained within the document titled 'Drainage Strategy' (document reference 00027-652, dated November 2023) by Adlington Retirement Living. The measures contained within the Drainage Strategy which are designed to restrict the rate of surface water discharge from the site (specifically those referenced in paragraph 3.4 and shown in Appendix A of the Drainage Strategy) and all other drainage infrastructure and apparatus shall be fully installed and made available for use before any of the apartments hereby approved are first occupied. The duly installed drainage system shall thereafter be maintained in accordance with the 'Operation and Maintenance Manual' contained in Appendix C of the Drainage Strategy.

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 and subsequent maintenance of the drainage system in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

9. None of the apartments hereby approved shall be occupied unless and until a Verification Report for the construction of the surface water drainage system installed pursuant to condition 8 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall: i) demonstrate that the surface water drainage system installed pursuant to condition 8 of this permission has been constructed in accordance with the duly approved scheme (or any approved variation of it) and is fit for purpose; and ii) contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures). The surface water drainage system shall thereafter be retained in accordance with the details in the duly approved Verification Report.

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

10. None of the apartments hereby approved shall be occupied until a scheme for the siting, layout, design and construction of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
 - a) The modification of the existing site access onto West Cliffe to provide a suitable kerbed radius and pedestrian dropped kerbs on both sides of the access.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- b) The re-construction of the full length of footway located on the west side of West Cliffe from the north side of the junction of North Warton Street up to (and including) the site access.

The highway improvement works shall be implemented in full accordance with the duly approved scheme and made available for use before any of the apartments hereby approved are first occupied.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to ensure a safe and suitable means of access to the site for all users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7, and the National Planning Policy Framework.

11. The 13 vehicle parking spaces and vehicle turning head/drop off/ambulance waiting area identified on drawing no. 00027-XX-T-PL-900-004 Rev P1 shall be constructed and marked out in accordance with the details shown on the approved plan and made available for use before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure adequate provision for off-road vehicle parking, waiting (including for emergency vehicles) and manoeuvring in the interests of highway safety and the amenity of future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2, GD7 and T5, and the National Planning Policy Framework.

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

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

13. Notwithstanding the requirements of condition 12 of this permission, all 13 of the vehicle parking spaces shown on drawing no. 00027-XX-T-PL-900-004 Rev P1 and constructed pursuant to condition 11 of this permission shall be made available for the parking of any type of vehicle within them and their use shall not be reserved or otherwise restricted in any way for the parking of plug-in and/or other ultra-low emission vehicles.

Reason: To ensure that the level of parking provision to be made by the development is maintained without any restriction being imposed to the use of the spaces by vehicle type (including its fuel type) in order that adequate provision for off-road vehicle parking is retained in the interests of highway safety and in the interests of the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2, GD7 and T5, and the National Planning Policy Framework.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

14. Before any of the apartments hereby approved are first occupied, the following elements of the hard landscaping scheme indicated on drawing no. 00027-XX-T-PL-900-004 Rev P1 shall be constructed and made available for use in accordance with the details and materials shown on the approved plan:

- a) The pedestrian access points and associated footpaths into the site from West Cliffe (eastern boundary) and Wharf Street (western boundary).
- b) The full length of the 1.5 metre wide footpath which encircles the perimeter of the building.
- c) The three seating areas (including the installation of benches within them) on the north side of the southernmost stretch of the footpath referenced in b).
- d) All other hard landscaped areas within the external areas of the site.

All elements of the hard landscaping scheme in a) – d) shall be retained as such thereafter.

Reason: To ensure the satisfactory treatment of hard surfaced areas, to provide a safe and suitable means of pedestrian access to and permeability through the site for future users of the development and to provide proportionate external amenity space for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2 and GD7.

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all boundary treatments to the site shall be erected in full accordance with the details (including their siting, height, materials and design) shown on drawing no. 00027-XX-T-PL-900-004 Rev P1 before any of the apartments hereby approved are first occupied. Unless otherwise agreed in writing with the Local Planning Authority, all railings and gates which form part of the approved boundary treatments shall be painted or powder coated 'Jet Black' (RAL 9005) within three months of their installation. The duly erected boundary treatments shall be retained as such thereafter.

Reason: To ensure clear demarcation of public and private areas in the interests of security and to ensure that the design and finish of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2 and GD7, and the National Planning Policy Framework.

16. No development involving the removal of the existing close-boarded timber fence positioned on the western boundary of the site shall take place unless and until a scheme for the provision of replacement signage to restrict the use of the 10 parking spaces located opposite nos. 7-15 Wharf Street by residents of Wharf Street only has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, siting, number and design of the replacement signs and a timetable for their provision. All replacement signage shall thereafter be erected in full accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

Reason: The existing signage affixed to the fencing located on the site's western boundary allocates each of the 10 parking spaces to an individual dwelling on Wharf Street and states that the parking spaces are for the private use of those properties, as required by condition 12 of planning permission 20/0417. However, as the existing fence is to be removed as part of the development and replaced with a lower boundary wall, the current signage will be lost

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

and so must be replaced with alternative signage in order to ensure the continued provision of suitable private parking for residents adjacent to the site in the interests of highway safety in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

17. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the apartments hereby approved are first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the landscaping principles identified in section 4 of the document titled 'Biodiversity Net Gain Report' (document reference 11633, dated October 2023) by FPCR Environment and Design Ltd and shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure proportionate provision of outdoor amenity space for future occupiers of the development, to enhance the character and appearance of the street scene and to provide measurable net gains for biodiversity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2, GD7, ENV1 and ENV2, and the National Planning Policy Framework.

18. Before any of the apartments hereby approved are first occupied, a 30 year Habitat Management Plan (HMP) containing a strategy for the future management and maintenance of the on-site biodiversity net gain habitats to be created pursuant to condition 17 of this permission shall be submitted to and approved in writing by the Local Planning Authority. The HMP shall include the following details:
 - a) A description and evaluation of the features to be managed;
 - b) An analysis of ecological trends and constraints on the site that might influence management;
 - c) Aims, objectives and targets for management;
 - d) A description of the management operations necessary to achieve the aims and objectives in c);
 - e) Prescriptions for management actions;
 - f) A works schedule and timetable for implementation (including an annual work plan capable of being rolled forward).
 - g) Details of the persons, body or organisation responsible for implementation and monitoring;
 - h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the HMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - i) Mechanisms of adaptive management to account for necessary changes in work schedules to achieve the required targets;

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

- j) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery.
- k) Provisions for reporting to the Local Planning Authority in years 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

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

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

19. None of the apartments hereby approved shall be occupied until a scheme for the incorporation of the following biodiversity enhancement measures, including details of their location and specification, into the development has been submitted to and approved in writing by the Local Planning Authority:

- a) The installation of the three bat boxes referenced in paragraph 4.13 of the document titled 'Ecological Appraisal' (document reference 060923, dated September 2023) by FPCR Environment and Design Ltd.
- b) The installation of the four bird boxes referenced in paragraph 4.18 of the document titled 'Ecological Appraisal' (document reference 060923, dated September 2023) by FPCR Environment and Design Ltd.

The bat and bird boxes in a) and b) shall be installed in full accordance with the details in the duly approved scheme before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

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

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

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

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

21. The following elements of the development's supporting infrastructure shall be constructed in full and made available for use before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter:
- a) The outbuilding within the vehicle parking area containing the combined refuse, mobility scooter and bicycle store.
 - b) The two Sheffield cycle hoops adjacent to the building's main entrance.

Reason: To ensure that adequate provision is made for the storage of mobility scooters, bicycles and refuse/recycling receptacles in the interests of the amenity of future occupiers and to encourage travel to the site by more sustainable modes of transport in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2, GD7 and T4, and the National Planning Policy Framework.

22. The noise mitigation measures identified in the document titled 'Noise Report Desk Assessment – Wharf Street, Lytham' (reference RC/GM13022-002, dated 31 August 2023) by Wardell Armstrong shall be implemented before each associated apartment hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure that appropriate and proportionate measures are put in place to mitigate the impacts arising from noise generated by surrounding uses on the amenity of future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H2 and GD7, and the National Planning Policy Framework.

