

Planning Committee Agenda

Wednesday 8 November 2023

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1	23/0256	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM, LANCASHIRE, PR4 3JZ	Grant	5
		FORMATION OF A SURFACE WATER ATTENUATION POND & REMEDIATION OF EXISTING SURFACE WATER ATTENUATION POND.		
2	23/0358	LAND REAR OF 69-77 CHAIN LANE AND OFF OCCUPATION LANE, STAINING, FY3 0DB	Delegate to officers	26
		ERECTION OF FOUR DWELLINGS AND FORMATION OF ASSOCIATED ACCESS ROAD OFF OCCUPATION LANE		
3	23/0529	NORCROSS, PARROX LANE, NEWTON WITH CLIFTON PRESTON, PR4 3RR	Grant	64
		CHANGE OF USE OF LAND TO PROVIDE 7 ADDITIONAL HARDSTANDING PITCHES FOR TOURING CARAVANS AND 3 GRASS PITCHES FOR TOURING CARAVANS OR CAMPING INCLUDING FORMATION OF ASSOCIATED ACCESS TRACK, TOILET AND SHOWER BUILDING AND INSTALLATION OF PACKAGE TREATMENT PLANT		
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5	23/0626	19 ST PAULS AVENUE, LYTHAM ST ANNES, LANCASHIRE, FY8 1ED	Grant	91
		DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF REPLACEMENT DETACHED GARAGE/GARDEN ROOM		

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Background Papers

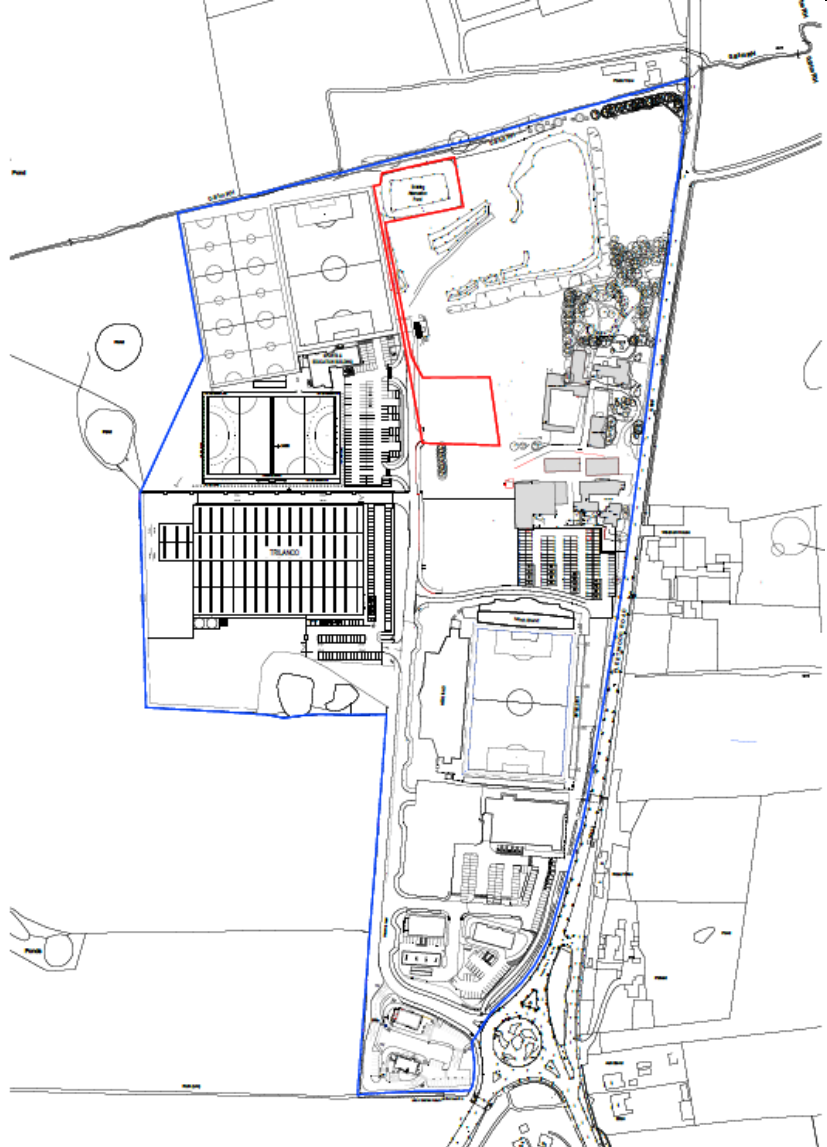
The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

