

# Agenda



## Development Management Committee

Date:

Wednesday, 4 March 2015 at 10:00 am

Venue:

Town Hall, St Annes, FY8 1LW

Committee members:

Councillor Ben Aitken (Chairman)  
 Councillor Kevin Eastham (Vice-Chairman)  
 Councillors Tim Armit, Maxine Chew, Peter Collins, Fabian Craig-Wilson, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

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1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the meeting held on 4 February 2015 as a correct record (as previously circulated).	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
4	<b>Development Management Matters</b>	3 - 82
5	<b>List of Appeals Decided</b>	83 - 94
6	<b>Exclusion of the Public</b>	95
7	<b>EXEMPT ITEM NOT FOR PUBLICATION</b> <b>Authority to Commence Prosecution – Unauthorised Display of Advertisements.</b>	-

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: [lyndseyl@fylde.gov.uk](mailto:lyndseyl@fylde.gov.uk)

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7	15/0001	ST PETERS RC CHURCH, CLIFTON STREET, LYTHAM ST ANNES, FY8 5EP ADVERTISEMENT CONSENT FOR DISPLAY OF 2M HIGH NON-ILLUMINATED CROSS AND FIGURE OF CHRIST TO EASTERN GABLE OF CHURCH	Grant	77
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# Development Management Committee Schedule 04 March 2015

Item Number: 1    Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0103	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	c/o James Morgan Cars	<b>Agent :</b>	Stanton Andrews
<b>Location:</b>	357 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2PA		
<b>Proposal:</b>	PROPOSED ERECTION OF TWO DETACHED DWELLINGS FOLLOWING DEMOLITION OF GARAGES AND OUTBUILDING TO REAR WITH NEW BIN STORE TO FRONT AND REVISED PARKING ARRANGEMENTS		
<b>Parish:</b>	ASHTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	55	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Negotiations to improve design and layout.		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the erection of two dwellings to the rear of an existing Porritt House building within the Porritt Houses Conservation Area. The site has been the subject of a number of previous applications which have been refused planning permission by the council due to concerns over the scale of the development and the design of the buildings. This scheme provides two small properties that are more reflective of the scale of the existing buildings on site that are to be removed to facilitate their construction, and of an appropriate design. It is considered that the proposal will enhance the character of the conservation area and so accords with the requirement of Policy EP3 in that regard.

The site is well related to the services available in the town centre and so provides a suitable location for residential development. The access arrangements, neighbour relationships, amenity provision and other planning considerations are all considered to be acceptable and so the application accords with Policy HL2.

The proposal amounts to sustainable development and it is recommended that planning permission be granted subject to conditions.

**Reason for Reporting to Committee**

With the Town Council objection to the proposal and officer recommendation for approval the Scheme of Delegation requires that the application be determined by the Development Management Committee.

## **Site Description and Location**

This application relates to the grounds of a three storey, semi-detached, stone built Porritt House, currently in use as 5 flats & situated on the east side of Clifton Drive North adjacent to Ashton Gardens. The property benefits from front & side gardens & vehicular access from Clifton Drive North at the front & also a rear access road. On the rear boundary, there is a brick built block of 5 garages with a flat roof, which is a later addition to the property. Within the Fylde Borough Local Plan the land is allocated as within the settlement, the Porritt Houses Conservation Area & the Secondary Holiday Area.

## **Details of Proposal**

The proposal involves the development of two additional properties on the site following the demolition of an outbuilding and single storey elements of the main building to the rear.

One dwelling is provided in an extension to the rear annexe to form a 1 bedroom self-contained dwelling, it would have a maximum length of 5.7 m x 7.6m wide x 6.45m high. The materials of construction would be a red brick with a stone band, timber windows and doors and a slate roof.

The other dwelling is a 2 bedroom detached dwelling that is situated on the site of the rear garage block and partially on the side garden which separates the existing building from a pedestrian footpath and Ashton Gardens. It would be situated adjacent to the highway at the rear (Back St. George's Road) and would have a maximum length of 16.6 metres x a maximum width of 8.8m x 7m high to the ridge of its pitched roof. The proposed building materials are again red brick with a stone band, timber windows and doors and a slate roof.

The site layout would be altered to incorporate 6 uncovered car parking spaces towards the front of the site, utilising the existing vehicular access from Clifton Drive North with provision made for a bin store adjacent to the site frontage.

The planning application is accompanied by a Design and Access Statement, a Supporting Planning Statement, a Heritage Statement and a Protected Species Survey. The current proposal is a revision to that originally submitted with the amendments related to a reduction in scale of the detached dwelling and a reconfiguration of the internal layout of the other dwelling with consequential changes to its elevations.

Earlier applications have been accompanied by applications for Conservation Area Consent relating to the demolition of the buildings required to facilitate the construction work, but following a change in legislation those matters are now considered as part of a planning application.

## **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0278	DEMOLITION OF BLOCK OF 5 GARAGES, ERECTION OF DETACHED DWELLING, EXTENSION TO OUT BUILDING TO FORM A GARAGE	Withdrawn by Applicant	21/11/2012
11/0459	ALTERATIONS & EXTENSION TO OUT BUILDING TO FORM A GROUND FLOOR FLAT	Refused	07/09/2011

11/0027	ERECTION OF MEWS HOUSE	Approved with 106 Agreement	16/06/2011
11/0028	CONSERVATION AREA CONSENT TO DEMOLITION BLOCK OF FIVE GARAGES FOR ERECTION OF MEWS HOUSE	Granted	16/06/2011
10/0187	ERECTION OF MEWS HOUSE	Withdrawn by Applicant	07/04/2010
09/0662	DEMOLITION OF BLOCK OF GARAGES TO REAR TO ENABLE MEWS DEVELOPMENT PROPOSED UNDER APPLICATION 09/0663 TO PROCEED	Refused	17/12/2009
09/0663	ERECTION OF MEWS HOUSE PURSUANT TO REFUSAL OF APPLICATION 09/0126	Refused	17/12/2009
09/0304	CONSERVATION AREA CONSENT TO DEMOLISH BLOCK OF GARAGES TO REAR OF PROPERTY	Withdrawn by Applicant	14/07/2009
09/0126	ERECTION OF 2 DETACHED DWELLINGS ON LAND TO SIDE OF NO. 357 CLIFTON DRIVE NORTH AND CONVERSION AND EXTENSION OF EXISTING BUILDING TO REAR TO FORM A NEW DWELLING UNIT.	Refused	22/06/2009
08/0354	DEMOLITION OF 5 GARAGES & ERECTION OF BLOCK OF 7 APARTMENTS	Withdrawn - Appeal against non-determine	10/12/2008
08/0387	CONSERVATION AREA CONSENT FOR DEMOLITION OF BLOCK OF GARAGES TO THE REAR.	Refused	18/05/2009
91/0523	ERECT OPEN PORCH OVER REAR GROUND FLOOR ENTRANCE	Granted	11/09/1991

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
08/0354	DEMOLITION OF 5 GARAGES & ERECTION OF BLOCK OF 7 APARTMENTS	Dismiss	18/05/2009
08/0387	CONSERVATION AREA CONSENT FOR DEMOLITION OF BLOCK OF GARAGES TO THE REAR.	Dismiss	18/05/2009

### **Parish/Town Council Observations**

St Anne's on the Sea Town Council notified on 17 February 2014 and on 26 November 2014  
**Summary of Response:** When initially consulted they raised no specific observations to the application. Following the submission of revised elevations they raise objection stating:

- *“What about conservation area consent – does the applicant have this?”*
- *The Town Council is unhappy about the bin store at the front of the property (conservation area) when there is adequate access at the rear.*

- *It is out of keeping with the street scene*
- *We draw attention to Fylde's previous comments: 'cramped, over-intensive form of residential development, detrimental in character of a conservation area and the visual amenities of neighbours'*
- *If the application is successful, the Town Council would like money to be provided for public realm improvements, for example, another pedestrian crossing refuge on Clifton Drive near Beach Road and public realm improvements in Ashton Gardens."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

The existing dwelling (357 Clifton Drive) is split into five apartments with a total of ten bedrooms, which would equate to providing ten on site car parking spaces. This is not the case and the new proposed development only offers one extra space within the curtilage taking to total number of parking spaces to six.

Given the application site is in a sustainable location, offering links to public transport, I consider the shortage of off road parking spaces will not significantly impact on the nearby highway therefore there are no highway objections to this scheme.

#### **Lancashire County Ecology Service**

No response received.

#### **Lytham St. Anne's Civic Society**

*"We regard this development as over intensive and have concerns about the impact of the development on the setting of the Ashton Gardens. The Unit B is possibly acceptable echoing as it does the smaller scale of buildings in the vicinity. However Unit A overdevelops the site and destroys the setting of the park."*

#### **English Heritage:**

*"We do not consider that it is necessary for this application to be notified to English Heritage."*

### **Neighbour Observations**

**Neighbours notified:** 17 February 2014

**Amended plans notified:** 26 November 2014

**No. Of Responses Received:** Two letters of OBJECTION to original. None to revised.

**Nature of comments made:**

Concern re:

1. Site is not screened, it has open views to Ashton Gardens.
2. There is a demand for the existing garages on the site.
3. There is already planning permission for one dwelling on the site.
4. The proposal is just for profit not to benefit the site
5. It will remove existing amenities from residents.
6. Interference with party wall
7. Loss of existing large bin store.
8. Inadequate parking provision & increased traffic noise.
9. Inconsistency between the plans & the Design & Access Statement.
10. The buildings are not redundant, contrary to the Applicant's claims.



11. Over intensive development.
12. Proposal is out of keeping with the street scene and views from Ashton Gardens.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP03	Development within conservation areas
TREC02	Secondary Holiday Areas

#### **Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Conservation area site

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

#### **Policy and Planning Background**

The key policy considerations in the determination of this application are Policies HL2 & EP3 of the Fylde Borough Local Plan relating respectively to the normal planning criteria for new residential development, and the particular criteria to examine proposals in a conservation area.

The planning history of this site is an important consideration. There has been planning permission under reference 11/0027 for a single 1 ½ storey property similar to the detached dwelling proposed under this application, but that has now expired without being implemented. A subsequent application under reference 11/0459 then sought permission for a second dwelling in the location of the attached property proposed here but was refused as it was felt that it would “*result in a cramped, over intensive form of residential development, which would be detrimental to the character of the Conservation Area and the levels of visual amenity enjoyed by neighbouring residents*”.

#### **Principle of Development**

Firstly, as regards the other policies set out above, the site is located within the settlement of St Annes which is a focus for appropriate new development. In that context there is no issue with the principle of additional housing development within this part of the urban area as it is well related to the shops and services available in the town and the road, rail and other transport links that it offers. Additional residential development in such areas assists with the housing needs of the borough and so is generally to be encouraged.

The Secondary Holiday Area designation (Policy TREC2) relates to the loss of such accommodation. As this proposal is for a new build there is no conflict with this Policy.

#### Impact on character of the Conservation Area

The site is located within the Porritt Houses Conservation Area which extends to the run of Porritt Houses on either side of Clifton Drive North between Beach Road and St Georges Road and includes Ashton Gardens, with the character of the Conservation Area established by both these important elements.

The existing buildings on the site are a terrace of 5 flat roofed garages, and a single storey element to the main house. The garages face Back St Georges Square and serve the flats in the main building. These are an obvious later addition than the house that are of a simple design and are in a somewhat dilapidated state. It is not considered that they make a positive contribution to the Conservation Area. The annex element is also an addition and provides some storage and an area for bins, but would have most likely provided outside toilet and coal storage areas when first built. This makes a modest positive contribution to the conservation area.

The proposed detached building is now similar in scale to that previously approved, and has a scale, design and materials to be sympathetic to the main building. It is clearly subservient to that large three storey building in both its height and location to the rear of the main body of the house. The building will restrict some views of the main building from Ashton Gardens but the concept of that has already been accepted by the approval of the dwelling in 2011. Overall it is considered that the slight increase in scale of the dwelling now proposed at least preserves the character of the conservation area, and with the opportunity to replace the unattractive garages actually enhances it.

The other dwelling involves the loss of an element that is attached to the building, but the new element is modest in scale and reflects the design of the building at the rear which has an outrigger that reduces in scale to the rear boundary. This element will not be readily visible from Ashton Gardens due to the proposed detached dwelling, or from Clifton Drive North due to the main building, and so has a very limited impact on the Conservation Area as a whole, but with the appropriate design, scale and materials this impact is a positive one.

The development of the site will involve the loss of some space around the rear of the property, but when weighed against the positive impacts that the development brings it is considered that the impact on the conservation area is positive overall, and so the application accords with Policy EP3 and the guidance in para 134 of the NPPF which requires that impact on a designated heritage asset (in this case the conservation area) are weighed against the public benefits of the proposal including securing its optimum viable use.

#### Impact on existing residential amenity

The proposed dwellings would be situated within the rear part of the curtilage to 357 Clifton Drive North and so have the potential to impact on the amenity of the occupiers of the flats within that building in the available external space that they are able to enjoy, and in terms of the potential massing/loss of light/privacy implications to the occupiers of the ground floor flat.

With regard to the amenity space aspect, the proposal involves the replacement of existing buildings and whilst the new structures occupy a larger footprint the area involved on site it does not readily appear to be used as amenity space for the flats and so it is not considered that there is any real reduction of this as a consequence of the application.

The attached dwelling is to the rear of the main body of the building at a separation of around 10m from its rear elevation. At this distance there is a risk of an unacceptable relationship being created. However, with the modest increase over the scale of the existing building, and the design of the building with only an obscured window in its facing elevation it is considered that this relationship

provides appropriate protection from adverse impacts on neighbour amenity.

The detached dwelling is further forward than that previously approved which brings it closer to a habitable window on the side elevation of the main building. However, with the scale of the building proposed and the extent of open and south-facing aspect that is retained for the window it is considered that this relationship is also an acceptable one to comply with the requirements of Policy HL2.

#### Proposed Residential Amenity

The proposal was revised during consideration to improve the amenity offered for the new dwellings and the relationship with the existing properties. However, the space available within the site is limited and so the gardens provided for the properties are minimal with the housing having a yard area to the rear and the attached dwelling sharing a space adjacent to the rear entrance to the main building.

Policy HL2 and guidance in the NPPF both seek to ensure that adequate standards of amenity are provided with new residential units, and the areas provided within the site here are limited. However, with the dwellings themselves also being limited in their extent it is unlikely that they will attract family occupiers who are more likely to make use of private garden space, and the position of the site immediately adjacent Ashton Gardens gives excellent convenient access to an area of public open space for recreational use. Accordingly it is considered that a reason for refusal of the application on this basis cannot be justified. Similarly, the various habitable rooms to both units are provided with enough clear windows with open aspects to offset those relationships where obscured glass is required to address privacy concerns.

#### Other Matters

- **Ecology** – The application is supported with a survey of the building to assess the potential for it to be used by bats. This reports no evidence of this and so it is considered that there is a reasonable likelihood that there will not be an adverse impact on this protected species. However, it is good practise to impose a precautionary condition to require a further survey be undertaken prior to works commencing.
- **Access** – The site has an existing single vehicle wide access to Clifton Drive North with a lawned area to the front and driveway that leads to a tarmacked parking area to the side of the building, and the garages that are accessed to the rear via Back St Georges Square. The use of these garages would be lost and all access would be to the front via the existing access point. County Highways raise no objection to the increased use of this access that would result from this development and it is considered that this aspect is in accordance with criteria 4 of Policy HL2.
- **Parking Levels** – To address previous concerns over the parking levels the application proposes that the driveway is widened to the Ashton Gardens side to provide angled parking for 6 spaces on site, and is extended across the front of the building to provide a reversing area so that on-site turning is possible. With the building providing 5 flats already and the development proposing an additional 2 properties the parking provision is not quite 1 per unit on site. County Highways are satisfied that this is an acceptable arrangement given the accessible location of the site. Your officers agree with this view and that the parking provision is a suitable compromise to enable the retention of sufficient garden area to the front of the site to respect the conservation area as many neighbouring properties feature entirely hard surfaced front gardens.
- **Bin Storage** – The annex area to the rear that is to be lost provides informal bin storage arrangements for the flats in a location that is not readily visible and allows them to be serviced from the rear. As this area is removed it is proposed that a replacement facility is provided adjacent to the access to Clifton Drive North with the site plan indicating that this has capacity for 14 bins so that each unit on site would have 2 bins. There is currently a low wall with fence

above to then front boundary and so the erection of a bin store would involve a slight increase in the scale of the development in this location. With many other buildings in the area being converted to flats it is common for bins to be stored on the front garden areas, but this results in an unattractive and cluttered appearance with a well-designed storage area a preferable option. As no details of the design have been submitted it is appropriate that a condition is introduced to secure the details of this and its construction.

- **Contributions** – The Town Council request that the development provide contributions towards a pedestrian crossing or enhancements of the public realm in Ashton Gardens. Given the scale of development is only 2 dwellings this is well below the 15 dwelling threshold where by the Interim Housing Policy can be used to secure contributions from residential development, and accordingly it is not possible for the council to pursue any such contributions without conflict with the CIL regulations.

### **Conclusions**

The application relates to the erection of two dwellings to the rear of an existing Porritt House building within the Porritt Houses Conservation Area. The site has been the subject of a number of previous applications which have been refused planning permission by the council due to concerns over the scale of the development and the design of the buildings. This scheme provides two small properties that are more reflective of the scale of the existing buildings on site that are to be removed to facilitate their construction, and of an appropriate design. It is considered that the proposal will enhance the character of the conservation area and so accords with the requirement of Policy EP3 in that regard.

The site is well related to the services available in the town centre and so provides a suitable location for residential development. The access arrangements, neighbour relationships, amenity provision and other planning considerations are all considered to be acceptable and so the application accords with Policy HL2.

The proposal amounts to sustainable development and it is recommended that planning permission be granted subject to conditions.