23. Before the apartment labelled 'Apt 18' on drawing no. 00027-XX-T-PL-900-001 Rev P1 is first occupied, the two first floor windows in its north facing elevation (the positions of which are identified on drawing no. 00027-XX-T-EL-900-002 Rev P1) shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening. The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between apartment 18 of the development and adjacent properties to the north on West Cliffe in order to preserve the privacy of existing occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

24. The 2 metre high privacy screen to the north side of the first floor balcony for the apartment labelled 'Apt 18' on drawing no. 00027-XX-T-PL-900-001 Rev P1 shall be fitted with obscured glass which achieves a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and installed in the position shown on drawing nos. 00027-XX-T-PL-900-001 Rev P1 and 00027-XX-T-EL-900-002 Rev P1 before the balcony is first brought into use. The duly installed privacy screen shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between apartment 18 of the development and adjacent properties to the north on West Cliffe in order to preserve the privacy of existing occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

25. The glazed balustrades to all the first floor Juliet balconies hereby approved shall be installed in the positions shown on drawing nos. 00027-XX-T-PL-900-001 Rev P1 and 00027-XX-T-EL-900-002 Rev P1 before each associated balcony is first brought into use, and shall be retained as such thereafter. No part of the flat roof of any structure protruding beyond the outer edge of the balconies at ground floor level shall be used as a balcony, roof terrace or any other outdoor amenity area.

Reason: To ensure that the Juliet balconies do not protrude beyond the outer wall of the building and that their guard rails prevent access onto protruding features at ground floor level in order to limit views available from the Juliet balconies towards surrounding properties in order to preserve the privacy of existing occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Informatives:

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

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

Drainage strategy (conditions 8 and 9):

The applicant is advised that the details pertaining to the drainage strategy for the development required by conditions 8 and 9 of this permission will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

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

- **Discharge rate** – the proposed discharge rate of 7.3 l/s is several times higher than the greenfield runoff rate for the site, and higher than the greenfield response rate represented by soil type 5 (~2 l/s) which is the suggested reasonable approximation of the existing pre-development runoff rates for brownfield sites without existing drainage, as set out in section 24.5 of the Ciria SuDS Manual. The LLFA has not objected to this proposed higher discharge rate as the applicant has provided evidence of an agreement with United Utilities as the asset owner of the receiving public sewer to discharge at 30 l/s for the overall 1 ha site.
- **Agreement with United Utilities** – the correspondence included as an appendix in the submitted FRA is from 2017. As such, the applicant must provide evidence at the discharge of conditions stage that demonstrates that the agreement with United Utilities to discharge surface water to their asset is still in place.

Highways (condition 10):

The new/modified vehicle access point onto West Cliffe within the adopted highway will need to be constructed in accordance with a specification approved by the Local Highway Authority (Lancashire County Council) as part of an agreement entered into under section 278 of the Highways Act 1980.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Item 4

Application No:	23/0807	Case Officer:	Matthew Taylor Area Team 2
Applicant:	HANNAN	Agent:	NIGEL ROBINSON
Location:	PATHWAYS STABLES PATHWAYS, BLACKPOOL ROAD NEWTON WITH CLIFTON PRESTON PR4 3RJ		
Proposal:	ERECTION OF BUILDING FOR THE STORAGE OF HAY, SHAVINGS AND MACHINERY ASSOCIATED WITH ADJACENT STABLES		
Ward:	Rural East Fylde	Parish:	Newton with Clifton
Date Received:	28 November 2023	Earliest Decision:	31 December 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	
Officer Recommendation:	Grant		
Location Plan	<p>The location plan is a detailed site map. It shows a large area outlined in blue, representing the proposed site boundary. Within this area, there are several buildings and structures. A red rectangle highlights a specific area in the lower-left quadrant of the site. Labels on the map include 'Church Farm' to the north, 'Pathways' in the center, 'Existing Stables' to the south of the pathways, and 'Existing Arena' to the south of the stables. 'Blackpool Road' runs along the eastern and southern edges of the site. Other labels include 'Track', 'Access Track', 'Grange Pond', and 'Cher'. A north arrow and a scale bar are located in the bottom right corner of the map.</p>		

Summary of Officer Assessment

The application relates to a *circa* 165 sqm area of land located between an existing stable block and manège which form part of a livery yard located to the west of Pathways on the southwest side of the A583 (Blackpool Road). The site falls within the Area of Separation (AoS) between Newton and Kirkham as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) (the 'FLPPR') Policies Map.

The scheme proposes the erection of a rectangular building measuring 67.5 sqm in area (9m x 7.5m) for the storage of hay, shavings and other equipment associated with the operation of the adjacent stables recently erected pursuant to planning permission 22/0136. The proposed storage building would be located on a concrete pad approximately 17m to the east of the stables and to the west of a manège that intervenes between the livery yard and the Pathways site, which is in the process of being redeveloped for housing pursuant to planning permission 23/0153. The proposed erection of the storage building for use in association with the continued operation of the adjacent livery stables is one which is, in principle, appropriate within the AoS by virtue of meeting the limitations in criteria a) and/or d) of FLPPR policy GD3 where development can be permitted within the AoS, subject to its effects upon the AoS and compliance with other local plan policies.

The storage building would be discreetly located amongst a collection of existing and permitted buildings at the Pathways site between a manège which is screened by a tall (*circa* 2m high), L-shaped bund along its northern and western boundaries and the nearby stables that the proposed building would be seen in conjunction with. The proposed storage building would be of a modest size, would be lower in height than the adjacent stables and would replicate its external materials. In addition, the site occupies lower lying land relative to Blackpool Road and would be set back substantially from the roadside behind a linear row of tree/hedge planting which is to be introduced along the northern boundary of the livery yard and its access road in connection with the stable development. Accordingly, the type, scale, siting and design of the development in relation to its surroundings would ensure that the scheme does not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of them and, in turn, would not compromise the function of the AoS.

The storage building would have a rural, agricultural vernacular which would integrate sympathetically with its surroundings and would not harm the character and appearance of the area. The development would achieve a significant degree of spacing and screening with surrounding buildings and land uses outside the site (both existing and proposed – including the dwellings consented by application 23/0153) which, in combination with its modest scale, would ensure that it will not have any adverse effects on the privacy and amenity of surrounding occupiers due to loss of outlook, overshadowing or overlooking. A safe and suitable means of access would be provided for the development utilising the access and manoeuvring areas introduced in tandem with the stable development. Accordingly, the proposal would not have any unacceptable effects on highway safety, nor would it severely impact network capacity. Appropriate, proportionate measures would also be put in place for the disposal of surface water to ensure that the development has no detrimental effects with respect to flooding.

Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLPPR and the National Planning Policy Framework.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Reason for Decision Level

Newton-with-Clifton Parish Council have objected to the application and the officer recommendation is for approval.

Site Description and Location

The application relates to a square-shaped area of hardstanding extending to *circa* 165 sqm in area situated between an existing stable block and floodlit outdoor horse exercise arena (a 'manège') which form part of a livery yard located on lower lying land to the west of Pathways on the southwest side of the A583 (Blackpool Road). The site falls within the Area of Separation (AoS) between Newton and Kirkham as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) (the 'FLPPR') Policies Map.

The stables have recently been constructed pursuant to planning permission 22/0136 and include 10 individual stalls within the main building, together with a tack room and hay store within a lean-to on the building's north side. Planning permission 22/0136 also allowed the construction of an access track flanking the northern edge of the Pathways site, along with associated vehicle parking and manoeuvring areas, a manure store and the provision of a soft landscaped buffer of linear tree and hedge planting along the northern site boundary where it adjoins open fields used as grazing paddocks which separate Pathways from Church Farm to the north.

Beyond the manège to the east, a group of buildings comprising a former garden centre and equestrian yard have been demolished in connection with the redevelopment of that site for four bungalows pursuant to planning permission 23/0153. A pre-existing bungalow and garage at Pathways have been retained to the north of the site being redeveloped for housing.

The application site is presently a concrete pad which forms part of the external yard area surrounding the stables and is used for the outdoor storage of various equipment associated with the stables and manège. The land borders the manège to the east and the livery yard to the north and west, being located approximately 17m to the east of the stable building. Open fields to the rear of Oaks Farm are located beyond a drainage ditch which marks the site's southern boundary. The site is presently enclosed by *circa* 1.5m high post-and-railing fencing to its perimeter, with gated accesses to the manège and fields to the south abutting this.

Details of Proposal

The application seeks full planning permission for the erection of a building for the storage of hay, shavings and other equipment associated with the operation of the adjacent stables erected pursuant to planning permission 22/0136. The building would occupy a rectangular footprint upon the concrete pad to the southeast corner of the livery yard, measuring 9 metres in length and 7.5m in width (67.5 sqm in area), and would have a shallow dual-pitched roof following a longitudinal ridgeline reaching 2.6m to the eaves and 3.5m to the ridge.