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

These Background Documents are available online at www.fylde.gov.uk/resident/planning

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Item 1

Application No:	23/0256	Case Officer:	Rob Buffham Area Team 2
Applicant:	DIXON GRANGE LTD	Agent:	PWA PLANNING
Location:	MILL FARM SPORTS VILLAGE FLEETWOOD ROAD MEDLAR WITH WESHAM LANCASHIRE PR4 3JZ		
Proposal:	FORMATION OF A SURFACE WATER ATTENUATION POND & REMEDIATION OF EXISTING SURFACE WATER ATTENUATION POND.		
Ward:	Medlar with Wesham	Parish:	Medlar with Wesham
Date Received:	14 June 2023	Earliest Decision:	30 October 2023
Reason for any delay:	Decision deferred at previous Committee meeting	Online application file here	
Officer Recommendation:	Grant		
Location Plan			

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Introduction

This application was presented to the 4 October 2023 meeting of Committee, but was deferred from the Chair prior to consideration to permit the appropriate neighbour publicity to be undertaken and any comments that are received to be considered. This has also allowed consultation to be undertaken with Greenhalgh with Thistleton Parish Council. The council has received subsequently comments, and these have been added into the report and the commentary revised to consider them.

Summary of Officer Assessment

The application site encompasses two small land parcels within the Mill Farm Sports Village (MFSV) complex, that is located to the north west of Kirkham:

- 1) an existing surface water attenuation pond (circa 40m x 20m) that forms part of the surface water drainage design for MFSV located to the north of the site, and,
- 2) a square shaped land parcel located to the west of Coronation Way formerly used as a menage associated to the adjacent stables that is now overgrown.

The two land parcels have different designations in the Fylde Local Plan to 2032 (Incorporating Partial Review) with the existing pond (1) forming part of a larger Mixed use land allocation that covers MFSV, and the other parcel (2) within a Countryside Area.

The application involves the relocation of the existing surface water pond that forms a key element of the Mill Farm site's drainage arrangements. The works include the infilling of the existing pond, and the excavation and landscaping of a new pond. Drainage connections to the existing pond from the individual businesses and sports pitches within MFSV will be diverted to the new pond, with a new drainage run connecting to the existing outfall to Bradkirk Brook to the north of the site.

Policy GD4 is of relevance to the principle of development and is restrictive of new development so as to preserve the rural character of these countryside areas. Development within such areas is supported by a number of criteria, which include, a) those uses appropriate to a rural area, and, d) development essentially needed for the continuation of an existing enterprise, facility or operation, with both subject to an assessment of harm to the countryside character.

It is Officer opinion that a pond is an appropriate development for a rural location given its natural form and that such features are commonly found across the Fylde countryside. In this circumstance the pond would not appear prominent within the landscape or alter the present character of the countryside, in compliance with criteria a).

The existing pond occupies a portion of a site that forms part of a separate planning application for employment development (ref: 22/0616). If that scheme is approved there will be a requirement for the existing pond to be relocated to facilitate construction since its siting is affected by the building that is proposed. The relocation of the pond would be essential to facilitate the implementation of the that employment development, it would also likely be a necessary element of any future development proposals for that allocation, thereby according with criterion d).

