

Planning Committee Agenda

Wednesday 12 June 2024

Item	Appn No.	Location and Description	Officer Rec.	Page No.
1	23/0128	LAND ADJACENT BRUNEL WAY, WHITEHILLS. BLACKPOOL, FY4 5DS	Delegate to Officers to approve	4
		ERECTION OF 3 COMMERCIAL BUILDINGS CONSISTING OF 8 NO. UNITS UNDER USE CLASS E(G)(III) AND USE CLASS B8, INCLUDING NEW VEHICULAR ACCESS ARRANGEMENT FROM BRUNEL WAY, ASSOCIATED CAR PARKING AND LANDSCAPING ARRANGEMENTS.		
2	23/0209	KIRKHAM PRISON, FRECKLETON ROAD, KIRKHAM, PRESTON. PR4 2RN	Grant	42
		RETENTION OF 4 EXISTING TEMPORARY ACCOMMODATION UNITS AS PERMANENT ACCOMODATION, CONSISTING OF 77 ROOMS WITH ENSUITE FACILITIES, AND ANCILLARY BREAK/ KITCHEN/ TELECOMS ROOMS.		

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

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Item 1

Application No:	23/0128	Case Officer:	Rob Buffham Area Team 1
Applicant:	A C ELECTRICAL LTD	Agent:	MR DAVID HADWIN
Location:	LAND ADJACENT BRUNEL WAY, BLACKPOOL, FY4 5DS		
Proposal:	ERECTION OF 3 COMMERCIAL BUILDINGS CONSISTING OF 8 NO. UNITS UNDER USE CLASS E(G)(III) AND USE CLASS B8, INCLUDING NEW VEHICULAR ACCESS ARRANGEMENT FROM BRUNEL WAY, ASSOCIATED CAR PARKING AND LANDSCAPING ARRANGEMENTS.		
Ward:	Wrea Green with Westby	Parish:	Westby with Plumpton
Date Received:	27 July 2023	Earliest Decision:	15 March 2024
Reason for any delay:	Awaiting amended or additional details from applicant/agent	Online application file here pa.fylde.gov.uk/Planning/Display/23/0128	
Officer Recommendation:	Grant		
Location Plan	<p>The location plan shows a site layout with a red boundary outlining the current application area and a blue boundary outlining a 'FUTURE PHASE 2' area. The plan includes buildings, parking areas, and a north-south orientation. A scale bar at the bottom indicates 20m.</p>		

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Summary of Officer Assessment

The proposal relates to a vacant land parcel at Blackpool and Fylde Industrial Park, Whitehills, located immediately east of and situated between 2 roundabout junctions on Jenny Lane and Progress Way, and bounded by Old House Lane to the south. The site forms part of a larger Employment Land Allocation in the Fylde Local Plan to 2032 (Incorporating Partial Review) (FLPPR).

The application site is devoid of any buildings or structures and is occupied by vegetation that has re-populated the site following earlier site clearance, as well as mature trees and hedgerow to the majority of its periphery. A pylon is positioned to the north with its associated overhead cables flanking the eastern edge of the site.

The locality is defined by commercial properties, including office, industrial and warehouse uses positioned to the north and west. A pair of semi-detached properties are positioned to the south of Old House Lane, with a holiday caravan park to the southwest, and another pair of semi-detached dwellings located to the east. A network of open fields exists to the south of Old House Lane which are designated as a Mixed Use Allocation within the FLPPR. There is a current Outline planning application (23/0867) with the council for consideration relating to 266 dwellings on a portion of this allocation, which includes land adjacent to Old House Lane, seeking approval of matters relating to access only.

The existing built form is dominated by employment units that are set back from the road behind landscaping, and/ or car parking and service yard spaces. Buildings are of industrial scale and appearance, being constructed predominantly of light grey cladding, with red or buff brick and having dual pitched roofs.

The proposal is a full planning application for the construction of 3 no. employment buildings, divided into 8 smaller units for Use Class E (g) (iii) (light industrial use) or Use Class B8 (storage or distribution). Buildings are to be constructed of light grey cladding with Oatmeal coloured brick, having pitched roofs, to a maximum height of 9.3m (7.9m to eaves). A 1.8m acoustic fence is positioned circa 4.5m from the southern boundary with Old House Lane and is necessary to mitigate potential noise disturbance for existing residents on Old House Lane and future residents of the Mixed use allocation. All vehicles will access the site from the north via Brunel Way and Jenny Lane, with car parking for 61 spaces provided within the scheme, including 7 disabled bays and 8 electric vehicle charging bays. Existing mature landscaping to the site boundary will be retained and bolstered by new planting and will act to soften visual appearance of the development when viewed from external vantage points, with wildflower meadow planting to larger open spaces and shrub planting to parking areas.

The proposal will facilitate job creation and will develop an Employment site allocated in the Fylde Local Plan to 2032 (Incorporating Partial Review), for which Policy EC1 affords support in principle for the land uses applied for. The development is of appropriate design and appearance and in-keeping with the character of the area, providing for the retention of existing mature landscape features to the sites periphery that will act to assimilate the development into its surroundings. Following external consultation with statutory consultees it is determined that the proposal would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note. Moreover the proposal provides for a satisfactory relationship to all neighbours, including those residents to the south and east of the site that reside on Old

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House Lane, subject to mitigation which includes hours of use and servicing restrictions, and provision of an acoustic fence.

Subject to the imposition of suggested conditions (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary), the proposal accords with the development plan and NPPF, consequently it can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF and is therefore recommended for approval to Members of the Planning Committee.

Reason for Decision Level

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

Site Description and Location

The application site is located on a vacant parcel of land positioned to the north of Blackpool and Fylde Industrial park, Whitehills, immediately east of and situated between two roundabout junctions on Jenny Lane and Progress Way, with Old House Lane flanking the southern boundary. The site forms part of a larger land parcel that is split in two by above ground electricity cables, with the presence of a large scale pylon positioned to the north, and is populated by landscape scrub with mature trees and hedgerow to the majority of its periphery. Land levels fall gradually across the site in a north to south direction.

The site is located within a mixed commercial area which includes office accommodation, as well general industrial and storage uses positioned to the north, northwest and west of the application site, that are accessed via Jenny Lane. A United Utilities pumping station adjoins to the southeast boundary of the site. A pair of 2 storey semi-detached dwellings are positioned to the south to the opposing side of Old House Lane which have a front facing aspect toward the pumping station and south western edge of the application site beyond that, and a holiday caravan park beyond the pumping station to the southwest. A pair of semi-detached dwellings are also located to the east. A network of open fields exists to the south of Old House Lane which are designated as a Mixed Use Allocation within the Fylde Local Plan to 2032 (incorporating House Partial Review) and form part of several allocations within Whitehills which seek to encourage housing and employment growth.

The character of the locality is formed primarily by the existing built form of the employment units which are set back from the road behind car parking and/ or landscaping, with buildings being of industrial scale and form, red or buff coloured brick and light grey cladding are prevalent.

The application site is allocated as an Employment Land Allocation (reference ES4), as per the Fylde Local Plan to 2032 (Incorporating Partial Review) proposals map.

Details of Proposal

Planning consent is sought for the erection of 3 no. employment buildings, split into 8 units in total, with the uses specified to be:

- E(g)(iii) (light industry) – former B1 land use.
- B8 (storage and distribution).

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The buildings measure:

- Building 1 – 26.1m x 17.8m x 8.8m to ridge (7.9m to eaves). This is split into 2 no. units with a floor area of 210sqm and 219sqm.
- Building 2 – 68.8m x 26.1m x 9.3m to ridge (7.9m to eaves). This is split into 4 no. units with a floor area of 318sqm, 408sqm (2 no.) and 412sqm.
- Building 3 - 24.1m x 25.8m x 9.3m to ridge (7.9m to eaves). This is split into 2 no. units with a floor area of 295sqm.

Each building has a dual pitched roof and constructed of an Oatmeal coloured brick, with vertically and horizontally fixed light grey cladding. Rainwater goods and doors will be coloured anthracite grey.

The buildings are sited to avoid a pylon line that is positioned to the eastern edge of the application site, and to allow for the retention of existing and mature hedgerow and trees to the site boundaries. The length of buildings are positioned on an east/ west axis which results in their end elevations facing Jenny Lane, set back behind existing and new landscaping. A 12m landscape buffer is provided to the southern boundary where adjacent to Old House Lane, which includes retention of existing landscape features, as well as new hedgerow to fill gaps in existing coverage, and trees. A 1.8m acoustic fence line is positioned circa 4.5m from the southern boundary and flanks the length of the site where adjacent to Old House Lane.

Vehicular access will be via a new entrance to the north of the site, which provides access to landscaped car parking areas that are positioned to the east of each building. A total of 61 parking spaces, inclusive of 7 disabled spaces, 1 electric vehicle charging bay per unit (8 in total) and covered and secure cycle spaces are provided. Oatmeal brick built bin stores are also indicated on plan.

Relevant Planning/Appeal History

There is no relevant history on this plot.

Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton's Parish Council	<u>Comments received on 15/08/2023 who confirmed:</u> It was resolved to offer no objections on the proviso that there is adequate car parking available for the development.