The external walls of the building would comprise a blockwork plinth to a height of 1.3m, with timber cladding above up to the eaves. The building's roof would be light grey metal sheeting. A roller shutter door would be located in the building's front (north facing) elevation facing the livery yard and a personnel door would be located in the west facing side elevation. Both these doorways would be colour treated 'Juniper Green' (BS12B29). Water butts to each corner on the front of the building would capture runoff from rainwater goods. An L-shaped area of hardstanding would be retained to wrap around the west side and front (northern) elevation of the building, providing an access corridor between the gates that open into the manège to the east and the fields to the south.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Relevant Planning/Appeal History

Application no.	Description	Date determined	Outcome
05/0766	Certificate of lawfulness for an existing use for Pathways Nurseries	23.09.05	Approve
07/1280	Erection of hay and shavings store	16.04.08	Approve
19/0205	Residential development of six detached dwellings with associated infrastructure (including foul water treatment plants) following demolition of existing bungalow and all other buildings	16.04.19	Withdrawn
19/0486	Residential development of five dwellings with associated infrastructure (including foul water treatment plants and attenuation pond) following demolition of existing bungalow and all other buildings – Resubmission of application 19/0205	11.10.19	Approve
21/0667	Residential development of four dwellings with associated infrastructure following demolition of existing buildings	08.10.21	Approve
22/0136	Erection of stables for commercial use including construction of access track and vehicle parking area	19.05.22	Approve
22/0448	Certificate of lawfulness for the proposed use of a dwellinghouse (use class C3) as a home for up to two young people (under 18 years of age) with 24 hour care provided by up to two non-resident carers working in shifts	07.09.22	Approve
22/0658	Permission in principle for erection of one dwelling	11.10.22	Refuse
23/0153	Application to vary condition 2 (approved plans) of planning permission 21/0667 to alter dwelling layout and house types	20.06.23	Approve
23/0591	Application to discharge details required for condition 6 (manure store), condition 7 (disposal of surface water) and condition 9 (exterior lighting) on planning permission 22/0136	04.10.23	Issued
23/0689	Application to discharge conditions 4 (retention of floodlights to manége), 5 (building materials), 6 (details of windows and doors), 7 (levels), 8 (remediation of ground contamination), 9 (foul and surface water drainage), 10 (boundary treatments), 13 (construction method statement), 14 (design of site access), 15 (off-site highway improvement works), 16 (estate road and hard landscaping construction), 17 (estate road management and maintenance), 21 (biodiversity enhancement measures) and 23 (exterior lighting scheme) of planning permission 23/0153	Pending	Pending

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Parish/Town Council Observations

Newton with Clifton Parish Council: Notified of the application on 29.11.23 and responded by letter dated 07.12.23 confirming that they object to the application. At their request, the comments in the Parish Council's response are reported verbatim below:

- "The above application was considered at a meeting held on Thursday 7th December 2023 and members determined the application be refused planning permission.
- In determining the application members request the local planning authority to be particularly mindful of several issues of concern to members. Council has previously expressed the perception of members with regard to there being a conspicuous relationship, which is also a material planning consideration, between the commercial and residential site development whether with extant permissions or under consideration. It is also recognised that while each application must be assessed on its own merits local planning authority advice with regard to all extant permissions, and whether implementation of one will impact another and whether related planning permissions would then still be valid remains a concern to members.
- Concerns of members also relate to highway and traffic safety for residents of dwelling houses, visitors, and equestrian users of the site. The site itself will be busy in terms of normal residential vehicle movement and the equestrian business, for which vehicles are likely to be larger than average with horseboxes &c being towed. Planning application 21/0667 has been granted permission with conditions 4 & 4b requiring the "restoration of the whole of the existing overspill car parking area" and the "restoration of the land to open greenspace". Therefore specific highway safety concerns of members relate to further development and associated increased site vehicular activity which has the potential to adversely impact highway safety with the type and volume of vehicles seeking access to/egress from the busy 50MPH A583/Blackpool Road. Moreover there is a bus stop in proximity to the existing site entrance exacerbating safety concerns. It is therefore considered that the proposal is contrary to Fylde local plan policies GD7j, GD7q, National planning policy framework paragraph 110b and general highway safety principles and as a consequence is detrimental to highway safety.
- The proposed development is in a defined Area of Separation and it is considered that the proposed development does not comply with policy GD3 provisions of the development plan. The proposed development appears to rely on Area of Separation policy (GD3d) [development that is needed for the continuation of an existing enterprise or operation of a type and scale that would not harm or prejudice the gap that is the Area of Separation]. The A583/Blackpool Road is where the blurring of the Area of Separation is most acute and generally members consider the proposed development application does not evidence a need essential for the continuation of the business operation.
- Therefore members consider the proposal inappropriate given the location of existing property on the development site, extant planning permissions indicating further incremental development and also the precedent that may be created for similar proposals, which will be difficult to refuse, if permission is granted in this instance.
- Should the application case officer be minded granting the proposed development planning permission members will appreciate the matter being referred to the Fylde council planning committee and request an assurance that council's observations are duly considered, recorded in full and not otherwise abridged as part of a report."

Officer note: The applicant has provided the following response by letter dated 11.01.24 as a rebuttal to the points raised by the Parish Council above, and has requested that these be reported to the Planning Committee:

- "The comments raised in their [the Parish Council's] letter completely miss the point against the context of this current application. The stables business is already approved and this

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

application is for a building ancillary to the uses of the main business in order to facilitate and support it. It is intended for the storage of associated items, namely hay, shavings, straw, haylage and machinery. This has been found necessary as the Council sought revisions upon the originally applied for stable block which reduced the height scale of that building meaning that the originally intended loft section of the building couldn't be realised. The stables block is now erected and fully operational, but there remains an identified need for storage space as detailed above.

- Concerns raised by the Parish Council with regard to traffic, vehicular movement, Area of Separation, a 'conspicuous relationship' with the residential site development etc, are all completely irrelevant to this application and in any event have already been addressed and approved within the stables business application.
- It is my understanding that the current application is set to be recommended for approval and therefore must be in accordance with the provisions of the adopted Local Plan."

Statutory Consultees and Observations of Other Interested Parties

Local Highway Authority – Comments 12.12.23 as follows:

- LCC Highways does not have any objections regarding the proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified:	29.11.23
Site notice posted:	08.12.23
Press notice:	N/A
Amended plans notified:	N/A
No. Of Responses Received:	One
Nature of comments made:	One objection

The appropriate neighbouring properties were notified of the application by letter on 29.11.23. In addition, a notice was posted near the site on 08.12.23. One letter of representation has been received in objection to the application. The points made in the letter are summarised as follows:

Lack of need for building:

- There was provision for hay and tack in the applicants previous planning application (reference 22/0136). That application stated it was a stable building with an added lean-to for storage of hay and tack. It is, therefore, unclear why the applicant is applying for another building when there is already a building there for the purpose they are applying for and was only built in 2023.

Drainage and flood risk:

- The building roof would produce higher volumes of water in a downpour to be disposed of quickly, relying only on a 100 mm drain for the whole site (stables and yard included). Water attenuation provision would need to be addressed to account for this.

Impacts on AoS:

- Pathways stables is beginning to look like a floodlit village in the area of separation, as there is a large portable building being placed to the north of the stable block and there is also a mobile home which is being lived in on the east of the stable block. It does not appear that this mobile home and portable building have had the necessary planning permission as

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

neighbouring residents have not received any notification of a planning application having been made for them.

Relevant Planning Policy & Guidance

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

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

National policy and guidance:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fylde Local Plan to 2032 (incorporating Partial Review):

GD3 - Areas of Separation

GD7 - Achieving Good Design in Development

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

ENV1 - Landscape

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) but does not exceed the threshold in column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development and, in turn, is not EIA development.

Analysis

Background and interrelationship with extant permissions:

The Parish Council refer to the “conspicuous relationship [...] between the commercial and residential site development whether with extant permissions or under consideration [...] and whether implementation of one will impact another and whether related planning permissions would then still be valid.” The Parish Council also refer to “extant planning permissions indicating further incremental development and also the precedent that may be created for similar proposals, which will be difficult to refuse, if permission is granted in this instance.”

As set out in the site history, the Pathways site benefits from a series of recent planning permissions for a combination of residential and commercial stable developments. The most recent of these, which have now been implemented, are as follows:

- 23/0153 – Granted 20.06.23 involving the demolition of all existing commercial buildings on the site (excluding the bungalow) and a residential development of 4 dwellings (alongside the retained bungalow).
- 22/0136 – Granted 19.05.22 for the existing commercial stables, access track and other associated infrastructure.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Whilst the access track within the scheme granted by planning permission 22/0136 included the provision of a new junction onto the access road for the wider Pathways site (which subsequently joins Blackpool Road) – and so resulted in a degree of overlap between the residential and stable sites in that they would share the same access onto the A583 – the red line boundary of the site which is the subject of this application is limited to a *circa* 165 sqm parcel of land located to the southeast corner of the livery yard between the stables and the manège. Accordingly, there is no crossover between the site of this application and the red line boundary for the housing scheme granted by 23/0153. Similarly, the approved plans for the stable development granted by 22/0136 show the application site to be occupied by a bund to the west of the manège. Although this section of the bund has since been removed to form the current concrete pad, the proposed building would not cause any obstruction to any of the external access, parking or manoeuvring areas for the stables granted by 22/0136.

