

# Agenda

## Planning Committee

Date:	Wednesday, 29 November 2023 at 9:30am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Richard Redcliffe (Chairman) Councillor Gavin Harrison (Vice-Chairman)  Councillors Tim Armit, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Noreen Griffiths, Jordan Ledger, Jayne Nixon, Sandra Pitman, Vince Settle.

### Public Speaking at the Planning Committee

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

	<b>PROCEDURAL ITEMS:</b>	<b>PAGE</b>
<b>1</b>	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	<b>1</b>
<b>2</b>	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">8 November 2023</a> as a correct record.	<b>1</b>
<b>3</b>	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	<b>1</b>
	<b>DECISION ITEMS:</b>	
<b>4</b>	<b>Planning Matters</b>	<b>3 - 32</b>
	<b>INFORMATION ITEMS:</b>	
<b>5</b>	<b>List of Appeals Decided</b>	<b>33 - 34</b>

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

The code of conduct for members can be found in the council's constitution at

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

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# Planning Committee Agenda

## Wednesday 29 November 2023

Item No.	Appn No.	Location and Proposal	Recommendation	Page No.
1	23/0167	PRINCE'S MEADOWS, LAND OFF A585, KIRKHAM	Approve subject to s106 agreement	4
		FULL PLANNING APPLICATION FOR ERECTION OF 14 RESIDENTIAL UNITS AND ASSOCIATED WORKS.		
2	23/0721	OAK LODGE, WEETON ROAD, WESTBY WITH PLUMPTONS, PRESTON PR4 3NE	Grant	27
		REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 74/0103 RELATING TO OCCUPATION OF PROPERTY AS AN AGRICULTURAL WORKERS DWELLING ON THE BASIS THAT THE CONDITION IS NO LONGER ENFORCEABLE AS CONFIRMED BY CERTIFICATE OF LAWFUL DEVELOPMENT 23/0563		

### Background Papers


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

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

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

**AGENDA FOR 29 NOVEMBER 2023 PLANNING COMMITTEE**

**Item 1**

<b>Application No:</b>	23/0167	<b>Case Officer:</b>	Rob Buffham Area Team 1
<b>Applicant:</b>	MORRIS HOMES NORTH LIMITED	<b>Agent:</b>	MORRIS HOMES NORTH LIMITED
<b>Location:</b>	PRINCE'S MEADOWS LAND OFF A585 KIRKHAM		
<b>Proposal:</b>	FULL PLANNING APPLICATION FOR ERECTION OF 14 RESIDENTIAL UNITS AND ASSOCIATED WORKS.		
<b>Ward:</b>	Kirkham North	<b>Parish:</b>	Kirkham
<b>Date Received:</b>	21 April 2023	<b>Earliest Decision:</b>	25 May 2023
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent	<b>Online application file</b> <a href="#">here</a>	
<b>Officer Recommendation:</b>	Approve Subject to 106 agreement		
<b>Location Plan</b>			

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### Summary of Officer Assessment

The application site relates to an irregular shaped land parcel, circa 0.38 hectares in size, positioned centrally within a housing development that is presently under construction (ref: 15/0177 and minor material amendment 23/0166) that is located to the west of Kirkham and immediately west of the roundabout junction of the A585 and Wilson Drive. The land parcel has been formed as a result of revision to the layout of the wider housing development approved by application reference 23/0166. The application site lies within the settlement boundary of Kirkham and Wesham and forms part of a much larger Strategic Housing Site allocation (Local Plan ref: HSS9, land north of Blackpool Road, Kirkham).

Full planning permission is sought for the construction of 14 dwellings, with access achieved via the internal road linking to the A585 approved for the larger housing development. The development will increase the total number of units to be constructed on the housing development to 247. The types of housing include detached, semi detached and mews style dwellings, providing for 3 no. 2 bedroom dwellings, 4 no. 3 bedroom dwellings and 7 no. 4 bedroom dwellings, with 5 of the units being affordable (30% of the total). Dwellings are all 2 storey in scale, with house types and construction materials replicating those of the larger housing scheme.

The principle of residential development on the site is acceptable based upon its location within the settlement boundary, its allocation as a Strategic Housing Site, and the extant planning consents that exist. In addition, residential consents on the allocation (528) have resulted in a shortfall of housing when compared to that specified within Policy SL4 (588 dwellings), support for this proposal will therefore increase the number of units to be built (542) and thereby reduce the shortfall of housing delivery on the wider allocation.

The house types proposed replicate those of the surrounding housing development, being 2 storey in scale with external materials consisting of red and buff brick and a grey concrete tile which match those of adjacent housing scheme. The proposed layout provides for consistent build lines that tie in with those already approved off site, with dwellings having a front facing aspect to the internal road and public open space, making use of dual aspect design for properties on corner plots. Landscaping of front garden spaces continues the theme of tree lined streets within the adjoining scheme. There is no provision of public open space on this specific site, though an acceptable level of provision to account for the requirements of this application is provided as part of the wider housing development. The proposal would therefore be sympathetic to the character and appearance of and ensure a seamless addition to the housing scheme presently under construction, and thereby will achieve a high standard of design, in accordance with policies GD7 and H2 of the FLPP and the NPPF.

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

The level of affordable housing proposed would also accord with the requirements in policy H4 of the local plan. In addition, financial contributions would be made towards healthcare and education to mitigate the development's effects on local services in accordance with policies HW1 and INF2.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF. In accordance with paragraph 11 c) development must be approved without delay, with that approval being delegated to the Head of Planning, in consultation with the Chairman and Vice-Chairman of the Planning

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Committee, subject to the satisfactory completion of a Section 106 agreement and a schedule of appropriate conditions.

### **Reason for Decision Level**

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

### **Site Description and Location**

The application site relates to an irregular shaped land parcel, circa 0.38 hectares, that is located centrally within an existing housing development (planning application reference: 15/0177 and minor material amendment 23/0166) presently under construction, being located to the west of Kirkham, and immediately west of the roundabout junction of the A585 and Wilson Drive.

The site remains undeveloped, though has been subject to clearance as part of works associated to the consented housing scheme, and will be enveloped by housing within that development once completed.

The application site is located within the settlement boundary of Kirkham and Wesham and is allocated for housing, as per the Fylde Local Plan to 2032 (Incorporating Partial Review) proposals map.

### **Details of Proposal**

#### **Background**

The land parcel forms part of a much larger housing approval for 231 units granted consent by 15/0177. That approval has been subsequently revised by planning application reference 23/0166, which granted consent for modification of the development's layout. This revision created an additional land parcel, subject of this current application, whilst retaining the number of dwellings originally approved (231).