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	<i>No objections, however, in order to protect the amenity of existing and future houses, it is worth considering the noise report, and the figures used.</i> <i>Given the application is speculative, and final tenants/uses are unknown, it is difficult to predict whether there will be an impact on existing or new residents. The noise report uses a figure of 85decibels, based on the fact that hearing protection is necessary for workers at this level. However, site uses could be noisier than this. The</i>

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	<p><i>assessment for hearing protection is based around an 8 hour working day, so the level could be above this for significant periods and still average 85. As it is an average, short lived very loud sounds may be averaged out. In addition, multiple uses together could add to the noise climate. As such, I am of the opinion that additional acoustic fencing should be provided to some of the development site, to act as a barrier, thus reducing the noise potentially experienced by existing or new residents.</i></p> <p><i>Further to the original application, I note and welcome the changes to the Construction Management Plan, however I still have concerns relating to once the development is completed.</i></p> <p><i>I would therefore request the following conditions:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall be in accordance with all aspects of the submitted Construction Management plan.</i> • <i>There shall be no plant or machinery used outside of any of the buildings, once occupied.</i> • <i>Activities shall only take place within the buildings between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturdays, with no work activities undertaken on Sundays or Bank/Public Holidays.</i> • <i>Fencing shall be positioned adjacent to the southern boundary of the application site, in provided in accordance with drawing A022/230/P/17 revision G, dated 17/11/22 and shall be retained as such thereafter.</i> • <i>Unsuspected land contamination condition.</i>
<p>Lancashire County Council Highway Authority</p>	<p><i>LCC Highways does not have any objection to the proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><u><i>Highway Safety</i></u> <i>LCC Highways carried out an assessment of the 5 year recorded Road Traffic Collisions (RTC) using LCC's internal mapping system "Mapzone" and Crashmap on the 3rd April 2024. 1 collision was found to be recorded on Brunel Way west of the roundabout with Jenny Lane and consisted of a slight injury resulting from a 2 vehicle collision. A total of 6 slight collisions and 2 serious collisions on the Progress Way roundabout.</i></p> <p><i>Whilst any collision is unfortunate it is LCC Highways opinion that the proposed development would not exacerbate the highway safety within the vicinity of the proposals.</i></p> <p><u><i>Transport Statement</i></u> <i>In support of the proposed development a Transport Statement has been submitted detailing predicted trips generated by proposed development. The predicted vehicles movements for each individual</i></p>

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	<p><i>class use equated to total vehicle movements during the peak hour of 17 in the AM peak (08:00-09:00) and 12 in the PM peak (17:00-18:00).</i></p> <p><i>LCC Highways carried out an independent trip analysis which found for proposed industrial unit (Class Use E(g)(iii)) which found predicted trip rates of 12 total movement in the AM peak (05:00-06:00) and 16 in the PM peak (14:30-15:30). The assessment for commercial warehousing (Class Use B8) found the AM peak (05:30-06:30) total movements of 5 and the PM peak (13:30-14:30) of 6.</i></p> <p><i>Whilst the peak hours identified within the Transport Statement and LCC Highways independent assessment do not correlate and the movements for the B8 class usage do not match up. LCC Highways are of the opinion that the predicted peak times and vehicle movements within the Transport Assessment are not representative in LCC Highways opinion. However, the predicted trips found by LCC Highways would not cause an unacceptable impact on highway safety or capacity. Therefore, LCC Highways are satisfied that projected vehicle trip rates would not have an unacceptable impact on highway safety or capacity.</i></p> <p><u><i>Sustainable Transport</i></u></p> <p><i>The proposed site plan proposes a pedestrian footway along its western boundary which LCC Highways are satisfied promotes sustainable transport given the local constraints. Due to the unadopted nature of the highway verges on Jenny Lane it is not possible to introduce a footway along the full length of Jenny Lane. The current proposals provide an improvement on the existing pedestrian infrastructure in the area and allow for a full pedestrian footway to be introduced in the future if neighbouring land parcels come forward.</i></p> <p><i>It is recommended that the proposed footway is offered to LCC Highways for adoption, if the applicant does not wish to do this then a management and maintenance program will be required for the footway.</i></p> <p><i>The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.</i></p> <p><u><i>Private Parking</i></u></p> <p><i>The proposed car parking spaces are acceptable in LCC Highways opinion and meet the minimum spaces required for Class E (G)(iii)</i></p>
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	<p><i>which is 1 space per 45sqm. This equates to 52 regular spaces plus mobility parking spaces, as the proposals contain 58 regular spaces and 8 mobility parking spaces. The proposed cycle parking spaces are acceptable and can be supported.</i></p> <p><u>Swept Path Analysis</u> <i>Following review of the submitted swept path analysis (DWG Nos: A022/230/P/35, Rev: A, A022/230/P/36, Rev: A, A022/230/P/33 & A022/230/P/34) LCC Highways are satisfied that the proposed site access and internal layout can accommodate HGVs both rigid and articulated.</i></p> <p><u>Construction Traffic</u> <i>Having reviewed the submitted Construction Management Plan (September 2023, Rev: A) LCC Highways find the proposed to be acceptable.</i></p> <p><u>Suggested Conditions:</u></p> <ul style="list-style-type: none"> • <i>Provision of parking and manoeuvring areas prior to occupation of the development.</i> • <i>Management and maintenance of streets within the development.</i> • <i>Construction to accord with the Construction Management Plan.</i>
Blackpool Council Highway Authority	No objection.
Blackpool Council Local Planning Authority	No comment as the proposal relates to the provision of employment uses in an employment area.
National Highways	<p>No objection and no conditions advised.</p> <p><i>National Highways view is that the additional traffic generated by this development upon the Strategic Road Network (SRN) and at Junction 4 would not be enough to have a material impact upon its function or upon safety.</i></p> <p><i>Indeed, the location of the development is such that it is not reliant on the use of the SRN junction (M55 Junction 4) and can be accessed as easily via the A5230 Progress Way / Cropper Road route, which provides direct mainline access to the M55. This junction is located approximately 1km from the end of the M55 via the A5230, which is not part of the SRN. The addition of the quoted 339 and 292 AM and PM peak hour two-way trips generated by the development would be unlikely to result in queues forming that would affect the operation of the SRN over this distance, but we do advise that Blackpool Council (as highway authority for the A5230 / Progress Way / Yeadon Way roundabout junction should be consulted on this proposal.</i></p>
Landscape consultant	<i>The site lies to the south of Brunel Way at the junction with Jenny Lane. It is defined by ornamental planting which has been planted around the roadside boundaries along Brunel Way and Jenny Lane,</i>

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	<p><i>but it is generally a disturbed parcel of land, crossed through the middle by a row of pylons. Remnants of the native hedgerows which defined the old field boundaries survive in places, particularly along Old House Lane. However these hedges are overgrown and gappy.</i></p> <p><i>The proposed application seeks permission to construct three commercial units as a first phase development, with a further three in a future phase. The units are of varying sizes and have associated car parking, bin and bicycle stores. A soft landscape scheme consisting of 4 drawings (AO22/230/P/21, 22, 24 and 25) has been submitted for the first phase, along with hard landscape details. Following an initial consultation period in March 2024, the landscape plans have been revised and resubmitted and it is these resubmitted drawings which have informed this response.</i></p> <ol style="list-style-type: none"> <i>1. The strip of “wildflower meadow” shown between Buildings 2 and 3, adjacent to Bedding area F is too narrow to be of significant benefit and risks becoming unviable. Hard landscaping and relocation of the bike store to this area would be more appropriate and enable more significant planting to take place in the bedding area.</i> <i>2. All pathside/roadside areas of grass should be close mown regularly to a width of 1m from the edge to maintain a neat and tidy appearance and a clear and safe walkway. Areas around the base of new trees should also be close mown or strimmed to prevent competition from grass and weeds impeding tree health and growth.</i> <i>3. Not sure why grass seeding is still identified within the areas identified for bedding. If it is intended to edge the planting beds, it creates additional maintenance through the need to mow and remove the inevitable encroachment of grass into the planted areas.</i> <i>4. All new trees are to be a minimum extra heavy standard size, double staked. Additional trees should be planted to the south of the acoustic fence along the southern boundary.</i> <i>5. Existing levels should be maintained around trees and hedgerows to be retained and topsoil graded to marry in smoothly with the surrounding area.</i> <i>6. Any remedial works to existing trees and hedgerows shall be carried out by a suitably qualified arboricultural professional.</i> <i>7. All soft landscape works should comply with BS8545:2014 Trees: from nursery to independence in the landscape.</i> <i>8. A 10 year hard and soft landscape maintenance and management plan should be prepared and submitted to the local planning authority prior to approval.</i> <i>9. Details of proposed lighting should be submitted and agreed by the local planning authority prior to approval.</i>
Lead Local Flood Authority	No objection subject to condition, including:

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	<ul style="list-style-type: none"> • Development to accord with the submitted Flood Risk Assessment and Surface Water Sustainable Drainage Strategy. • Final Surface Water Sustainable Drainage Strategy to be submitted. • Construction Surface Water Management Plan. • Sustainable Drainage System Operation and Maintenance Manual. • Verification Report of Constructed Sustainable Drainage System.
<p>United Utilities</p>	<p>One of the reasons for the delay in progressing the application to Committee as been the resolution of issues raised by this consultee. This has involved them proving comments on three occasions.</p> <p><u>Response 3 – 13/05/2024:</u></p> <p>Following our previous responses to this application on 18th August 2023 and 27th March 2024, the applicant has agreed in principle the location of critical sewer infrastructure in the site with United Utilities. Based on the agreements to date, we are now happy to remove any objection to the application (subject to the recommended conditions below) as the applicant has provided sufficient information to demonstrate the proposal does not impact Untied Utilities sewer. It is critical that the recommended conditions are placed on any decision notice to agree necessary details regarding drainage and asset protection prior to commencement.</p> <p>Suggested conditions:</p> <ul style="list-style-type: none"> • Surface water drainage details. • Management and maintenance of surface water drainage. • Scheme for the protection of UU assets on the site. <p><u>Response 2 – 27/03/2024:</u></p> <p><i>The applicant has not addressed the concerns raised in the first letter, so United Utilities must continue to object to the application until agreements are made between our engineers and the applicant. The infrastructure is a material consideration for the applicant as the layout is likely to be amended to agree the necessary easement for the pressurised sewer infrastructure.</i></p> <p><i>Following our review of the proposed site layout, we can confirm that the proposal is still not acceptable to United Utilities as proposed features appear to be located in close proximity to a United Utilities pressurised sewer main. We note that a 3m easement has been provide but given the criticality, size and material of these assets we would require a 5m minimum stand of to any building. We also require the asset being located and the 5m shown from the exact location of the assets. Until such time as the applicant has resolved all concerns regarding the proximity of proposed development to our asset(s), our position is that we must continue to OBJECT to the proposal.</i></p> <p><u>Response 1 – 18/08/2023:</u></p>