Therefore, although the development's relationship with the schemes granted by other extant permissions at the site is a material consideration, there is no reason to conclude that the approval of this application would prejudice the implementation of any other planning permission granted at the site or prevent the conditions attached to those permissions being met.

Policy context and main issues:

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

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

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

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are:

1. The principle of development, including whether it represents an appropriate form of development within the AoS.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on the amenity of surrounding occupiers and land uses (including those which could come forward under other, extant permissions).
4. Other matters relevant to the decision, including those relating to the development's effects on the surrounding highway network, drainage and flood risk.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Principle of development:

Policy Background

The site falls within the AoS between Newton and Kirkham as designated on the FLPPR Policies Map. FLPPR policy GD3 relates to development within the AoS. The policy states that “development will be assessed in terms of its impact upon the [AoS], including any **harm to the to the effectiveness of the gap between the settlements** and, in particular, **the degree to which the development proposed would compromise the function of the [AoS] in protecting the identity and distinctiveness of settlements**” (emphasis added). Policy GD3 indicates that development within the AoS will be limited to that falling within the following categories (criteria a)-f):

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- b) the re-use or rehabilitation of existing permanent and substantial buildings;
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6.
- f) minor infill development, of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3, providing that it would not result in any harm to the effectiveness of the gap between the settlements or compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements.

It is also the case that, while not specific to the AoS (which is a bespoke designation within the local plan), paragraph 88 a) and b) of the NPPF indicate that planning decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses.

Assessment

The applicant’s supporting statement asserts that the proposal meets the limitation in criterion d) of policy GD3 as it “supports an existing business operation [and] it is also carefully sited in juxtaposition to the main stables building”. While this is the case, the wording of criterion d) to policy GD3 refers specifically to “development **essentially needed** for the continuation of an existing enterprise, facility or operation” (emphasis added), rather than one which “supports” them. As a result, there must be an ‘essential need’ for the development if it is to fall properly within criterion d). That notwithstanding, criterion a) of policy GD3 also makes an allowance for developments involving “other uses appropriate to a rural area, including uses which would help to diversify the rural economy” and compliance with this limitation provided the ‘in principle’ support for the stable development granted by 22/0136.

In this case, the applicant’s supporting statement indicates that the need for the proposed storage building has arisen due to: i) a reduction in the scale of the building following amendments requested during the determination of application 22/0136 which reduced its height and so removed an originally intended loft space; and ii) an operational need for additional storage since the stables have

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

opened which could only otherwise be met by reducing the number of stables from the 10 approved by 22/0136.

The Parish Council opine that the “proposed development application does not evidence a need essential for the continuation of the business operation” and an objector also asserts that additional storage space should not be needed as the original scheme included a tack room and hay store within a lean-to on the stable building itself.

FLPPR Policy GD3 does not identify any specific tests to be applied or provide a framework for assessing when “development essentially needed for the continuation of an existing enterprise, facility or operation” may occur. It is, however, clear from the policy wording that a development which is “essentially needed” must be necessary to serve a specific, rational purpose in connection with an existing operation and that the need for it must be more than an aspirational one.

In this case, the stable block includes a total of 10 stalls and the building has a permitted use for commercial livery. Accordingly, it is reasonable to expect a proportionate need for storage space associated with up to 10 individual tenants potentially each tending their own horses. The supporting statement indicates that the building is to be used for “hay, horse bedding [shavings] and ancillary machinery which cannot fit in the main stables”.

Whilst it is the case that the stables granted by 22/0136 included some space for the storage of hay and tack within a lean-to on the north side of the building, the total floorspace for this provision was 34sqm (equating to 3.4sqm per horse). It is acknowledged that this amount of storage space is limited for the number of horse stalls provided and it was observed during the officer’s site visit that several pieces of equestrian equipment, including that associated with the adjacent manège, are presently being stored outdoors upon the concrete pad where the building is proposed and elsewhere within the site. Given the size of the permitted livery operation, the number of horses that it could accommodate and the fact that this also includes the use of an associated manège, it is considered that there is an essential operational need for additional storage space in order to allow the business to function effectively. The proposed 67.5 sqm storage building would be proportionate in size to meet this need. Accordingly, on balance, it is considered that the proposal meets the first requirement of the limitation in criterion d) of FLPPR policy GD3.

In addition to the above, it is a widely accepted principle of the planning system that stabling is a use which is, in principle, appropriate to and necessitates a rural location. The commercial livery use of the stables also helps to diversify the rural economy. The need for reasonable provision of storage space goes hand-in-hand with stabling uses and, in this case, having particular regard to the number of stables involved, it is also the case that the proposed storage building to be used in connection with the stables may reasonably be considered an “other use appropriate to a rural area” for the purposes of the limitation in criterion a) of policy GD3 given its intrinsic association with the existing stables.

For the reasons set out above, the proposed storage building and its use in association with the continued operation of the adjacent stables is one which is, in principle, appropriate within the AoS for the purposes of the first test within the limitations in criterion a) and/or d) of FLPPR policy GD3. However, both these criteria include an additional test which requires development falling within these categories to also be “of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements”.

The proposed storage building would be located approximately 17m to the east of the existing stables and to the southeast corner of the livery yard, between the stables and an manège which is screened by a *circa* 2m high bund along its northern and western boundaries. The site is on lower lying land

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

approximately 200m away from the A583, with a collection of foreground buildings to the east/northeast at Pathways (including both the existing bungalow and the 4 bungalows to be constructed pursuant to planning permission 23/0153) intervening between. Accordingly, the siting of the storage building is one which would be discreet in the surrounding landscape and it would be seen in close association with other surrounding development within the AoS.

Added to this, the proposed storage building would be of a modest size, would be lower in both eaves and ridge height in comparison to the adjacent stables and would replicate that building's external materials. Further screening of the building would be afforded by the linear row of tree/hedge planting which is to be introduced along the northern edge of the access road to the livery yard in connection with planning permission 22/0136.

These factors, when taken in combination, would ensure that the visual and spatial narrowing effects arising from the introduction of the proposed storage building would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of them and, in turn, would not compromise the function of the AoS. Therefore, the type and scale of the development would satisfy the second test of the limitations in criterion a) and/or d) of FLPPR policy GD3 and so accords with the provisions of the development plan.

Character and appearance:

Policy Background

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design by 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 policy GD7 identify the following requirements:

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

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

- A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development.

Paragraph 135 of the NPPF sets out six general principles of good design (a – f) and paragraph 139 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”. In addition, paragraph 180 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

Assessment

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

The proposed storage building is of a modest scale and would be finished in materials which have an inherently rural/agricultural vernacular and would replicate those used on the external surfaces of the adjacent stables. The roller shutter door to the front (north facing) elevation and personnel door to the west facing side elevation would be colour treated 'Juniper Green' to soften their standard galvanised treatment, thus avoiding a utilitarian/industrial appearance to these features.

The building's siting means that it would be seen in close association with the existing stables, its scale would be subservient to the larger stable block and its design would ensure that the storage building appears as a low rise agricultural building in the surrounding landscape. Additional screening from surrounding public vantage points – the closest of which is on Blackpool Road to the northeast – would be provided by the linear tree and hedge planting to be introduced along the north side of the access road and livery yard in connection with planning permission 22/0136. Moreover, the proposed building's positioning on lower lying land to the roadside behind other existing/consented residential development at the Pathways site further minimises its visual impact in order that it would not appear as an unduly prominent or obtrusive addition in the surrounding landscape.

Potential views from other surrounding vantage points are similarly restricted and/or over long distances. In particular, any views from lower lying land on Parrox Lane to the south are restricted by a tall roadside hedgerow to the northern flank of that road and by other linear planting which extends across intervening fields. A public right of way runs in a north-south direction to the west of the site on higher ground. However, at its closest point this route is *circa* 590m away from the site, separated by a collection of intervening field parcels and distant views of the proposed storage building would be seen against the backdrop of other development at the Pathways site. Accordingly, the proposed storage building, by virtue of its scale, height, siting, layout, materials and design, would appear as a modest and sympathetic addition to the surrounding area which would be compatible with its rural character and setting. The proposal therefore accords with the requirements of FLPPR policies GD7 and ENV1, and the NPPF.