#### **Proposal**

Full planning permission is sought for construction of 14 dwellings on the site, representing revision of the originally submitted scheme for 16 units. This will increase the number of units to be constructed on the wider housing development to 247.

Vehicular access will be achieved via the internal access road approved for the larger housing scheme.

Proposed dwellings are a mix of 2, 3 and 4 bedroom properties, including detached, semi detached and mews styles. 8 different house types are proposed, which reflect those in the approved housing development, submitted drawings indicate dwellings to be of 2 storey scale, with hip and gabled roof forms, and constructed of red or buff brick and grey roof tile. House types include projecting gable detail to majority of front elevations, with some including integral garages. All dwellings have a front facing aspect to the street where feasible, with corner plots providing for active gables through the provision of additional window openings. Off street parking is provided for all units in the form of integral or detached garaging, side drive ways or surfaced areas within front garden spaces.

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There is no public open space within the application site itself, which is catered for within the larger housing development. Front garden areas are soft landscaped and make provision for tree planting, with hard landscaping required for driveway access.

Boundary treatment include 1.8m brick pier with fence infill to those which are visible within the main street scene, with 1.8m timber fence demarking rear curtilages.

### Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
23/0166	VARIATION OF CONDITION NO 2 OF PLANNING PERMISSION 15/0177 TO RE-PLAN PLOTS 49-94 (INCLUSIVE), 97-207 (INCLUSIVE), 209-212 (INCLUSIVE) AND 214-231 (INCLUSIVE).	Approve Subject to 106	20 October 2023
15/0177	PROPOSED ERECTION OF 231 NO. RESIDENTIAL UNITS AND ASSOCIATED WORKS	Approve Subject to 106	04 July 2018

### Parish/Town Council Observations

Parish/Town Council	Observations
Kirkham Town Council	<p><u>Comments received on 17<sup>th</sup> May 2023</u></p> <p><i>The Town Council note the plans and have not raised any objections/concerns with this application.</i></p>

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Lancashire and South Cumbria Integrated Care Board (ICB)	<p>No objection subject to financial contribution of £13,608 towards new health care infrastructure (the site of a new practice has been sourced (Derby Road, Wesham) and the scheme is currently at design development stage.</p> <p>This request is based upon the development generating approximately 42 new patient registrations. This need, with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice.</p> <p>The ICB confirm <i>“that failure to secure the contribution we have requested effectively means that we are objecting to the application”</i>.</p>
LCC Education	<p>This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met.</p> <p>Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 3 primary school</p>

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	<p>places. However LCC will not be seeking a contribution for secondary school places.</p> <p>Calculated at the current rates, this would result in a claim of:</p> <p><u>Permanent expansion</u>          Primary places: = £19,425 per place          £19,425 x 3 places = £58,275.00</p> <p>LCC reserve the right to reassess the education requirements taking into account the latest information available.</p> <p><u>Named Infrastructure Project</u>          The final position assessment of the impact of the development on school places including infrastructure details should be provided as part of your development control committee process. The infrastructure project(s) where the secured education contribution will be spent to deliver additional school places will be determined at the point at which the application is considered for decision.</p> <p>The nominated Newton Bluecoat Church of England Primary School, and/or St. Joseph's Catholic Primary School in Medlar-with-Wesham. These are the closest primary schools to the development that have space to accommodate an expansion.</p> <p>Whilst the County Council have confirmed its intention to deliver projects at Newton Bluecoat Church of England Primary School, and/or St. Joseph's Catholic Primary School in Medlar-with-Wesham, it should be noted that this would be subject to the following:</p> <ul style="list-style-type: none"> <li>• willingness of school governing body to expand</li> <li>• suitability of site</li> <li>• planning permission &amp; compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.</li> <li>• consultation with local schools and the community</li> <li>• parental preference at the time that the places are required</li> <li>• school standards at the time that the places are required</li> <li>• availability of other funding streams</li> </ul> <p>Should the primary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner.</p> <p>Furthermore, the County Council will ensure that sufficient local primary school places are provided to address the impact of the development at no cost to the owner.</p>
Lancashire Fire and Rescue Services	Advice has been offered with regards to building regulations.



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Environment Agency	<p>Did not provide comment on this current application, but did provide response to the recently approved application to revise the layout of the wider housing development, as detailed below:</p> <p>On the basis that we have issued a Flood Risk Activity Permit (FRAP) that included lockable 3rd party bollards within the 8m access strip present barriers we are reminded to remove our objection. FRAP EPR/JB7351LA was issued on 07/06/2022.</p> <p>It is likely that the applicant/ operator will need to vary their permit in the light of changes to the proposed layout and design of the scheme drawings referenced in the permit.</p>
Lead Local Flood Authority	<p>Initial objection was withdrawn by the LLFA, subject to condition requiring submission of:</p> <p>A final surface water sustainable drainage strategy. Construction surface water management details. Sustainable drainage statement operation and management details.</p>
United Utilities	<p>No objection subject to condition requiring foul and surface water drainage details, and, management and maintenance of sustainable drainage systems.</p>
LCC Highways	<p>LCC Highways does not have any objections regarding the proposed full Planning Application for Erection of 14 Residential Units and associated works and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</p> <p><u>Introduction</u> The proposals are within a wider development site that was granted planning permission under Fylde planning application reference 15/0177. It is LCC Highways opinion that the matters not covered by the proposals have previously been addressed under planning permission 15/0177.</p> <p><u>Private Car Parking</u> Following assessment of the amended plans LCC Highways have the following comments regarding the proposed car parking. Amended drawings have been submitted demonstrating that the proposed integral and separate garages will have internal dimensions of 3.0m x 6.0m. As a result, LCC Highways are satisfied that the proposed garages are appropriate for use a car parking.</p> <p>Many driveways are proposed which will provide car parking and pedestrian access to properties. These driveways are too narrow to be considered useable for both purposes in LCC Highways opinion. It is recommended that the driveways are modified to consider the following:</p>

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	<p>The single vehicle width private drives to have a minimum width of 3.2m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings), recommends unobstructed widths of at least 900mm to access the property.</p> <p>The double vehicle width private drives to have a minimum width of 5.6m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings), recommends unobstructed widths of at least 900mm to access the property.</p> <p>It is recommended that all private drives fronting garages to be a minimum of 6m long and this must not include any of the required 2m wide service verge. The drive length can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision. The recommended distance of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance at the rear of the car (200mm), overhang of the garage door (600mm) and room to stand in front of the car and open/close the garage door (600mm).</p>
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### Neighbour Observations