### **Recommendation**

That Planning Permission be GRANTED for the following reasons:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. That the development hereby approved shall relate to the following drawings:
  - Location Plan - Malcolm Hughes Land Surveyors February 2014
  - Existing Site Plan - Stanton Andrews Architects drawing 12/59 Ex 1 Rev A
  - Existing Elevations - Stanton Andrews Architects drawing 12/59 Ex 2

- Proposed Floor Plans - Stanton Andrews Architects drawing 12/59 PI 2 Rev C
- Proposed Elevations 1 - Stanton Andrews Architects drawing 12/59 PI 3 Rev C
- Proposed Elevations 2 - Stanton Andrews Architects drawing 12/59 PI4 Rev A

For the avoidance of doubt and as agreed with the applicant.

3. Notwithstanding any denotation on the approved plans full details of the roofing and facing materials for the buildings hereby approved including their size, texture and colour shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development as required by Policy HL2 of the Fylde Borough Local Plan.

4. Notwithstanding any denotation on the approved site plan details of the extent, materials and method of construction of the external surface materials for the driveway, parking and turning spaces and any other surfaced areas to the properties hereby approved shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development in accordance with the character of the area and to minimise the potential for damage to the tree on the site frontage.

5. Prior to the commencement of any development hereby approved a scheme to indicate the design, glazing arrangement, construction materials, opening style and colour for all windows to the two dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with this approved detail.

To ensure the provision of suitable windows that preserve or enhance the character of the conservation area as required by Policy EP3 of the Fylde Borough Local Plan.

6. Prior to the commencement of any development hereby approved a scheme to indicate the design and construction material for the bin storage area indicated on the proposed site plan approved under condition 2 of this permission shall be submitted to and approved in writing by the Local Planning Authority. This approved facility shall be provided in accordance with those details prior to the occupation of the first dwelling and shall be retained available for its intended purpose at all times thereafter.

To ensure the design and provision of a suitable bin storage facility to meet these needs for the development whilst preserving or enhancing the character of the conservation area as required by Policy EP3 of the Fylde Borough Local Plan.

7. That any windows to be inserted to the south west facing elevation of the attached property (Unit B) hereby approved shall be fitted with glazing that is obscured to a degree that is at least equivalent to Pilkington Level Four. The windows shall thereafter be retained in that condition and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 [as amended], no windows of a different design or glazing type shall be inserted at any future time unless the express consent of the local planning authority has first been obtained.

To protect the amenity of the occupiers of that property and those in the existing flats as required by Policy HL5 of the Fylde Borough Local Plan.

8. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved Construction Plan.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

9. That the parking and turning areas indicated on the site plan approved under condition 2 of this planning permission shall be provided in accordance with that layout prior to the occupation of any dwelling hereby approved. These areas shall thereafter be retained as available for those intended purposes at all times.

To enable the provision of an appropriate level of on-site parking in the interests of highway safety and the character of the area as required by Policy SP2 of the Fylde Borough Local Plan.

10. Prior to the commencement of any development hereby approved a scheme to indicate the construction materials, heights, and routing of any boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. Only boundary treatments contained within this agreed schedule shall then be erected within the development.

To secure that any boundary treatments within the development preserve or enhance the character of the conservation area as required by Policy EP3 of the Fylde Borough Local Plan.

11. That prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels across the site, and the proposed Finished Floor Levels of the proposed dwellings. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question.

To ensure the site is constructed with a satisfactory appearance as required by Policy HL2 of the Fylde Borough Local Plan.

12. That prior to the commencement of any development on the site details of the surface and foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall be undertaken and maintained in accordance with these approved details.

To ensure that the site is suitably drained as required by Policy HL2 and Policy EP25 of the Fylde Borough Local Plan.

13. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class A -F (inclusive) of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding
- G Flues and Chimneys
- H Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwellings and the surrounding area and the protected trees on the site.

14. Notwithstanding the provision of Class A of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwellings which may adversely affect the character and appearance of the dwellings and the surrounding area and the protected trees on the site.

15. That prior to the commencement of development a scheme for the design and location of bat boxes and other habitat enhancement measures for bat roosting and nesting opportunities shall be submitted to and approved in writing by the local planning

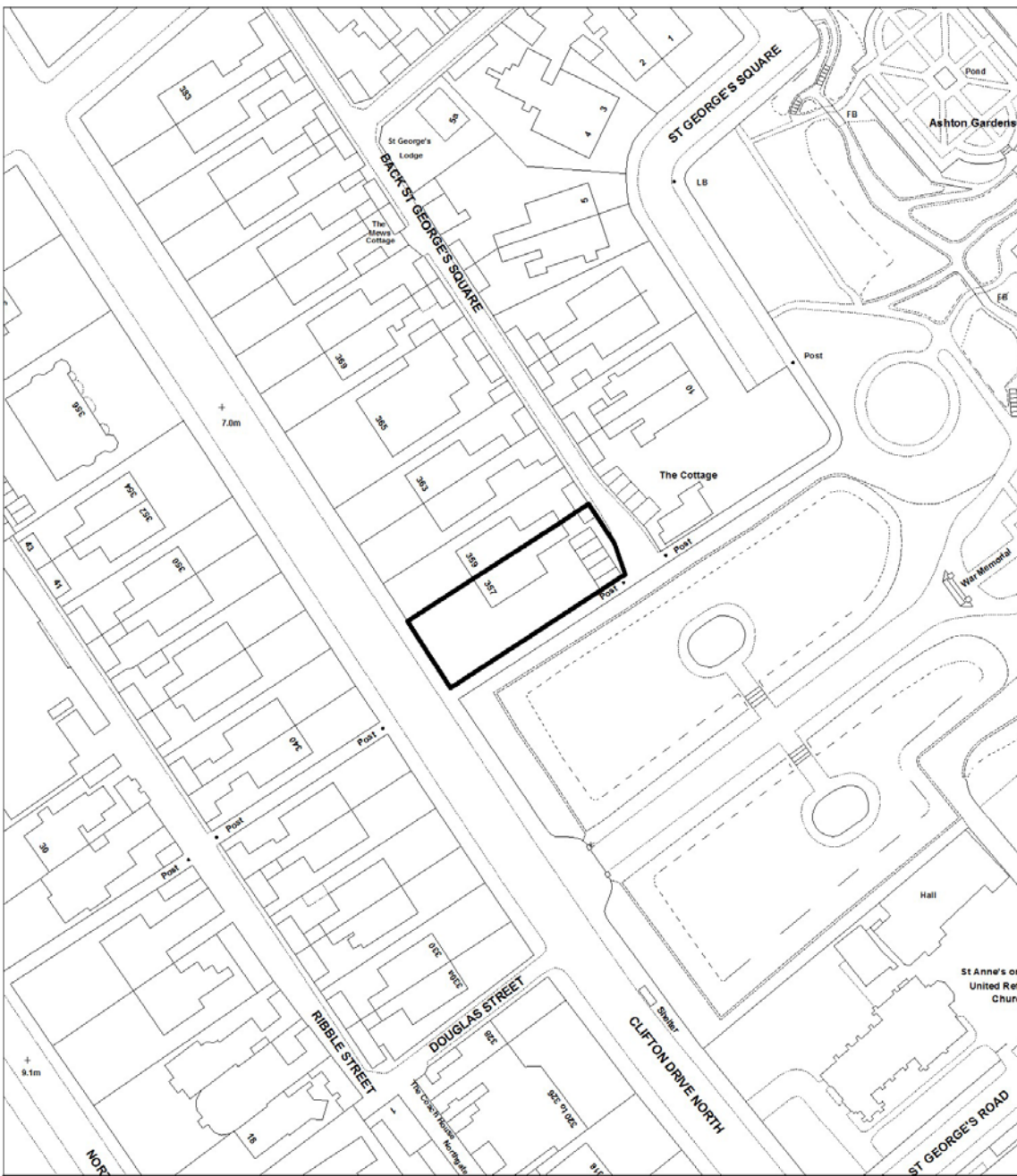
authority. This scheme shall be implemented in the development in accordance with the phasings it contains.

To provide habitat and biodiversity enhancement as required by Policy EP19 of the Fylde Borough Local Plan.

16. That within three months prior to the commencement of any demolition works on the site a further survey of the building for the presence of bats shall be undertaken. Should this survey reveal a bat presence then the details of this survey and suggested mitigation for the loss of this habitat shall be submitted to and approved by the local planning authority, with no further works undertaken until this has been assessed and the written approval of the local planning authority to permit work to continue has been issued. Any further development shall be implemented in accordance with the specified mitigation and its timings.

To ensure that the favourable conservation status of this protected species is maintained.





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Application No. 5/14/0103	Address 357 Clifton Drive North, Lytham St Annes	Grid Ref. E.3318 : N.4289	Scale 0 6 12 18 24 m 

Item Number: 2    Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0823	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	West Register (Realisations) Ltd	<b>Agent :</b>	Indigo Planning Ltd
<b>Location:</b>	SITE 5, WEST OF BROOKLANDS WAY, WHITEHILLS, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	PROPOSED TEMPORARY CAR PARK (5 YEARS) FOR 245 CARS WITH ACCESS AND HEIGHT CONTROLS, AND PERIMETER KNEE RAIL		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal is to construct a car park on an area of unused land within Whitehills Business Park, and retain this for a temporary period of 5 years.

Whilst not providing a direct source of employment it will assist the competitiveness of businesses as the area suffers from a shortage of parking spaces and a limited bus service which leads to parking congestion on the Whitehills Business Park.

As the land will be used as a car park it would not prejudice the development of the site for employment uses within the five year permission or afterwards. Therefore whilst not strictly in accordance with Policy EMP2 the loss of employment land would only be for a temporary period and is considered acceptable.

**Reason for Reporting to Committee**

The application site is of a size that results in 'major development' and therefore under the scheme of delegation it is a requirement to bring it before Development Management Committee for determination.

**Site Description and Location**

The application site is located on the north side of Hallam Way and west of Brooklands Way on the Whitehills Business Park estate which is allocated within the Adopted Fylde Borough Local Plan as an employment area. The site is currently undeveloped land totalling 1.73 hectares and is surrounded by different employment developments and undeveloped land.

Directly to the north of the site and immediately adjacent is undeveloped land that forms part of the site that the car park is located on but is not part of the red edge, beyond that are employment office buildings. Directly to the east of the application site is a large area of undeveloped land, beyond which is the B&Q Superstore. Immediately to the south is a builder's merchants industrial unit and café building and to the west undeveloped land and employment buildings.

### **Details of Proposal**

The application proposes the construction of a temporary car park to be in place for 5 years providing space for 254 cars. It is proposed to be accessed from the south of the site off Plumpton Close where there will be an automatic barrier with number plate recognition and height restrictor in place, with the parking spaces laid out horizontally in five rows within the site. The exit to the car park will be from its south east corner onto the access road which currently serves the café on Brooklands Way.

There is no accessible parking or cycle spaces proposed within this area as this facility is already provided adjacent to each individual business. The car parking spaces will be permeable and surface water drains will cover the site. The site will be surrounded by low knee rail type fencing and landscaping is shown on the edge of the site outside this fence line.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
07/0880	PROPOSED WAREHOUSE UNIT WITH ANCILLARY OFFICES AND WELFARE FACILITIES.	Granted	24/10/2007
07/0042	OFFICE UNIT AND MEDICAL SUITE.	Granted	09/03/2007
07/0043	PROPOSED OFFICE UNIT	Granted	09/03/2007
06/0808	OFFICE DEVELOPMENT INCORPORATING COFFEE SHOP AND TAKE AWAY.	Granted	15/12/2006

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

**Westby with Plumptons Parish Council** state: *"There were no objections to this application as there will be a necessity for additional parking. However, it was also noted by Councillor Naylor that the application was only for 'temporary' parking and not permanent, which would be a better solution to the existing parking issues in the area."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Planning Policy Team**

I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005) and the National Planning Policy Framework.

### Development Plan

The proposed development lies within an area which is allocated as 'Existing Business and Industrial Areas' in the Fylde Borough Local Plan. Policy EMP2 operates to permit proposals for business and industrial development, specifically here for B1, B2 and B8 uses.

In August 2012 the council published an Employment Land and Premises Study (FELPS). It forms part of the evidence base for the emerging local plan to 2030, and it is therefore a material consideration for the purposes of development management. The study recommends the provision of between 26 and 33 ha of additional employment land. This needs to be allocated and brought forward to meet requirements for the Local Plan period to 2030. The FELPS also recommends the protection of the identified current employment land supply that is not the subject of existing consents for alternative uses.

Table 38 of the FELPS includes an assessment for site EMP2(13b), Whitehills Park. The FELPS recommends it be retained as a sub-regional employment area for B1/B8 and associated services. The proposal would result in the loss of 1.73 ha of the site area to non class B use.

Policy TR10 of the Fylde Borough Local Plan operates in respect of car park design. The policy states that car parks will only be permitted where all six of its criteria are met.

In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF.

### Temporary Consent

Whilst it is noted that the proposal is for a temporary planning permission, I have not seen anything in the supporting documentation which specifies for how long. It may be that an appropriate period would ensure that this area of land is not lost in perpetuity. The potential benefits which may be brought about to the wider area, by the proposal, are such that they can then be reviewed at the end of this specified period. Sterilising this area of land for a use which is not business or industrial development could potentially be to benefit of the wider sub-regional employment area.

### Conclusion

The proposal is contrary to policy EMP2 of the Fylde Borough Local Plan. If minded to grant consent for the proposal you need to be satisfied that the loss of this area of employment land to another use is justified as it would further increase the borough wide requirement for employment land. Furthermore, all the criteria in policy TR10 should be met.

### **Regeneration Team (Economic Development)**

No comments received.

### **Lancashire County Council - Highway Authority**

*"A number of roads on the Whitehills Employment site suffer with significant levels of parking to the extent that access is restricted.*

*The development proposal provides an opportunity to ease access along the estate roads, however providing car parking is not necessarily seen as being a sustainable solution to the*

*problems in the area.*

*Employers should be looking at reducing car journeys by single occupants with the introduction of Travel Plans. The development of a successful Travel Plan will reduce the need for single occupant car journeys and encourage greater use of walking, cycling and public transport. Recent planning permissions in the area are promoting improvements in public transport access to the area.*

*Whilst there is a current need to address the parking in the area, increasing the level of car parking is not seen as a long term solution and as such I would oppose the introduction of a permanent car park but would not oppose a temporary permission.*

*The car parking layout does not include spaces for disabled badge holders, or motorcycle and bicycle spaces. However, the aforementioned spaces are available at most units throughout the estate and as such I understand why the developer has omitted them from this proposal.*

*Overall I can confirm that there are no highway objections to a temporary planning permission being granted."*

**Environmental Protection (Pollution)**

No objections to the proposal.

**National Grid**

National Grid does have a Major Accident Hazard Pipeline the vicinity 'Kirkham - Marton' (pipeline indicated in orange on our plans). The pipeline is laid in a legally negotiated easement to which certain conditions apply. It is essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. It is not acceptable to increase/decrease the amount of cover over the pipeline without written consent from National Grid's Engineers.

From the information provided, it does not appear this application will directly affect the above pipeline.

**HM Inspector of Health & Safety**

No objections.

**Blackpool Borough Council**

No comments received.

**Environment Agency**

In the absence of an acceptable FRA they object to the grant of planning permission,

**United Utilities - Water**

No objections raised subject to condition. In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas. Request condition requiring submission of a surface water drainage scheme being submitted.

### **Electricity North West**

We have considered the above planning application submitted on 4/12/14 and find it could have an impact on our infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

Other points, specific to this particular application are:-

- Our records show that there are live ENWL low voltage mains/service cables within the development site.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications. Electricity North West offers a fully supported mapping service at a modest cost for our electricity assets. This is a service, which is constantly updated by our Data Management Team (Tel No. 0800 195 4749) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

## **Lancashire CC Flood Risk Management Team**

No response received.

### **Neighbour Observations**

**Neighbours notified:** 04 December 2014

**No. Of Responses Received:** None received.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EMP2	Existing business & industrial uses
TR10	Car Park Design

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Pipelines  
Article 4 direction

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

### **Comment and Analysis**

#### **Principle of the development**

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan and NPPF. The site is allocated within the Local Plan under policy EMP2 – Business and industrial land allocations for B1, B2 and B8 uses. The proposal is for an open car park which is a sui generis use and therefore does not fall under any these classes. As the policy states that this land should be retained in this class the application on the face of it is contrary to policy EMP2.

However the proposal is for a temporary car park for 245 cars. The applicants have indicated that it would be in place for 5 years and that it is proposed to be used to supplement the existing parking to other developments in the area in order to mitigate the current problems caused by on-street parking. The application includes details of a survey undertaken by Curtins Consulting which found 144 vehicles parked on the street. They state that this currently causes issues with access around the Business Park, especially for larger vehicles and HGVs. LCC Highways have commented on this application and state that whilst the provision of a car park is not seen as a sustainable solution it would provide an opportunity to ease access along the estate roads. They would therefore not object to a temporary permission being granted but would oppose the introduction of a temporary

permission.

The NPPF supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Despite the application being contrary to Local policy the temporary nature of the application means that it does not prejudice the development of the site for employment purposes in the future or within the five years if granted. The proposal by providing 254 off street parking spaces could provide benefits to the wider area and this can be reviewed at the end of the temporary period. It is therefore considered that whilst this application would result in the temporary loss of an area of employment land as it would not result in the permanent loss the proposal is acceptable in principle. A condition will be required to ensure that the use of the land as a car park ceases after five years, and any future applications in the surrounding area will need to ensure that sufficient parking is provided and any necessary sustainable transport measures are included as part of those applications as the car park would be temporary and therefore cannot be used as a long term solution for providing parking to future developments.

### **Design/Layout**

The proposal is for a temporary car park for 5 years with access and height controls and a perimeter knee rail. There is therefore minimal built structure and therefore the development will not have a significant visual impact. In terms of the layout of the proposal policy TR10 relates to car park design and the application needs to be considered against this policy. The proposed car park is of typical layout for cars with a simple in and out arrangement either side of Travis Perkins to the south. The car park is considered to be safe for vehicles and pedestrians and the proposed barriers would not prevent access to emergency vehicles. Landscaping is proposed to the north and east of the site and the applicants indicate they will submit details that can be subject to a condition. There are therefore no issues with the design/layout.