Effects on surrounding occupiers:

Policy Background

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

- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

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

Paragraph 191 of the NPPF states that planning decisions should “ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”. This includes, in part a) of the paragraph, a need to “mitigate and reduce to a minimum potential adverse impacts resulting

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [as set out in the Noise Policy Statement for England].”

Assessment

Existing occupiers:

The closest existing neighbouring properties located outside the site are the bungalows at Pathways and Longacres to the east. The storage building would be located approximately 120m and 160m away from each respective dwelling. Given this degree of spacing and the modest size and height of the storage building, there would be no adverse effects on the amenity of these existing occupiers through loss of outlook, overshadowing or overlooking.

Other adjacent uses include a farmhouse and collection of agricultural buildings at Church Farm to the north and another dwelling at Oaks Farm to the southeast which also has several agricultural outbuildings within its curtilage. Two bungalows (Grange View and Cherry Tree Farm) are located on the northern side of the A583 directly opposite the site access. The level of separation, spatial relationship and screening between the proposed development and neighbouring properties at Church Farm, Grange View, Cherry Tree Farm and Oaks Farm would avoid the development having any adverse effects on the privacy and amenity of the occupiers at these sites.

The proposed building would be used to store hay, bedding and equipment associated with the adjacent livery stables. Accordingly it would not, in itself, be a noise-generating use and the building would only be used in conjunction with the stables (including at times that these are in active use, which is likely to be principally in daylight hours and avoiding unsocial hours). In addition, the dominant noise source for occupiers of existing dwellings is likely to be from road traffic passing along the throughfare of Blackpool Road (a classified, arterial road linking Preston and Fylde) which is located in closer proximity to existing dwellings than the livery yard. Road traffic noise will be heard throughout the day (including early in the morning and in the evening) and, given the site’s proximity to the A583, any noise arising from equestrian activity within the livery yard is likely to be secondary and inconsequential in comparison.

The objective in paragraph 191 of the NPPF is to “avoid noise giving rise to **significant adverse impacts** on health and the quality of life” (emphasis added). The presence of “significant adverse impacts” is a high bar which is more likely to occur when uses that are inherently different and/or incompatible are located in close proximity to one another (e.g. where general industry is proposed adjacent to housing). In this case, there is no reason to conclude that the siting of the proposed storage building in relation to existing residential properties nearby would generate any significant adverse impacts in terms of noise which would warrant refusal of the application.

Future occupiers:

The adjacent Pathways site benefits from an extant permission for residential development which has been implemented through the demolition of the former stables and commercial buildings on that site (reference 23/0153). Planning permission 23/0153 places two dwellings (plots 3 and 4) on the western part of the site with their rear elevations facing towards the livery yard (though the rear elevation of the dwelling on plot 3 is offset to the north, rather than facing the site directly, and so only the dwelling directly facing the site would be that on plot 4). The rear garden of plot 4 is a minimum of 22.8m deep, and the approved dwelling would achieve a spacing of approximately 70.8m with the proposed storage building itself, with the existing manège providing an intervening buffer between them.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Given the significant separation distances which would be achieved between the proposed storage building and the dwellings approved by planning permission 23/0153, combined with the modest scale of the proposed building and the buffering between them afforded by intervening land uses, it is not considered that the proposed development would have any adverse effects on the privacy and amenity of future occupiers of the consented dwellings through loss of outlook, overshadowing or overlooking.

For similar reasons to those identified above with respect to occupiers of the existing bungalows at Pathways and Longacres, the siting and use of the storage building would also not give rise to any significant adverse impacts on the health and quality of life of future occupiers of the four bungalows approved by planning permission 23/0153 by reason of noise disturbance or any other nuisances which may harm their living conditions.

Accordingly, the proposed development, by reason of its use, scale, siting, spatial relationship and screening with surrounding development, both existing and proposed, would not have any adverse effects on the amenity of neighbouring land uses. The proposal is therefore in accordance with the objectives of FLPPR policy GD7 and the NPPF.

Other matters:

Highways:

Criterion r) of FLPPR policy GD7 requires developments to ensure that:

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

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

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

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

The Parish Council have objected to the application on the basis that the proposal would have a detrimental impact on highway safety. In particular, the Parish Council refer to potential conflicts between different users of the site access, the use of the livery yard by larger sized vehicles, the restoration of the overspill car parking area to greenspace in connection with the planning permission for housing on the site, an increase in vehicle movements associated with the development seeking access to the 50 mph route of the A583 and the proximity of a bus stop to the site access.

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

Whilst the concerns of the Parish Council are noted, as this application seeks permission solely for a storage building to be used in association with the recently constructed livery stables, there is no reason to suggest that the development would, in isolation, give rise to any perceptibly greater number of vehicle movements to/from the site. This is because the use of the storage building would be intrinsically linked to that of the stables and so the principal purpose of visits to the livery yard would be in connection with the use of the stables, rather than the storage building alone. Given that users of the storage building would also be users of the stables, and would only have cause to utilise the storage building in association with the use of the existing livery stables, there is no reason to conclude that the proposed development would, individually, lead to a level of additional traffic generation at the site which could reasonably be considered to materially, or adversely, impact highway safety or capacity.

The stable development includes provision for a dedicated access road with regular passing place, a car parking area capable of providing up to 19 spaces and a separate parking/turning area for larger vehicles and horse boxes. The proposed storage building would be located outside all these vehicle parking and circulation areas and would cause no obstruction to them. The access into the wider Pathways site (which would be shared between existing/proposed dwellings and the livery yard) is to be improved pursuant to planning permission 23/0153, to the benefit of all users, the overspill car park for the former garden centre is no longer required following the cessation of that use and the provision of dedicated parking for the residential and livery uses (albeit that the access track to the stables has been permitted to cross over part of it), and the closest bus stop is located *circa* 55m to the northwest of the Pathway's access onto the A583 and has been considered by the Local Highway Authority (LHA) to cause no undue impediment to safe use of that access as part of several recent planning applications at the site. Similarly, the LHA have raised no objections to this application for the proposed storage building.

For the reasons set out above, it is considered that the proposal would achieve a safe and suitable means of access to the site for all users, would benefit from adequate provision for parking and manoeuvring space to cater for the nature and volume of traffic associated with the livery use and would have no severe residual, cumulative impacts on network capacity or unacceptable effects on highway safety. The scheme is therefore in accordance with FLPPR policy GD7 and the NPPF.

Drainage and flood risk:

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 165). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j)).

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

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. A drainage ditch runs along the southern

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

boundary adjacent to the site and, given the fall in land levels towards that ditch, it is anticipated that surface water from the development would be dealt with by means of soakaway into the existing ditch, as is the case with the stables. Although an objector raises concerns regarding the potential for increased runoff from the proposed building, the submitted plans show the installation of two water butts to the front of the building to collect water running off its rainwater goods which will have the effect of restricting the rate of surface water runoff into the adjacent ditch. In combination with the modest scale of the development and the limited increase in impermeable area arising from it, there is no reason to conclude that the proposal would result in an increased risk of flooding at the site or elsewhere. Accordingly, there is no conflict with the objectives of FLPPR policies CL1 and CL2, and the NPPF.

Conclusions

The application relates to a *circa* 165 sqm area of land located between an existing stable block and manège which form part of a livery yard located to the west of Pathways on the southwest side of the A583 (Blackpool Road). The site falls within the Area of Separation (AoS) between Newton and Kirkham as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) (the 'FLPPR') Policies Map.

The scheme proposes the erection of a rectangular building measuring 67.5 sqm in area (9m x 7.5m) for the storage of hay, shavings and other equipment associated with the operation of the adjacent stables recently erected pursuant to planning permission 22/0136. The proposed storage building would be located on a concrete pad approximately 17m to the east of the stables and to the west of a manège that intervenes between the livery yard and the Pathways site, which is in the process of being redeveloped for housing pursuant to planning permission 23/0153. The proposed erection of the storage building for use in association with the continued operation of the adjacent livery stables is one which is, in principle, appropriate within the AoS by virtue of meeting the limitations in criteria a) and/or d) of FLPPR policy GD3 where development can be permitted within the AoS, subject to its effects upon the AoS and compliance with other local plan policies.

The storage building would be discreetly located amongst a collection of existing and permitted buildings at the Pathways site between a manège which is screened by a tall (*circa* 2m high), L-shaped bund along its northern and western boundaries and the nearby stables that the proposed building would be seen in conjunction with. The proposed storage building would be of a modest size, would be lower in height than the adjacent stables and would replicate its external materials. In addition, the site occupies lower lying land relative to Blackpool Road and would be set back substantially from the roadside behind a linear row of tree/hedge planting which is to be introduced along the northern boundary of the livery yard and its access road in connection with the stable development. Accordingly, the type, scale, siting and design of the development in relation to its surroundings would ensure that the scheme does not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of them and, in turn, would not compromise the function of the AoS.