<b>Neighbours notified:</b>	None considered necessary
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	03 May 2023
<b>Press Notice Date:</b>	03 May 2023
<b>Number of Responses</b>	Total number of comments      0

### Relevant Planning Policy & Government Guidance

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

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

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

- GD1 - Settlement Boundaries
- S1 - The Proposed Settlement Hierarchy
- DLF1 - Development Locations for Fylde
- SL4 - Kirkham & Wesham Strategic Location for Development
- GD7 - Achieving Good Design in Development
- H1 - Housing Delivery and the Allocation of Housing Land
- H2 - Density and Mix of New Residential Development

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H4 - Affordable Housing  
INF2 - Developer Contribution  
T5 - Parking Standards  
ENV2 - Biodiversity  
ENV4 - Provision of New Open Space  
CL1 - Flood Alleviation, Water Quality and Water Efficiency  
CL2 - Surface Water Run-Off and Sustainable Drainage

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column 2 of the table (150+ dwellings or >5 hectares in size) relating to category 10(b) developments.

Therefore, the proposal is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

### **Comment and Analysis**

Having regard to the relevant national and local planning policies, the site's designation within the local plan, the nature of the development applied for and the responses from interested parties, the main issues pertinent in the assessment of this proposal are considered to be:

1. Principle of development.
2. Design.
3. Amenity.
4. Highways safety.
5. Flood risk and drainage
6. Infrastructure contributions.

Taking each matter in turn:

#### **Principle of residential development on the site**

The site falls within the settlement boundary of Kirkham and Wesham whereby Policy GD1 is generally supportive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

Paragraph 60 of the NPPF makes commitment to the Government's objective for significantly boosting the supply of homes. The Fylde Local Plan (incorporating Partial Review) (FLPPR) outlines the Council's housing strategy to meet this objective, with several policies of relevance outlined below.

Policy S1 (The Proposed Settlement Hierarchy) identifies a four-tier settlement hierarchy comprising of Key Service Centres, Local Service Centres, Tier 1 Larger Rural Settlements and Tier 2 Smaller Rural Settlements, as defined on the FLPPR Policies Map. It identifies Kirkham as a key Service Centre where Policy S1 confirms that existing services and facilities will be enhanced; a range of housing and employment opportunities will be promoted and delivered, as well as retail and other community services, to serve the wider catchment area.

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Policy DLF1 (Development Locations for Fylde) indicates that the Local Plan will provide sites for a minimum of 7275 new homes, directing the majority of that development toward 4 strategic locations, of which Kirkham and Wesham are identified. Policy DLF1 states that this will result in around 90% of homes to be developed in the plan period being located in the four Strategic Locations for development, and around 10% of homes located in the non strategic locations.

FLPPR policy H1 identifies how the Council will provide and manage the delivery of new housing. Importantly criteria a) sets a minimum housing requirement of 415 net homes per annum for the period 2011 – 2019, and a minimum of 305 net homes per annum between 2019-2032 to meet the overarching target of 7275 dwellings over the plan period. Criteria c) makes a commitment to ensuring that there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply, in location that accord with policy DLF1. Criteria d) refers to the delivery of developable sites, which are allocated for housing and mixed use, to provide for a minimum of 7275 homes over the plan period. It is expected that the allocations provide for their housing delivery target, since failure to do so would risk undermining the housing strategy of the FLPPR.

To ensure delivery of the housing target, the application site is one of a number of housing allocations within the FLPPR. It forms part of a much larger Strategic Housing Site (Local Plan ref: HSS9) that extends in a southerly direction to Blackpool Road, as allocated by the FLPPR Policies Maps. Policy SL4 identifies that HSS9 should deliver 588 dwellings. Planning consents have been granted across the full extent of the allocation for a total of 528 dwellings, resulting in a shortfall of 60 units when compared against the allocation requirement identified by Policy SL4. This proposal will therefore increase the number of dwellings delivered to 542, helping to reduce the present shortfall of housing that has been approved on the allocation.

Bearing in mind the sites location within the settlement boundary of Kirkham and Wesham, its allocation as a Strategic Housing Site, extant consent for housing, and contribution it would make to reducing the shortfall of housing delivery on the allocation, the principle of development within this Key Strategic location accords with the development strategy outlined within the FLPPR.

### **Character and Appearance:**

#### Policy Background

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area in accordance with 16 criterion (a – p). Those relevant to this current proposal are outlined below:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly,

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sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

FLPPR policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area.

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

### Assessment

The application site is located within an existing housing development which is presently under construction. The housing proposed will eventually be surrounded by that development. It is therefore key that the character and appearance of the proposal fits seamlessly into the wider housing scheme, so that it becomes non discernible in that context, as considered below.

#### *Density:*

Policy H2 provides guidance on housing density, requiring that new residential development makes efficient use of land, whilst avoiding detrimental impact to the surrounding area, and requiring a net density of 30 dwellings per hectare, as a minimum. Paragraph 9.25 confirms that lower densities may be justified where it would reflect and enhance the local character of the surrounding area in accordance with Policy GD7.

The site area is confirmed to be 0.31 hectares. In this case, therefore, the proposed development of 14 dwellings would deliver a net residential density of approximately 45.16 dwellings per hectare (DPH) on the site, in accordance with the threshold advocated by Policy H2. In addition, it is recognised that the proposal forms part of a larger housing development that was approved with a substandard density of 23.2 dwellings per hectare (DPH). The proposal will increase the number of dwellings to be constructed from 231 to 245, resulting in an up lift of the overall density on this phase of the allocation to 24.8 DPH. Whilst the overall site density is below the 30dph required by Policy H2, the development nonetheless would provide for an increased density and better use of the allocation as a consequence, which weighs in favour of the proposal.

#### *Layout:*

The application site represents a land parcel that has been created within an existing housing development and is bound by an internal access road with housing beyond to the north, east and west, and a public open space area to the south. The public open space (POS) is a central landscaped space that contains an equipped play area and drainage pond. It is almost square in form and enveloped by the internal access road, with all dwellings in the vicinity being of larger proportion and presenting a front facing aspect to this space. Tree planting is found within front garden areas, as well as to the periphery of the POS area, providing for a tree lined street scene appearance.

The proposed layout presents a traditional approach which ensures that all dwellings are outward facing, providing for front to front and back to back relationships with adjacent dwellings, as well as an outward facing aspect over the public open space area. The layout presents strong build lines which ensure consistency with adjoining plots beyond the application site.