### **Highways Issues**

The proposal is for a temporary car park for 254 vehicles. LCC Highways pose no objections to a temporary car park. There are therefore no highways issues with the proposal.

### **Flooding and Drainage**

The site is located within Flood Zone 1 which is classed as areas least likely to flood by the Environment Agency. United Utilities have no objections to the development and conditions can be placed on the permission to ensure both foul and surface water are appropriately drained.

The Environment Agency have raised an objection because the submitted FRA does not include sufficient details of surface water drainage and attenuation. Additional drainage information has been submitted by the applicants which is currently being considered by the Environment Agency. Officers consider that as the site is not within a flood zone that a suitable drainage solution can be found which includes appropriate attenuation. Subject to the Environment Agency withdrawing their objection there are no issues with flooding and drainage. The EA's most recent comments will be provided to members in the late observations schedule.

### **Conclusions**

The proposal is for a non-employment use on a site allocated for employment uses. The proposal for a temporary car park for 5 years would solve an existing parking issue on the estate. It is not considered a sustainable solution by LCC Highways and therefore only a temporary permission is considered appropriate. As the proposal would not prejudice the sites development for employment



uses in the future it is considered acceptable in this instance.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:

- Location Plan - Just Architects
- Topographical Survey - Powers & Tiltman Ltd 6695-A-D3-D4
- Proposed Parking Plan - Just Architects AL20-Rev D
- Existing Services - Curtins TPIN1111-003
- Proposed Drainage Strategy - Curtins TPIN1111-501
- Flood Risk Assessment - Curtins TPIN1111/FRA
- Interim Travel Plan - Curtins TPMA1236
- Design & Access Statement - Just Architects

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. Prior to the commencement of any development details of the methods to control entry to and exit from the car park hereby approved shall be submitted to and approved in writing. Only the approved details shall be implemented as part of the development.

To ensure a satisfactory appearance to the development in the interests of the character of the area.

4. That the parking area hereby approved shall cease to be used for car parking and the fencing, automatic barrier and height restrictor removed by 4 March 2020. Prior to that date, or any earlier cessation of the car parking use, a scheme for the reinstatement of the land shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented within a timescale that is to form part of the scheme and retained,

Reason: To ensure that the development is temporary and does not result in the permanent loss of employment land, and to ensure that the site retains an appropriate appearance for the character of the surrounding area.

5. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an

assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage

6. The car parking as indicated on the approved plans shall be constructed, drained, surfaced and laid out as shown on the approved plans prior to the first use of the car park and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking. The details of the construction and surface of the car park shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

To provide an appropriate layout and construction surface for the car park.

7. Prior to the first use of the car park a Framework Travel Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be based on the Interim Travel Plan submitted with this application. All elements shall be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

To ensure that the development provides sustainable transport options.

8. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

9. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall

include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.



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Application No. 5/14/0823	Address Site 5, West of Brooklands Way, Whitehills, Westby	Grid Ref. E.3349 : N.4330	Scale 0 20 40 60 80 m 

Item Number: 3 Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0824	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	West Register (Realisations) Ltd	<b>Agent :</b>	Indigo Planning Ltd
<b>Location:</b>	SITE 6 AND 7, THOMPSON ROAD, WHITEHILLS, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5PN		
<b>Proposal:</b>	PROPOSED ERECTION OF TERRACE OF THREE INDUSTRIAL / STORAGE UNITS (CLASS B1c/B2/B8) OF 232M2 PER UNIT, AND ERECTION OF SINGLE INDUSTRIAL / STORAGE UNIT (CLASS B1c/B2/B8) OF 925M2. EACH UNIT TO HAVE ANCILLARY OFFICE SPACE, PARKING PROVISION AND SERVICE YARD AREAS		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is split and consists of two plots of vacant undeveloped land on the Whitehills Employment Area. The proposal relates to the erection of a two storey single industrial unit on one, and a terrace of three industrial units on the other.

The proposal complies with Policy EMP1 of the Adopted Fylde Borough Local Plan and the NPPF which supports employment development on the estate. The principle of the development is therefore acceptable, the design of the proposal is considered acceptable and appropriate for its location and the development will have no detrimental impact on highway safety. The proposal will also bring economic investment into the Borough and is recommended for approval.

**Reason for Reporting to Committee**

The application is classed as 'major development' and therefore under the scheme of delegation it is a requirement to bring it before Development Management Committee for determination.

**Site Description and Location**

The application site consists of two plots of undeveloped land on the Whitehills Business Park estate which is allocated within the Adopted Fylde Borough Local Plan as an employment area.

Plot 7 which is to house a single two storey industrial unit is located on the north side of Thompson

Road and west of Woodside. Directly to the north is a two storey unit constructed in brick and grey cladding, to the south of the site is an office building and car park and to the east a terrace of industrial units also constructed in grey cladding.

To the north of this terrace is some undeveloped land which forms the other part of the application (Plot 6) and is to contain a terrace of three units. The sites are currently undeveloped land totalling 0.38 hectares and are surrounded by different employment developments. There is also a great variety of designs and materials used in the wider area with no predominant style or theme throughout the site.

### **Details of Proposal**

The application proposes the erection of two different buildings to be built at the two sites which are in close proximity to each other on Woodside. Plot 7 which is the parcel of land adjacent both Thomspon Road and Woodside will contain a two storey industrial unit with vehicular access off Thompson Road. The building is two storeys high providing 925 square metres of floor space. It measures 9.28m to the eaves and 10.57m to its ridge line. The building is of typical design with a pitched roof, silver and dark grey cladding with a plinth wall constructed in a dark brick and a small two storey office within the building, the remainder being full height warehouse space. It will have 13 parking spaces and service yard directly adjacent to it.

The terrace of three units to be located on plot 6 are 7.41m to the eaves and 8.55m to the ridge and will be constructed in the same materials and will provide 232 square metres of internal floor space per unit. The units are set back from Woodside with 3 parking spaces per unit located in front of them. There are two points of access to these units from Woodside. The units are of typical design within the estate and are similar to adjacent existing units on Woodside. All three of the units have sectional overhead vehicle doors and have ancillary office space within them. The building has a pitched roof and is to be constructed in the same brick work and cladding as the adjacent unit on plot7.

Both sites are to provide the flexibility of use between Classes B1c (light industry), B2 (general industry) and B8 (storage and distribution).

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0522	CHANGE OF USE FROM B2 GENERAL INDUSTRY TO B8 STORAGE / DISTRIBUTION.	Granted	17/09/2009
08/0437	ERECTION OF INDUSTRIAL UNIT.	Granted	06/08/2008
07/0902	ROYAL MAIL DELIVERY OFFICE	Granted	17/10/2007
06/0250	PROPOSED INDUSTRIAL UNIT WITH OFFICES, SERVICE AREA AND PARKING	Granted	06/07/2006
05/0573	PROPOSED OFFICES AND STORAGE	Granted	25/07/2005

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 28 November 2014 and confirm *“No objections to the application.”*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **National Grid**

No objections.

#### **HM Inspector of Health & Safety**

No objections.

#### **Blackpool Borough Council**

No comments received.

#### **Environment Agency**

No comments to make on the proposal.

#### **United Utilities - Water**

No objections, request conditions relating to details of drainage of foul and surface water.

#### **Electricity North West**

No objections.

#### **Planning Policy Team**

The proposed development lies within an area which is allocated as ‘Existing Business and Industrial Areas’ in the Fylde Borough Local Plan. Policy EMP2 operates to permit proposals for business and industrial development, specifically here for B1, B2 and B8 uses. Unless there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, then the proposal does not appear to raise any policy issues.

#### **Regeneration Team (Economic Development)**

No comments received.

#### **Lancashire County Council - Highway Authority**

There are no highway objections.

#### **Environmental Protection (Pollution)**

No objections.

#### **Lancashire CC Flood Risk Management Team**

No comments received.

## **Neighbour Observations**

**Neighbours notified:** 28 November 2014

**No. Of Responses Received:** None received.

## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

### **Site Constraints**

Pipelines  
Article 4 direction

## **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

## **Comment and Analysis**

### **Principle of the development**

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan and NPPF. The site is allocated within the Local Plan under policy EMP2 – Business and industrial land allocations for B1, B2 and B8 uses, therefore the proposal complies with this policy and land allocation and the development in principle is acceptable. The NPPF supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. The development is considered to be sustainable economic growth in an area identified for employment uses.

The application planning statement refers to a non-food retail planning application being submitted at site 3 and that the retail development should create the requisite value to subsidise the delivery of the employment scheme. However since submission the applicants have confirmed that they are not making a cross subsidy case and therefore that application is immaterial for determining this application.

### **Design and visual impact**

The sites as existing are undeveloped sites within an industrial estate. The proposal is for two appropriately designed industrial units as described in the details of the proposal. Whilst there is a mix in design and materials on the site as a whole these units would be constructed in the same materials as each other and would be of similar design to the units they would be adjacent too and this would therefore introduce some consistency to this area of the site.

The design of the terrace of three units is typical of the site and would match those located directly



adjacent. This building is appropriately located and would have minimal impact on the area. The individual industrial unit is located in a more prominent location adjacent to the junction of Thompson Road and Woodside but the design of the unit is typical and of an appropriate size for the plot. The mix of materials and use of both horizontal and vertical cladding helps break up the elevations and reduce the profile of the building.

The application planning statement suggests that areas of soft landscaping will be provided within the development plots including a mix of seeded grass verges and shrub planting. The details of these are not included with the application and will therefore have to be subject to a condition to ensure a high quality scheme is submitted. The design of the proposed buildings and their visual impact is considered acceptable.

### **Highways issues**

LCC Highways have confirmed that they have no objections to the proposal. It is considered the proposal provides an appropriate amount of parking for the uses proposed and the development is located within an allocated employment site. Conditions can be placed on any permission granted to ensure car parks are laid out prior to occupation of the buildings.

### **Flooding and drainage**

It is proposed that foul and surface water drainage will discharge into Whitehills existing drainage infrastructure, via the main sewer and balancing pond. Both United Utilities and the Environment Agency have no objections to the development and conditions can be placed on the permission to ensure both foul and surface water are appropriately drained.

### **Conclusions**

The proposal complies with policy EMP1 of the Adopted Fylde Borough Local Plan as the principle of the use is considered acceptable, the design of the buildings is appropriate for this location and the development would have no detrimental impact on highway safety.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:
  - Existing Site Plan - Fletcher rae drawing 13021\_PL01
  - Proposed Site Plan - Fletcher rae drawing 13021\_PL02
  - Unit 1 General Arrangement Plan - Fletcher rae drawing 13021\_PL03
  - Unit 1 Elevations - Fletcher rae drawing 13021\_PL04
  - Unit 1 Sections - Fletcher rae drawing 13021\_PL05

- Unit 1 Roof Plan - Fletcher rae drawing 13021\_PL06
- Unit 2 General Arrangement Plan - Fletcher rae drawing 13021\_PL07
- Unit 2 Elevations - Fletcher rae drawing 13021\_PL08
- Unit 2 Sections - Fletcher rae drawing 13021\_PL09
- Unit 2 Roof Plan - Fletcher rae drawing 13021\_PL10
- Location Plan - Fletcher rae drawing 13021\_PL11
- Drainage and Utilities Plan - Fletcher rae drawing 13021\_PL12
- Planning Statement - Indigo Planning November 2014
- Design and Access Statement - Fletcher rae September 2013
- Flood Risk Assessment - argyll environmental November 2010

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall brick and cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In order to ensure a satisfactory standard of development.

4. Prior to the commencement of development, a scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and approved in writing by the Local Planning Authority. Only lighting contained in the approved scheme shall be implemented at the site, with any addition or alteration to the scheme agreed in writing with the Authority.

In the interests of visual amenity.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 1995 [as amended] or any other legislation that amends or re-enacts those Orders, where premises are in use as Class B8 storage and distribution any retail sales shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location.

6. The car parking [and unloading and loading] area as indicated on the approved plans shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for users on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

7. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

8. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

9. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details

To ensure the provision of a satisfactory drainage scheme.

10. Prior to the commencement of any development, a surface water drainage scheme and

means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

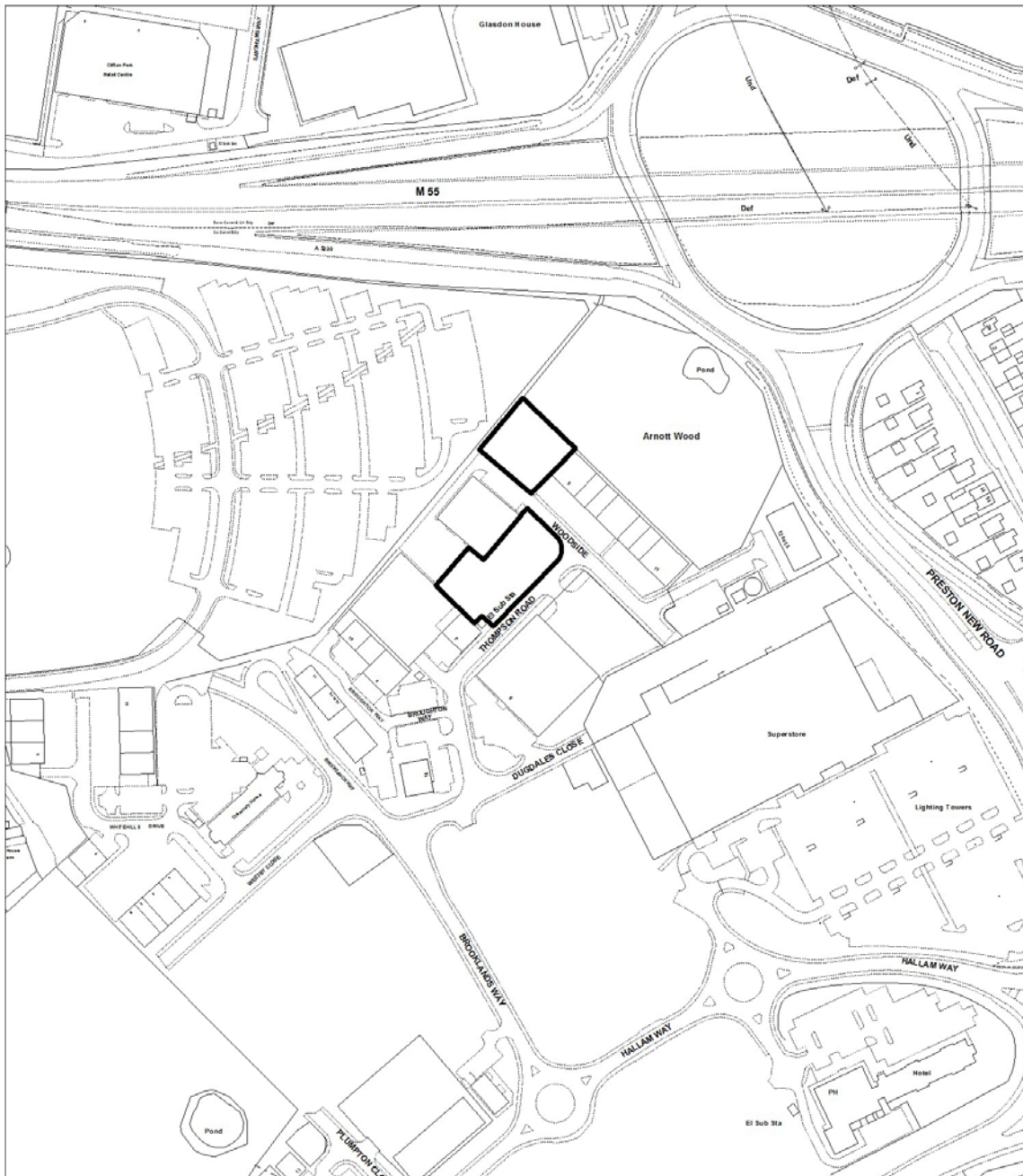
To ensure the provision of a satisfactory drainage scheme.

11. No goods of any description shall be stored other than within the defined buildings.

In the interests of visual amenity.

12. Before the commencement of building works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The facilities shall remain on site for the duration of construction works unless otherwise agreed in writing by the local planning authority.

To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0824	Address Site 6 & 7, Thompson Road, Whitehills, Westby	Grid Ref. E.3350 : N.4333	Scale 0 15 30 45 60 m 

Item Number: 4 Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0826	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mr Galagher	<b>Agent :</b>	Jones & Company
<b>Location:</b>	15 + 17 EDEN AVENUE, LYTHAM ST ANNES, FY8 5PS		
<b>Proposal:</b>	PROPOSED DEMOLITION OF 2 NO. EXISTING SEMI DETACHED DWELLINGS (CURRENTLY 6 FLATS) AND ERECTION OF NEW SINGLE DWELLING HOUSE TOGETHER WITH ASSOCIATED EXTERNAL WORKS.		
<b>Parish:</b>	ANSDELL	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	To consider further representations made by the applicant.		

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

The proposal is for the demolition of the existing pair of semi-detached properties and the erection of a detached single dwelling within the Avenues Conservation Area.

It is considered that the existing building makes a significant contribution to the conservation area and it has not been demonstrated that there are any mitigating circumstances that would demonstrate that it is not economically viable to retain the existing building or that its loss would be necessary as a result of structural failings. Having carefully considered the merits of the existing building and its contribution to the conservation area, it is considered that the demolition of the building would result in significant harm to the character of the conservation area, therefore, be contrary to the provisions of Policy EP3 of the FBLP and the guidance contained within Section 12 of the NPPF, in particular paragraph 133.

**Reason for Reporting to Committee**

The proposal relates to the demolition of an existing building within a conservation area and so raises key policy issues for consideration.

**Site Description and Location**

The application site is a pair of semi-detached red brick late Victorian properties located on the corner of Eden Avenue and Clifton Drive. The site is located within the Lytham Avenues Conservation Area. The properties were last used as self-contained flats, planning permission having been granted in 1967. The building (both properties) is two and a half storey's and the roof is hipped consisting of large gables, in particular fronting onto Eden Avenue. There have been various alterations and

additions to the building including two ground floor bay windows and removal of a chimney stack and original windows from the elevation facing Clifton Drive. To the rear there are some single storey rear extensions. There is a large side garden between the building and Clifton Drive.