The storage building would have a rural, agricultural vernacular which would integrate sympathetically with its surroundings and would not harm the character and appearance of the area. The development would achieve a significant degree of spacing and screening with surrounding buildings and land uses outside the site (both existing and proposed – including the dwellings consented by application 23/0153) which, in combination with its modest scale, would ensure that it will not have any adverse effects on the privacy and amenity of surrounding occupiers due to loss of outlook, overshadowing or overlooking. A safe and suitable means of access would be provided for the development utilising the access and manoeuvring areas introduced in tandem with the stable development. Accordingly, the

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

proposal would not have any unacceptable effects on highway safety, nor would it severely impact network capacity. Appropriate, proportionate measures would also be put in place for the disposal of surface water to ensure that the development has no detrimental effects with respect to flooding.

Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLPPR and the National Planning Policy Framework.

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:

- Drawing no. NCR/JC/PATH/STORE/01 – Location plan.
- Drawing no. NCR/JC/PATH/STORE/03 – Proposed site plan.
- Drawing no. NCR/JC/PATH/STORE/04 Rev A - Proposed Elevations, Floor & Roof Plan.

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the building hereby approved shall be constructed in accordance with the materials detailed on drawing no. NCR/JC/PATH/STORE/04 Rev A.

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

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the roller shutter door to the building's front (north facing) elevation and the emergency exit door to the building's side (west facing) elevation shall be painted or powder coated 'Juniper Green' (BS12B29) within 3 months of their installation on the building hereby approved.

Reason: To achieve an appropriate finish to the external surfaces of the proposed roller shutter and exit door to avoid a galvanised, industrial appearance to these features to ensure the use of appropriate materials which are sympathetic to the rural character of the site and its surroundings in the interests of visual amenity in accordance with the requirements of Fylde

AGENDA FOR 24 JANUARY 2024 PLANNING COMMITTEE

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

5. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, a scheme for the installation of any exterior lighting on the building shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is installed. The scheme shall include details of the lighting's: i) position and height on the building; ii) spillage, luminance and angle of installation; and iii) any shields or hoods to be fixed to the lights. All exterior lighting shall thereafter be installed in accordance with the duly approved scheme.

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

Informative(s)

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

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

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM
HEAD OF PLANNING	PLANNING COMMITTEE	24 JANUARY 2024	5
THE LEVELLING UP AND REGENERATION ACT 2023 AND CONSEQUENTIAL REVISIONS TO THE NATIONAL PLANNING POLICY FRAMEWORK			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

‘Levelling Up’ has been a central plank in the Government's agenda, through which it seeks to reduce geographical, economic, social and health inequalities. The enactment of The Levelling-up and Regeneration Act on 26 October 2023 introduced primary legislation to deliver key elements of government policy. The Act covers a broad range of topics, with many of the provisions being delivered through the introduction of secondary legislation.

The topics covered by the Act are diverse, but from a planning perspective, the Act contains a significant body of provisions intended to speed up the planning system, hold developers to account, cut bureaucracy, and encourage more councils to put in place development plans to enable the building of new homes. These will potentially have wide-ranging implications for the discharge of planning functions once they do come into effect.

Together with a summary of the recent changes to the National Planning Policy Framework, this report contains an overview of the key changes to planning set out in the primary legislation to ensure members remain up to date on these matters.

It is proposed that a more in-depth training/briefing session will be arranged to cover the changes in legislation and national policy in the near future.

SOURCE OF INFORMATION

Department for Levelling Up, Housing and Communities

LINK TO INFORMATION

Full details of the Act are available at: [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The RTPI's National Association of Planning Enforcement has published guidance on the enforcement provisions introduced in the Levelling Up and Regeneration Act 2023 which is available on the [RTPI website](#).

The December 2023 version of the National Planning Policy Framework is available [here](#).

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

In order to ensure members are aware of the new planning provisions introduced through the Levelling up and Regeneration Act 2023 and recent changes to the National Planning Policy Framework.

FURTHER INFORMATION

Contact: Mark Evans, Head of Planning. e. mark.evans@fylde.gov.uk t. 01253 658460

INFORMATION NOTE

LEVELLING-UP AND REGENERATION ACT 2023 (LURA) AND NATIONAL PLANNING POLICY FRAMEWORK – DECEMBER 2023

Introduction

1. 'Levelling Up' has been a central plank in the Government's agenda, through which it seeks to reduce geographical, economic, social and health inequalities. The Government published its Levelling-up and Regeneration Bill in May 2022 following on from the 'Levelling Up in the United Kingdom White Paper' published in February 2022. The Bill was subject to a series of amendments as it passed through parliament, eventually receiving Royal Assent and so becoming The Levelling-up and Regeneration Act (the Act) on 26 October 2023.
2. The Act covers a broad range of topics associated to the Government's levelling up agenda and is divided into a number of parts. Many of the provisions set out in the Act will be delivered through the introduction of secondary legislation and so the Act itself can be considered the scaffolding from which future legislation will hang. Some provisions in the Act came into effect on 26 December 2023, but many will be triggered by the introduction of secondary legislation.
3. The topics covered by the Act are diverse and include, for example, provisions associated to local democracy and devolution, including the introduction and operation of Combined Authorities, the registration of short-term rental properties, reform of compulsory purchase provisions through to powers related to empty properties and Council Tax.
4. From a planning perspective, the Act contains significant body provisions intended to speed up the planning system, hold developers to account, cut bureaucracy, and encourage more councils to put in place development plans to enable the building of new homes. These will potentially have wide-ranging implications for the discharge of planning functions once they come into effect.
5. This report contains an overview of the key changes to planning set out in the primary legislation to ensure members remain up to date on these matters. It is proposed that a more in-depth training session will be arranged to cover the changes in legislation, together with the recent changes to the National Planning Policy Framework in due course.
6. The Act is split into 13 topic-based Parts, containing 256 individual clauses and 24 supporting Schedules. The most relevant to this committee are likely to be:
 - (a) Part 3 - Planning
 - (b) Part 4 – Infrastructure Levy and Community Infrastructure Levy
 - (c) Part 5 – Community land auction pilots
 - (d) Part 6 – Environmental outcomes reports
7. Not only does the Act introduce new legislative provisions directly, but it also makes significant changes (additions, revisions and/or deletions) to other pieces of pre-existing legislation; with these set out in the included Schedules. Most notably in relation to the planning provisions, it introduces amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.
8. It is important to note that a significant proportion of the provisions contained within the Act do not come into immediate effect upon Royal Assent but are subject to later introduction upon a specified date or upon associated secondary Regulations being laid before Parliament.
9. Detailed commencement and transitional arrangements associated with the bringing into effect of the individual provisions of the Act are set out in clause 255 in Part 13 of the Act.

Plan Making

10. The Act introduces the primary legislation required to support the Government's programme of reforms to plan-making. In particular, it provides for the following:

(a) Requirement that local planning authorities must prepare a local plan and that they can only have a single local plan. As Fylde Council has already taken this single plan approach, this clause is of limited consequence.

(b) Prescribes what local plans can and can't contain and to what they must have regard and take account of; including the amount, type, location and timetable for development in the local planning authority area, other policies for the use or development of land which relate to particular characteristics or circumstances of the area or specific sites, details of the infrastructure requirements or affordable housing, requirements with respect to design or other matters prescribed by the Secretary of State. Additionally, the local plan must be designed to secure that the use and development of land contributes to the mitigation of and adaptation to climate change. It must take account of national development management policies (see below for further information), any other national policies and guidance and any Local Nature Recovery Strategy (LNRS). It is required to have regard to new Neighbourhood priorities statements (see below) and take account of any assessment of the amount and type of housing needed, including affordable housing. Significantly, a local plan is not allowed to include anything that is not prescribed by the relevant legislation, nor may it be inconsistent or repeat any national development management policy.

(c) The Act replaces the requirement to prepare and maintain a Local Development Scheme (LDS) with a similar provision to prepare and maintain a local plan timetable, with the Secretary of State able to prescribe the form and content of the timetable. This change is not significant, although there is an associated requirement for local plans to be prepared in accordance with the local plan timetable.

(d) Establishes a requirement for local planning authorities to seek observations or advice in relation to a proposed local plan from a person appointed by the Secretary of State (i.e. a Planning Inspector from PINS for example), to publish said advice and have regard to it in plan-making. This provides the framework for the Government's proposals for a series of Gateway Assessments.