The detached house types proposed are positioned to be outward facing over the POS, being set back

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from the road edge behind a uniform build line, and, tree and hedge planted front garden spaces. The semi detached and muse properties are located to the north of the site, also set back from the road behind front garden spaces and parking areas. This layout results in lower density housing being located to the south of the application site, and higher density to the north, that is reflective of the layout of the wider housing scheme.

The front facing nature of dwellings act to conceal the majority of rear garden spaces from view within the main street scene. Several plots have rear garden boundary treatments exposed to the street, and in more prominent locations, the siting of boundary walls are located to reflect adjacent build lines and landscaping is used to soften the presence of structures.

Policy ENV4 of the FLPPR requires all new housing development of 10 or more homes to make provision for public open space (POS), with facilities provided for children's play. The policy refers to individual standards dependent upon the house type (16m<sup>2</sup> per 1 bedroom home, 24m<sup>2</sup> for 2 bedroom homes, 32m<sup>2</sup> for 3 bedroom homes, 40m<sup>2</sup> for 4 bedroom homes and 48m<sup>2</sup> for 5 bedroom homes). The development does not make provision within its layout for POS or equipped play, however this has been incorporated into the wider site layout with acceptable levels of POS provided for this current proposal as well as the surrounding housing scheme (16432sqm, based upon 245 dwelling and a mix of 1-5 bedroom properties). Equipped play is also located in close proximity of the application, on the POS located immediately to the south.

The approach to the layout would make a positive contribution to the character and distinctiveness of the area, thereby satisfying the objectives in FLPPR policies GD7 and H2 which relate to achieving good design in development.

*Scale:*

House types that form part of the wider housing approval surrounding the application site are of a 2 storey scale, with eaves and ridge heights being of a consistent height also. House types that overlook the POS are mostly detached and have a comparably wider frontage toward this space. The house types proposed are reflective of those that are in the vicinity, being of 2 storey scale. In addition, the proposed layout places detached dwellings, which are generally greater in width and plot size, along the site's southern boundary, reflecting the scale and proportion of other properties that front on to the POS.

In addition to the design parameters of Policies H2 and GD7, Policy H2 also requires that all residential developments of 10 or more houses will provide at least 50% of dwellings that are 1, 2 or 3 bedroom properties. This is to ensure that sufficient housing of an appropriate size is available to meet the changing demand of Fylde's population.

The submission confirms several house types proposed, with relevant drawings for each house type confirming a range of dwellings sizes, including a mix of 2, 3 and 4 bedroom properties as follows:

	No. of Dwellings	(%)
2 bedroom	3	21%
3 bedroom	6	43%
4 bedroom	5	36%

The above provision equates to a total of 64% of dwellings proposed being 2 or 3 bedroom properties, which far exceeds the 50% threshold required by Policy H2.

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The scale of development proposed thereby ensures an appropriate mix of housing that satisfies the requirements of Policy H2, whilst respecting the scale of development within the adjoining housing scheme, in accordance with policies H2 and GD7 and the NPPF.

### *Appearance:*

Dwellings that will eventually surround the application site are yet to be constructed. However, the drawings that have been approved indicate 32 differing house types of detached, semi detached and mews styled properties spread across the site. Each house type is individual, but do display characterful traits of consistency including a mix of dual and hipped roof forms, use of 2 storey gable projections to front elevations, window symmetry, red and buff coloured masonry and slate grey tiled roof.

The proposal makes use of 8 different house types that were approved within the wider housing scheme and includes detached, semi detached and mews dwellings. Each house type proposed is sited adjacent to a similar house type within the approved layout, with external construction materials similarly grouped together. This will ensure a consistency of external appearance and scale that harmonises with the neighbouring development.

All dwellings are front facing to the internal access road, and those situated to corner plots are of dual aspect design, ensuring that window openings provide activity and natural surveillance to all street scenes. The appearance of more prominent elevations is enhanced by the inclusion of gable features to front and side elevations of some house types. The outward facing nature of the layout has reduced the presence of boundary treatments that may be observed within the street. Where visible, boundaries are formed by matching brick piers/ fence infill panels and are set back from the pavement behind landscape garden areas, consistent with the approach adopted for the adjacent scheme.

The development has responded to the appearance of the surrounding development through its layout, scale, house type design and proposed materials. In particular, its layout would ensure consistency with approved building lines, whilst providing for soft landscaped gardens within street scenes, and the 2 storey height of approved dwellings is replicated. Accordingly, the development's appearance would integrate successfully with the character of the site's surroundings.

### *Summary on character and appearance*

As outlined above, the proposed development, by virtue of its density, layout, scale, appearance and landscaping, would be sympathetic to the character and appearance of, and would ensure a seamless addition to the approved housing scheme. Accordingly, the scheme is considered to comply with the principles of good design as per policies GD7 and H2 of the FLPP and the NPPF.

### **Impact on amenity**

#### Policy Background

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses, existing residents that live adjacent and prospective occupants of the development. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours or those living within the development, or during the construction period.

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Whilst used in the assessment of householder applications of existing dwellings, the guidance in Design Note 1D iii) of the Council's Supplementary Planning Document 'Extending Your Home', indicates that windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.

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

### Assessment

There are no occupied dwellings neighbouring the application site that may be affected by the proposals. Land adjoining the application site has the benefit of planning consent, and construction of that development will result in housing within proximity of the current proposal. On that basis, it is relevant to make assessment in light of the consented scheme and potential impact it may have for the amenity of those neighbours as well as occupants of the development.

The submitted layout locates dwellings to the north, south, east and west of the application site, with properties having a front to front or rear to rear facing relationship with the adjoining housing development. The immediate neighbours of the application site have not as yet been constructed, thus the proposal would not impinge upon the amenity of any existing residents.

The proposed layout indicates that appropriate separation distances that accord with the Council's 'Extending Your Home' SPD have been provided to the majority of houses neighbouring the development. There are however 5 plots that evidence substandard separation to their neighbours, as outlined below:

- Proposed plots 234 and 235 to approved plot 86 – back to back separation of 20m.
- Proposed Plot 242 and approved plots 122/ 123 – front to front relationship of 19.5m.
- Proposed Plot 241 and approved plot 167 – front to front relationship of 15m.
- Proposed Plot 240 and approved Plot 169 – front to front relationship of 18.3m.