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	<p><i>Objection, due to the proximity of proposed development to United Utilities assets and apparatus. To overcome this objection, the applicant must contact our Developer Services team to investigate a satisfactory resolution. Evidence of any proposed agreement or resolution of this matter, agreed between the applicant and our Developer Services team, should be submitted to the Local Planning Authority before our objection can be removed.</i></p> <p><i>Following our review of the submitted Drainage Strategy, dated January 2023 Revision Full, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.</i></p> <p>If approved, the following conditions are advised:</p> <ul style="list-style-type: none"> • Surface water drainage details. • Management and maintenance of surface water drainage. • Scheme for the protection of UU assets on the site.
Natural England	No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Greater Manchester Ecology Unit	<p>This is also a consultee who raised initial issues which have now been addressed but has involved multiple consultations.</p> <p><u>Response 4 - 18/04/2024:</u></p> <p><i>The updated CEMP and the signed DLL Licence are satisfactory. However the wildflower meadow mix still includes <i>Sollya heterophylla</i>, a native to Australia not England.</i></p> <p><u>Response 3 - 22/03/2024:</u></p> <p><i>In terms of the DLL certificate, we need one signed by Natural England, not just the applicant, prior to determination of the application. I note that the DLL map appears differ from the results shown in the Envirotech report, as Pond 4 was also found to support newts.</i></p> <p><i>In addition to protect any amphibians from harm during construction works, appropriate measures should be incorporated into the CEMP for the site; the revised CEMP makes no reference to amphibians.</i></p> <p><i>In terms of the revised landscaping scheme, the wildflower meadow mix seeding schedule, is not really a meadow mixture although it includes mostly native species. The exception to this is <i>Sollya</i></i></p>

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	<p><i>heterophylla, which is a native to Australia. As it is also listed as bluebell they may have meant Hyacinthoides non-scripta, which is the native British bluebell.</i></p> <p><u>Response 2 - 30/08/2023:</u></p> <p><i>In terms of prior clearance of the site, unfortunately there is little that can currently be done in terms of assessing the value of the habitats present. This will change once Biodiversity Net Gain becomes mandatory as the Environment Act includes measures for this scenario.</i></p> <p><i>In terms of great crested newts the submitted newt survey states that, even when cleared, the site had “moderate value” for great crested newts and that a licence would be needed to prevent disturbance or harm newts. This survey was undertaken in May so is considered current. As previously stated further information is required on what form of licensing the applicants are proposing. If the applicants are proposing to use conventional licensing then an outline mitigation strategy will be required to demonstrate that the favourable conservation status of newts will be maintained at the site. If they are entering DLL then a signed copy of an Impact Assessment And Conservation Payment Certificate should be submitted. The application should therefore not be determined until this information has been provided.</i></p> <p><u>Response 1 - 17/08/2023:</u></p> <p>Great Crested Newts</p> <p><i>The letter indicates that the proposals will require a licence to prevent disturbance or harm to great crested newts; either a conventional licence or through District Level Licensing (DLL). However, no further information has been provided. If the applicants are proposing to use conventional licensing then an outline mitigation strategy will be required to demonstrate that the favourable conservation status of newts will be maintained at the site. If they are entering DLL then a signed copy of an Impact Assessment And Conservation Payment Certificate should be submitted. The application should therefore not be determined until this information has been provided.</i></p> <p>Other issues</p> <p><i>The site appears to have been cleared ahead of the development. According to the Preliminary Ecological Appraisal it now supports species poor grassland and bare ground. Any remaining interest is restricted to the boundary features. However, it is not clear from the submitted plans if these features will be retained. In addition, given the size of the site, the proposals could result in an overall net loss of biodiversity. The Appraisal states that “To compensate for the proposed habitat losses at the site, the following habitat creation measures should be incorporated: Planting of native species-rich wildflower grassland”. However, the landscaping plans do not appear</i></p>
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	<p><i>to include any such grassland. Overall therefore it appears as if the proposals will result in a net loss of biodiversity and are contrary to the National Planning Policy Framework.</i></p> <p>Other species <i>The Preliminary Ecological Appraisal make some precautionary recommendations for other species. However these do not appear to have been incorporated into the Construction Environmental Management plan for the site. We would therefore advise that this document be revised.</i></p>
<p>Lancashire Wildlife Trust</p>	<p><i>We have been reliably informed that the application site was cleared over a period of weeks in January 2023, coincidentally just as the application form was submitted (25/1/23). The applicant stated that there was no biodiversity interest on the site and had sought no pre-application advice.</i></p> <p><i>The Preliminary Ecological Appraisal (Arbtech, April 2023, survey date 4/4/23) obviously postdates the site clearance by some months as does the Great Crested Newt Presence/Absence Survey Report (Envirotech dated 1st June 2023 but survey/sampling undertaken 15 & 19 May 2023).</i></p> <p><i>The GCN Report states that “The development site comprised an area of open ground which appears to have been cleared of scrub. It is likely to have formerly provided good terrestrial habitat for GCN, it would currently have moderate value to GCN. There are roads between Ponds 1,3 and 4 and the site with large kerbs but these would not fully prevent the movement of GCN onto or off the site from Ponds 1,3 and 4. Given the proximity of ponds to the site with confirmed use by GCN, lack of significant barriers to dispersal in the local landscape and moderate suitability of vegetation on site for GCN in their terrestrial phase, use of the site by GCN cannot be discounted”. The GCN licensing route that will need to be followed for the proposed development (if approved) remains unclear.</i></p> <p><i>I am also puzzled that there is no mention of Biodiversity Net Gain (BNG) in the supporting documentation, which would be current best practice and which will be mandatory from November 2023 (application might not be determined until then if further information is required?). We would have expected to see the applicant using DEFRA Biodiversity Metric 4.0 & to demonstrate a minimum 10% BNG. The other issue around BNG, connected to the site clearance, is what constitutes the baseline habitat pre-clearance. Measurable BNG has been a requirement in the NPPF since 2016 and the only acceptable measure is/was the DEFRA metric. Whilst the mandatory 10% BNG only comes into force this November, the development should demonstrate BNG under the requirements of the NPPF. For sites that have been cleared, the baseline habitats for BNG calculation should use the pre-degradation habitat type as the site’s</i></p>

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	<p><i>baseline (6.3.2 in the BNG User Guide, March 2023). Habitat compensation has to be like for like, so depending on the classification of the baseline habitat, the number of compensation habitat units required could be considerable.</i></p> <p><i>We share GMEU's concerns about the lack of clarity around GCN licensing, habitat retention and creation, other species impacts and the CEMP lack of detail. This missing information needs to be provided before the application is determined.</i></p>
Blackpool Airport	No objection subject to condition relating to the Airport being notified of the intention to use any cranes during the construction of the development.
National Air Traffic Services	<i>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</i>
National Gas	There are no National Gas Transmission assets affected in this area.
National Grid	There are no National Grid Electricity Transmission assets affected in this area.
Lancashire Fire & Rescue	No objection to the planning application but do make reference to building control requirements that the development must adhere to.

Neighbour Observations

Neighbours notified:	27 July 2023
Amended plans notified:	23 February 2024
Site Notice Date:	1 August 2023
Press Notice Date:	31 August 2023
Number of Responses	Total number of comments 4
Summary of Comments	<p>The comments received in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"> • Need for development since there are a number of empty units. • The site is green and should be kept that way. • Increase in traffic. • Increase in noise. • Query over working hours, there are alarms ringing during the night from the units on the opposite side Blackpool and Fylde inds unit and a company filling skips at 7am 7 days a week, Sunday should be an exclusion for these new units if built as this is so close to us and will have a negative effect on us. • Buildings will appear in views from our home. • Ecology – the site was cleared prior to submission of the planning application. Raising concerns for protected species such as great

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crested newts as the objector confirms that the site would have provided optimum habitat for the species. It is extremely concerning that the land had been cleared before the ecological surveys and BNG assessments. Therefore the results of the survey show more rank grassland than anything else, however this was certainly not the case before the clearance.

- Query whether landscaping proposals are suitable for the development.
- Query if further ecology reports are necessary to ascertain if land is suitable for GCN given that vegetation has now grown back.
- Drainage strategy allows for connection of a proposed attenuation pond into existing ditches. These ditches struggle with the surge of heavy downpours and concern is raised that they will not cope with the extra excess water from the new development and cause flooding on the lane.
- The water storage tank opposite our house Mayfield Old House Lane FY4 5LE has already leaked sewerage and overflowed as it cannot handle the excess that extra buildings is causing.
- Construction access and where such vehicles will park. Any obstruction of Jenny Lane will hamper access to existing businesses. Construction traffic management plan is requested by way of condition.
- Land contamination – submitted information advises that further investigations on ground conditions and actual contaminants are carried out, but no further reporting has been provided.
- Who monitors the development of the site once planning has been approved and works commence? We are concerned that recommendations put forward, such as the precautionary working methods in the preliminary ecology appraisal are adhered to.

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):

S1 - The Proposed Settlement Hierarchy

DLF1 - Development Locations for Fylde

SL2 – The Fylde-Blackpool Periphery Strategic Location for development

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

GD9 - Contaminated Land

EC1 - Overall Provision of Employment Land and Existing Employment Sites

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T4 - Enhancing Sustainable Transport Choice
T5 - Parking Standards
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity

Other Policies and Guidance

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, and exceeds the threshold in Column 2 of the table relating to category 10(a) developments (industrial estate development – area of the development exceeds 0.5 hectares).

Notwithstanding, the submitted application form confirms the site area to be 1.4 hectares in size and does not therefore exceed the 20 hectare threshold specified by Column 3. Paragraph 57 of the EIA Chapter of the PPG confirms “The figures in column 3 are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development. In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely.”

Having taken into account all relevant criteria of Schedule 3 of the EIA Regulations and the specific factors and impacts relevant to the characteristics and location of the development, along with the types and characteristics of the potential impact (having particular regard to the indicative thresholds and key issues identified in the third and fourth columns of the table to paragraph 057 of the EIA chapter of the PPG), the LPA considers that the overall scale of development proposed is unlikely to be so significant that they would require a planning application to be accompanied by an Environmental Statement.

Accordingly, the proposal is **NOT EIA DEVELOPMENT** for the purposes of the definition in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

The main issues pertinent in the assessment of the proposal are:

- Principle of use.
- Design.
- Highways.
- Amenity.
- Flood Risk and Drainage.
- Ecology.
- Contamination.

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Principle of Use

Policy Background

Policy S1 of the Fylde Local Plan to 2032 (incorporating Partial Review) confirms the settlement hierarchy for the Borough, identifying Key Service and Local Service Centres that will be the focus for the identified housing and employment needs. Policy S1 states that Local Service Centres “are well placed for future local housing and employment needs.” and commits that Whitehills will have “developed into a Local Service centre when development set out in the Fylde-Blackpool Periphery Strategic Location for development has taken place.”

Policy DLF1 confirms that the Fylde-Blackpool Periphery, which the Blackpool and Fylde Industrial Park (including application site) forms part of, is one of 4 strategic locations within the Borough where the majority of future employment and housing growth will be directed towards.