The surrounding area, in particular this part of the Lytham Avenues Conservation Area (north side of Clifton Drive, Eden Avenue, Elms Avenue, West Bank Avenue and Riversleigh Avenue) is characterised by detached and semi-detached late Victorian red brick properties. Many of the properties are matching in style or design however there are some properties that do have their own individual styles and the corner properties tend to be larger in size (height and mass).

### **Details of Proposal**

The proposal is for the demolition of the existing pair of semi-detached properties and the erection of a detached single dwelling. The proposed replacement dwelling would be two and a half storey's high (eaves 7.4m, ridge 12.2m) with a gable ended pitched roof. There would also be gables on the elevations facing Eden Avenue and Clifton Drive. On the corner of the property a rotunda feature two storey's high with a balcony on top is proposed. The foot print of the main body of the building measures 19m by 15m and there are single storey elements in addition to this, one a gym room in the existing rear yard and the other a games room projecting off the rear of the building in the same position and the existing garage and link. There is also an underground parking area proposed that would be located under the side garden adjacent Clifton Drive and accessed off Clifton Drive.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

N/A

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Tree Officer)**

No objections

#### **Lytham Civic Society**

Object to the proposal

These houses are in the Lytham Avenues Conservation Area, where all the properties are protected by an Article 4 direction. We have been delighted to see that the council has taken great care to try and preserve the detail of the area in terms of windows, walls etc, and that similarly the residents are mostly keen to preserve the character of the area.

It would be indeed strange, if after all the efforts being made to preserve the distinct nature of the area, wholesale demolition of a prominent part of were to be allowed. A precedent would be set and it would be difficult to prevent further such losses.

The trend has been to restore those houses in multi occupancy to single dwellings, most of which are semi-detached. However much the new house might pick up some architectural detailing (which appears to be little more than a use of gables) from the surrounding houses, it would still be

An interesting part of the street design can be seen on the corners where the semi has one front door on the avenue and one on Clifton Drive. This is the case with 15/17.

We are supported by many of the residents in opposing this application.

### **Neighbour Observations**

**Neighbours notified:** 19 November 2014

**Amended plans notified:** No additional consultation carried out with revised plans

**No. Of Responses Received:** 4 representations received - 3 objections, 1 in support

**Nature of comments made:**

- Proposal is a welcome project compared to tatty buildings that exist now
- Proposal sets a dangerous precedent for future demolition in the conservation area
- Proposed plans do not show any decorative detailing nor specify exact materials
- The existing building should be restored
- Existing property is of a distinctive Victorian character
- Proposed dwelling appears out of proportion with the existing property
- Existing building is important and is a signature building
- Proposed building is significantly larger
- Loss of privacy
- Loss of light
- Proposed building is out of character with the surrounding buildings

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
EP03	Development within conservation areas
HL02	Development control criteria for new housing proposals

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Conservation area

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

The main issues regarding this application are:



The demolition of the existing building and its impact on the Conservation Area, whether the proposed replacement dwelling is of appropriate design and character, and the potential impact to residential amenity.

#### Demolition of the existing building - Policy Background

One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Heritage Assets may be "designated" or "non-designated". Conservation areas are included in the list of designated heritage assets set out in the NPPF. An individual building within a conservation area forms part of the designated heritage asset, but in itself, it may also be regarded as a non designated heritage asset depending upon its individual merits. As conservation areas are designated heritage assets, their conservation is to be given great weight in planning decisions.

The NPPF advises that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place should all be taken into account in formulating heritage policies and strategies. Although Policy EP3 of the FBLP was formulated prior to the publication of the NPPF, it is considered that the policy is in line with the guidance in the NPPF and so this development plan policy can be given its full weight in the determination of planning applications.

The purpose of Conservation Area designation is to help protect those areas which have been recognised as having some distinctive character which is considered worthy of conservation and enhancement. The supporting text to Policy EP3 advises that the Council is concerned to protect, as far as it can, the total environment of the conservation area and all elements that contribute to it, including: buildings, walls, railings and other means of enclosure, open spaces and trees etc. Though individual buildings or structures may not be particularly important in themselves, they may make a contribution to the overall character of an area. As such, demolitions can have a serious effect on a Conservation Area and the Council considers that it is important to control demolition properly. In this respect the Council will generally seek to retain buildings or other structures which make a positive contribution to the character or appearance of a conservation area. Demolitions will only be allowed where the building or structure does not positively contribute to the character or appearance of the area, where it is beyond reasonable economic repair or where replacement proposals would make a greater environmental contribution. Even where demolition is appropriate, consent will not be given unless acceptable and detailed plans for a redevelopment or restoration scheme has been approved by the Council and a contract for the carrying out of those works has been entered into.

Policy EP3 itself requires that New development within, or affecting the setting of a designated conservation area will only be permitted where the character or appearance of the area, and its setting, are appropriately conserved or enhanced. The demolition of buildings or other built elements will not be permitted where this would involve the loss of an historic or visually important element of townscape except where:-

- the applicant is able to demonstrate convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, including charitable or community uses and these efforts have failed; or
- the building is wholly beyond economic repair; or
- its demolition and redevelopment would produce such substantial benefits for the community that these would decisively outweigh the loss resulting from the demolition.

In assessing an application that impacts upon a heritage asset, the NPPF advises that local planning authorities should identify and assess the particular significance of the heritage asset that may be affected by the proposal and, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal, take this assessment into account when considering the impact of a proposal. In particular, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The NPPF advises that significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 138 of the NPPF advises that not all elements of a conservation area will necessarily contribute to its significance. The loss of a building which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the NPPF advises that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. (Para 133)

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).

In terms of the effect of an application on the significance of a non-designated heritage asset, the NPPF advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The National Planning Practice Guidance (PPG) advises that an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (Para 132 NPPF). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the

conservation area, engaging the tests in para 133 of the NPPF. However, the NPPG notes that the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed and the harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposal. Accordingly, in order to determine this application an assessment of the merits of the existing building and its contribution to the overall character of the conservation area must be made.

#### Assessment of the merits of the building to be demolished

The present building occupies an important position within the conservation area located at the corner of Eden Avenue and Clifton Drive. The conservation area comprises in general of two key elements that is; the area to the south of Clifton Drive and the Avenues themselves to the north. The southerly side historically contained a series of large detached villas and associated coach houses within landscaped plots fronting the Estuary. Some later infill development has taken place over the years but the essential pattern of development remains of villas and ancillary, visually subservient development.

In so far as the 'Avenues' are concerned, the pattern of development for the most part comprises of tree lined avenues with a north-south orientation located between Clifton Drive and Church Road/Cambridge Road. The tree lined avenues are characterised by villa style development, largely semi-detached in form but designed as a single composition and many with a symmetry in form.

The Character Appraisal that was carried out at the time of designation of the conservation area notes that "The unifying features are the substantial scale and massing of the buildings; their uniform relationship to each other and their respect for a single building line; the extensive use of brick with sandstone embellishments and natural slate roofs; the almost exclusive use of projecting gables in the roof design; the incorporation of walled front gardens with substantial gate pillars; and the green verges with trees set within pavements. These qualities and the "tree lined" boulevard concept produce an almost secluded, Arcadian character which is an essential characteristic of the area"

It is clear that a key virtue of this part of the conservation area is the coherence and consistency of the buildings as viewed as a composite whole. This consistency and formality is derived through key design factors including; buildings lines, side spacing, frontage landscaping and palisade walls;

stylistic issues including gables, roof planes, chimneys stacks; projecting bays, materials- including facing brick and stone dressings - and overall proportions of solid to void including window proportions. The subtle differences between properties of door cases, fenestration detailing, gable façade treatments add individuality and variety but within the overall sense of unity within the area as a result of the key unifying characteristics.

In respect of the present development site, it is noted that there have been some rather unfortunate alterations have been undertaken in the past, apparently without the benefit of planning permission, including the installation of two ground floor 'bays' to an unsympathetic design, the replacement of two windows to the flank elevation fronting Clifton Drive, the loss of the main projecting chimney stack to the same elevation and the incorporation of a small dormer inset. There appears to have been the loss of a centrally located mullion to one of the window openings to the Eden Avenue elevation, apparent in view of the symmetrical design of this elevation.

However, the two dwellings (as originally built) on the site are designed as part of the same composition, retain an imposing presence with a significant three dimensional quality sited on its corner plot. The duality of gable treatment to Eden Avenue evokes and is typical of other similar properties in the immediate locality.

Despite the unsympathetic alterations these are considered to be visually 'ancillary' to the overriding presence of the building that shares the key characteristics of other buildings with which it is viewed within this part of the conservation area. As the principal element of the building is the three storey element, it is considered that there is less significance to the associated later additions and alterations. The key visual characteristics that remain and preoccupy the visual presentation of the building include the dominant gables, bays, overall proportions of solid to void and stone dressings. These features are important but particularly in the context of a period building being evocative of the style of the era and method of construction prevalent in the conservation area and as such are a significant characteristic feature.

The property clearly relates extremely well to its neighbours and area in view of the fact that it was built contemporaneously. The age of the building, with its weathered materials and stylistic qualities, provide it with an appearance offering a patina which gives importance to its historical significance that presents a patina associated with its development as part of the overall Edwardian development. The visual 'consistency' within this part of the conservation area, and indeed throughout the Avenues is considered to be a critical element of its character and appearance. For these reasons the building is considered to be an important element within the conservation area and it is considered that its loss would represent substantial harm to the heritage asset which should be judged in the light of paragraph 133 of the NPPF. Accordingly, it is considered that the demolition of the existing building should be resisted unless it is not viable to retain the exiting building or there are overriding public interest issues that would warrant its replacement. In this regard, it is understood that there is no case to be made that the building has structural problems that would support demolition.

Given the conservation objective of the NPPF, all harm, from demolition to harm through development within the setting of a designated heritage asset, requires 'clear and convincing justification' (English Heritage Commentary on the NPPF - March 2012). Although the NPPF does not contain an express presumption in favour of designated heritage assets as its predecessor, PPS5, did, the NPPF advises that 'Great weight' should be given to the objective of conserving designated heritage assets (para 132)

In conclusion in regard to the case for the retention or loss of the existing building, it is considered the building is important of itself notwithstanding some relatively modest external alterations but also a part of the broader grouping of buildings within the context of which it is viewed and also the conservation area as a whole.

#### Merits of the replacement building

Since the application was originally submitted, the proposal for the replacement dwelling has been amended in order to introduce steeper pitches to the proposed gables, reorder the fenestration and reduce the overall height of the proposal. The detailing of the building now generally reflects that of other buildings in the area, but it retains a glazed gable feature which would be seen as a contemporary styling feature. The proposed replacement dwelling would be a large detached building with an eaves height that matches the adjacent dwelling on Eden Avenue and an overall ridge height that slightly exceeds that of the adjacent dwelling. The proposed building is also wider than that which is existing. Overall, the proposed building would be of an appropriate scale and massing and with sufficient space between it and neighbouring properties to reflect the overall character of the area. Although the design of the building is much improved over the original submission, it would inevitably be viewed as a more recent addition to the conservation area. The materials to be used would inevitably lack the visual weight of the brick and stone used in the original buildings and the patina which has developed over the years would not be evident in a new build. Accordingly, it is not considered that the new build would add anything of extraordinary quality that would offer a conservation area presence that would justify the demolition of the existing dwelling.

#### Impact to residential amenity

The proposed new dwelling will have an impact on the neighbouring properties. With regards to No.13 Eden Avenue, to the north, there will be an increase in loss of light and overbearing by reason of the main north facing side elevation of the proposal being closer (1.8m) than the existing building. Although it is acknowledged that there will be an increase in impact it is considered acceptable as the majority of the impact will be on the main side elevation of No.13 which contains one ground floor window. The main side and rear windows of No.13 are further to the rear of the property. The difference in impact to these windows and the rear yard, to that which exists already, will be marginal. This is because the rear element of the proposed dwelling is set further away from the side boundary with No.13 by a distance of at least 1.4m. Therefore whilst the proposed ridge is higher the increased set off distance mitigates for this. This results in a neutral impact in terms of loss of light and overbearing from this element of the proposal. In terms of loss of privacy to No.13 there will be no detrimental impact as all side elevation windows above ground floor belong to non-habitable rooms and could also be conditioned to be obscure glazed to ensure views into existing neighbouring windows would be restricted in the event that planning permission were to be granted. The single storey gym element of the proposal would not create a detrimental impact as it has a hipped roof pulling the mass away from the side boundary. There would be no loss of privacy created by this element as there are no side elevation windows.

With regards to the neighbouring properties to the rear on Elms Avenue it is considered that there would be no detrimental increase in impact, in terms of overbearing or loss of privacy, as the spacing distance from the proposed rear elevations and the rear boundary comply with the spacing guidance applied by this Council. In terms of loss of light due to their distance from and orientation with the proposed development there will be no detrimental impact.

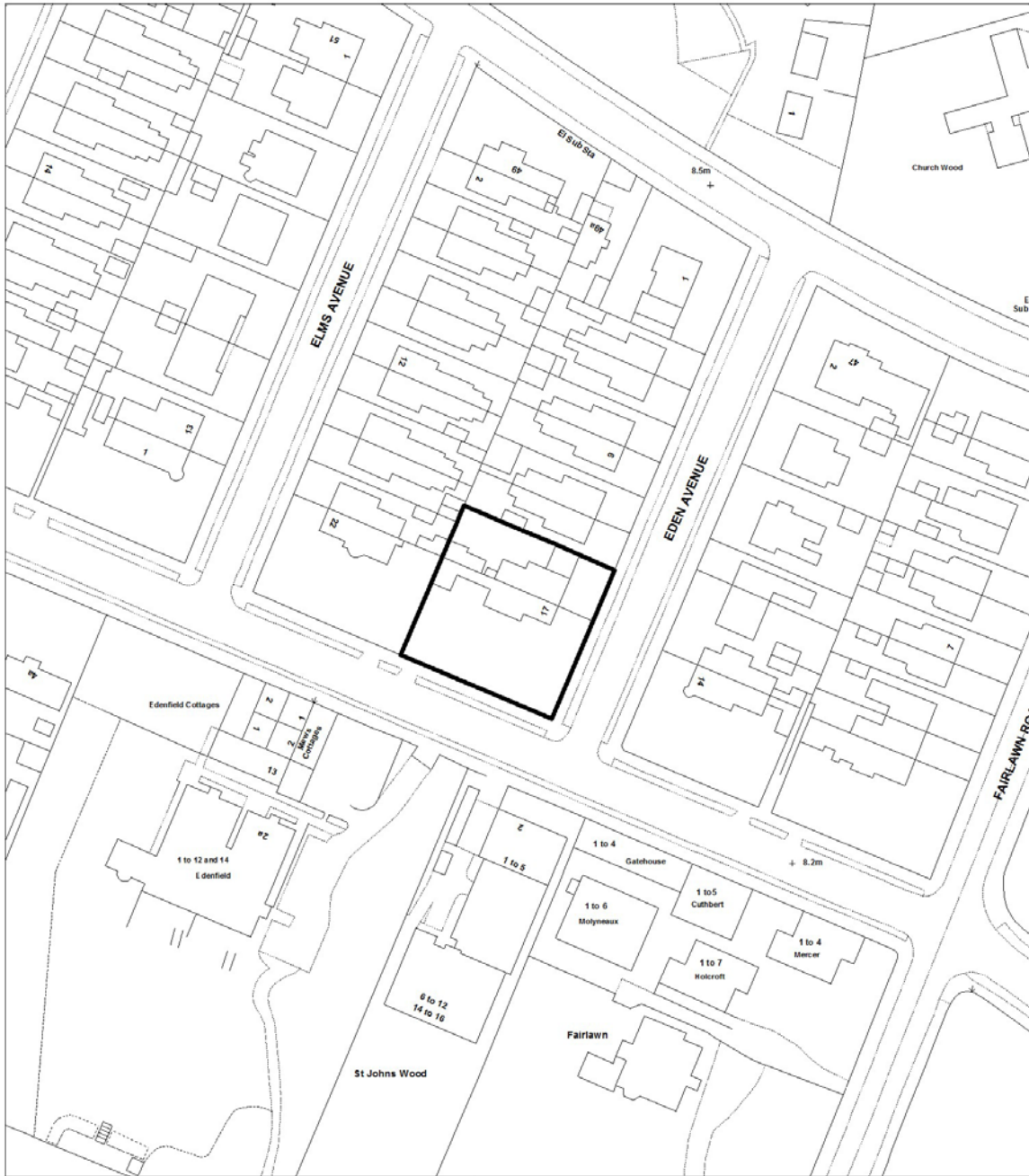
## **Conclusions**

It is considered that the existing building makes a significant contribution to the conservation area and it has not been demonstrated that there are any mitigating circumstances that would demonstrate that it is not economically viable to retain the existing building or that its loss would be necessary as a result of structural failings. Having carefully considered the merits of the existing building and its contribution to the conservation area, it is considered that the demolition of the building would result in significant harm to the character of the conservation area, therefore, be contrary to the provisions of Policy EP3 of the FBLP and the guidance contained within Section 12 of the NPPF, in particular paragraph 133.

## **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The demolition of the existing building would result in the loss of a building which, individually and as part of a broader group of buildings, forms an important feature within the Avenues Conservation Area. In the absence of any justification for the demolition of the existing dwelling that would prevent its continued economic use, the proposal would result in substantial harm to the character of the conservation area and the loss of a non designated heritage asset which would be contrary to the provisions of Policy EP3 of the Fylde Borough Local Plan, the core principle of the National Planning Policy Framework which seeks to conserve heritage assets and the advice contained within Section 12 of the Framework, in particular paragraphs 133 and 135.