It is usually expected that development provide for essential infrastructure, such as a drainage ponds, within the confine of the allocation so as not to encroach upon countryside areas. Notwithstanding, that position the assessment here confirms that the proposal would not undermine the character or appearance of the countryside, thereby affording support for the

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location of development. As a consequence, the loss of the pond from this area is also beneficial since it enables a more effective use of the allocated land.

The proposed drainage scheme is based upon that already in situ, with the size of pond comparable to that existing and the existing restricted outfall to Bradkirk Brook being retained. Officers believe that this is a reasonable approach and so it is not therefore considered that there would be any additional drainage implications from the scheme as proposed compared to the existing arrangement. Bradkirk Brook is a Main River which is regulated by the Environment Agency (EA), importantly the EA have now commented on the proposal and have not raised objection.

The Lead Local Flood Authority (LLFA) have not provided comment on the detail of the proposal, and state that comments will be provided on any future development at the planning application stage due to a lack of information within the present scheme. It is noted that the drainage drawing does annotate discharge rates for 'Future Development Plots' on the Mill Farm Sports Village site, and in light of the LLFA comment, a condition is advised to ensure that the drainage details provided for those future developments do not form part of this consent.

Accordingly this proposal is acceptable in principle, with the new development being consistent with criteria a) and d) of Policy GD4.

It is not considered that the development will have an unacceptable impact on highway safety, flood risk and drainage, or ecology.

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

Reason for Decision Level

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

Site Description and Location

The application site is located to the north of the Mill Farm complex (including roadside services, food supermarket, football stadium, industrial unit and sports village), and encompasses two segregated elements:

- 1) An existing surface water holding pond located to the north of the complex and west of existing sports pitches.
- 2) A square shaped land parcel located to the west of Coronation Way and parking area that serves the Sports Village. Whilst now overgrown, aerial imagery indicates an almost square plot formed by fencing, indicating use as a menage associated to adjacent stables.

The application site has a dual designation within the adopted Fylde Local Plan to 2032 (Incorporating Partial Review), with 1) forming part of a much larger Mixed Use and Large Developed allocation that covers the entire Mill Farm complex, and 2) Countryside area.

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Details of Proposal

Planning permission is sought for the relocation of an existing pond that provides a part of the surface water drainage arrangements on the Mill Farm site. The existing pond is located adjacent to the brook which flows along the northern boundary of the Mill Farm site and is designed to hold water which is then discharged into that brook at a controlled rate. The proposal is to replace that with a new pond situated to the south that replicates its function and so is connected to the brook by a new drainage outfall. The new pond is designed with dimensions of circa 50m x 60m and an operating depth of 1.5m.

The applicant's drainage consultant confirms that the proposal relates to relocation of the existing attenuation pond only, the application does not seek to make any alterations to the current approved surface water outfall from the site to Bradkirk Brook which is restricted at 126 l/s.

The submitted Cover Letter confirms that *'The existing pond will be removed subject to approval of the live application for the commercial unit to the north (application ref: 22/0616). Therefore, a new attenuation pond is proposed to be situated on this portion of the site and has been designed to accommodate the discharge of surface water associated with the wider Mill Farm Sports Village.'*

A flood risk assessment and surface water drainage strategy (TRP Consulting, 7198, May 2023) and Ecology Appraisal (Rachel Hacking Ecology, RHE.3500, 08/08/23) accompany the submission.