Policy SL2 identifies the application site as forming part of a larger Strategic Employment Site, namely Site reference ES4 (Blackpool and Fylde Industrial Estate, Whitehills). Further to this, Policy EC1 allocates a number of sites for the delivery of 62 hectares of new employment land during the plan period, confirming that employment uses B1(a), B1(b), B1(c), B2, B8 are an appropriate type of land use for the allocation.

In addition, paragraph 15 of the Framework indicates that “the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

Paragraph 85 of the NPPF states that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Paragraph 86 states that planning policies should “a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.”

Assessment

The proposal seeks consent for construction of 3 employment buildings, with the following land use classes sought:

- Class E(G)(III) – any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
- Class B8 - storage and distribution

The B8 land use proposed accords with the land use requirement advocated by Site reference ES4 of Policy EC1, though the E(G)(iii) element of the proposal is not in strict accordance with this policy. However Members should note that the use classes order has been amended by virtue of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, with the former B1(a), (b) and (c) use classes replaced by Class E(G). Thus the E(G) iii) use proposed is acceptable in principle

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due to this association with the former B1 land use, and so the uses proposed are consistent with those advocated by Policy EC1.

The planning application does not provide any confirmation concerning the end use of Units proposed, thus it is not possible to accurately predict job creation resultant from the development. However the application form estimates that the development will generate 20 full time and part time jobs once operational, with additional jobs associated to the supply chain of each business. Moreover, there will be job creation as a direct consequence of the construction process.

The development will therefore provide for an appropriate form of development for the employment allocation and actively encourages job creation. This will help preserve and develop a strong, vibrant and sustainable economy within the Fylde Borough in accordance with the Strategic Objectives for the spatial distribution of development as advocated by the FLPPR and NPPF.

The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) allows the permitted change of use (without the need for planning consent) from within the Class E category, to any other use within that classification (including to retail, food and drink). To ensure continued compliance with Policy EC1 and so as not to encourage town centre uses within this location, it is necessary to impose a land use restriction requiring that the development be occupied by those land uses sought, namely Class E(G)(iii) and Class B8 uses only and that any retail sales remain ancillary to the use and floor area of the premises.

Subject to the above restrictions, the proposal is consistent with Policies S1, DLF1, SL2 and EC1 of the FPPR and the principle of the development in this location is therefore considered acceptable.

Design

Policy Background

Policy GD7 requires development to be of a high standard of design, taking account of the character and appearance of the local area, referring to a number of criteria to meet this aim. Those relevant to the current proposal are:

- d) siting, layout, massing, scale, design, building to plot ration and landscaping relate well to surrounding context.
- f) conserving and enhancing the built environment.
- g) applying Secured by design principles.
- h) avoiding demonstrable harm to the visual amenities of the local area.
- i) Positive contribution to the character and local distinctiveness of the area.
- j) parking should be safe, accessible and sympathetic to the surrounding area.
- m) protect existing landscape features.

NPPF paragraph 131 confirms that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”

Paragraph 135 requires planning decisions to ensure that they “add to the overall quality of the area”, are “are visually attractive” and “sympathetic to local character”. Importantly paragraph 139 confirms that “Development that is not well designed should be refused”.

Assessment

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The site is one of several undeveloped land parcels within the employment area of Whitehills, representing an unkempt and natural appearing infill plot. It is located immediately to the east of Jenny Lane which serves as the only means of vehicle access to the Blackpool and Fylde Industrial Estate. The application site will appear prominent in views from Jenny Lane, as well as Old House Lane to the south which serve as access to several dwellings. In addition, the application site also appears in views from the mixed-use allocation to the south, and members are advised that this land is presently subject to an outline planning application for up to 266 dwellings. Design and visual appearance of the proposal is therefore key in order to provide a development that responds to this context.

Notwithstanding, it must also be acknowledged that the application site is allocated for employment purposes, and that the nature of this use will encourage a certain type of built form, as per the existing employment sites within the locality. There is some commonality of those existing employment sites, which includes scale of built form, use of dual pitched roofs, light grey cladding, and red and buff brick colours. Importantly however, the site layout of existing employment development has ensured that buildings are set back from roadways where feasible, behind landscaped car parking areas, which help to soften the bulk and massing of these structures within the employment area.

With regards to the development proposed, the footprint of built form is set back from Jenny Lane and Brunel Way behind a circa 10m landscape buffer (increasing to 15m in part), which incorporates the retention of existing trees to the western boundary of the site. Similarly, building 3 is positioned circa 11.5m from the southern boundary with Old House Lane behind landscaping which also retains existing trees and hedgerow. This landscaped area to the south incorporates a 1.8m fence line, being required to protect existing and future residents from potential noise disturbance from the land uses proposed. This fence is set 4.5m from Old House lane, allowing for the retention of mature hedgerow and the planting of trees adjacent to this boundary. This landscape strategy protects existing and mature peripheral features, and incorporates trees which will provide height to planting and will act to soften the upper portions of built form when viewed from the south.

The 3 buildings are sited with their lengths fixed on an east/ west axis, resulting in the lower eaves level of all structures facing south where they may appear in views from the residential areas of Whitehills. This layout will ensure that the perceived massing of the development will be reduced as the gable end of buildings will not be visible from these prominent vantage points, and built form will be softened as a consequence of the landscape strategy outlined above.

The external appearance of the buildings are reflective of those recently constructed by the applicant on Hallam Way, Whitehills, and are of a scale and external appearance that are reflective of those other employment buildings within the vicinity of the application site, being constructed of light grey cladding, dark grey doors and rainwater goods, and measuring approximately 9m to ridge (7.8m to eaves). The applicant has agreed to alter the proposed blue brick to an oatmeal colour, which will reflect materiality of the office block positioned to the north of the application site. Cycle and bin stores are positioned to less prominent areas of the site, and materiality of bin stores has also been revised to an Oatmeal brick to tie in with the construction of buildings proposed.

The proposed design and layout of the development is therefore considered to be in-keeping with the commercial nature of the locality, importantly providing open and landscaped frontages to the employment area, whilst presenting a softened outlook when viewed from housing to the south. Accordingly the design and visual appearance of the development is acceptable and consistent with the provisions of Policy GD7 and the NPPF.

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Highways

Policy Background

FLRRP policy GD7 supports good design that would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly Policy T4 also encourages walking and cycling to improve quality of life and reduce the Boroughs carbon footprint, as well as the development of electric vehicles and associated infrastructure to support the shift toward new technologies. Policy T5 relates to parking provision and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development.

Paragraph 110 b) of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all users, and, 110 d) 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 development is to be accessed via a single point of entry to the north from Brunel Way. This access has been designed so as to accommodate the largest of vehicles and there is sufficient space on site for such vehicles to turn and exit in forward gear, as demonstrated by vehicle tracking drawings within the submission. The scheme has been revised to incorporate a footpath to the western boundary along Jenny Lane, acting to improve the sustainability of the site by encouraging safer walking trips by staff, which is also of benefit to other employers in the locality. The proposed layout incorporates footpath links from Brunel Way to building entrances, enabling for the safe passage of pedestrians into the development.

A total of 61 car parking spaces, including 7 disabled and 8 electric vehicle charging bays are proposed. It is apparent that there are no on street parking problems within this area of Whitehills. Notwithstanding, it is important that appropriate parking is provided within the development so as not to displace and disrupt the flow of vehicles along Jenny Lane and Brunel Way. In this regard, given the speculative nature of the development, end users are not known at this present time and it is therefore appropriate to plan this cautiously, with an assumption that the development would be occupied by the higher car park generating Use Class (E(G)iii). The parking standard for this use, as per the adopted 'Parking on New Developments Supplementary Planning Document', is 1 space per 45sqm, which, based on a proposed internal total floor area of 2018sqm equates to a requirement of 59 spaces for the development. The provision of 61 spaces is therefore slightly above the adopted standard, but since this is only a minor discrepancy, is nonetheless considered acceptable. In this circumstance it is considered necessary to remove permitted development rights that would ordinarily allow for the extension and/ or mezzanine floor insertion within industrial buildings. This will enable the Local Planning Authority to have additional control over future development of the site and potential car parking demand of such, so as to minimise displacement of parking.

It is inevitable that the development will attract additional vehicle movements to the area. Due to the nature and scale of the development the majority of movements will be outside of peak times and would not therefore have a significant impact on present or future highway capacity.

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In addition, the application is accompanied by a Construction Management Plan (CMP) which confirms delivery times, access arrangements, vehicle routing, car parking and compound areas. Key findings are outlined below:

- Construction is estimated to take approximately 52 weeks, with deliveries to site timed between 8am to 6pm Monday to Friday.
- Vehicle trips will be via Brunel Way.
- The site compound, including car parking, delivery area, storage and welfare are to be provided on site.
- Vehicle routes to/ from the site will be via Jenny Lane and Brunel Way.
- Use of a wheel wash facilities and street cleaner is confirmed.

It is accepted that the location of the development encourages construction vehicles to access the site via main roads that are already heavily used by industrial type vehicles, and that the access route will avoid the main residential area. Construction associated activities are demonstrated to be contained within the application site, thereby avoiding displacement to surrounding roads. For these reasons it is considered that the CMP demonstrates the development can be constructed without impacting upon highway safety. It is important that construction progresses in accordance with the CMP and a condition requiring such is advised.

The application site is located within a highly accessible location, providing for an acceptable means of vehicular access and appropriate levels of parking, and servicing arrangements. In addition, there are gains for highway safety resultant from the provision of a footpath on Jenny Lane and the scheme will also encourage the use of low carbon travel through the provision of electric vehicle parking. On this basis the proposal will not prejudice the safe, efficient or convenient movement of all highway users, and there is also planning gain which weigh in favour of the proposal. In the absence of any objection from Lancashire or Blackpool Highway Authorities, the proposal is in compliance with the policy GD7 of the FLPPR and NPPF.

Amenity

Policy Background

FLPPR Policy GD7 requires high design standards, with criteria c) and h) supporting new development that would be sympathetic to surrounding land uses, including existing residents that live adjacent to the development. This amenity impact includes privacy, dominance, loss of light, over shadowing resultant from the proximity of buildings to neighbours, or disturbance, including noise, from operation of the intended use.

In addition, criteria l) of Policy GD7 requires new development to create 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion....'.