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Application No. 5/15/0826	Address 15 & 17 Eden Avenue, Lytham St Annes	Grid Ref. E.3354 : N.4271	Scale 0 6 12 18 24 m 

Item Number: 5      Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0864	<b>Type of Application:</b>	Advertisement Consent
<b>Applicant:</b>	Euro Garages Limited	<b>Agent :</b>	gc town and country planning
<b>Location:</b>	WESTHOLME GARAGE, FLEETWOOD ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HE		
<b>Proposal:</b>	ADVERTISEMENT CONSENT FOR EXTERNALLY ILLUMINATED MURAL		
<b>Parish:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application is for advertisement consent for the display of an externally illuminated sign to the side elevation of the 'Starbucks' building that is located at the redeveloped Westholme Garage on Fleetwood Road north of the M55 junction. The sign is currently being displayed.

It is considered that sign is appropriate in its scale and location so that it does not adversely impact on the amenity of the countryside, with the nature and degree of illumination acceptable given the nature of the site. There are no public safety concerns raised by the development. The proposal therefore complies with paragraph 67 of the NPPF and policies SP2 and EP9 of the Fylde Borough Local Plan and is recommended for approval.

**Site Description and Location**

The application site is Westholme Garage which is located on the eastern side of Fleetwood Road. The site comprises of a petrol station with associated shop, and a separate building which houses a Starbucks coffee shop. There are various illuminated signs on the site including a free standing totem sign and fascia signage, all of which are illuminated. A previously existing unauthorised 'Starbucks' totem sign has been removed.

The site is in the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan. To the north of the site there is a residential property. To the south there is an agricultural field with farm beyond. To the east and west is open farmland.

**Details of Proposal**

The application relates to advertisement consent for an externally lit sign fixed to the southern



elevation of the Starbucks building. It measures 6.62m wide and is 1.84m high and is positioned 1.3m above ground level. The illumination is from above via a trough downlight that runs for the width of the sign. The sign is being displayed.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0275	RETROSPECTIVE APPLICATION FOR ERECTION OF STARBUCK'S DRIVE THRU' COFFEE SHOP AS VARIATION TO BUILDING APPROVED UNDER PLANNING PERMISSION 12/0083	Granted	06/06/2014
14/0087	RETROSPECTIVE APPLICATION FOR ADVERTISEMENT CONSENT FOR 1 X FREESTANDING INTERNALLY ILLUMINATED SIGN, 1 X FREESTANDING 5 PANEL INTERNALLY ILLUMINATED SIGN, 3 X FREESTANDING INTERNALLY ILLUMINATED TOTEM SIGNS, 2 X FREESTANDING INTERNALLY ILLUMINATED POLE SIGN, 1 X INTERNALLY ILLUMINATED STARBUCKS COFFEE FASCIA SIGN.	Split Decision	01/04/2014
12/0083	REPLACEMENT PETROL FILLING STATION WITH SHOP, CANOPY AND FORECOURT AND NEW DRIVE THRU' COFFEE SHOP, INSTALLATION OF ATM, PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING PETROL FILLING STATION & ADJACENT DWELLING.	Granted	18/01/2013

Earlier application history relates to previous garage and petrol filling station that stood on the site and so is not relevant.

### **Relevant Planning Appeals History**

None relevant to recent applications.

### **Parish/Town Council Observations**

**Greenhalgh with Thistleton Parish Council** notified on 15 December 2014 and replied that they "*Object to the proposal for the following reasons:*

- *Why was the mural not included in the original garage rebuild application*
- *The mural has been erected without planning permission.*
- *The current application for the mural does not say its retrospective application but clearly it is.*
- *The fence opposite does not match what is shown on the drawings, i.e. it is not as high as it should be."*

### **Statutory Consultees and Observations of Other Interested Parties**

**Highways Agency**

No comments received

**Lancashire County Council - Highway Authority**

No objections

**Neighbour Observations**

**Neighbours notified:** No Neighbours Notified

**No. Of Responses Received:** None

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
EP09	Shop front advertisements

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

**Comment and Analysis**

As the application relates to an application for advertisement consent the issues for consideration are public safety and amenity.

**Public Safety**

The sign is located within the site and adjacent to the building where it can have no impact on pedestrians.

The sign is visible to drivers travelling northwards on Fleetwood Road, but is seen in the context of being part of a petrol filling station where it is expected that there will be a range of signage to demonstrate the services that are available at that site. Its position on the building is such that it offers an opportunity to advertise services at the site without being overly distracting to drivers so that a highway safety danger is created. It is noted that there are no objections to the proposal from either LCC Highways or the Highways Agency who would provide comments on this aspect of the determination of the application.

It is therefore considered that the safety aspects of the sign are acceptable.

### Amenity

The sign is relatively large at 6.6m x 1.8m, but sits on the side wall of the larger Starbucks building. In that location it does not detract from the general appearance of the site and assists in breaking up the side elevation of the building that presents as a prominent view to users of Fleetwood Road. The mural design assists in providing a subtle appearance.

The sign does not direct face the highway and is set approximately 30m away from its boundary which reduces views of it, with the close boarded boundary fence running along the southern boundary of the site decreasing its impact further. The sign is not considered to have a harmful impact on the street scene or visual amenity of the surrounding area.

### Other Matters

The Parish Council essentially query why this advertisement was not considered at the time of the construction of the building or the assessment of earlier advertisement consents. Members are aware that advertisements are assessed under different legislation to planning applications and so it would not have been possible to consider them at the time of the original building. When the previous application for signage on this site was considered the decision excluded this sign and the second totem on the frontage. That totem was a significant concern and has now been removed. They also refer to fencing on the site which is not relevant to this application, but is in place as shown on the approved landscaping plan.

### Conclusions

The sign is appropriately designed and is considered not to detrimentally impact on the character of the countryside. Whilst it is illuminated this is not considered unacceptable when taking into account the nature of the site. The proposal therefore complies with the guidance in paragraph 67 of the NPPF and policies SP2 and EP9 of the Fylde Borough Local Plan and is considered acceptable.

### Recommendation

That Advertisement Consent be GRANTED subject to the following conditions:

1. The advertisement[s] hereby approved shall, unless a further period of consent is granted be removed with any necessary re-instatement undertaken after a period of 5 years from the date of this consent.

In accordance with the provisions of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, this is the maximum period of years for the display of advertisements; and in order to enable the Local Planning Authority to retain control over the situation.

2. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- b) Any hoarding or similar structure, or any sign, placard board or device erected or

used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- c) Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters]; or aerodrome [civil or military].

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3. The advertisement hereby approved is that shown on drawing reference Project 57736-001 Sheet A-303 as received by the Local Planning Authority on 28 November 2014.

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

- 4. The limits of illuminance shall not exceed 600 candela per square metre.

To avoid glare, dazzle or distraction to passing motorists.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0864	Address Westholme Garage, Fleetwood Road, Greenhalgh	Grid Ref. E.3411 : N.4358	Scale 0 10 20 30 40 m 

Item Number: 6 Committee Date: 04 March 2015

<b>Application Reference:</b>	14/0880	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Redrow Homes Ltd (Lancashire Division)/Blackburn Diocesan Board of Finance	<b>Agent :</b>	Cass Associates
<b>Location:</b>	LAND TO THE NORTH OF NORTH VIEW FARM, RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2NA		
<b>Proposal:</b>	OUTLINE PLANNING APPLICATION FOR UP TO 15 DWELLINGS WITH ACCESS FROM RIBBY ROAD. (ALL OTHER MATTERS RESERVED).		
<b>Parish:</b>	RIBBY WITH WREA	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The proposal is an outline application for up to 15 dwellings on a 1.7 hectares site located on the north side of Ribby Road in Wrea Green on land allocated as Countryside in the Fylde Borough Local Plan. The site is directly adjacent to, and will be accessed from, the adjacent residential development site to the east which was granted its Reserved Matters through application 14/0694 and its outline at appeal through application 13/0507.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information (from December 2013) is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

### **Reason for Reporting to Committee**

The application is a Major application and therefore under the Council's scheme of delegation is to be considered by the Development Management Committee.

### **Site Description and Location**

The application site comprises two areas of land to the north of Ribby Road. The red edge site location plan submitted with the application includes the access to the site from Ribby Road through the adjacent site's narrow frontage along the sinusoidal road that has been approved through to the northern part of the site which is agricultural land used for grazing. The land undulates gently with a series of hawthorn hedges around its perimeter and an area of trees along the boundary. Wrea Brook runs to the northern boundary of the site with a smaller watercourse running east to west in between the two main parts of the site. The area of land that forms the southern area is classed as a protected open space within the village and is not proposed for development in this application. To the east of the site are fields that have planning permission for housing development, beyond that is Wray Crescent. To the north of the site are open fields and to the south and west are residential dwellings.

### **Details of Proposal**

The application as proposed is an outline application for up to 15 dwellings with access applied for but all other matters reserved. The access point has already been approved through outline planning application 13/0507 which approved the principle of developing the adjacent site and that approved access is to be used in this application.

The illustrative site layout plan shows the application site as part of the approved larger site to the east with the main spine road running through the existing eastern boundary hedgerow with a small section of hedgerow to be removed to facilitate this access. Within the application site two small roads lead off this and are used to access the dwellings. To the north of the site a balancing pond is shown. The existing trees are shown to be retained. The layout is generalised given the outline nature of the application but it shows that 15 units could be accommodated on the site. The southern area of the site is not shown to be developed.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0605	PROPOSED ERECTION OF DOUBLE GARAGE TO SIDE WITH DRIVEWAY AND GATES, AND SINGLE GARAGE TO REAR	Granted	07/11/2014
14/0491	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 42 DWELLINGS, ASSOCIATED WITH OUTLINE PLANNING PERMISSION 13/0507	Approved with 106 Agreement	16/12/2014
13/0507	OUTLINE APPLICATION FOR UP TO 49	Refused	18/11/2013

88/0805	DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) OUTLINE; CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL USE	Refused	22/02/1989
75/0077	1 DETACHED HOUSE AND GARAGE.	Refused	07/05/1975

### Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0507	OUTLINE APPLICATION FOR UP TO 49 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	16/04/2014
88/0805	OUTLINE; CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL USE	Dismiss	27/09/1990

### Parish/Town Council Observations

The site is within the area of **Ribby with Wrea Parish Council** who comment as follows:

*“The COUNCIL OBJECT to the proposal for the following reasons:-*

*This application increases the size of the existing approved site at North View Farm which is considered excessive in scale for Wrea Green and will detract from the character of the area in question. It is in countryside outside the village settlement area and considered contrary to the extant Fylde Local Plan, the National Planning Policy Framework (NPPF), as well as the emerging Fylde Local Plan. This proposal does not adequately address any of the three dimensions of the NPPF and the current Emerging Plan. Despite the lack of a Fylde Borough 5 year housing supply (if this has any possibility of being achieved based on current directives) , it is not considered sustainable as it does not address any of the three dimensions of the NPPF paragraphs 17 and 58 which seeks to promote sustainability. It is also contrary to SP2 and HL2 of the extant Fylde Local Plan. The proposed access will further exacerbate the traffic volume entering and egressing Ribby Road which is under severe pressure at long peak periods as this thoroughfare is already experiencing an unrealistic increasing volume of traffic for a village road of this type. In view of the existing approved residential developments in the village the local primary school is not in a position to accept a further increase in the number of children in the village.*

*This application would also represent the irreversible loss of further versatile good quality agricultural land outside the village settlement area. The local farmers are in need of such best versatile land particularly now that large sections around this farming orientated village have already been lost to what is considered unnecessary housing development. Once again developers are trying to downgrade land quality because of poor previous husbandry not on a realistic land assessment basis. Therefore, Policy EC3 of the Emerging Plan would not be complied with.*

*The development would also create a harder urban edge to what is a rural view of a rural village when approaching from the A583 Fox Lane Ends entrance road to the village. Moreover, the type of housing predicted is not what is needed in the village as highlighted by the evolving Parish neighbourhood Plan. Wrea Green is historically a rural village with a farming history and is surrounded by long established farming activities and there is a need for all available farming land.*



*This particular good quality land has been rented by a local farmer for many years. Consequently, it would not be prudent and irreversible to release this location for housing development, particularly as there is little need for new additional dwellings in the village. Again the Emerging Local Plan recognises the importance of farming and agriculture within the borough and indicates that support and protection is appropriate.*

*The poor village sewage and drainage infrastructure will be put further under pressure by this proposed development when all the other approved housing sites are taken into account, and once developed. The village pumping station at The Brooklands has already often been under so severe pressure that at times effluent overflow has to be directed to Wrea Brook. Residents lower down Wrea Brook are also alarmed at the potential additional water that could be directed to this water course as localised flooding is already evident from time to time. Although contrary to the United Utilities viewpoint, made in the Parish Council's view without sufficient local knowledge or a willingness to listen, the community is well aware that the current infrastructure of the village is already under severe pressure and in reality locally not considered adequate even for the existing development commitments. The majority of drainage, top water and sewage, use or connect to one system which already causes problems in several areas of the village, including the recently developed 15 houses near to the village centre. This problem has been confirmed by visiting United Utilities employees. United Utilities visitors' knowledge of the drainage/sewage systems in Wrea Green has often been awry and needed local guidance. In short, with the additional housing already approved this development is not sustainable on an economic, environment or social basis. Although it is accepted that the Emerging Fylde Plan has not yet been ratified it should be given credibility as it is nearing fruition. This development does not comply with the Emerging Plan to 2030 or Emerging Neighbourhood Plan, only delayed pending adoption of the Fylde Local Plan, on several counts. The village has already seen a sizeable increase in housing with the existing planning approvals and it is considered by this Council as more than its fair share of the borough housing requirement. Additional housing commitment would worsen the village ambience for both existing and new residents and further destroy the existing rural village characteristic which coupled with the fact there is no local evidence of need for the additional housing proposed, this Council considers there is no alternative but to recommend refusal.*

*In the event of this Council's recommendation for refusal being overturned, the Council recommends that the following conditions are given full consideration and included in the conditions:-*

- As the additional housing is in close proximity to the Wrea Green Conservation Area there should be a Public Realm payment to enhance this area.*
- A footpath from the development onto Ribby Road from the extended development to improve foot traffic safety (this is easily achievable).*
- In view of the anticipated problem of the existing Wrea Brook culvert under Station Road not being adequate to cope with all the additional discharge of top water created by the development that the developer contributes to an enlarged culvert at this location to meet and demonstrate that water run off generated up to and including the 1 in 100 year critical storm assessment can be accommodated at this point and prevent localised flooding.*
- The development includes needed accommodation has highlighted by the Neighbourhood Plan i.e. quality bungalows and sheltered accommodation."*

The site is adjacent to the boundary with **Westby with Plumpton Parish Council** why have therefore been notified, but have not provided any comments.

## **Statutory Consultees and Observations of Other Interested Parties**

### **Regeneration Team (Tree Officer)**

*The illustrative layout with twelve units suggests that development is intended only for the northern section of the site where trees are few and those of interest lie in third party ownerships, thus there are no real arboricultural concerns raised because the layout places no stress upon trees and has allowed for them by orienting units so that rear gardens would give in-built protection to trees and tree roots.*

*If there's an intention to develop the south-eastern section then here, trees, both internal and offsite, offer a very real constraint. Much of this area is taken up by root protection areas, and access to the site would either have to go over these or through retained trees further along the drainage ditch. I'd have concerns here about siting units, providing services to them, whether the ditch would have to be culverted - because many trees line this ditch so heavy construction is undesirable - and how sustainable siting dwellings among these trees would be. At the moment that seems anticipatory and isn't an issue, so it's offered as a footnote, together with the observation that the survey seems to have afforded an inadequate root protection area to an extremely large offsite beech tree, T10. They've allowed this tree a root protection area of 6 metres; I'd suggest it needs almost fifteen. Current plan doesn't compromise this but it could have relevance later on.*

### **Lancashire County Council - Highway Authority**

*I refer to the above planning application and would make the following comments.*

*This proposal will add 15 dwellings to a site where planning permission for up to 49 dwellings was granted through the appeal process (application 13/0598). Whilst this development proposal will add additional vehicle movements the proposal represents a relatively modest increase and will have little impact on highway capacity and safety. As such I have no objections to the principle of this development. A number of highway access conditions were imposed on the previous (13/0598) permission and I would ask that these are repeated should you be minded to grant planning permission.*

### **United Utilities Group Plc**

*Do not raise an objection.*

*State that "In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:*

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical*
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable*
- c) a sewer (approval must be obtained from United Utilities) To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas."*

They then state that they will not have an objection to the development provided that conditions relating to details of foul drainage and a surface water drainage scheme being submitted prior to the commencement of any development.

### **Environment Agency**

State that the proposal will only meet the requirements of the NPPF if the development is undertaken in accordance with the information in the submitted Flood Risk Assessment. They also request a condition that no development takes place until a surface water drainage scheme for the site is submitted, and that this should demonstrate that surface water generated by the development will not exceed run off from the undeveloped site up to and including the 1 in 100 year critical storm event. They also state that in accordance with SUDS best practice the first 5mm of rainfall should be infiltrated on site.

### **Strategic Housing**

*I have looked at this application and note that the planning statement that accompanies the application confirms that 'an element of affordable housing will be provided on site together with a contribution towards delivery elsewhere in the borough'. This approach is similar to that accepted with recent applications in Wrea Green and I think it is acceptable in this case. I would suggest that 2 x 2 bed houses on site would be appropriate with the balance to be made up by way of a financial contribution. I would caution against an offer of apartments for affordable housing, particularly if such an offer would result in a mixed tenure use of a block of apartments.*

### **The Ramblers Association**

No comments received.

### **Community Association for the protection of Wrea Green**

Strongly object to the proposal because;

- Unsustainable.
- Lack of services in Wrea Green.
- Drainage and flooding issues.
- Contrary to policy
- Dwellings not needed.
- Lack of community involvement,
- Mix of dwellings proposes inappropriate,
- Inaccuracies in submitted documentation.
- Detrimental impact on character of village.
- 15 dwellings will have no real effect on housing supply.
- Complaint made to Ombudsman regarding decision of Planning Inspectorate on previous appeals.
- No need for affordable housing.