Whilst it is acknowledged that the above separation distances are below that required by the Council's SPD, it should be recognised that the distances within the SPD are for guidance only. Reduced separation can be supported in certain circumstances, for example, it may be appropriate to accept reduced spacing for character reasons in circumstances whereby surrounding development is similarly below standard. In this respect, the spacing between some plots within the wider housing scheme are also substandard, for example, the approved front to front separation between Proposed Plot 241 and approved Plot 167 was circa 14.3m, providing an acceptable precedence in support of the separation distances proposed.

Separation distances within the development itself are compliant with the SPD guidance. In addition, prospective residents will have access to private external space located to the rear of all dwellings and off street car parking. The amenity needs of prospective residents is therefore catered for within the development.

On this basis it is considered that the development would not unacceptably impinge on the amenity of prospective residents that will either occupy the application site or those dwellings that will eventually adjoin the development once constructed, in accordance with Policy HL2 and GD7.



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### Highway Safety

#### Policy Background

FLPPR policy GD7 supports good design that (p), would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway users (q). Policy T5 relates to parking provision and indicates that provision should be on site wherever possible to ensure there is no detrimental effect on highway safety and enables a flexible approach to the level of car parking provision, dependent on the location of the development. The recently adopted Car Parking SPD requires 1 space for 2 bedroom dwellings, 2 spaces for 3 bedroom dwellings and 3 spaces for 4+ bedroom dwellings.

Policy T4 also supports the shift toward new technologies and fuels by encouraging the development of ultra-low carbon/ electric vehicle infrastructure. Whilst this policy does not make provision of EV mandatory, it is noted that Approved Document S7 of the Building Regulations requires provision for all new houses with associated parking to have access to a charging point.

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

#### Assessment

The proposal will be accessed via the internal road that will serve the surrounding housing development, which provides for a single point of entry/ exit via a roundabout junction of the A585 and Wilson Drive. The applicant has confirmed intent for this internal road to be adopted by the Highway Authority. Each plot makes provision for off street car parking in the form of integral or detached garaging, driveways or front parking areas, in accordance with the SPD requirements.

The Highway Authority has commented on the development and have not raised objection to the scheme with regards to the access arrangements or parking proposed within the scheme. A minor concern has been raised with regards to the width and length of some driveways being of substandard dimension, though it has not been confirmed which properties this relates to. The applicant has revised the proposal to accommodate the HA standard so far as practicable, but this has been at the expense of soft landscaping to front garden areas. Several driveway widths and lengths remain substandard, but nonetheless, the driveways could still accommodate the necessary parking requirement. Moreover, the driveway length required by the HA is only necessary to enable driveway parking as well as sufficient space to open a garage door. Further revision would necessitate a reduction of soft landscaping in lieu of a tarmac driveway and the movement of dwellings within each plot, and is not considered necessary on that basis. Whilst the HA concern is recognised, it is noted that this matter is not of significant harm for the HA to formally object to the scheme, nor is this matter considered to be of sufficient harm to warrant refusal of the proposal on highway safety grounds.

The development provides for an acceptable means of vehicular access and appropriate levels of parking, including the provision of electric charging points by virtue of Building regulation requirements. Accordingly the proposal will not prejudice the safe, efficient or convenient movement of all highway users, and, in the absence of any objection from the Highway Authority, the proposal is in compliance with the policy objectives of FLPPR Policies and the NPPF.

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### Flood risk and drainage

#### Policy Background

Criteria z) of Policy GD7 states that inappropriate development in Flood Risk Zones 2 and 3 will not be permitted. Policy CL1 requires all new development to minimise flood risk by a number of specific criteria, including ensuring use of sustainable surface water drainage solutions, ensuring new development is directed away from high risk areas of flooding (Flood Zone 2 and 3). Policy CL2 provides detailed design guidance for surface water drainage strategies, including attenuation requirements.

#### Assessment

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map. The development therefore avoids the high flood risk areas, and would not be at risk from nor would it increase the likelihood of flood risk elsewhere.

The planning application included submission of the Flood Risk Assessment (Morris, 30133/SRG, March 2015) that was issued as part of the 2015 planning consent on the site, and an addendum Flood Risk Assessment (Morris, 30599/Add/SRG, April 2023) which provided an update of the surface water proposals in light of the current application.

The surface water drainage strategy for the development is accounted for within the wider site proposals, which includes the use of underground pipes that connect to 2 no. open attenuation ponds, prior to restricted discharge into a brook located to the southern boundary of the development.

The Lead Local Flood Authority and United utilities have not raised objection to the proposal subject to condition relating to construction being in accordance with the FRA, submission of drainage strategy, construction phase surface water management plan and operation, maintenance and verification report of the constructed drainage system. Whilst the Environment Agency have not commented on this current application, they did not raise any objection to the minor material amendment application that altered the approved layout of the wider housing scheme.

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

### Ecology

#### Policy Background

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets, requiring development within or affecting nature conservation or ecological networks to adhere to set criteria. Those relevant to the development include proposals that enhance or conserve biodiversity will be supported, and, provision of mitigation measures where development is considered necessary. Planning permission will be refused in circumstances where significant harm cannot be avoided. Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.

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The above policies are considered to reflect guidance within the NPPF23.

### Assessment

The planning application is not accompanied by any supporting ecological information. Notwithstanding, the principle of residential development on the site has been established through previous consents. With regards to ecology, those consents have been granted subject to the provision of mitigation measures including landscaping, bat and bird boxes, as well as various controls during the construction process. Thus it is considered that ecological mitigation relevant to this current proposal will be delivered as a consequence of the surrounding residential development it forms part of. The only exception to this being provision of bat and bird boxes, the requirement for which must also be applied to this development if approved. An appropriately worded condition is therefore advised.

Subject to the delivery of ecological mitigation required by the wider site development, and imposition of the suggested condition above, the development will protect the boroughs biodiversity assets in accordance with Policy ENV2 and the NPPF.

### **Infrastructure contributions**

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

The number of dwellings proposed exceeds the 10-unit threshold where infrastructure contributions towards affordable housing, public open space, education and healthcare may be required to mitigate the impacts of development in accordance with policies H4, ENV4, INF2 and HW1 of the FLPPR. Relevant to the current proposal, the following measures are required in mitigation to deliver policy-compliant infrastructure contributions as part of the scheme:

### *Affordable housing*

Policy H4 requires all market housing scheme of 10 or more units to provide 30% affordable housing, unless robust viability testing has demonstrated that the cost of the affordable housing provision would prevent the development from being delivered. Further, the presumption is that affordable housing will be provided on the application site in order to create a mix of housing, and that affordable housing for social rent or affordable rent should be 1, 2 or 3 bedroom homes. Criteria a) of Policy H4 requires that development located within or close to Key Service Centres, such as Kirkham, will meet Borough wide affordable housing needs.