Criteria f) of Paragraph 135 of the NPPF states that planning decisions should ensure that 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

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Assessment

Existing dwellings that may be affected by the proposal are those named 'Mayfield' and 'Burnside' located to the south of the application site on Old House Lane and a pair of semi-detached dwellings positioned to the east on Old House Lane also. In addition, Members should note that there is a current Outline planning application (23/0867) for 266 dwellings on land to the south of Old House Lane. The Illustrative Layout submitted with that application indicates housing positioned adjacent to and having a side on relationship to Old House Lane, and existing trees and hedgerow forming the boundary to Old House Lane being retained. That application seeks approval of matters relating to access only, thus the Illustrative Layout provided is for indicative purposes and cannot be used to inform assessment of this current proposal.

The closest existing neighbour to that application site is 'Burnside', which displays a side facing aspect toward the application site, with its frontage (as well as that of its attached neighbour Mayfield) directed toward the pumping station with the south western corner of the application site beyond. This dwelling is set on a large plot and has a side garden space that flanks Old House Lane and the south of the application site as a consequence. The rear elevation of Building 2 will appear in views from the front elevation of both 'Burnside' and 'Mayfield', though a separation distance of circa 65m across the pumping station site to this building, as well as mature trees/ hedgerow that intervene, will act to minimise any concerns of dominance, loss of light or overshadowing. Building 3 is positioned to the north of the side elevation to Burnside, and has a separation distance of circa 23m to this side elevation and circa 20m to its side garden. Similarly, this separation combined with retained and new landscaping will ensure minimal impact to occupants as a consequence of dominance, loss of light or overshadowing from the built form proposed.

The semi-detached pair of dwellings to the east (Den Burn Nurseries and Roseleigh) are located circa 175m from proposed buildings, and at this separation there would be no perceivable amenity impact by virtue of privacy, dominance, loss of light or overshadowing resultant from the buildings proposed.

With regards to noise disturbance, the end user as well as servicing arrangements for each Unit have the potential to undermine the amenity of neighbours. End users of each Unit are not confirmed within the submission, nor have hours of use or servicing arrangements been provided. Nevertheless, the land uses sought relate to use Classes B8, and light industry (which can be carried out in any residential area without causing detriment to the amenity of the area), thus the nature of activities associated to the land uses sought are unlikely to undermine neighbour amenity.

The planning application is accompanied by an Acoustic Survey and Assessment (Martin Environmental Solutions Ltd, 2496-2, May 2023) (ASA) to demonstrate potential impact of the development and identify possible mitigation. The key findings of the ASA are summarised below:

- On site monitoring has been undertaken to identify existing background noise levels.
- The existing background levels have been compared to a worse case predicted sound levels from the development proposed.
- This has identified sound levels will be below both the prevailing background sound level in the area and the recommended sound levels from the World Health Organisation and within BS8233:2014.
- A BS4142:2014+A1:2019 assessment has also been undertaken and based on the worse case will result in an adverse impact on those proposed properties to the front of the development. As such additional mitigation measures are required.
- The development will result in a No Observe Effect on the neighbouring residential properties in line with the Noise Policy Statement for England.

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The ASA has been considered by the Council's Environmental Protection team, and whilst no objections were raised to its methodology, it was advised that additional mitigation be incorporated into the scheme to protect existing or new residents. The EP comment required provision of acoustic fencing to the southern boundary, and this has been incorporated into the site layout by the applicant. Moreover, openings within Building 3 (closest of buildings to neighbouring dwellings to the south) are positioned to the east elevation, and thereby direct any noise generated from within Units away from these neighbours. It is acknowledged that there are openings within the southern elevation of Building 1 which will direct noise toward these neighbours also, however the presence of Building 2 will act as a substantial barrier for any noise escape.

The main source of noise disturbance is therefore more likely to be external of the buildings and associated to the servicing of individual units, and in this respect provision of the acoustic fence line will assist to reduce noise disturbance. Moreover, it is also advised that hours of use and servicing are time restricted so as to avoid early morning and late evening disturbance. Whilst the Environmental Protection team require opening between the hours of 8am - 6pm Monday to Saturday, 8am to 1pm Saturday, no opening on Sunday or Bank Holidays, it is considered that extended opening could be supported without detriment to the amenity of neighbours, allowing occupiers greater flexibility. On this basis opening hours of 7am to 8pm Monday to Friday, 8am to 6pm on Saturdays and no site operations on Sundays or bank holidays is advised, and will be controlled by condition. Noise disturbance for those neighbours to the east will be mitigated by separation distance as well as the proposed time restrictions.

It is inevitable that there will be some disruption for neighbours during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. In addition, the applicants CMP provides measures to minimise disturbance from construction activity, including:

- Local residents will be informed of the construction periods as well as contact details for site staff should they have any queries or concerns.
- Hours of work shall not operate outside of Monday to Friday 8am to 6pm; Saturday 8am to 1pm; and, not at all on Sundays and Bank Holidays.
- Deliveries to and from the site shall only occur Monday to Friday between 8am and 6pm and not at all on Saturdays, Sundays and Bank Holidays.
- The boundary to the site will be reinforced with Heras fencing or 2.4mtr hoarding, to prevent unauthorised access.
- The site is ideally placed to be accessed by the principal road Brunel Way, limiting impact upon other roads.
- There is adequate space on site to manage construction activities without causing an unacceptable impact upon the surrounding highway network.
- Wheel wash provision.
- Measures to reduce noise disturbance (including considerate and neighbourly approach with local residents, electric powered tools, maintenance of equipment and switched off when not in use, vehicles to observe speed limits, siting of stationary equipment and plant as mitigation, care when unloading, no idling of vehicles, noisier operations to be at times of less disturbance, plant on site to be compliant with EU/UK noise limits).
- Dust suppression including water suppression.
- Best construction practises concerning air quality.

The above measures will help to reduce the disturbance to residents throughout the construction period and should therefore be required for implementation through an appropriately worded condition.

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The planning application is accompanied by an external lighting plan report which details proposed illuminance levels across the site. The details indicate that light spill is contained within the developed areas of the proposal, with minimal intrusion to soft landscaped areas that envelope the site. The impact of light pollution to neighbours is therefore considered minimal due to a lack of encroachment beyond the development's boundaries.

The Environmental Protection team have been consulted and have raised no objection to the proposal, subject to condition. On this basis and subject to imposition of those conditions, it is considered that the development would not unacceptably impinge on the amenity of existing residents that neighbour the site, in accordance with Policy GD7 and NPPF.

Flood Risk and Drainage

Policy Context

Criteria z) of Policy GD7 states that inappropriate development in Flood Risk Zones 2 and 3 will not be permitted.

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

Paragraph 173 of the NPPF requires planning authorities to ensure that flood risk is not increased elsewhere, requiring the submission of flood risk assessments, and sequential and exception testing, where appropriate. Development should only be allowed in areas at risk from flooding where in light of the assessment (and the sequential and exception tests where necessary) it can be demonstrated:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Assessment

The application site is greater than 1 hectare in size and is therefore accompanied by a Flood Risk Assessment (Keystone, revision A, January 2024) (FRA) and Drainage Strategy (Keystone, revision A, January 2024) (DS).

The submitted FRA confirms the site to be in Flood Zone 1 (FZ1) and the Environment Agency 'Flood Map for Planning' confirms that the site is not subject to surface water flood risk, on this basis the development is not therefore considered to be at risk from nor would it contribute toward flood risk off site. The submitted DS confirms that foul drainage will connect to an existing foul drain positioned

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to the south, with surface water connection to a 'dyke' located to the south of the site. The DS confirms that the surface water drainage strategy will be designed to greenfield run off rates, a holding pond will provide on-site storage of water prior to release into the 'dyke' at an attenuated rate of 5l/s. Management and maintenance of the surface water drainage is confirmed to be the responsibility of a private management company.

United Utilities and the Lead Local Flood Authority (LLFA) have not objected to the proposal, though have required further details of the drainage design by way of condition, as well a number of other conditions. On this basis and subject to condition, it is considered that adequate measures can be put in place in order to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with Policies GD7, CL1 and CL2 of the FLPPR and NPPF.

Ecology

Policy Context

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

Criteria m) of Policy GD7 requires the protection of existing landscape features and linkages to the wider ecological networks as part of the Green Infrastructure Network.

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

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

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

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integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The Environment Act has recently been enacted, and this imposes a minimum 10% biodiversity net gain (BNG) on all new development. Notwithstanding, requirements of the Act are only relevant to applications submitted on or after the date of enactment (major development as of 12/02/2024 and small sites as of 02/04/2024). On that basis requirements of the Act are not applicable to the current planning application given that it was submitted to the LPA prior to those dates. As such, the NPPF is relevant to the decision making process with paragraph 180 requiring development to secure measurable net gains only. In practical terms, this could be very limited i.e., 0.1%, as opposed to the minimum 10% threshold of the Environment Act.

Assessment

The planning application is accompanied by a Preliminary Ecology Appraisal (arbtech, Issue 2, 07/04/2023) and a Great Crested Newt survey (envirotech, AWG/8657, 22/02/2024). The reports have considered the developments potential impact to existing habitats and ecological features, as well as the presence of protected species, on the application site. Key findings are summarised below:

Preliminary Ecology Appraisal (PEA):

- Designated Sites – There application site lies within 2km and thereby the impact risk zone of (Marton Mere, Blackpool Special Site of Scientific Interest). No direct impacts to any designated sites will occur as a result of the proposed development, but the possibility of recreational pressure is recognised.
- Habitats and flora – the site contains native hedgerow which is a habitat of principal importance, other habitats are common and widespread and have low ecological value. The hedgerow is retained within the scheme and loss of modified grassland will have minimal impact to the low ecological value. Retained trees and hedgerow should be protected during construction and loss of habitat compensated by planting of native species-rich wildflower grassland.
- Amphibians – A survey of all ponds within the locality is necessary (refer to Great Crested Newt survey findings below).
- Reptiles – low of modified grassland will be inconsequential to local reptile populations, though site clearance could result in death or injury if present. The PEA advises that a precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
- Roosting bats – bats are unlikely to be roosting on the site, in the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice. Installation of bat boxes is advised.
- Foraging and commuting bats – boundary hedgerows and trees could be used by local bat populations which could be affected by external illumination of the development. A low impact lighting strategy will be adopted for the site during and post-development.
- Badger – There is no evidence of badgers on site, though this species may commute through the site. The PEA advises that a precautionary working method will be implemented during construction.
- Hedgehog – The site has some suitability for hedgehogs including hedgerow. The PEA advises that a precautionary working method will be implemented during construction.
- Birds – The site has some suitability for nesting birds, but no impacts are reported as the area due to be impacted by the proposed works is an area of grassland. Installation of bird boxes is advised.