### **Neighbour Observations**

**Neighbours notified:** 10 December 2014

**No. Of Responses Received:** 11 letters of objection received.

**Nature of comments made:**

1. Overlooking and loss of privacy

2. Loss of light.
3. Impact on trees.
4. Loss of greenfield
5. Lack of services in the village
6. Increase in traffic.
7. Dwellings not needed.
8. Contrary to planning policy
9. Drainage issues, infrastructure inadequate.
10. Flooding to adjacent dwellings.
11. Capacity of Wrea Brook.
12. Blatant profiteering.
13. Lack of bungalows.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
SP01	Development within settlements
SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments
CF01	Provision of community facilities
CF02	Provision of new primary schools

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Tree Preservation Order  
Within countryside area

## **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

## **Comment and Analysis**

The main issues when considering this proposal are;

The principle of the development/impact of development on character of area

Highways issues

Impact on residential amenity

Flooding/Drainage

Trees/Ecology

Other issues

## **The principle of the development**

The application site forms an extension to the site granted planning permission at appeal to its east through application 13/0507 which was an outline application for up to 49 dwellings. This was followed by a Reserved Matters application 14/0694 which granted the details of 42 dwellings at the site, a reduction of seven dwellings from the number allowed by the Planning Inspector. This application proposes a maximum of 15 dwellings on the field directly adjacent to the appeal site, therefore totalling 8 more dwellings than the Inspector allowed for the adjacent site.

## **Policy background**

When considering the principle of development regard must be had to the Development Plan with determination in accordance with this plan unless material considerations indicate otherwise. The statutory development plan and material considerations in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. The Local Plan identifies the site as being in the open countryside and as such policy SP2 – Development in countryside areas applies, this policy restricts development in the countryside asides for certain types of development of which the development proposed by this application is not one. Therefore on the face of it the application is contrary to Local Plan policy and so it has to be assessed whether or not the NPPF and other material considerations would justify overruling this policy.

The NPPF states that there is a need for the planning system to perform an economic, social and environmental role. In a social role, it is necessary that the planning system supports strong, vibrant healthy communities by providing the supply of housing required to meet the needs of present and future generations that reflects the community's needs. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and local planning authorities are urged to approve, without delay, development proposals that accord with the development plan. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

In section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively

assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 44). Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP2 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth. The National Planning Policy Framework requires developments to be sustainable. Proposals are to be considered against an economic, social and environmental role in this regard. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

### Planning history

Wrea Green has had a number of major residential housing developments in recent years which are listed in the following table;

Application	Site	Decision	Dwellings
10/0709	Former Wareings site	Granted by FBC	15
12/0408	Richmond Avenue	Granted by FBC	54
12/0456	54 Bryning Lane	Refused by FBC and allowed at appeal	25
12/0720	Moss Side Lane	Refused by FBC and dismissed at appeal	50
13/0137	Adj. 53 Bryning Lane	Refused by FBC and dismissed at appeal	32
13/0507	North View Farm, Ribby Rd	Refused by FBC and allowed at appeal	49
14/0302	Willow Drive	Refused by FBC	100
14/0735	Willow Drive	Refused by FBC	49
14/0704	Adj. 53 Bryning Lane	Refused by FBC	10

The Planning Inspector determined and considered the four appeals at the same time, allowing two and dismissing two. The application site is directly adjacent to one of the allowed appeals and if this application were permitted would become one larger site. Within the appeal report written by the Planning Inspector he stated;

*“I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of some 33% (including existing commitments) if permission were to be granted for all four appeals. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.”*

He then allowed two appeals totalling 74 residential dwellings, of these 7 have been removed at North View Farm through submission and approval of the Reserved Matters application lowering the total permitted to 67 dwellings, 33 short of the 100 dwellings which the Inspector would not put undue pressure on existing infrastructure in Wrea Green. As this application is for up to 15 units it would remain well short of the 100 figure which the Inspector felt were acceptable.

## **Does the proposal deliver sustainable development?**

### Accessibility of the site

The Planning Inspector when considering and allowing the appeal site linked to this application site accepted that it was within reasonable walking distance of the facilities in Wrea Green including the bus services. He noted there was a bus stop near to the site entrance which provides transport links to the main towns and settlements in the area. He stated that *'the site is within easy walking distance of the services and facilities available in the village'*.

Officers consider that the close relationship between the application site and that already granted means that this site can also be considered to have reasonable accessibility to these services. LCC Highways have no objections and request the conditions placed on previous approvals to be repeated. Therefore whilst the application site is located within the open countryside it is located directly adjacent to the settlement of Wrea Green and is in close proximity to the services within the settlement and the wider area can be accessed by bus services. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55).

Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

### Scale of development

The Council has refused previous applications partly due to concerns over the scale of growth that the amount of residential development would bring to the village. The Inspector's decision letters refer to this and suggest that a growth of 100 dwellings could be accommodated above those that had been previously approved, which includes the Richmond Avenue scheme currently under construction. He then proceeded to allow two of the appeals with a combined 74 dwellings. The North View farm schemes has since had reserved matters approved but with a reduction of 7 dwellings to that approved at outline. This application for up to 15 dwellings would therefore be well below the capacity that the Inspector stated could be accommodated. Further to this neither of the dismissed appeals were dismissed for reasons of sustainability or pressure on existing infrastructure and the Planning Inspector had no evidence before him that more than 100 dwellings would have an unacceptable impact on the village. Regardless this scheme for 15 dwellings would mean the total number of dwellings would be 82 so still 18 units short of the 100 considered by the Inspector to not be an excessive scale of growth.

It is considered important that the development in an area is not excessive so that the available services are able to meet the needs of the population without those residents having to leave the village for their needs which would reduce the sustainability of the development. In addition, a significant increase in the number of dwellings in a village may lead to a change on the character of the village itself with increased traffic and urban expansion impacting upon the setting of the village. In this case the 15 units are located directly adjacent to a site that already has planning permission and is considered accessible. The County highways officer has no objections to the development and simply requests the conditions placed on the previous permission be used again, the highway requirements of that application will therefore meet the infrastructure requirements of this development.

Policy HL2 of the Fylde Borough Local Plan lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality. It is considered that the scale of development proposed in this scheme (15 dwellings) is acceptable and would not be of a scale that would warrant refusal of the application. Paragraph 55 of NPPF relates to development in rural areas and is supportive of it where it will enhance or maintain the vitality of rural communities. Whilst with the recent developments in the village there can be no argument that this scheme is required to support the vitality of Wrea Green, however it is not considered that this in itself is enough to warrant refusal of the application. In the four recent appeal decisions in Wrea Green the Inspector concluded *“There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village. I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services”*. This nature would continue albeit with an increase in the number of dwellings using existing services in the village. The scale of the development proposed in this application is considered to be sustainable development and is not inappropriate to the size of Wrea Green or its services.

#### Impact of development on character of area

The application site is located directly adjacent to an approved residential scheme and the Planning Inspector when allowing that development at appeal considered the visual impact that proposal would have on the character and appearance of Wrea Green. Whilst acknowledging that there would be harm to the rural character of Wrea Green he considered the degree of harm to be very limited. He stated that as Wray Crescent projects a considerable distance to the north of Ribby Road it would provide some visual containment to the east of the site and similarly with Vicarage Close to the west, ensuring that the development would not appear unduly intrusive in views from this direction. He stated that the set back from Ribby Road and the retention of boundary trees and the open area to the northern boundary would mitigate the visual impact of the development and assist in integrating the development into the setting of Wrea Green.

This application effectively fills the gap between the development the Inspector permitted and Vicarage Close to the west. The site is well set back from Ribby Road and views to it would be restricted, and it is effectively surrounded by development to the east, west and south. Wrea Brook to the north forms the extent of the village’s development to both the east and west, and this application would replicate that. The indicative layout submitted also shows an open area to the north of the site, the retention of existing hedgerows which surround it and the retention of the trees to the southern and western boundaries. The retention of these features will assist in integrating this development into the setting of Wrea Green. The most significant view of the site will be from the north but with the adjacent sites development it would be viewed as having a consistent boundary in line with the adjacent developments. It is not considered the development will have a significant visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

#### Principle of the development - summary

The site is located directly adjacent to the rural settlement of Wrea Green. It is adjacent to existing and approved housing to the south, east and west. The site is located north of Ribby Road, a main road that runs through Wrea Green and its associated bus routes and is within reasonable distance of local and community services in Wrea Green which include a primary school, pre-school, a public house, shop, dental practice, garage, café and tea rooms, restaurant, hair salon, sporting clubs and facilities and two places of worship. Wrea Green does lack retail facilities, this is due to the size of the settlement and its constraints. The lack of shops means that existing residents must travel or get



shopping delivered and it would be the same for the residents of the proposed site. The proposed development is located directly adjacent to the existing settlement, and it is considered that the site is sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of scale and would therefore comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55).

Furthermore when considering the housing objective of the NPPF the most up to date evidence of housing need in Fylde is the Strategic Housing Market Assessment which has been recently updated and again through an analysis of housing need in light of the 2002 sub-national population projections (May 2014) and finds that in order to meet the authorities housing needs approximately 300-420 dwellings per annum will need to be provided. The 2013 SHMA is part of the evidence base for the local plan, and is a material consideration in the determining of planning applications. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. This site is considered to be a suitable location for development, and the scheme of a scale that can be accommodated without causing evidenced harm to the settlement of Wrea Green. On this basis the proposal is considered to be sustainable in relation to the settlement and would therefore comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development.

### **Highways**

The application has been made in outline with access a detailed matter for consideration, a Highways Statement has been submitted with the application. It is proposed that the site will utilise the access permitted through outline application 13/0507 at North View Farm and will add up to 15 further dwellings to that access. The access has already been considered acceptable and appropriate in previous applications and remains so for this one. The appeal allowed by the Planning Inspectorate was not refused by the Council for highways related reasons.

The addition of 15 houses to the highways network is not seen as unacceptable and LCC Highways raise no objection on either capacity or safety grounds, stating that whilst the development will add additional vehicle movements the proposal represents a relatively modest increase. The submitted Transport Statement indicates that the maximum number of vehicular trips arising from the development will be 8 two way trips which occur during both the AM and PM peak hours, this equates to one additional vehicular movement every 7 to 8 minutes at the site access, with the traffic then split east and west on Ribby Road, meaning the traffic impact of the development will be imperceptible when having regard to the daily fluctuations in traffic. LCC request that the highway related conditions imposed on the previous permission be repeated on this application. These conditions related to the construction of the access and the improvement of the nearest bus stops. No contributions were sought from that application or from this one. There are therefore no highways issues with this application.

### **Impact on residential amenity**

The application is an outline application with all matters reserved asides access which has been previously approved. It is considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. Appearance, layout, scale and landscaping are matters reserved for future consideration however the indicative layout submitted shows the collector road which has been approved in detail for the adjacent site entering the application site from east to west with two dwelling access roads leading off it, with the dwellings

grouped around these. The layout shows the dwellings sited at their nearest point approximately 40m from the rear elevations of properties located on Vicarage Close, at such distances there would be no unacceptable loss of light or overlooking created. There is also a large amount of tree cover between these dwellings and the application site. The Vicarage and the dwellings on Ribby road would not be impacted upon by the proposal. The relationship on the indicative plans between the dwellings in the site and the adjacent one is acceptable and if a layout similar to the one submitted was developed the occupants would enjoy an acceptable level of amenity. There are therefore no issues with this proposal in terms of impact on residential amenity.

### **Flooding/Drainage**

The site is not located in a flood zone and is therefore located in an area where the development of a more vulnerable use such as dwellings is acceptable. The site constitutes 1.7 hectares and therefore the application has been submitted with a Flood Risk Assessment by Betts Associates. The submitted FRA indicates that as a result of the development the sites impermeable area will increase to approximately 0.348 hectares which is 34% of the site area. If left unrestricted this would result in a run off rate of 14.0l/s and based on the 1 in 100 year storm event with a 30% allowance for climate change this would be 55.9l/s, compared to the undeveloped site which is 7.8l/s and 18.6l/s for the 1 in 100 year event. In order to restrict surface water run off to the same as the undeveloped site sustainable urban drainage systems (SUDS) should be used. The FRA considers discharge via infiltration, to watercourse and to public sewer system as means of surface water drainage. Because of the existing ground condition it is unlikely that infiltration across the whole site would be suitable as they are slowly permeable, seasonally wet, slightly acidic clay rich soils. It is therefore proposed that surface water drainage is into one or both of the adjacent watercourses to mimic the existing situation with surface water drains placed within the highways of the development with the proposed outfall locations determined by detailed design. The flow of the water would be restricted by a hydrobrake and at 8.9l/s. Because of the restricted flow there will be storage requirement during periods of intense rainfall. The exact SUDS methods used will be determined by the detailed design but it is anticipated that soft landscaping, permeable paving and a pond system will feature.

With regard to foul water the peak flow would be 0.69l/s based on 4000 litres per dwelling per 24 hours. Consultation with UU had identified the sewer on Ribby Road as being the nearest public sewer to the development and it is proposed that the foul water generated by this development be discharged into this sewer, at a location to be agreed with UU.

The Environment Agency have been consulted on the proposal and state they have no objections to the proposal. They state that the proposal will only meet the requirements of the NPPF if the development is undertaken in accordance with the information in the submitted Flood Risk Assessment which they have considered and is discussed above. In order to ensure that it meets these requirements they request that a condition be placed on any approval granted that requires a surface water drainage scheme for the site to be submitted, and that this should demonstrate that surface water generated by the development will not exceed run off from the undeveloped site up to and including the 1 in 100 year critical storm event. They also state that in accordance with SUDS best practice the first 5mm of rainfall should be infiltrated on site and this can be achieved for example by the use of pervious paving on hard standing areas and landscaping the development so that water is directed to permeable areas such as filter strips and grass verges. United Utilities also state they have no objections to the development, and state that in accordance with the NPPF and building regulations the site needs to be drained on a separate system with foul water draining to the public sewer and surface water in the most sustainable way. They request two conditions one relating to the submission of the details of the foul drainage and one relating to a surface water drainage scheme being submitted for approval.

There are therefore no drainage or flooding issues with the proposal and with these conditions in place the site can be adequately drained without increasing the risk of flooding to neighbouring properties or those proposed.

## **Trees/Ecology**

### Trees

With regard to trees the application is supported by a Tree Survey Report and indicative layout which sites the proposed dwellings well away from existing trees. The Council's Tree Officer has considered these and states that the layout suggests that the development is intended only for the northern part of the site where trees are few, thus there are no real arboricultural concerns raised as the layout places no stress upon trees and has allowed for them by orientating units so that rear gardens would give in-built protection to trees and tree roots. He would object to development in the south eastern section with trees offering a constraint. The route of underground service runs vis-à-vis retained trees, ensuring all development observes root protection areas, and setting planning conditions around tree protection are future matters to consider. These issues will be considered more fully at any Reserved Matters stage.

### Ecology

The application is supported by an Ecological Survey and Assessment by Ribble Ecology and a Tree Survey report to ascertain the impact of the proposal on local wildlife and trees. The Ecological survey and assessment was undertaken on site in October and November and through desk study. The ecological assessment makes reference to the ecological work undertaken for the adjacent site as survey work undertaken of for example ponds within 250m of the site are relevant for this application, as is therefore the Inspectors conclusions regarding ecology about the application.

The report states that the application mainly constitutes agricultural grassland which is typically heavily grazed by cattle, the grassland did not contain any rare plant species and does not comprise priority habitat. This is where the bulk of the developed site will be located. There are seven hedgerows within the site, hedges 1 to 4 surround the application site where the housing will be, with 2 and 3 within the report forming the boundary with the adjacent permitted housing. Hedges 5 -7 are located adjacent to the open space to be retained at the south of the site. The four hedgerows surrounding the site do not qualify as 'important' hedgerows but are examples of UK BAP Priority Habitat and Habitat of Principal Importance. All of the hedgerows are located on the perimeter of the site and asides a small section that will be removed to create the access through from the adjacent site are to be retained. The two watercourses to the north and south of the site were both surveyed as part of the previous application, this application confirms that the unnamed course to the south does not contain aquatic plants and it not an example of priority habitat. Wrea Brook to the north of the site was found to have local presence of Himalayan balsam and hemlock water dropwort amongst the arisings and local rejuvenation was recorded in the channel but there was no NVC community and Wrea Brook does not constitute priority habitat.

No evidence of water voles or otters were found in these channels. The survey also did not find any presence of badgers at the site or adjoining land. A number of different bird species were recorded during the walkover of the site with the only priority species being Dunnock. In relation to ground-nesting birds, habitat assessment indicates that there is negligible potential for occurrence, with the fields being heavily trampled by cattle and displaying poor structure and proximity to trees, which is detrimental. The presence of newts in ponds within 200m of the site was considered in the ecological assessment undertaken at the adjacent site and with both channels north and south of the containing flowing water indicates that their presence is unlikely. With regard to bats four species were recorded as either present or potentially present, with the trees being assessed and a

number being afforded either Category 1 or 2 status, therefore any work to these trees will need to be done having due consideration for the potential occurrence of roosting bats. As no trees are to be removed there should be no impact to these trees and therefore bats but conditions can be used to ensure this. As a consequence of the finding of the survey the report recommends a number of precautionary measures to prevent any impact on ecology. Seen as essential is protection of hedgerows and trees, removal of invasive species, protection of breeding birds, protection of bats, voles and hedgehogs, other measures such as appropriate external lighting, planting and boundary fences permeable to wildlife can also be provided.

With regard to the measures proposed and the potential of the development to impact upon protected species, from assessment of the report and Natural England's standing advice on protected species, and considering the findings of the Planning Inspector to ecology on the adjacent site it is considered that with appropriate conditions the impact of the development on biodiversity will be acceptable. Whilst the development will result in some loss of biodiversity this will not be priority habitat with the features of greatest biodiversity retained, with the submitted site layout plan showing the existing trees and hedgerows that surround the site are to be retained. The majority of the development is located on the grassland which is not priority habitat. In order to ensure the development has an acceptable impact on the ecology of the area and appropriate mitigation/habitat enhancement occurs in order to enhance biodiversity conditions need to be included in any approval, these should relate to the mitigation and recommendations made in the report and serve to protect trees and hedgerows. These would correlate with the conditions used by the Planning Inspector on the adjacent site which is appropriate as the two separate permissions would form one larger site and therefore should be treated the same with regard to ecology.