(e) Provides for the introduction of new Supplementary Plans that will form part of the development plan and replace Supplementary Planning Documents (SPDs). The scope of Supplementary Plans is strictly controlled through the Act, particularly in terms of their geographic scope. They are principally limited to being able to be used to introduce policies related to the development of a specific site (or two or more specific sites which are considered to be nearby to each other). The exception to this limitation is that they may also be used to set out requirements with respect to design across a wider area; with this intended to allow local planning authorities the discretion to introduce the mandatory area-wide design code (see below) through a Supplementary Plan rather than a local plan.

(f) Introduces a requirement for local planning authorities to have a design code for the whole authority area as part of the development plan. It stipulates that the development plan includes requirements with respect to design that relate to development to which proposals should adhere.

(g) Affords powers for the Secretary of State to take over plan making, revise plans or give direction to the local planning authority, if they are considered to be failing to do anything necessary or expedient to prepare a plan or its revision, or if a plan is going to be, or may be considered unsatisfactory. Allied to the above, the Act provides for the introduction of local plan commissioners, who the Secretary of State can appoint to investigate and take over plan making. The Act also provides the Secretary of State with the ability to recover any costs associated with intervention from the local planning authority.

(h) Introduces a power to require assistance with certain plan making activity by prescribed public bodies. The power set out within the Act is potentially wide reaching, establishing that the prescribed body must do everything that the plan-making authority reasonably requires of it. However, it also

provides that the Secretary of State may, through regulations, set out what a plan-making authority must, may or may not require a prescribed body to do, set the timeframe for doing so, any procedure to be followed and the form and content of any notification, documentation or information. The bodies that will be subject to the duty will be established at a later date.

(i) Revises the approach to plan examination, including the provision to provide a gateway check to establish whether a plan may proceed to examination and the introduction of the ability for the examiner to formally pause the examination to allow for further work to be carried out. It also provides a streamlined examination process for Supplementary Plans, similar to the approach applied to neighbourhood plans.

(j) The Act will replace the current duty to cooperate with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will be tested at Examination and, unlike the current system, authorities and Inspectors would have the ability to amend Plans to improve alignment.

11. The Act does not include explicit legislative provisions to establish the 30-month time limit for the preparation of local plans previously advocated by government; however, it is likely that this will be stipulated through future national policy or guidance. In addition, the powers the Act affords to the Secretary of State to establish local plan commissioners and to intervene in plan-making will be capable of being utilised to enforce compliance with any policy-based timeframe requirements.
12. Similarly, the Act does not establish transitional arrangements for plan-making, in so far as those trialed through previous consultations, such as the cut off dates for the submission and adoption of local plans under the existing planning system, or the so-called 'waves' which may determine when local planning authorities may start work on new-style local plans. It is therefore reasonable to assume that these aspects will be introduced through sub-ordinate regulations or through associated policy.

National Development Management Policies and Decision-making

13. The Act provides the basis for the introduction of national development management policies, including a range of consequential amendments to existing legislation to ensure their consideration in plan making, decision taking and any subsequent enforcement activity.
14. The Act provides absolute discretion to the Secretary of State to be able to subsequently define what constitutes a national development management policy by direction, so far as it is a policy, however expressed, in relation to the development or use of land. It does require that, when preparing or modifying national development management policies, the Secretary of State must ensure consultation with and participation by, the public and other bodies or persons that they consider appropriate.
15. The provisions within the Act associated to national development management policies provide for a fundamental shift in the status of national planning policy in determining planning applications. The changes will elevate the status of any of these development management aspects of national planning policy, from simply being a material consideration in the determination planning applications (as per the case for the current National Planning Policy Framework), to having an equal status to the provisions contained within the development plan.
16. Significantly, the Act stipulates that in decision making, where there is a conflict between the development plan and a national development management policy, any conflict must be resolved in favour of the national development management policy.
17. Significantly, the Act makes a simple but fundamental change to the status of material considerations in the determination of planning applications; requiring that determinations must be made in accordance with the development plan (and any national development management policies) unless material considerations strongly indicate otherwise. This is intended to strengthen the role of the local plan (and national development management policies) in decision making, reaffirming the plan-led approach to planning.

Self-build and custom Housebuilding

18. Councils already have a duty, through the Self-Build and Custom Housebuilding Act 2015, to ensure that sufficient permissions are granted, within a prescribed period, to meet the level of 'need' identified through the number of entries on the Councils' statutory self-build registers. There has been criticism from some sectors that the duty is poorly defined within the legislation and that it allows a flexible and liberal interpretation as to what planning permissions can be counted against the need.
19. Provisions within the Act will allow the Secretary of State to address this concern, providing for the preparation of regulations to specify the descriptions of permissions that may be counted towards meeting the duty. It is important to recognise that this could have an impact on the ability of the Council to fulfil its duty or may potentially result in a requirement to take a more proactive approach to the delivery of custom and self-build housing, however it will not be possible to assess any future impact until regulations and further guidance is published.

Infrastructure

20. The Act provides the primary legislation to allow for the imposition of a new Infrastructure Levy (IL), with the purpose of contributing to the costs of supporting development of an area. It is intended to be a replacement for the Community Infrastructure Levy (CIL) and planning obligations (s106) as a mechanism for securing contributions towards infrastructure and affordable housing. It provides the skeleton framework for the imposition of the charge, along with processes for its introduction, collection and enforcement.
21. The IL has the potential to significantly alter the way that infrastructure and affordable housing is secured and delivered across the borough. As members are aware, the council suspended work on the introduction of a Community Infrastructure Levy pending the introduction of this new legislation. As secondary legislation comes forward, work on an IL will be progressed.

Neighbourhood Planning

22. The Act retains neighbourhood planning and neighbourhood plans as part of the development plan. Similar to the provisions for local plans, it introduces provisions that set out what neighbourhood plans must, must not and may include. It also seeks to affirm that a neighbourhood plan or neighbourhood development order may not have the effect of preventing housing development proposed within the area from taking place.
23. Neighbourhood Priorities Statements are introduced as a new neighbourhood planning tool intended to be simpler to prepare than a neighbourhood plan. They are intended to provide town or parish councils designated for neighbourhood planning purposes with the opportunity to set out what they consider to be the principal needs and prevailing views of the community in respect of prescribed local matters. The Act provides the primary legislative framework for the preparation, amendment and revocation of neighbourhood priorities statements and require local authorities to take them into account when preparing local plans. The matters for these statements are to be prescribed by the Secretary of State but may include wide ranging matters covering the development, management or use of land, housing, the natural environment, economy, public spaces, infrastructure, facilities, services and other features.

Street Votes

24. Street vote development orders are a new tool intended to give residents the ability to propose development on their street and, subject to the proposal meeting certain requirements, vote on whether that development should be given planning permission. The government has recently commenced a consultation on how these provisions might work.

Planning data and systems

25. The Act affords that local planning authorities can be required to make use of approved software for the processing of their planning data, whilst regulations may also restrict or prevent local planning authorities from using, creating or having any rights in relation to any software specified or described through regulations. It is unclear as to the extent to which controls may be introduced, however there is potential scope that the provisions would require the transition to alternative software systems, as advocated by the Government, for the submission, management and processing of planning data.

26. Recognising the ambition for a move to improve accessibility to planning data, the Act also provides for regulations to introduce provisions to require local planning authorities to make specified planning data available to the public under an open licence agreement.
27. In addition, the Act provides the power for local planning authorities to, through the publication of a notice, require the provision of specific planning data from particular persons, the specifics of which are to be established through subsequent regulations.

Planning Enforcement

28. The Act makes a number of changes to the planning enforcement regime, most notably:
- (a) Extending the current four-year time limit for a breach of operational development to ten years;
 - (b) Extending the duration of temporary stop notices from 28 to 56 days;
 - (c) Introducing temporary stop notices for listed buildings;
 - (d) Introducing a new “Enforcement Warning Notice” to highlight where the local planning authority considers that there is a breach of planning control but whereby it is considered that there is a reasonable prospect that planning permission would be granted, offering a period for a planning application to be submitted;
 - (e) Restricting the opportunity to appeal against enforcement notices and introducing measures to manage undue delays in appeal proceedings introduced by appellants;
 - (f) Increasing the scale of financial penalties for non-compliance with breach of conditions and non-compliance with s215 notices; and
 - (g) Introducing ability for the Secretary of State to provide relief from enforcement for a breach of conditions for development relating to national defence, preventing or responding to civil emergencies or significant disruption to the economy.