The submission includes an affordable housing plan and an Affordable Housing Statement which confirm that 5 of the 14 units (36%) proposed will be for shared ownership. This same plan also provides context of this affordable housing provision in light of that to be provided by the larger housing development, which will deliver an additional of 69 affordable units (59 affordable rent and 10 shared ownership). The total amount of affordable housing that will be delivered equates to 74 units (59 (80%) affordable rent and 15 (20%) shared ownership) or 30%, split between 1-, 2- and 3-bedroom size properties, and located along the northern boundary of the site.

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The level of affordable housing provision satisfies the 30% threshold and provides for a mix of tenure and property size in accordance with Policy H4.

The Council's Affordable Housing SPD provides design guidance for affordable housing including the location of such within the development, and external appearance. The key principles outlined within the SPD seek to ensure that the affordable housing is 'tenure blind' in that it should not appear distinctive from the market homes within the scheme. In this respect, affordable homes should result in a similar high standard of visual appearance (para 7.16) and be distributed within the development so that it is clearly integrated into the wider site and could not be regarded as separate from it. Paragraph 7.21 confirms that affordable housing should be distributed in several small groups throughout the development site.

The 5 affordable homes provided within the scheme are sited to the north of the application site, with private market housing being sited adjacent. In addition, the affordable housing would be constructed in the same materials as the market dwellings, incorporating pitched roofs and artificial stone detailing to windows within front elevations, thus presenting a degree of consistency of appearance with the private market housing. The location of affordable housing is therefore considered to integrate into the development and wider housing scheme.

In addition, the Affordable Housing Statement confirms intent to transfer all affordable units to a single Registered Provider, whereby clustering helps with management of the properties.

Accordingly, on balance, it is considered that the distribution of affordable housing within the development would not undermine the overarching objective of creating mixed and balanced communities contained in FLPPR policy H4, the Council's Affordable Housing SPD and the NPPF.

### *Health and Well Being*

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

The NHS Lancashire and South Cumbria Integrated Care Board (ICB) comment that the development sits within the catchment area of Kirkham Health Centre & Ash Tree surgery and that the pressure resultant from 14 dwellings (42 people), along with all other committed development, can only be met through the provision of new infrastructure – a site (former Wesham Hospital Site, Derby Road, Wesham) has been sourced and the scheme is currently at the design development stage.

A financial contribution of £13,608 towards the aforementioned infrastructure has therefore been requested, with payment made pre-commencement of development to ensure that the additional capacity is created in advance of the population growth. This is in accordance with the ICB's methodology for calculating the impact of new development on health service capacity, and which has been adopted by Fylde Council for use in the determination of planning applications. The ICB state that their comments will represent objection if the applicant does not commit to this financial contribution.

The development has the potential to draw new residents into the area and impinge upon existing service provision at Kirkham Health Centre & Ash Tree surgery as a consequence. The contribution request is therefore valid and consistent with the development plan requirements.

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### *Education*

Criteria e) of Policy INF2 requires development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community, including education.

Lancashire County Council Education Authority have raised objection to the development and comment that their objection will be withdrawn on the proviso that the applicant provides a financial contribution of £58,275 towards the provision of 3 primary school places to assist in meeting the education demands of the development. This position is formed on the basis that there is a presently a shortfall of 55 primary school places, that would increase to 58 as a result of this development.

The nominated project for expenditure of the contribution is Newton Bluecoat Church of England Primary School, and/or St. Joseph's Catholic Primary School in Medlar-with-Wesham, which are the closest primary schools to the development that have space to accommodate an expansion. This expansion is subject to specific parameters including:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

Should the primary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local primary school places are provided to address the impact of the development at no cost to the owner.

### **Conclusions**

The application site is located within the settlement boundary of Kirkham and Wesham and is allocated as a strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review). Previous consents on the allocation have resulted in a shortfall of housing when compared to that specified within Policy SL4, support for this proposal will therefore increase the number of units to be built and thereby reduce the shortfall of housing delivery on the wider allocation. The principle of housing development on the site is therefore acceptable.

The density, layout, scale and overarching appearance of the development is in-keeping with the character of and would ensure a seamless addition to the housing scheme presently under construction. Accordingly, the scheme is considered to comply with the principles of good design as per policies GD7 and H2 of the FLPP and the NPPF.

The development would not compromise the safe, efficient or convenient movement of all highway users, and there are no amenity, ecology or drainage issues of note that cannot be dealt with by condition post determination. The proposal requires affordable housing and contributions toward education and health care to mitigate its impact on infrastructure services.

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

### Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning, with that decision being subject to (Stipulation 1) the satisfactory completion of a Section 106 agreement and a schedule of appropriate conditions (Stipulation 2).

### Stipulation 1

The S106 Agreement is to secure:

- a) Provision for a minimum of 30% of the total number of dwellings within the development to comprise affordable housing as defined in Annex 2 of the National Planning Policy Framework.
- b) A contribution of £13,608 (or revised amount to be confirmed by the ICB) towards addressing the expected shortfall in primary care capacity to serve the occupants of the development to be spent towards the provision of new healthcare infrastructure associated with the development of a new practice premises on the site of the former Wesham Hospital, Derby Road Wesham.
- c) A contribution of £58,275 towards addressing the expected shortfall in primary education capacity to serve the occupants of the development to be spent on an infrastructure project to be confirmed by LCC Education.
- d) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in a) and b) above.

### Stipulation 2

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

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

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

2. This permission / consent relates to the following details:

- Location plan - drawing no. N1005/P/LP02 rev A
- Planning Layout - drawing no. N278/P/PL01 rev AG1
- Affordable Housing Plan - Drawing no. N278/P/AH01 rev F1
- Materials Dispersion Plan - Drawing no. N278/P/MP01 rev R1

House Type Drawings:

- The Poynton - drawing no. NRS/AFF/2H/687/L2013Q/P01
- The Chatburn - drawing no. NRS/AFF/2H/740/L2013Q/P01
- The Abingdon - drawing no. NRS/4H/1469/L2013Q/PE01 rev A

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- The Adlington - drawing no. NRS/4H/1119/A2P/L2013Q/PE01 rev A
- The Brancaster - drawing no. NRS/4H/1169/L2013Q/PE01 rev B
- The Didsbury Semi - drawing no. NRS/3H/874/L2013Q/PE01
- The Dalton Semi - drawing no. NRS/3H/938/SEMI/L2013Q/PE01
- The Norfolk - drawing no. NRS/4H/1502/L2013Q/PE01
  
- Detached Double Pyramid Garage - Plus Size - drawing no. 13/010
- Single Detached Garage Plus Size - drawing. no 13/006 revision A

Reason: To provide clarity to the permission.