With these conditions ensuring appropriate mitigation and protection of existing landscape features, and the provision of the pond to the north of the site some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat and conditions will be used to ensure this. There are no significant features within the site, and features along the periphery will be retained including hedgerows and trees. The scheme results in a loss of biodiversity, as does any scheme in a mainly undeveloped site such as this, however this proposal retains the biodiversity of greatest value and a landscaping condition will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application.

## **Other issues**

### Open Space

The application within its red edge includes an area of land allocated within the adopted Local Plan under policy EP2 as an open space within Towns and villages where development will not be permitted as it is considered to be essential to the setting, character or visual amenities of the village. This application site is currently under private ownership and contains significant features such as trees that will be retained. It is proposed that this area of open space form part of the site and be open to the general public, with a residents management company set up at the outset with responsibility for maintaining the POS in perpetuity in accordance with a management plan/specification to be approved by the Council. Plot purchasers would automatically become members of the management company on completion and there would be a restriction on each title protecting a covenant on future re-sales which requires the payment of an annual maintenance charge to the management company. It is intended that the POS will be kept open and available to

all. This is a model which is widely used by housing developers. The submitted draft legal agreement includes the open space and that no dwelling will be occupied until a landscaping and management plan has been approved in writing and that the open space be thereafter retained.

#### Affordable housing provision

The application is made in outline but proposes that the proposed development will meet the requirement to provide 30% affordable housing, providing a mix of 50% on site and 50% as a commuted sum in lieu. This will help contribute towards meeting the Council's affordable housing needs. The Applicant has drawn up a draft S106 Agreement which secures this contribution. The Council's affordable housing officer states that this approach is similar to that accepted with recent applications in Wrea Green and he thinks it is acceptable in this case. He would suggest that 2 x 2 bed houses on site would be appropriate with the balance to be made up by way of a financial contribution. He would caution against an offer of apartments for affordable housing, particularly if such an offer would result in a mixed tenure use of a block of apartments.

The council has recently undertaken a survey of the specific needs and demands for affordable housing in Wrea Green with the Parish Council. This has found that the stable and elderly nature of the local population reduces the demand for affordable housing in the village. As a consequence it is likely that a lower percentage of dwellings on new developments will be required to be delivered as affordable units, with the balance of the provision provided elsewhere, or a financial contribution made to assist in the delivery of affordable units elsewhere in the borough such as Lytham or Kirkham where the Housing Needs Study confirms that there is a significant shortfall in the supply of affordable properties. This approach was taken in the schemes recently considered at appeal and was supported by the Inspector as a suitable mechanism for delivering affordable housing. It is considered that the submitted draft section 106 allows for a mix of on-site and off-site and is appropriate. An element of affordable housing on-site is considered necessary as it is important to maintain the housing mix in Wrea Green. It is considered that subject to this section 106 that the development with regard to affordable housing is acceptable.

#### Loss of agricultural land

The development would result in the loss of approximately 0.8 hectares of open grassland. The land is classed as Grade 3 agricultural land according to Natural England records. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. This particular area of Fylde has a large amount of Grade 2 and 3 agricultural land, according to Natural England records 33.9% of Fylde is grade 2 quality. Therefore a re-location of the development to a greenfield site would likely be to other land classed as versatile agricultural land or better quality. Whilst the loss of agricultural land is not a good thing, the loss of this small isolated site is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy.

#### Education

The application has resulted in a request for a contribution towards 6 primary school places totalling £72,178 and 2 secondary school places totalling £36,253. These amounts will be reassessed when accurate bedroom information becomes available. The capacity of the village primary school to accommodate the children from this site, along with others from schemes recently approved in the village, has been raised as a concern by the Parish Council and residents. Lancashire County Council has provided a consultation response which looks at the capacity of all local education authority controlled schools within 2 miles of the site for primary education, and 3 miles for secondary. Where

there is a shortage of places Policy CF2 of the Fylde Borough Local Plan allows for the council to secure financial contributions from developments to assist in increasing education provision in an area. This is consistent with para 72 of the NPPF which confirms the government's commitment to education and encourages local planning authority's to work with developers to meet the education needs of the area. The draft section 106 agreement submitted with the application includes this contribution within it and with its provision there will not be an unacceptable impact on educational establishment's capacity.

## **Conclusions**

This proposal is an outline application for the development of up to 15 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan. As members are aware, the NPPF requires that the council is able to deliver at least a 5 year supply of housing land, and is supportive of sustainable development which is described as a 'golden thread' to the document. This is articulated in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent or out of date on the subject unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver 'sustainable development'. This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to the setting of Wrea Green is considered acceptable and whilst there would be some visual impact when viewed from the north it is not considered that there would be sufficient harm to warrant refusal of the application. As the application is outline the siting of the dwellings is unknown but it is considered that a layout can be achieved that both protects residential amenity and respects biodiversity. Planning conditions can be used to ensure this. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for affordable housing, funding for investment in local education capacity and sustainable transport improvements.

## **Recommendation**

That, PLANNING PERMISSION be granted subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties with either off site provision or a financial contribution for any of that 30% not provided on site.
- a financial contribution of up to £72,178 towards primary school places and up to £36,254 towards secondary school places. (or other such sum calculated at a later date based on the actual bedroom numbers within the development)

(Note: The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority)

And the following conditions (or any minor amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:

Nos. ( 1, 2, 3 and 5)

(Reserved matters are:-

1. Layout
2. Scale
3. Appearance
4. Access
5. Landscaping

This permission is an outline planning permission and details of these matters still remain to be submitted.

3. No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No surface water shall be discharged to the public sewerage system. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the risk of flooding, both on and off the site

4. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul

drainage system has been completed to serve that building in accordance with the approved details. The development shall be maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

5. Prior to the commencement of any on-site demolition or other development associated with this permission a construction plan shall be submitted to the local planning authority and approved in writing. The plan shall include methods and details of demolition and construction; vehicle routing to the site; construction traffic parking; any temporary traffic management measures; and times of construction, access and deliveries. The construction plan shall be adhered to during demolition and the construction of the development.

Reason: To protect local amenity.

6. The new estate road/access between the site and Ribby Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

7. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority. This scheme shall include the phasing of works and shall be constructed in accordance with that phasing.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable and so to secure the proper construction of the site access.

9. The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 2 and a half storeys in height.

Reason: To ensure that the development hereby approved is of an appropriate scale for



the surrounding area as required by NPPF and Policy HL2 of the Fylde Borough Local Plan.

10. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of bat habitat creation. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

12. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

13. All trees currently on the site shall be retained. If any future management works or tree removal is proposed it should be detailed in any subsequent reserved matters application and supported by appropriate ecological survey assessments in order to assess the potential for bat roosts.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

14. Prior to the commencement of the development a scheme for the removal of the invasive non-native plant species identified in the submitted Ecological Survey and Assessment (Himalayan Balsam) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the development.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

15. Prior to the commencement of development a precautionary survey of water courses within and adjacent to the site for the presence of water voles shall be submitted to and approved in writing by the local planning authority. This survey shall identify suitable mitigation and preventative measures to be implemented to minimise the opportunity for disturbance or harm to this protected species, and shall be fully implemented in accordance with the scheme as approved.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

16. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

17. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

18. No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0880	Address Land to the North of North View Farm, Ribby Road, Wrea Green	Grid Ref. E.3399 : N.4318	Scale 0 10 20 30 40 m 

Item Number: 7    Committee Date: 04 March 2015

<b>Application Reference:</b>	15/0001	<b>Type of Application:</b>	Advertisement Consent
<b>Applicant:</b>	Rev Burns	<b>Agent :</b>	Mrs Entwistle
<b>Location:</b>	ST PETERS RC CHURCH, CLIFTON STREET, LYTHAM ST ANNES, FY8 5EP		
<b>Proposal:</b>	ADVERTISEMENT CONSENT FOR DISPLAY OF 2M HIGH NON-ILLUMINATED CROSS AND FIGURE OF CHRIST TO EASTERN GABLE OF CHURCH		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	6	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to advertisement consent for the installation of an unilluminated cross and figure of Christ to the eastern elevation of this Church which is itself located at the junction of Clifton Street and Station Road in Lytham.

The proposal requires advertisement consent due to the size of the 'symbol'. The proposed signage is not considered to create a detrimental impact to either public safety or visual amenity. The sign is a religious symbol that is commonly associated with a Roman Catholic Church and although 2m in height is non-illuminated and does not contain any writing. Therefore whilst clearly visible it is in keeping with the Church building and will not detrimentally impact on the immediate surrounding area or character of the conservation area. The proposal is therefore considered to comply with the paragraphs 67, 131 and 132 of the NPPF and Policy EP3 of the Fylde Borough Local Plan and is recommended for approval.

**Reason for Reporting to Committee**

A request was made by a ward councillor (Cllr Duffy) for the application to be brought before the Development Management Committee for a decision. He has been contacted by a number of local residents who are concerned by the proposal and feel that there is a wider public interest in then proposal given the prominent location of the Church in the town.

**Site Description and Location**

The application site is St Peter's Church located on the corner of Station Road and Clifton Street. The Church is not listed, but is located within the Lytham Conservation Area. On the northern side of Clifton Street there are commercial properties which have fascia signage and on the eastern side of

Station Road, facing the eastern elevation of the Church there is a terrace of Grade II listed cottages.

### **Details of Proposal**

The proposal is for the placement of a cross and attached figure of Christ on the east facing wall of the Church. The cross itself has a height of 2m, a width of 1.5m and a projection from the building of 500mm. It is to be sited centrally on the large gable wall to the Church with its base 1.3m above ground level. A figure of Christ is attached to the cross and will be 'life-sized'. The cross is to be of treated Mahogany and the figure of Christ will be fibreglass.

The Control of Advertisement Regulations allow for various forms of advertisement to be displayed as 'deemed consent' which means that they can be displayed without the need for an application to the council for 'express consent'. Class 2C of deemed consent allows for signage on various commercial and other institutions such as bed & breakfasts, pubs, schools, etc., and specifically includes religious institutions. However, there are size limitations to this deemed consent class within one of these being that no character or symbol can exceed 0.75m in height. Officers have concluded that the cross on this advertisement must be regarded as a 'symbol' for the purpose of the advertisement regulations, and as it exceeds this maximum size it cannot benefit from deemed consent, hence the need for this application.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

N/A

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lytham St Annes Civic Society**

*"We strongly support the views of the neighbours to the Church in finding this proposal unacceptable. St Peters Church is a fine building and should stand alone as such. Any associated religious icons and particularly the Cross with Corpus, should therefore be housed within."*

### **Neighbour Observations**

**Neighbours notified:** No Neighbours Notified due to nature of application

**No. Of Responses Received:** 4 letters of objection received

**Nature of comments made:**

- Detrimental impact to visual amenity and character of the conservation area
- A sign of this nature should be located inside the building
- Proposed materials (fibreglass) is not appropriate
- If approved a precedent will be created
- Impact on the listed buildings opposite

- Crucifixes are not common outside churches
- Loss of property value

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
EP03	Development within conservation areas

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Conservation area site

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

The main issues regarding this application are:

The impact to the Conservation Area and street scene as the public amenity of the area  
Impact on public/highway safety

#### **The impact to the Conservation Area and street scene (Public Amenity)**

The proposed advertisement will be clearly seen along Station Road and from various view points within the Conservation Area. When assessing developments in conservations areas the NPPG advises that Local Planning Authorities consider the characteristics of the neighbourhood including scenic, historic, architectural or cultural features and whether the proposal is in scale and in keeping with these features. As the site is within a conservation area special attention needs to be paid to its conservation. The Church forms an existing integral part of the character of the immediate area and to the Conservation Area along with the surrounding commercial and residential properties. These buildings with their individual designs and styles create a varied characteristic in the immediate area without there being a specific prevalent style (i.e. purely residential).

The proposed advertisement will be an addition to this varied appearance and whilst it is reasonably large at 2m high it is positioned on the gable of a substantial church building and will not dominate the surrounding area due to the size of the Church building being significantly larger. Whilst crucifix signs are not widely seen within the Fylde Coast the sign is a religious symbol that is commonly associated with the Roman Catholic faith and therefore is not alien to the site and building to which it is attached. Furthermore as a general rule religious signage on a Church is common and should be expected to be seen from other view points within the immediate area. Finally, the positioning of the advertisement on the gable ensures that views of it are limited to those facing the eastern aspect as it is not seen from other directions.

Taking these matters together it considered that the proposal will not appear incongruous or have an adverse appearance on the Church, and will not cause any harm to public visual amenity within

the conservation area.

#### Impact on public/highway safety

The proposed sign will be clearly seen from the highway, especially on Station Road, to which it fronts. The NPPG advises that advertisements located at points where drivers need to take more care are more likely to affect public safety. The Church is located on the corner of Station Road and Clifton Street and the sign positioned on the east facing elevation will be visible from this junction and along Station Road. If the proposal was in the manner of a typical shop sign with writing and illumination then its size and position may have created a greater impact to public safety. However the sign contains no writing and is not proposed to be illuminated and whilst passers-by will be aware of it, it will not form a distraction by way of prolonged appreciation (reading/understanding) as the sign is a symbol that people immediately and passively understand. Therefore it is considered that the sign will not create a detrimental impact to public safety.

#### Impact to Listed Buildings

The proposed signage will face the row of Grade II listed cottages on the eastern side of Station Road. It is considered that there will be no detrimental impact to the listed buildings as the sign does not affect their architectural significance individually or as a group and the spatial relationship between the Church and the cottages remains intact.

#### Other Matters

Comments received by interested parties raised concern of the loss of property value. As property value is not a material planning consideration it forms no part of this recommendation.

Other comments refer to the preference for the cross to be located inside the building. IN that location it would not require advertisement consent, but clearly would not serve its intended purpose. The council has a duty to consider the application that has been submitted.

The number of other crosses visible on this elevation is highlighted by some residents as evidence that this additional cross is unnecessary. The motive for the proposal is not a matter for the council to consider, however the potential for a proliferation of signs to cause harm to public amenity is a relevant consideration. Taking the scale of the building and the relatively small size and decorative nature of the other crosses it is clear that this additional feature will not create a proliferation of signage and so this is also not a concern that could justify refusal of the application.

#### Conclusions

The application relates to advertisement consent for the installation of an unilluminated cross and figure of Christ to the eastern elevation of this Church which is itself located at the junction of Clifton Street and Station Road in Lytham.

The proposal requires advertisement consent due to the size of the 'symbol'. The proposed signage is not considered to create a detrimental impact to either public safety or visual amenity. The sign is a religious symbol that is commonly associated with a Roman Catholic Church and although 2m in height is non-illuminated and does not contain any writing. Therefore whilst clearly visible it is in keeping with the Church building and will not detrimentally impact on the immediate surrounding area or character of the conservation area. The proposal is therefore considered to comply with the paragraphs 67, 131 and 132 of the NPPF and Policy EP3 of the Fylde Borough Local Plan and is recommended for approval.



## **Recommendation**

That Advertisement Consent be GRANTED subject to the following conditions:

1. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- b) Any hoarding or similar structure, or any sign, placard board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- c) Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters]; or aerodrome [civil or military].

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the application form; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0001	Address St Peters RC Church, Clifton Street, Lytham St Annes	Grid Ref. E.3369 : N.4271	Scale 0 6 12 18 24 m 

## LIST OF APPEALS DECIDED

The following appeal decision letters were received between 21/01/2015 and 20/02/2015. Copies of the decision letters are attached.

Rec No: 1  
30 May 2014      14/0128      FLAT 2, 8 RIVERSLEIGH AVENUE, LYTHAM ST ANNES, FY8 5QZ      Written Representation  
S  
CK  
RETROSPECTIVE APPLICATION FOR INSTALLATION OF PVC WINDOWS THROUGHOUT FIRST FLOOR FLAT.  
Appeal Decision:    Dismiss: 03 February 2015

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Rec No: 2  
22 October 2014    14/0343      CATTERALL HALL FARM, FLEETWOOD ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HJ      Written Representation  
S  
AS  
OUTLINE APPLICATION FOR ERECTION OF 3 DETACHED DWELLINGS ( ACCESS ONLY)  
Appeal Decision:    Dismiss: 22 January 2015

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In addition to the above appeals relating to the refusal of planning permission, two appeals against the service of enforcement notices have been determined. Both appeals were dismissed and the enforcement notices upheld. Copies of the decisions are attached to this agenda for information.

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## Appeal Decision

Site visit made on 27 January 2015

**by Mark Caine BSc (Hons) MTPL MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 February 2015**

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**Appeal Ref: APP/M2325/A/14/2218727**  
**Flat 2, 8 Riversleigh Avenue, Lytham, Lancs**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lorin Smith against the decision of Fylde Borough Council.
  - The application Ref 14/0128, dated 5 February 2014, was refused by notice dated 24 April 2014.
  - The development proposed was originally described as "replacing wood frame windows with PVC (retrospective) in first floor flat, 3 windows in front bay, single adjacent window, rear elevation window".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development has been carried out.

### Main Issue

3. The main issue in this appeal is the effect of the uPVC windows on the character and appearance of the Lytham Avenues Conservation Area.