Great Crested Newt Survey (GCNS):

- 4 ponds identified and DNA tested for the presence of great crested newts, including 1 pond on site.
- Pond on site tested negative for GCN, 2 ponds to the north tested positive, 4th pond not tested but likely to be used due to past records of GCN presence.

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- Dense scrub and woodland provides terrestrial habitat for GCN.
- Prior to clearance the site is likely to have provided good terrestrial habitat for GCN, it would currently have moderate value to GCN. There are roads between Ponds 1, 3 and 4 and the site with large kerbs but these would not fully prevent the movement of GCN between ponds.
- Given the proximity of ponds to the site with confirmed use by GCN, lack of significant barriers to dispersal in the local landscape and moderate suitability of vegetation on site for GCN in their terrestrial phase, use of the site by GCN can not be discounted.
- Development of the site is reasonably likely to result in a disturbance to GCN, loss and or damage of resting place and or their killing or injury. As such a licence would be required for development work to be lawful.
- The site lies within Lancashire which is part of Natural England's District Licencing Scheme (DLL). An application to Natural England has been made and a 'Great crested Newt District Level Licencing Impact Assessment & Conservation Payment Certificate' has been issued by Natural England dated 03/04/2024.

The Council's consultant Ecologist (GMEU) have commented on the application on several occasions. Their initial responses required clarification and evidence concerning the use of either a conventional license or a district level license for GCN and clarification of landscaping proposals for BNG purposes. These matters have been resolved through the provision of additional information and amended plans, with GMEU's latest response of 18/04/2024 indicating that all matters have been addressed save for a minor alteration concerning the wildflower mix proposed. In addition Natural England has no objection to the proposal commenting the development 'will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.'

The submitted external lighting plan confirms that light pollution from the development is mostly contained to the developed areas of the site, with minimal intrusion to retained or proposed soft landscaped areas to the site periphery. This demonstrates that external lighting has been designed to avoid spillage towards those areas/features on the site that are particularly sensitive for bats, including foraging habitat and commuting routes. A condition will be imposed to ensure that external lighting is implemented in accordance with the submitted details.

With regards to BNG, the landscape strategy make provision for the retention of existing trees and hedgerow to the site boundaries, with new hedge and tress planted to bolster this landscaped edge. In addition, the landscape proposals include the provision of wildflower meadow and turf to the larger open areas of the site, and shrub planting to the site entrance and car parking areas. This is considered to deliver ecological linkages through the site to land beyond, and provide for measurable net gains for biodiversity on the site.

Objection has been raised concerning clearance of the site prior to submission of the planning application, and impact this might have for GCN habitat. Comment from GMEU has confirmed that 'In terms of prior clearance of the site, unfortunately there is little that can currently be done in terms of assessing the value of the habitats present. This will change once Biodiversity Net Gain becomes mandatory as the Environment Act includes measures for this scenario.'

On this basis, it is considered that the implementation of appropriate and proportionate mitigation measures as set out in the applicant's PEA can be dealt with through the imposition of conditions to ensure that the proposed development does not adversely affect existing habitats and/or the favourable conservation status of protected species and delivers measurable net gains for biodiversity on the site in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

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Land Contamination

Policy Context

Policy GD9 of the FLPPR states that development will be encouraged on previously developed land (PDL) that may be contaminated as result of previous uses provided that three criteria relating to: a) evidence of satisfactory site investigation; b) the stability of surrounding areas; and c) evidence of remedial and mitigation measures, are met. Similar requirements are identified in the Ground Conditions and Pollution section of the NPPF.

The application relates to a greenfield site, albeit this land is allocated within the FLPPR for employment purposes. Whilst the site cannot be considered PDL, the allocation supports redevelopment, thus it must therefore follow that the proposal is subject to land contamination requirements of Policy GD9 also.

A Preliminary Risk Assessment (RSK Geosciences, 322819-R01(00), May 2021) (PRA) has been submitted with the planning application. The PRA is a desk based exercise and does not involve any intrusive investigation, and concludes that there is no history of land contamination or significant potential contamination sources on the site, with recommendation for intrusive site investigation to corroborate those findings.

The Council's Environmental Protection Team have commented on the proposal, and have recommended the imposition of a condition to require site investigation/ remediation strategies in the event that unsuspected land contamination is found on the site during construction. A suitably worded condition is advised, in order to meet the objectives of Policy GD9 and the NPPF.

Conclusions

The proposed use is acceptable for this Employment land allocation. The development is considered to be of appropriate appearance and in-keeping with the character of the area.

The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

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 and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with 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.

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2. This permission relates to the following plans:

- Location Plan - drawing no. A022/230/S/01 revision C
- Proposed Site Key - drawing no. A022/230/P/01 revision D
- Proposed Site GA (Sheet 1 of 4) - drawing no. A022/230/P/02 revision G
- Proposed Site GA (Sheet 2 of 2) - drawing no. A022/230/P/03 revision H
- Proposed Site GA (Sheet 4 of 4) - drawing no. A022/230/P/05 revision D

- Proposed Building 1 Floor Plan & Elevations - drawing no. A022/230/P/07 revision D
- Proposed Building 2 Floor Plan - drawing no. A022/230/P/08 revision C
- Proposed Building 2 Elevations - drawing no. A022/230/P/09 revision C
- Proposed Building 3 Floor Plan & Elevations - drawing no. A022/230/P/10 revision B

- Proposed Bedding A-E Schedules - drawing no. A022/230/P/25 revision C
- Proposed Soft Landscaping (Sheet 1 of 4) - drawing no. A022/230/P/21 revision K
- Proposed Soft Landscaping (Sheet 2 of 4) - drawing no. A022/230/P/22 revision K
- Proposed Soft Landscaping (Sheet 4 of 4) - drawing no. A022/230/P/24 revision F

- Proposed Hard Landscaping (Sheet 4 of 4) - drawing no. A022/230/P/16 revision F
- Proposed Hard Landscaping (Sheet 2 of 4) - drawing no. A022/230/P/17 revision J
- Proposed Hard Landscaping (Sheet 4 of 4) - drawing no. A022/230/P/19 revision D

- Proposed Bike Store, Bin Store & Car Park Specification - drawing no. A022/230/P/20 revision B
- External Lighting Layout drawing no. 0002268111-EXT-RA-221222
- Column (96632557 COL 6M STEEL STEP ROOT 76MM TOP)
- lamp (Isaro 96634804 IS 24L85-730 NR CL1 US7 T76F GY)

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 the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the development hereby approved shall be used for the following use classes only:

- Class E(g)(iii).
- Class B8.

and for no other purpose (including any other uses falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order.

Reason: To ensure that the use of the premises remains compatible with the character of surrounding uses, to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; in accordance with the requirements of policies EC1 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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4. Notwithstanding the provisions of Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the footprint of the development hereby approved shall not be extended, or internally altered through provision of mezzanine floor space.

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

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, any retail sales from the development hereby approved shall be limited to a level and type that is ancillary to the main use of the premises and under no circumstances shall it exceed 15% of the floor area of each unit.

Reason: For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location, in accordance with Policy EC1 and EC5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

6. All Units within the development hereby approved shall only be open for trade or business use between the hours of:
 - 07:00 to 20:00 Monday to Friday.
 - 08:00 to 18:00 Saturdays.
 - With no opening on Sundays or bank Holidays.

No machinery shall be operated, no processes associated with the permitted use shall be carried out and no deliveries shall be taken or vehicles despatched from the site outside the specified opening / operating hours.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 Incorporating Partial Review) and the National Planning Policy Framework.

7. There shall be no external storage of any description on the site.

Reason: In the interests of the visual amenity of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

8. No development shall take place unless and until an up-to-date, complete and effective (non-provisional) Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) has been submitted to and approved in writing by the Local Planning Authority.

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Reason: To secure appropriate measures for the provision of adequate habitat compensation and mitigation for great crested newts as part of the development in order that it does not adversely affect the favourable conservation status of protected species in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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

10. No construction, site clearance or demolition shall commence until a scheme to protect the United Utilities assets that are present within the site boundary from damage resultant from construction of, or operation of the development has been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the wastewater infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development.

Construction of the development shall progress in complete accordance with the approved mitigation measures.

Reason: In the interest of public health and safety and to ensure protection of essential services, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and INF1 and the National Planning Policy Framework.

11. Prior to the first trading use of any of the units hereby approved, the following elements of the development, as detailed on drawings referred to in Condition 2, must be implemented and where relevant made available for use:
 - a) The new footway to the western edge of the application site with Jenny Lane.
 - b) Vehicular access arrangement from Brunel Way.
 - c) All vehicular manoeuvring areas.
 - d) Internal footways.
 - e) Car parking (including 7 disabled bays and 1 electric vehicle charging bay per Unit).
 - f) Covered cycle store.
 - g) Bin stores.

All the approved elements shall be retained as such thereafter for their intended purpose.

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans in the interests of highway safety, residential and visual

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

12. The 1.8m acoustic fence as detailed on drawing numbers A022/230/P/17 revision J and A022/230/P/19 revision D shall be implemented in complete accordance with those details prior to the first use of the development hereby approved. The duly implemented acoustic fence shall be maintained as per the approved details and retained as such thereafter.

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

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and NPPF.

14. The development hereby approved shall be constructed in complete accordance with the submitted Construction Management Plan (revision D, May 2024).

Construction of the development, including site clearance and preparation, and any construction related deliveries to/ from the site, shall only take place between the hours of 08:00 and 18:00 Monday-Friday and between the hours of 09:00 and 13:00 on Saturdays, with no works on Sundays or Bank Holidays.

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

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the building hereby approved shall be constructed of the following materials:

- Roof cladding - kingspan ks1000rw insulated panels - colour goosewing grey.
- External walls – Oatmeal brickwork, kingspan ks100rw vertically laid insulated panels (Goosewing grey), horizontally laid kingspan quadcore awp wall panels (silver).
- Glazing - aluminium frames (anthracite grey).
- Doors – anthracite grey aluminium.
- Fascia & eaves boards - single skin plastisol sheet (anthracite grey).
- Rainwater goods - plastisol box section (anthracite grey).

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

16. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, there shall be no erection of any security fencing or boundary treatments on the site until details (siting, height, design, materials and finish) have been submitted to and approved in writing by the Local Planning Authority. The security fencing and boundary treatments shall be constructed in full accordance with the duly approved details and shall be retained as such thereafter.