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

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- i) Evidence of an assessment of the existing on-site watercourse / culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- j) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

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

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

4. None of the dwellings hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:
  - a) details of a Travel Plan co-ordinator;
  - b) details of measures to be introduced to promote a choice of travel modes to and from the site;
  - c) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
  - d) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

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

5. None of the dwellings hereby approved shall be occupied until a scheme for the installation of bat and bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, location, height, aspect and specification of the bat and bird boxes, and a timetable for their provision. The bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements as recommended in section 5 of the document titled "Ecological Assessment" by 'The Environment Partnership' dated February 2020 in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.



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6. Construction times at the site shall be limited to 08.00- 18.00 Mondays to Fridays; 08.00 – 13.00 Saturday and no activity on Sundays or Bank Holidays.

Reason: To protect neighbouring residential amenity, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and National Planning Policy Framework.

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development hereby approved shall be constructed in complete accordance with the Material Dispersion Plan (ref: N278/P/MP01 rev R1) which confirms external construction materials of dwellings and enclosures, and the relevant plot location of those materials, including use of:

- Ibstock Leicester Weathered Red Multi
- Ibstock Parkhouse Weston Red
- Weinerberger Yellow Multi Giltstock
- Russell Grampian Slate Grey tiles (throughout development)

Reason: In the interest of securing a satisfactory overall standard of development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and National Planning Policy Framework.

8. All first floor side elevation windows that serve bathrooms on the development hereby approved shall be obscure glazed and this shall thereafter be retained.

Reason: To safeguard the amenities of the occupants of adjoining residential premises, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and National Planning Policy Framework.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on the Materials Dispersion Plan (drawing no. N278/P/MP01 rev R1) before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve a high standard of design and appearance in the street scene in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

10. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, soft landscaping of the site shall be undertaken in complete accordance with the following plans:

Landscape Structure Plan - Drawing no. M2487.01 rev T

The approved landscaping scheme shall be implemented no later than the next available planting season following completion of the development hereby approved.

Any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within 10 years of the final occupation 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

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pruned or thinned, at the appropriate times in accordance with current silvicultural 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.

Reason: In the interest of securing a satisfactory overall standard of development, in accordance with Policies GD7 and ENV2 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and National Planning Policy Framework.

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

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

12. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of this Order, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

Reasons: To allow for the effective use of the parking areas and avoid displacement of parked cars to the street in the interests of highway safety, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and National Planning Policy Framework.

### Informative(s)

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

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

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**Item 2**

<b>Application No:</b>	23/0721	<b>Case Officer:</b>	John Copestake Area Team 1
<b>Applicant:</b>	MR & MRS REDMAYNE	<b>Agent:</b>	MRS SOPHIE MARSHALL
<b>Location:</b>	OAK LODGE WEETON ROAD WESTBY WITH PLUMPTONS PRESTON PR4 3NE		
<b>Proposal:</b>	REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 74/0103 RELATING TO OCCUPATION OF PROPERTY AS AN AGRICULTURAL WORKERS DWELLING ON THE BASIS THAT THE CONDITION IS NO LONGER ENFORCEABLE AS CONFIRMED BY CERTIFICATE OF LAWFUL DEVELOPMENT 23/0563		
<b>Ward:</b>	Wrea Green with Westby	<b>Parish:</b>	Westby with Plumptons
<b>Date Received:</b>	2 November 2023	<b>Earliest Decision:</b>	28 November 2023
<b>Reason for any delay:</b>	Not applicable as decision will be 'in time'		<b>Online application file</b> <a href="#">here</a>
<b>Officer Recommendation:</b>	Grant		
<b>Location Plan</b>	<p>The location plan is a site map showing the proposed development area highlighted in red. The site is labeled 'Oak Lodge'. Surrounding areas include 'Lynfield', 'Torcross', 'Greenacres', and 'Mulberry House'. A 'Pond' is located to the north of the site, and 'Ponds' are located to the south. The site is bounded by 'WEETON ROAD' to the east. A north arrow is in the top left corner. Distance markers of 32.0m and 33.2m are shown. Other labels include 'Corner Farm', 'DANES BANK', 'CLOUSE', and 'BANK'.</p>		

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### Summary of Officer Assessment

The application relates to Oak Lodge which is a detached bungalow property located on the eastern edge of Little Plumpton. The property is located in the countryside and was built following a grant of planning permission in 1974 which included a restriction through planning condition that it be occupied as an agricultural worker's dwelling.

A Certificate of Lawfulness was issued on 16/10/2023 (application ref: 23/0563) which confirmed that the dwelling in question has been occupied for a continuous period of over ten years prior to the date of submission of that application in breach of the requirement of condition 3 attached to planning permission 74/0103 which is the condition that imposed the agricultural tie.

The full assessment for the Certificate of Lawfulness is recorded in the officer's report for 23/0563, with the most pertinent points being:

- The application was supported by a range of detailed evidence, including financial statement and timesheets for a period exceeding 10 years up to the date of the application;
- The evidence showed that any workload in agriculture was less than 50% of the total hours worked for both occupiers; and,
- The relevant assessment is that the occupiers had not been "(...) *solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act, 1971 (...)*" with case law supporting this interpretation of the Act. For example, an appeal (Kennet 21/08/1996 DCS No 050-686-791) in which the Inspector found that "*the greater proportion of their working time*" would need to be spent in agricultural activities for a similarly worded condition.

The Certificate of Lawfulness has the effect of confirming that the council can no longer enforce the agricultural workers condition, but that condition remains in place. This application has therefore been submitted to remove this condition from the 1974 planning permission.

As the condition can no longer be enforced there is no value in its retention and so the officer recommendation is that the condition be removed and this application approved.

### Reason for Decision Level

The applicant is an employee of Fylde Council and therefore, in accordance with the scheme of delegation, the application must be determined by the Planning Committee.

### Site Description and Location

The application relates to Oak Lodge, Weeton Road, Westby with Plumptons, Lancashire, PR4 3NE. This is a detached bungalow property located on the eastern edge of Little Plumpton. There is a detached garage and an agricultural storage building associated with the property. The property is located in the countryside as defined by Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). Surrounding land uses are open agricultural fields other than the dwellings to the west which form the settlement of Little Plumpton.