### Reasons

4. The appeal relates to the first floor flat within a semi-detached property that is located within the Lytham Avenues Conservation Area (LACA). The LACA comprises predominantly 19<sup>th</sup> Century houses, the form, scale, materials and detailing of which, along with their uniformed size, scale and layout are defining features of its character and appearance. The dwellings vary in regards to their architectural style and detail, however there are consistent original features including the projecting ground and first floor bay windows.
5. Although slightly diluted by some recent unsympathetic alterations, timber vertical sliding sash windows are evident in a number of properties within the LACA. The sash windows have typically slender meeting rails, with the box set into the walls and are finished with white paint. From the street the glazing appears to be held by elegant and narrow frames.
6. However unlike these, the frames of the installed uPVC windows are wide. In particular the tops and sides of the frames and the meeting rails appear uncharacteristically heavy. The glazed panes are not set behind each other, offering little depth, and their method of opening would break the plane of the

- window, jutting out of the face of the building. As a result the plastic frames have an inappropriately crude, heavy and overly prominent appearance that fail to preserve or enhance the character and appearance of the conservation area.
7. Nonetheless, the impact is relatively localised and I consider that the harm caused to the character and appearance of the wider Conservation Area would be less than substantial. Where any harm to the significance of a designated asset would be less than substantial, paragraph 134 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against any public benefits of the proposal. However, no public or other benefits associated with the proposal have been put forward to be weighed against this harm.
  8. I therefore conclude that the uPVC windows have a detrimental effect on the character and appearance of the Lytham Avenues Conservation Area. As such it conflicts with the aims of Policy EP3 of the Fylde Borough Local Plan As Altered 2005 (Local Plan). Amongst other matters, this requires new development within or affecting the setting of the designated conservation area to appropriately conserve or enhance its character and appearance.
  9. On my accompanied site visit the appellant pointed out a number of other properties within the locality that have similar uPVC windows, including those at 10 Riversleigh Avenue and Riversleigh Court. However I have not been provided with the full details of the circumstances that led to those developments being accepted. In any event, those that I saw served to confirm that such windows do have a harmful effect on the character and appearance of the surrounding area. I do not consider their presence to be a reason for justifying further harm to the conservation area.
  10. The appellant is also dissatisfied with the Council's determination of the application outside of the 8 week period. However, this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.
  11. For the reasons given above, the appeal should be dismissed.

*Mark Caine*

INSPECTOR

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# Appeal Decision

Site visit made on 2 January 2015

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 January 2015**

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## **Appeal Ref: APP/M2325/A/14/2227114**

### **Catterall Hall Farm, Fleetwood Road, Esprick, Lancashire PR4 3HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Mark Hoggarth against the decision of Fylde Borough Council.
  - The application Ref 14/0343, dated 13 May 2014, was refused by notice dated 4 August 2014.
  - The development proposed is the erection of up to 3 detached dwellings (all matters reserved other than access) on land at Catterall Hall Farm, Esprick.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The application was submitted in outline form with all matters reserved for future approval except access. I have assessed the proposal on that basis.

### **Main issues**

3. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. In those circumstances, paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date.
  4. This finding has also implications for the application of the presumption in favour of sustainable development, which lies at the heart of the Framework. Paragraph 14 of the Framework says that where relevant policies of the development plan are out of date, the presumption in favour of sustainable development means that unless material considerations indicate otherwise planning permission should be granted: that is unless 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.
  5. In that context, I am obliged to determine whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits. In this regard, the main issues are firstly, how the proposal sits with regard to planning policies that promote sustainable development; and secondly, the effect of the proposal on the character and appearance of the local area.
-

## Reasons

### *Sustainability*

6. The proposal is to erect up to three detached dwellings on undeveloped land of unkempt appearance that lies within a short ribbon of development along Fleetwood Road (A585). Despite belonging to a loosely knit group of buildings and an area that the appellant refers to as Esprick, the Council states that the site falls outside any settlement defined in the Fylde Borough Local Plan (LP). Accordingly, it falls within the countryside for the purpose of planning policy.
7. In countryside areas, LP Policy SP2 states that development will not be permitted. Exceptions to this are listed in the policy, none of which would apply in this case. Nevertheless, by operation of the Framework, local plan policies that seek to restrict housing development outside the defined settlement limits should be considered to be out of date. Therefore, the location of the site in the countryside is not a policy bar to its development.
8. LP Policy SP2 is broadly consistent with the Framework, a core principle of which is to recognise the intrinsic character and beauty of the countryside. The Framework notes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In this case, future occupiers of the new dwelling(s) would support local businesses, shops and other facilities in the local area as well as public transport services. However, given the modest scale of development, I am not convinced that the appeal scheme would make a significant contribution to the vitality of the rural community by, for example, sustaining or enhancing existing services or by leading to the introduction of new facilities.
9. The nearest recognised settlements of Elswick, Weeton, Singleton and Wesham and the services and facilities available within them would be some distance from the site. Some day-to-day needs of future occupiers could be met at the petrol filling station, retail shop and the coffee and sandwich outlets to the southeast of the site. These facilities would be within reasonable walking distance albeit future occupiers would need to crossover the busy A585.
10. Similarly, the nearest stopping places for buses along the A585 would be within reach from the site for those on foot and using a bicycle. According to the Council, hourly bus services are available from these stops to Preston, Kirkham, St Annes, Great Eccleston and Blackpool. In my opinion, this level of service is relatively low frequency and I doubt that future occupiers would regularly walk or cycle to these bus stops and use the services especially in inclement weather or after dark even along footways with street lighting.
11. Taken together, it is my judgement that most trips to larger shops, schools, places of employment, health, recreation, leisure and other services from the new dwelling(s) would be heavily reliant on the private car. As such, I consider that the proposal conflicts with LP Policy HL2 insofar as it requires housing development to be in a sustainable location. It is also at odds with a core principle of the Framework for planning to manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Therefore, I conclude on the first main issue that the proposed development sits uncomfortably with planning policies that promote sustainable development.

12. In reaching this conclusion, I note the appellant's comment that Treales and Wharles are identified as locations for some types of development under LP Policy SP1 even though he considers that these locations have fewer services and facilities than in the vicinity of the site. Whether or not that is the case, I have assessed the site's credentials as a sustainable location for new housing within its own context, which I consider to be a more relevant consideration.

*Character and appearance*

13. The proposal would introduce a new built form onto undeveloped land between existing buildings on each side along Fleetwood Road. Although physically contained by existing development on two sides, the site forms part of a sizeable gap between buildings and it contributes to the relatively spacious feel and the semi-rural character of the local area. Existing trees, the frontage hedgerow and other vegetation on the site also visually soften the appearance of nearby buildings. For these reasons, I consider that the site adds to the character and appearance of the local area.
14. The proposal would extend the generally modest depth of ribbon development further along the highway within the countryside. In my opinion, any residential development would be likely to reach across a significant proportion of the site. Taken together with the access, parking areas and potential of associated domestic paraphernalia, the new development would have a significant visual presence, even accounting for the partial screening provided by vegetation to be retained and the planting of a new hedgerow to replace its existing counterpart along the highway frontage. As such, the appeal scheme would unduly erode the sense of openness and have a suburbanising effect on the semi-rural character of the site and surrounding area, to its detriment.
15. The appearance, scale, layout and landscaping of the proposal could, to some extent, mitigate the visual impact of the development. These are matters reserved for subsequent approval. However, the new dwelling(s) would occupy land that is free from built development and the presence of the development would likely to be conspicuous in the local street scene. To my mind, the appeal scheme would appear as a significant incursion of built development that would noticeably change and detract from the semi-rural character of the area notwithstanding detailed design considerations.
16. The appellant states that the proposal would tidy up the site and that the adjacent slurry tank would be removed. These measures would enhance the general appearance of the site. However, such improvements could be achieved in other less harmful ways than in the manner proposed.
17. Therefore, I conclude on the second main issue that the proposed development would seriously harm the character and appearance of the local area. Accordingly, it conflicts with LP Policy HL2, which states that housing development should be in keeping with the character of the locality.

*Other matters*

18. Paragraph 47 of the Framework notes that local planning authorities should boost significantly the supply of housing. As the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites, the positive



contribution of the proposal to the supply of housing carries considerable weight in support of the appellant's case.

19. There would be significant benefits to the occupiers of some nearby properties from the new access arrangements, which would also improve the visibility of oncoming road users at each of their main entrances. The Asset Manager (Lancashire) of the Highways Agency has acknowledged these benefits. The proposal would also improve the forward visibility for road users along this section of the A585. I attach significant weight to these benefits in favour of the appeal scheme.
20. Sustainability is multi-faceted, with economic, social and environmental dimensions. In this case, the proposal would generate some economic benefits during the construction phase. The Framework states that significant weight should be placed on the need to support economic growth through the planning system. As part of the social dimension, the proposal would add to the local housing stock and would thus help meet the needs of present and future generations. With regard to the environmental dimension, the proposal would make more efficient use of land and could be designed to be energy efficient. The gains in each dimension all weigh in support of the appellant's case. The appellant's ecological survey also confirms that there would be no material harm to nature conservation interests with the new development in place.
21. Nevertheless, the Framework advocates that gains in each dimension should be sought jointly and simultaneously to achieve sustainable development. In this case, I have found that the site is not in a sustainable location and the proposal would be seriously harmful to the character and appearance of the local area. On balance, the harm that I have identified would significantly and demonstrably outweigh the benefits of the appeal scheme.
22. Reference is also made to the Council's decision to grant planning permission for a residential development at the Blue Anchor public house, close to the site, and to a recent appeal decision for a housing scheme on land at Catforth, which is in a neighbouring Council area. In my experience, it is rare that direct parallels can be drawn between proposals given that their circumstances often differ. From the limited information provided, the previously developed nature and run down condition of the Blue Anchor public house was weighed in the planning balance alongside accessibility and other considerations. In Catforth, the local circumstances particular that location, which appear to differ to those in this instance, and the planning policies of a different Council would have been taken into account. Therefore, I attach very limited weight to these schemes in support of the appellant's case.

### **Conclusion**

23. Overall, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR

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# Appeal Decision

Site visit made on 3 February 2015

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2015**

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**Appeal Ref: APP/M2325/C/14/2223068**

**Delwood Lodge, Division Lane, Blackpool FY4 5EA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr S J Hill against an enforcement notice issued by Fylde Borough Council.
  - The notice was issued on 1 July 2014.
  - The breach of planning control as alleged in the notice is the use of the building has been changed from use as accommodation incidental to the enjoyment of the property known as Delwood to use as a dwellinghouse.
  - The requirements of the notice are stop using the building for any purpose other than a purpose incidental to the use of the property known as Delwood.
  - The period for compliance with the requirements is two calendar months.
  - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Town and Country Planning Act 1990 as amended.
- 

## Decision

1. The appeal is dismissed and the enforcement notice is upheld.

## Reasons

2. Delwood is a substantial detached dwelling set in extensive landscaped grounds. The building that is the subject of the enforcement notice, a small single storey 'log cabin' known as Delwood Lodge, is sited in the grounds remote from the dwelling. Delwood Lodge was built by the Appellant in early 2007. It is a building and the Council accepts, given the provisions of Section 171B(1) of the Town and Country Planning Act 1990 (the Act), that the development is immune from enforcement action.

The ground (b) appeal

3. Delwood Lodge was occupied by the Appellant's daughter and her husband, Marcella and Liam Dempsey, from April 2007 to July 2010. After the cabin was vacated in July 2010 it has been occupied, successively, by persons who are not relatives of the Appellant. The Council maintains that up to July 2010 the building was in incidental use to the residential use of the dwelling, because one of the occupants was the Appellant's daughter, but that since then it has been occupied independently of the dwelling, and is therefore in use as a dwellinghouse. They therefore allege that there was a material change in the use of the cabin in July 2010 and that the current use is not immune from enforcement action.

4. The Appellant's case, contrary to that of the Council, is that Marcella and Liam, despite the former's relationship to the Appellant, occupied Delwood Lodge

independently from his occupation of Delwood and that the current use was established immediately after the lodge was built. He therefore maintains that the breach of planning control has not occurred.

5. The Council has referred to the case of *Uttlesford District Council v Secretary of State for the Environment and White [1992]* but the circumstances of that case are not directly comparable with this case. There have been other appeal decisions on the same subject since the aforementioned High Court case but, again, none are directly comparable with this case. It is a long held principal, furthermore, that a case must be determined on a matter of fact and degree basis.

6. In April 2013 the Appellant submitted an application for a Certificate of Lawfulness of Existing Use or Development for Delwood Lodge. Accompanying the application were signed and dated statutory declarations by, amongst others, previous occupants of the cabin. These declarations have been submitted with appeal documentation for this case.

7. Apart from the declarations the Appellant has not submitted any evidence, such as Council tax and utility bills, to support his claim that the lodge was occupied as an independent dwelling prior to July 2010. Evidence indicates that Delwood Lodge was first registered for Council tax purposes in February 2013. There is no evidence, furthermore, to indicate that the lodge has been separately insured at any time and has had its own television licence. Uncontested evidence indicates that no-one at any time has been included on the Electoral Roll as being resident at Delwood Lodge and the only reference to Marcella Dempsey (formerly Hill) places her as a resident of Delwood along with her father, the Appellant.

8. During the period of Marcella and Liam's occupation of the lodge land associated with it was not demarcated by any feature from the remainder of the land associated with Delwood; unlike now where a wire fence is in place to demarcate an area around the cabin. There are electronic gates at the entrance to Delwood and residents of Delwood Lodge, at any time, must have had electronic access to operate the gates and must have used the driveway that passes the dwelling to park close to the cabin or must have parked on the driveway.

9. It is likely that Marcella and her husband lived as separately as they desired when they occupied Delwood Lodge. But it is likely that Marcella entered Delwood at any time to be with her father and that her father could have visited her at any time. There is no evidence to the contrary. Furthermore, in particular, the cabin was not independent for utility services, was not registered as a separate dwelling for Council tax purposes, and its residents have not registered on the Electoral Roll as being resident at Delwood Lodge. For these reasons, on the balance of probability, it is not possible to conclude that Delwood Lodge was an independent dwelling when it was occupied by Marcella and Liam Dempsey. At that time, as it was occupied ancillary to occupation of Delwood, the Council could not have initiated enforcement action.

10. Delwood Lodge is now registered independently for Council tax purposes and is occupied, and has been since July 2010, by a person not related to the Appellant. There was, as a matter of fact and degree, a material change in the use of Delwood Lodge in July 2010 from use as accommodation incidental to the enjoyment of the property known as Delwood to use as a dwellinghouse.

11. The breach of planning control has, as a matter of fact, occurred. The ground (b) appeal thus fails.

### The ground (c) appeal

12. The making of a material change in the use of land falls within the definition of development as set out in Section 55(1) of the Act. Section 57(1) of the Act requires that planning permission is required for the carrying out of any development of land. The material change in the use of Delwood Lodge in July 2010, from use as accommodation incidental to the enjoyment of the property known as Delwood to use as a dwellinghouse, is development for which planning permission is required. Planning permission has not been granted for the change of use and the ground (c) appeal thus fails.

### The ground (d) appeal

13. Section 171B of the Act sets out time limits during which enforcement action may be taken against breaches of planning control. Sections 171B(1), 171B(2) and 171B(4) are not relevant. Section 171B(3) states that "In the case of any other breach of planning control no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach". The breach of planning control in this case, the material change in the use of Delwood Lodge from use as accommodation incidental to the enjoyment of the property known as Delwood to use as a dwellinghouse, occurred less than ten years before the date of issue of the enforcement notice. The breach of planning control is not therefore immune from enforcement action through the passage of time and the ground (d) appeal thus fails.

*John Braithwaite*

Inspector

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# Appeal Decision

Site visit made on 3 February 2015

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2015**

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**Appeal Ref: APP/M2325/C/14/2222512**

**Cherry Tree Stables, Roseacre Road, Elswick, Preston PR4 3UD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Michael Westhead against an enforcement notice issued by Fylde Borough Council.
  - The notice was issued on 10 June 2014.
  - The breach of planning control as alleged in the notice is the use of the land has been changed from a mixed use for equestrian and horticultural purposes use to a mixed use for equestrian and horticultural purposes and as a residential caravan site for the siting of one caravan.
  - The requirements of the notice are cease using the caravan as a residence.
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. The appeal is dismissed and the enforcement notice is upheld.

## Reasons

2. Section 171B of the Town and Country Planning Act 1990 (the Act) sets out time limits during which enforcement action may be taken against breaches of planning control. The breach of planning control in this case is the siting of one caravan and its use for residential purposes. It is commonly understood that a caravan is not, under the law, a building. The four year time limit set out in Section 171B(1) is not therefore appropriate. Sections 171B(2) and 171B(4) are not relevant. Section 171B(3) states that "In the case of any other breach of planning control no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach".
3. It is also commonly understood, and has been established through judgements handed down in the High Court, that the siting of a caravan and its residential occupation is a material change of use of land. The making of a material change in the use of land falls within the definition of development as set out in Section 55(1) of the Act. Section 57(1) of the Act requires that planning permission is obtained for the carrying out of any development of land. Without planning permission the siting of a caravan and its residential occupation is a breach of planning control. It is, furthermore, a breach of planning control to which Section 171B(3) of the Act applies.
4. To be immune from enforcement action the siting of the caravan and its residential occupation must have commenced more than ten years before the date

of issue of the enforcement notice. The critical date is therefore 10 June 2004. Cherry Tree Stables was purchased by the Appellant on 11 March 2005 and it has been stated that he can prove that he has "...used the caravan as his registered address ..." since 18 September 2007. It is likely that the caravan was brought onto the land sometime between these two dates. The caravan was not brought onto the land and occupied before 10 June 2004, and is not therefore immune from enforcement action. The ground (d) appeal thus fails.

5. The change of use of the land has not, as suggested by the Appellant's Agent, resulted in a dwelling house. A caravan can be a home, as mentioned in the second reason for issue of the notice, but it cannot be a dwelling house because it isn't a building. The Appellant's contribution to the local community is a matter that is only relevant to determination of a planning application. A ground (a) appeal has not been made and the requisite fee has not been paid so the deemed planning application cannot be considered.

*John Braithwaite*

Inspector

# REPORT



REPORT OF	MEETING	DATE	ITEM
DIRECTOR OF RESOURCES	DEVELOPMENT MANAGEMENT COMMITTEE	4 MARCH 2015	6

## EXCLUSION OF THE PUBLIC

### PUBLIC ITEM

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

### RECOMMENDATIONS

1. Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information, as relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime, as defined in paragraph 7 of schedule 12A to the Local Government Act 1972.