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

17. There shall be no erection of any external plant or equipment at any of the Units hereby approved until details of their siting, design and specification have been submitted to and approved in writing by the Local Planning Authority.

The external plant or equipment shall be constructed in full accordance with the duly approved details and shall be retained as such thereafter.

Reason: To ensure effective controls so as to minimise noise disturbance from the site and safeguard the amenity of neighbouring dwellings, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

18. The development permitted by this planning permission shall be carried out in complete accordance with the principles set out within the site-specific flood risk assessment (Keystone Design Associates Ltd, revision A, January 2024).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing and phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

19. Prior to commencement of the development hereby approved, details of 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:

Elements requested by Lead Local Flood Authority:

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event.
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep.

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iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary.
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels.
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate.
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
- v. 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.
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
- vii. 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.

c) 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.

Elements requested by United Utilities:

- (i) 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.
- (ii) 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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD.
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to first use of the development, the foul and surface water 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 (incorporating Partial Review) and the National Planning Policy Framework.

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20. No development shall take place until a scheme for the management of surface water and pollution prevention during construction has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

- a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.
- b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall thereafter be carried out in accordance with the duly approved scheme for the entirety of the construction period.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during the construction phase in order that it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact existing or proposed water bodies in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1, CL2 and GD9, and the National Planning Policy Framework.

21. Prior to first use of the development hereby approved, a Surface Water Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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

22. Prior to first use of the development hereby approved, a lifetime management and maintenance plan for the approved foul and surface water drainage for the development shall be submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include as a minimum:

Elements requested by Lead Local Flood Authority:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

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- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Elements requested by United Utilities:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be maintained and managed in accordance with the approved lifetime management and maintenance plan.

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

23. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing nos.
- Proposed Bedding A-E Schedules - drawing no. A022/230/P/25 revision C
 - Proposed Soft Landscaping (Sheet 1 of 4) - drawing no. A022/230/P/21 revision K
 - Proposed Soft Landscaping (Sheet 2 of 4) - drawing no. A022/230/P/22 revision K
 - Proposed Soft Landscaping (Sheet 4 of 4) - drawing no. A022/230/P/24 revision F

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

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

24. Prior to any occupation of the development hereby approved, a management and maintenance scheme for the soft landscaped areas of the site shall be submitted to and approved in writing by the local planning authority. The soft landscaped areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined

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streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

25. 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 policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review), the provisions of the Wildlife and Countryside Act 1981 (as amended), and the National Planning Policy Framework.

26. The construction of the development shall be carried out in full accordance with the reasonable avoidance measures for avoidance and/or minimising any impacts on mammals, reptiles and amphibians as identified by paragraph 4.0 of the Preliminary Ecological Appraisal (arbtech, issue 2, 07/04/2023) and paragraph 16 of the Construction Management Plan (Rev B, April 2024).

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

27. None of the employment units 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.

28. External lighting of the development hereby approved shall be constructed in complete accordance with the following details:

- External Lighting Layout drawing no. 0002268111-EXT-RA-221222.
- Column (96632557 COL 6M STEEL STEP ROOT 76MM TOP).
- lamp (Isaro 96634804 IS 24L85-730 NR CL1 US7 T76F GY).

Reason: To ensure that any exterior lighting to be installed at the site does not cause a nuisance to surrounding occupiers or undermine the value and use of retained and enhanced habitats within the site for protected species (specifically bats) as a result of light pollution in accordance

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with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV2, and the National Planning Policy Framework.

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

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

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

30. If, during development, contamination is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination.
- b) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and, archaeological sites and ancient monuments.
- c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

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

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

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into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Protected Species Informative

Whilst the development has been assessed as low risk for protected species (including bats, great crested newts and nesting birds), the applicant is reminded that these species benefit from legal protection under the Habitat Regulations and the Wildlife and Countryside Act 1981 (as amended) and that it is an offence to disturb, harm or kill any protected species that may be encountered while carrying out the development. If any protected species are found during the development all work should cease immediately and a suitably licensed ecologist employed to assess how best to safeguard the protected species in question. Natural England should also be informed as a protected species license may be required.

3. Blackpool Airport Crane Height Informative:

At least 21 days before commencement of the development, the developer must email safeguarding@blackpoolairport.com if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. tower cranes, piling rigs). Notification of the equipment shall be made on the standard Crane Permit request form available on the Blackpool Airport website and include:

- its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
- height above ordnance datum;
- anticipated dates on site;
- emergency contact numbers for the crane operator and site manager.

The equipment must be operated in accordance with BS 7121 and further advice can be found in Airport Operators Association Advice Note 4 'Cranes'. This is to ensure that air safety is not compromised by this activity.

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Item 2

Application No:	23/0209	Case Officer:	Andrew Stell Area Team 1
Applicant:	MINISTRY OF JUSTICE	Agent:	MISS CLAIRE PEGG
Location:	KIRKHAM PRISON, FRECKLETON ROAD, KIRKHAM, PRESTON PR4 2RN		
Proposal:	RETENTION OF 4 EXISTING TEMPORARY ACCOMMODATION UNITS AS PERMANENT ACCOMODATION, CONSISTING OF 77 ROOMS WITH ENSUITE FACILITIES, AND ANCILLARY BREAK/ KITCHEN/ TELECOMS ROOMS.		
Ward:	Kirkham	Parish:	Kirkham
Date Received:	24 March 2023	Earliest Decision:	19 September 2023
Reason for any delay:	Applicant has requested the extension of time.	Online application file here pa.fylde.gov.uk/Planning/Display/23/0209	
Officer Recommendation:	Delegated to Officers		
Location Plan			

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Summary of Officer Assessment

The application site relates to part of the Kirkham Prison site which is located in the green belt area between Kirkham and Freckleton. The site is a large scale developed site where Policy GD5 applies alongside the local and national green belt planning policies.

The application relates to the retention of a series of four prisoner accommodation blocks which are single storey structures that were erected on site in May 2020 using temporary permitted development rights that were then available as an emergency response to the need to provide enhanced prisoner accommodation in response to the Covid pandemic. These rights permitted the retention of the accommodation for a 6-month period and have not been renewed. This application seeks consent to retain the accommodation on a permanent basis.

The buildings collectively provide accommodation for 76 prisoners which were initially relocated from other older accommodation on the site, but now house additional prisoner capacity. This has resulted in an additional 76 prisoners on the site and brings its capacity to 700. The accommodation is simple and functional in its design, but is suitable and provides an improved standard of accommodation for prisoners. It is located in a part of the site that is surrounded by other prison buildings and so the visual impact of the development is negligible.

This location is a key one in planning terms given the location of Kirkham Prison being within the green belt. This designation has restrictions on the forms of development that can be supported, but the specific location of this accommodation is considered to be a minor infill form of development that does not harm the openness of the green belt. This is key as it allows the scheme to satisfy exemption g) as set out in para 154 of the NPPF which is crucial in allowing the development to be considered as not being 'inappropriate development' in the green belt. On this basis the development is acceptable in principle, and with the simple and functional design being considered appropriate for its purpose it is acceptable in detail considerations also.

There are no other fundamental planning considerations raised by the application and so it is recommended that planning permission be supported. However, there are some outstanding queries that were raised by United Utilities in July 2023 regarding the drainage of the buildings and the connections to the sewer system. The agent has taken some time to respond to these, but has now provided information which seems to cover the matters that were requested. As this was only received in late May 24 the views of United Utilities have not yet been received on this information and so it is recommended to Committee that the ultimate decision on the application be delegated to officers once their views are received and any further queries are resolved.

Reason for Decision Level

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

Site Description and Location

The application site relates to part of Kirkham Prison which is situated in the green belt between Kirkham and Freckleton with access from Kirkham Road. The site contains a series of buildings of varying ages and sizes to provide the facilities needed for a Category D open prison. This application

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site is a specific part of the site that is located to the west of the main collection of buildings, but is surrounded by prison buildings on all sides.

The site is entirely located within the green belt that is designated under Policy GD2 and serves to separate Kirkham and Freckleton. It is also designated as a 'large developed site' under Policy GD5 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

The application relates to the retention of existing prison accommodation. This is in the form of 4 single storey buildings and provides 76 'accommodation units'. The accommodation was erected in May 2020 using the rights available to provide temporary prison accommodation under Schedule 2, Part 19 Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) which allowed temporary accommodation to be provided for up to 6 months. These rights were introduced as part of the national response to the COVID pandemic and in this case were used to provide improved facilities for prisoners at the site so that greater social distancing could be achieved.

Those rights were time limit as a temporary pandemic response and have now expired, meaning that any buildings erected using them require planning permission or removal. The proposal in this application is to retain the buildings. With the nature of prisoner accommodation having reverted to that at pre-pandemic times this accommodation now supports an overall increase in the prisoner capacity at Kirkham which was 577 pre-pandemic and rose by 13% to 699 by September 2023 as a consequence of this accommodation and other which was approved through other planning applications.

The accommodation is provided in 4 single storey structures which each have measurements of 33m x 9.5m x 3.6m high. They are simple in their design with a series of windows along each of the longer elevations to serve the various rooms which provide for prisoner accommodation and supporting facilities with access off a central service corridor. The buildings are prefabricated with a flat roof and are cream in colour.

Relevant Planning/Appeal History

There is an extensive planning history at the Prison site, but none is of direct relevance to this application so the history is omitted here.

Parish/Town Council Observations

The boundary between the administrative areas of Freckleton Parish Council and Kirkham Town Council runs through the Prison site, albeit almost all the prison buildings are in Kirkham including the ones here. As a result of this both bodies were consulted.