Development monitoring, commencement and completion notices

29. The Act provides for the introduction of a requirement for residential development schemes to submit development progress reports to the local planning authority to provide information on the intended progression of the delivery of the development. These will have to be provided to the local planning authority on an annual basis and set out the progress that has been made to date and that which is predicted to be made towards the completion of the dwellings; with the specifics of the form and content of the reports, along with how and when they are to be submitted, to be provided through subsequent regulations. The requirement will be applied to relevant planning permissions through the imposition of a condition.
30. The progress reports have the potential to be of a significant benefit to local planning authorities in robustly demonstrating housing delivery performance and their pipeline of future housing supply; and in particular the five-year housing land supply position. The benefit of this will, however, be contingent upon any submitted information being reliable and accurate.
31. Similarly, the Act introduces the concept of a commencement notice, which will (for prescribed types of development) require a developer proposing to carry out the development to submit prescribed information to the local planning authority, specifying the date upon which they expect the development to begin. If this subsequently changes, the developer will be expected to submit a new commencement notice.
32. The Act introduces the framework legislation for a power to allow local planning authorities to decline to determine planning applications for development from a developer (with a prescribed connection to a previous scheme), whereby that earlier scheme has not been started or has been developed, in the opinion of the local planning authority, unreasonably slowly.
33. For circumstances whereby the local planning authority considers that a development (of a yet to be prescribed description) will not be completed within a reasonable period, the Act introduces provisions to allow local planning authorities to serve a completion notice. These provisions have the ability to cause a planning permission to cease to have effect after a specified period (to be at least 12 months from the serving of the notice) and can be served in relation to developments that have commenced but that have

not yet been completed. The Act provides a framework for the serving of such notices, along with their effect and also the process for appealing such notices; with the ability for the Secretary of State to provide further detail through regulations. The completion notice is intended to provide local planning authorities with tools to expedite the delivery of development.

Environmental Outcomes Reports

34. The Act sets the groundwork for introduction of new Environmental Outcomes Reports (EORs). It is expected that these will be intended to replace Sustainability Appraisals (SAs), Strategic Environmental Assessments (SEAs) and Environmental Impact Assessments (EIAs), and accordingly the reports will apply to the consideration of planning consents, plans and projects.
35. The reports will be required to assess the extent to which the proposed consent or plan would, or be likely to, impact on the delivery of specified environmental outcomes, consider any proposals for increasing the extent to which an environmental outcome is delivered, any steps proposed for avoiding, mitigating or compensating for any effects and how any outcomes or steps will be monitored or secured. In doing so, it is required to consider any reasonable alternatives to the project, plan or any elements of it.
36. Whilst the Act sets out an extensive range of matters in relation to EORs, much of the detail of the implementation and operation will still need to be established through subsequent EOR regulations.

Other provisions

37. The Act contains a range of other provisions that may be of interest but are less directly related to the core function of this Committee. These include:
 - (a) reforms to compulsory purchase arrangements;
 - (b) the piloting of community land auctions;
 - (c) registration of short-term rental properties; and
 - (d) the letting of vacant high street premises by local authorities.

LURA CONCLUSIONS

38. The enactment of the Levelling-up and Regeneration Act 2023 signifies a key milestone in the Government's planning reform agenda. It does not, in itself, implement any immediate fundamental changes to the planning system. Most of the planning related provisions will be introduced at a later date, either by virtue of implementation and transition dates set out in the Act itself, or through regulations being laid in order to allow provisions to come into force.
39. At this time, it is challenging to prepare fully for their implementation, given the reliance upon secondary regulations, policy and guidance, but it is important to be mindful of the extensive provisions and to give some forethought to their potential implications. It is expected that the Government will consult upon and/or publish subordinate and associated regulations along with changes to policy and guidance over the coming months.
40. Officers will continue to scrutinise the provisions of the Act and any subsequent regulations, policy and guidance that may be forthcoming, respond to any associated consultations as appropriate and seek to keep Members apprised of the emerging planning reforms as and when further information becomes available.

NATIONAL PLANNING POLICY FRAMEWORK – DECEMBER 2023

41. The long expected changes to the National Planning Policy Framework (the Framework) were introduced on 20 December 2023. The main focus of the revisions is on housing delivery, but there are a number of other provisions as summarised below.
42. Plan Making – The revised Framework emphasises that preparing and maintaining up-to-date locally prepared plans (Local Plans, Neighbourhood Plans etc.) is a priority and providing for sufficient housing and other development in a sustainable manner is a main objective of this.
43. Calculating Housing Need – The Framework confirms that the standard method for calculating housing need in a local authority is an advisory starting point but adds that exceptional circumstances will be required for

using an alternative method. Local authorities with an up-to-date local plan (adopted within the last 5 years) will no longer need to continually show a deliverable five-year housing land supply.

44. Housing Land Supply Buffers – The 5% and 10% buffers applied to local authority housing land supply calculations have been removed, but where there is a history of under delivery of housing a 20% buffer may be applied.
45. Housing Need – Older people have been added to the list of specific groups for which local authorities must consider meeting their housing need.
46. Neighbourhood Plans – The Framework includes some greater protection for neighbourhood plans where proposed housing development conflicts with a neighbourhood plan.
47. Green Belt – The previous requirement that Green Belt boundaries should be reviewed or changed when local plans are being prepared or updated has been replaced to allow local authorities to choose to review and alter Green Belt boundaries in exceptional circumstances, with changes made through the plan-making process.
48. Affordable Housing/Community-led Development – All references to entry-level housing exception sites or similar have been replaced with community-led developments or similar, (the glossary accompanying the Framework includes a definition of community-led development. Other text has been amended to encourage community-led development not only in terms of housing.
49. Agricultural Land – The Framework emphasises that the availability and quality of agricultural land should be considered when allocating development.
50. Density of Development – Significant uplifts in the average density of residential development are considered inappropriate where it would be wholly out of character with the existing area.
51. Design and Local Design Codes – The Framework emphasises the use of local design codes prepared in line with the National Model Design Code as well as beautiful and well-designed places.
52. Planning Conditions – A requirement to refer to clear and accurate plans and drawings in planning conditions is introduced.
53. Energy Efficiency – Significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing domestic and non-domestic buildings.

Changes not included in the Revised Framework

54. Several changes which were proposed in the consultation version of the Framework have not been carried through into the final version. These include amending the ‘soundness’ test for the preparation of Local Plans and that the past “irresponsible planning behaviour” by applicants could in future be taken into account when determining planning applications.
55. There are further consultations to follow including on climate change adaptation and flood-risk management, provision of social homes and electric vehicle charging points.
56. The government will be issuing guidance clarifying some aspects of the reforms, for example, it has just issued guidance on where brownfield development in the Green Belt can occur provided the openness of the Green Belt is not harmed.

Framework Conclusion

57. As set out at the head of this report, it is intended that a member briefing session will be arranged with the intention of improving member’s familiarisation with the proposed changes set out in the Levelling-up and Regeneration Act and the changes made to the Framework last December.

FURTHER INFORMATION AVAILABLE FROM

Contact: Mark Evans, Head of Planning. e. mark.evans@fylde.gov.uk t. 01253 658460

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	24 JANUARY 2024	6

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following appeal decisions between 7 December 2023 and 11 January 2024.

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Index of Appeal Decisions

Appeal decisions received between 7 December 2023 and 11 January 2024.

For a copy of the decision letter click on the decision in the tables below and follow the link to the Appeal where you will find the decision letter and other appeal documents.

App. No.	22/0919	FBC Decision:	Refusal	Level:	Delegated
Location:	LAND SOUTH OF JUNCTION OF KILNHOUSE LANE AND BLACKPOOL ROAD NORTH, LYTHAM ST ANNES FY8 3BN				
Description:	PRIOR APPROVAL FOR INSTALLATION OF A 20 METRE HIGH ELECTRONIC COMMUNICATIONS MAST INCLUDING GROUND BASED EQUIPMENT CABINETS AND ASSOCIATED ANCILLARY DEVELOPMENT PURSUANT TO SCHEDULE 2, PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)				
PINS Decision	Dismissed	Date:	28 December 2023	Costs:	N/A

App. No.	22/0948	FBC Decision:	Refusal	Level:	Delegated
Location:	HIGHWAY VERGE AT JUNCTION OF LIMA ROAD AND BEAUCLERK ROAD, LYTHAM ST ANNES, LANCASHIRE FY8 3LP				
Description:	PRIOR APPROVAL FOR INSTALLATION OF 15 METRE HIGH TELECOMMUNICATIONS MAST WITH ASSOCIATED EQUIPMENT CABINETS AND WORKS PURSUANT TO SCHEDULE 2, PART 16, CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)				
PINS Decision	Dismissed	Date:	28 December 2023	Costs:	N/A