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### Details of Proposal

Planning permission is sought for the removal of Condition 3 of planning permission 74/0103. The condition in question states:

*“The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act, 1971, or forestry or a dependence of such a person residing with him/her (but including a widow or widower of such a person).*

*Reason: The site lies within an area where the Local Planning Authority are only prepared to permit the erection of a dwelling because of special agricultural needs.”*

Notably, this application follows the recent issuing of a Certificate of Lawfulness for the use of the dwelling in breach of this condition (application 23/0563).

### Relevant Planning/Appeal History

Reference	Description	Decision	Date
23/0563	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF DWELLING IN BREACH OF AGRICULTURAL OCCUPANCY CONDITION OF PLANNING PERMISSION 74/0103	Approve Certificate	16 October 2023
74/0103	ERECTION OF BUNGALOW.	Granted	11 June 1974

### Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton Parish Council	<u>Comments received on 18 November 2023</u>  <i>It was resolved to offer no observations.</i>

### Neighbour Observations

Neighbours were consulted on 7 November 2023, with responses due by 28 November 2023.

There were no comments at the time of writing this report, but If comments are received these will be reported to Committee in the late observations report as normal.

### Statutory Consultees and Observations of Other Interested Parties

There are no consultees to report.

### Relevant Planning Policy & Government Guidance

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

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

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

Policy GD4 – Countryside

Policy GD7 – Design Criteria for New Development

### **Other Policy and Guidance**

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Basis Of Decision**

The application is submitted under s73 of the Town and Country Planning Act 1990. This section relates to the submissions of applications to vary or remove planning conditions associated with an existing planning permission, and in this case the proposal is to remove condition 3 requiring that the property be occupied by an agricultural worker.

When determining a s73 application the local planning authority considers the whole application against the policies of the development plan and other material considerations as normal, but must be mindful of the existence of the planning history as that establishes the principle of the development under consideration and represents a fallback position for the applicant.

#### **Assessment**

The erection of a new dwelling in this location would conflict with the policies of the Fylde Local Plan to 2032 (incorporating Partial Review) relating to new development in the Countryside areas, unless there were special justification for the erection of that dwelling. This is effectively the same position as that which was in place when the original application was determined in 1974. At that time the then applicant demonstrated to the council's satisfaction that there was an agricultural need for the dwelling associated with the farming of the landholding it sits on, and so planning permission was granted. This planning permission included a condition that restricted the occupation of the dwelling to an agricultural worker as set out in the Proposals section of this report.

The application under consideration now proposes the removal of that condition, and so the assessment is limited to that aspect only. This assessment is narrowed further due to the recent grant of a Certificate of Lawfulness in October 2023 relating to that condition under reference 23/0563. This grants a Certificate of Lawfulness on the basis that:

1. *The Local Planning Authority is satisfied that, on the balance of probabilities, the property specified in the Second Schedule of this certificate has been occupied for a continuous period of over ten*

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*years prior to the date of submission, in such a way so as not to satisfy the requirement of Condition 3 attached to planning permission 74/0103 and affecting that property. This determination does not contravene the requirements of any enforcement notice.*

This conclusion was reached following a thorough assessment of the information provided and relevant caselaw, with the key points being:

- The application was supported by a range of detailed evidence, including financial statements and timesheets for a period exceeding 10 years up to the date of the application;
- The evidence showed that any workload in agriculture was less than 50% of the total hours worked for both occupiers; and,
- The relevant assessment is that the occupiers had not been “(...) *solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act, 1971* (...)” with case law supporting this interpretation of the Act. For example, an appeal (Kennet 21/08/1996 DCS No 050-686-791) in which the Inspector found that “*the greater proportion of their working time*” would need to be spent in agricultural activities for a similarly worded condition.

The effect of the Certificate is to confirm that the council can no longer enforce compliance with the agricultural worker restriction condition attached to planning permission 74/0103. However, that condition remains in place on that planning permission. This application has therefore been submitted to seek the removal of the condition in question, on the basis that the recently issued Certificate confirms that the condition is no longer enforceable.

As the condition is no longer enforceable it serves no purpose on the planning permission and so its removal should be supported.

Whilst this would be a conflict with Policy GD4, the fallback position of the existing planning permission with an unenforceable condition is a material consideration to outweigh the development plan policy.

### **Other Conditions**

This application only relates to condition 3 of the 1974 planning permission, but when determining an application under s73 it is necessary to consider whether all the other conditions with the original planning permission should be re-imposed.

In this case the 1974 planning permission included a series of other planning conditions: the standard time limit for implementation, a landscaping condition, and several relating to the provision of a suitable and safe access arrangement to Weeton Road. All of these conditions have been complied with, and so it is only necessary to reimpose a condition requiring the visibility splay at the site access to be maintained. Accordingly, it is considered that the planning permission should be granted with an updated version of this condition along with one to define the plans to which the decision relates.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Location Plan - Unreferenced Promap Drawing supplied with application

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof, with or without modification), the land between the improvement line and the highway boundary of Weeton Road (B5260) shall be kept clear of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height (measured from the centre line of the carriageway of Weeton Road).

Reason: To ensure adequate visibility at the junction of the development's access with the public highway and to maintain a safe and suitable means of access to the development for all users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.



# INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	29 NOVEMBER 2023	5

## LIST OF APPEALS DECIDED

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received the following attached appeal decision between 27 October 2023 and 17 November 2023. For a copy of the decision letter click on the decision in the tables included in the appendix and follow the link to the Appeal where you will find the decision letter and other appeal documents.

### SOURCE OF INFORMATION

Development Services

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## Index of Appeal Decisions

Appeal decisions received between 27 October 2023 and 17 November 2023.

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

<b>App. No.</b>	22/0834	<b>FBC Decision:</b>	Refusal	<b>Level:</b>	Delegated
<b>Location:</b>	12 CHELTENHAM CRESCENT, LYTHAM ST ANNES, LANCASHIREFY8 4LW				
<b>Description:</b>	RETROSPECTIVE APPLICATION FOR EXTERNAL ALTERATIONS AND A CHANGE OF USE FROM A GARAGE TO GUEST ACCOMMODATION (USE CLASS C1).				
<b>PINS Decision</b>	<a href="#">Allowed</a>	<b>Date:</b>	7 November 2023	<b>Costs:</b>	N/A