Parish/Town Council	Observations
Kirkham Town Council	<u>Comments received on 17 May 2023</u> <i>Do not raise objection to the application</i>
Freckleton Parish Council	<u>Comments received 6 September 2023</u> <i>Freckleton Parish Council support this Application</i>

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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Lancashire County Highways	<i>There are no highway objections</i>
United Utilities	<p><u>Comments of 9 May 2023</u></p> <p>Initial comments request that a drainage plan is produced given that the application is submitted in full, with a 'pre-commencement' condition requested if that is not provided.</p> <p>They also make standard comments regarding the need for the development to make appropriate arrangements for foul drainage and water supply.</p> <p>Finally they highlighted that there is a water main in close proximity to the development and so the developer should engage with them to ensure it is not affected by the works,</p> <p><u>Comments of 23 July 2023</u></p> <p>Following the receipt of further information UU were reconsulted. Their comments here highlight that the proposed drainage arrangements are not acceptable as the final point of connection to the sewer network is not shown, that the rate of discharge from the development is unknown, and that the levels of the buildings are not provided. They also requested that a maintenance plan be provided to confirm the arrangements for ensuring the onsite infrastructure was appropriately maintained.</p> <p>These queries were raised with the agent on receipt, and they have taken time to provide the requested information. Additional information was eventually provided in May 2024 and seems to cover the elements requested.</p> <p>This additional information has been shared with United Utilities, and should they provide comments in advance of the Planning Committee meeting they will be reported to members through the Late Representations schedule.</p>

Neighbour Observations

Neighbours notified:

With the position of the actual development being central to the prison site no direct neighbours adjoin the proposal and so no neighbours were notified by letter

Site Notice Date:

14 April 2023

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Press Notice Date: 6 April 2023
Number of Responses 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):

GD2 - Green Belt Kirkham/Freckleton)

GD5 - Large Developed Sites in the Countryside - H M Prison, Freckleton Road, Kirkham

GD7 - Achieving Good Design in Development

ENV1 - Landscape and Coastal Change Management Areas

ENV2 - Biodiversity

Other Planning Policies and Guidance

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The application site, and the whole of the Prison, are located within the green belt where Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review) applies. This simply directs the assessment of applications in these areas to a compliance with national green belt guidance in the NPPF. In turn this takes an approach where the majority of new development is ‘inappropriate’ to ensure that the purpose of designating land as green belt is maintained, but with limited exceptions. Where development does not satisfy these exceptions there is to be an assessment of whether ‘very special circumstances’ exist to justify that development, and its impact on the open character of the green belt. These will be covered in the assessment below.

This site is also designated as a Large Developed Site under Policy GD5. This policy relates to 7 sites across the borough where there are large areas of development in countryside and green belt areas and applies a series of tests for applications to be assessed against.

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In addition, the general development management tests of Policy GD7 relating to design of new development are to be considered in the determination of the application.

Principle of Development

The key element of the green belt guidance in NPPF is set out in para 154 as that lists the type of building that can be constructed as an exceptions to the general restriction on inappropriate development in the green belt. The Planning Statement with this application claims that this test is passed as the buildings relate to 'infill development'.

Para 54 lists two forms of infilling. The first is e) which relates to 'limited infilling in villages'. That cannot apply here given the scale of the development involved and the location not being in any village. The second is g) which relates to limited infilling of previously developed land, with that subject to tests regarding openness. The scheme here could satisfy that requirement, but requires three assessments.

The first is clearly passed as the site is on 'previously developed land' by virtue of the existing prison development that surrounds the actual site and has occurred on this site before the buildings were constructed, albeit not in the form of buildings in recent times.

The second is whether the level of development involved here is 'limited'. This is more arguable as the scheme involves over 1,100m² of floor area and so is 'major' development in planning terms. Whilst there is no definition of what could be considered as 'limited infilling' in the NPPF it is reasonable to assume that a consideration of the local context of the development should be taken. As a lead for this, this is the approach taken by Fylde Council when considering the scale of development that could be considered as 'minor infill' for the purposes of Development in the Countryside. In this case the application site occupies a small proportion of the overall Kirkham Prison site and so it is accepted that even though the level of building works are considerable they remain 'limited' in that context. Therefore this test is also passed.

The final test relates to the impact on openness. The buildings are relatively low at 3.6m above ground level and provide single storey accommodation with a flat roofed form. They are entirely surrounded by other buildings on the site and are much lower than the majority of those other buildings. As a result, whilst they do occupy land that was previously free from development in recent times, and so was open, their impact on the openness of the green belt in spatial terms is negligible.

Therefore it is concluded that the development does satisfy the requirements of para 154g) of NPPF to be an exception from the general restraint on development in the green belt land so is acceptable in that regard. It is therefore also in compliance with Policy GD2 of the Fylde Local Plan to 2032 as that follows the NPPF lead on development in green belts.

Turning to Policy GD5 regarding major sites, this is primarily aimed at proposals that involve the redevelopment of these large sites for other purposes, but there is a specific reference to the Kirkham Prison site in the policy wording. This requires that any development is required to accord with the green belt planning policy in GD2. From the above analysis it is clear that the current proposal does satisfy that requirement and so the proposal is considered to comply with Policy GD5 also.

Therefore the proposed development is acceptable in principle.

Design and Visual Impact

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The proposed development is functional in its design and materials. This is a similar arrangement to the other Prison accommodation on the site which has clearly been developed over time as new and updated accommodation is needed and follows a range of unremarkable designs, styles and materials. In this context the simple but inoffensive design of the application buildings is considered to be acceptable.

The buildings are entirely surrounded by other prison development and so are not readily visible from any offsite vantage point. This is an important consideration in the consideration of their design, and allows them to be considered to be acceptable in this instance. The scheme therefore satisfies the requirements of Policy GD7.

Drainage

In their initial comments on the application United Utilities expressed concerns that the scheme was presented without any clarity over the drainage arrangements. In turn they were concerned that this could lead to additional surface water run off being directed to the public sewer network and so impact on its operation.

Following those comments further details have been provided by the applicant that clarify this in the form of a drainage plan, amended to include details of the outfall and the level of flow at that outfall, and a Drainage Maintenance and Management Plan. This information took some time to be received, and in that time the consideration of the application has been held in abeyance. However this information has now been provided and appears to cover the elements that United Utilities requested. The information is now with United Utilities for their consideration, and their views will be reported to Committee if received in time.

On this basis the officer recommendation is to delegate the decision to the Head of Planning once United Utilities views are received, considered, and any further issues addressed. This approach will allow progress on the application without the need to return to Committee on this technical aspect. It is also expected that these matters will be resolved and then the maintenance of the drainage arrangements can be the subject of a condition relating to their maintenance. Subject to this being the case the development satisfies the requirements of Policy CL1 relating to its drainage arrangements.

In their initial comments United Utilities highlighted a concern that the position of the buildings could have an impact on a water main that crosses the site. This is a matter that the developer has been made aware of and so should be liaising with UU over directly, with an informative added to any planning permission to ensure that access to this and the easement around it is not compromised.

Neighbour Amenity

Whilst the proposal has involved an increase in the prison population this is achieved without extending the overall area of the site that is developed and so there are no buildings located closer to any off-site residential or other neighbouring land uses than was previously the case. As such neighbouring impacts are unaffected in this respect.

The increase in the prison population will involve an increase in activity and vehicle movements around the site, but this is not considered to be a particularly significant change given the existing scale of the Prison and its modest trip generation. It is noted that there is a lack of objection to the development from the highway authority. This also ensures that the level of possible disturbance that

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activity on the site could cause to neighbouring residential occupiers will have been largely unaffected by the development.

The scale and location of the building also ensures that there are no massing, overlooking or other visual interrelationships with neighbouring properties, and so the development will not impact on the amenity of neighbours in any way. This ensures compliance with Policy GD7.

Prison Development

The provision of appropriate facilities for prisoners in terms of the overall prison capacity and the quality of the facilities that are available are both key priorities for society. This scheme assists with the national need for prison capacity, and supports the enhancement of the quality of provision for the prison population. This is a material consideration that weighs in favour of the development.

Conclusions

The application site relates to part of the Kirkham Prison site which is located in the green belt area between Kirkham and Freckleton.

The application relates to the permanent retention of a series of four prisoner accommodation blocks which are single storey structures that were erected on site in May 2020 using temporary permitted development rights.

The buildings provide a suitable level and standard of accommodation, and are located centrally within the site where they will not have any impact on the spatial characteristics and openness of the green belt in this area. As such they satisfy the requirements of element g) of Para 154 of the NPPF relating to development in green belt areas.

There are some outstanding matters relating to the assessment of the drainage arrangements by United Utilities, but it is expected that these will be resolved in due course. On that basis the development would be acceptable in all respects and so should be granted planning permission to assist with the overall national requirement for suitable prison capacity. The officer recommendation is to delegate the ultimate decision to the Head of Planning to allow for these drainage matters to be appropriately resolved in advance of any planning permission being granted.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning to be made following the receipt and consideration of further comments from United Utilities on the drainage arrangements for the development, and he is satisfied that these drainage arrangements are acceptable. The decision is to be subject to the following conditions, or any revisions and additions that the Head of Planning considers are appropriate.

1. This permission relates to the following plans:

- Location Plan – 314363-8879-SSL-000-ZZ-DR-B-0004-D0100
- Block Plan – 314363-8879-SSL-000-ZZ-DR-B-0005-D0100
- Elevations - 314363-8879-SSL-000-ZZ-DR-B-0002-D0100
- Floor Plans - 314363-8879-SSL-000-ZZ-DR-B-0001-D0100
- Roof Plan - 314363-8879-SSL-000-ZZ-DR-B-0003-D0100
- Sections - 314363-8879-SSL-000-ZZ-DR-B-0006-D0100

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- Drainage Layout - 314363_10017-SUT-000-XX-D-C-6200 Rev P07

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. The accommodation hereby approved shall be used to provide prisoner accommodation and associated uses that are incidental to that primary purpose only, and for no other purpose.

Reason: To ensure that the use of the buildings remain associated with the submitted use to ensure compliance with the requirements of Policy GD2 and Policy GD5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework given the restrictions on the forms of development that are appropriate in the green belt and the large development sites in rural areas of Fylde.

3. Unless an alternative scheme is subsequently submitted to and approved in writing by the local planning authority, the surface water drainage system indicated on drawing 314363_10017-SUT-000-XX-D-C-6200 Rev P07 shall be managed and maintained in full accordance with the details provided within the Drainage Management and Maintenance Strategy by Sutcliffe with reference 14363_10017-SUT-000-XX-T-C-0002 dated 16 May 2024.

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

Informative(s)

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

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

2. Water Main and Easement Informative

The applicant is referred to the comments of United Utilities of 24 July 2023 which highlight that a water supply main, or its easement, cross the Prison site and so could be impacted by this development. This correspondence explains that UU need unrestricted access for operating and maintaining the water main and will not permit development over or in close proximity to it. They also refer to guidance in UU's 'Standard Conditions for Works Adjacent to Pipelines'

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which they expect to be complied with. Contact should be made with UU direct to ensure that this water main is not compromised.