Relevant Planning/Appeal History

Reference	Description	Decision	Date	Appeal
22/0616	ERECTION OF EMPLOYMENT BUILDING PROVIDING A MIXTURE OF MANUFACTURING/ASSEMBLY (CLASS B2) AND STORAGE / DISTRIBUTION (CLASS B8), AND ANCILLARY OFFICES / SHOWROOM AREA, INCLUDING CAR PARKING AND LANDSCAPING AREAS	Undetermined		
21/0894	ERECTION OF NORTH STAND WITH STANDING CAPACITY OF 1,800 AND ASSOCIATED SUPPORTER FACILITIES BELOW, INCLUDING CAR PARKING AREA AND ANCILLARY FACILITIES	Undetermined		
20/0135	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 - CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY)	Undetermined		
16/0621	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 RELATING TO CONDITION 11- MAINTENANCE OF THE COMMUNAL AREAS, CONDITION 33- CAR PARK MANAGEMENT PLAN, CONDITION 34 - AFC FYLDE EVENT MANAGEMENT PLAN, CONDITION 34 - TRAFFIC MANAGEMENT	Refused	29 May 2018	CPMS element dismissed / maintenance element allowed 4 Jan 2019

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	PLAN AND CONDITION 46 - HOURS OF OPERATION			
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES	Approve Subject to 106	11 July 2016	
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13 October 2015	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE) FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m ² WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m ² NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m ² NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND	Approve Subject to 106	17 February 2015	

Parish/Town Council Observations

The site is entirely within Wesham but is close to its boundary with Greenhalgh and so both have been consulted.

Parish/Town Council	Observations
Wesham Town Council	<p><u>Comments received 22 Sept 2023</u></p> <p><i>“WTC rejects this application on the following grounds: drainage ponds in the designated Countryside area does NOT accord with planning policy or practice.</i></p>

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	<p><i>This attenuation pond is proposed to replace an existing, fit-for-purpose, pond currently sited within the bounds of the MUS3. This proposed, new attenuation pond would be sited on land that is not part of the MUS3 parameters; i.e. designated “employment” land.</i></p> <p><i>The proposed location is part of the designated “countryside” area as per the Fylde Area Local Plan 2032, which is not earmarked for development.</i></p> <p><i>This proposed attenuation pond will blight the current Old Mill Farm property and significantly limit the capability of that Farm to continue to operate in future as a “countryside” venture.</i></p> <p><i>Therefore, moving this attenuation pond to the location identified in this planning application is effectively changing the area from a “countryside” zone to an “employment” zone defacto and without justification or approval for this change of use.</i></p> <p><i>The attenuation pond is currently located adjacent to Bradkirk Brook (designated a Main River by the Environment Agency). Movement of this attenuation pond to the location identified in this application means that the pond is no longer adjacent to Bradkirk Brook and the water course will have to flow through several hundred meters of pipework. The existing attenuation pond at Mill Farm is already not being managed/maintained properly; being already full of vegetation and trees that limit its effectiveness. We therefore have reason to conclude that the developer would struggle further to maintain a greater propensity of pipework and gullies.</i></p> <p><i>This new re-sited attenuation pond proposal is increasing the size from the existing one to accommodate further development on the Mill Farm development which indicates that this planning application is to facilitate future development on the Mill Farm development. One of which is the large building application 22/0616 which WTC have previously objected to and for which a revised application has been submitted for review. It would also further hinder the developer from meeting his outstanding planning commitments to provide adequate parking even for the existing site usage.</i></p> <p><i>When reviewing the first submission of 22/0616 Employment building planning application WTC have previously commented:</i></p> <p><i>Drainage in the area is already an issue and this build would exacerbate this issue further.</i></p> <p><i>Previous unrelated planning applications sought to use a significant part of the land proposed for this application for essential drainage for the existing Mill Farm Village development.</i></p> <p><i>Alternative proposals are not appropriate.</i></p>
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	<i>This application to move the attenuation pond impacts on areas previously identified for car parking. The car parking issue remains unresolved.”</i>
Greenhalgh with Thistleton Parish Council	<p><u>Comments received 18 October 2023</u></p> <p><i>It was resolved to recommend REFUSAL.</i></p> <p><i>Concerns relating to recommendation for refusal:</i></p> <p><i>The pond is being moved from a commercial to rural space – it must be noted this is a commercially functioning attenuation facility and not a rural pond. The proposal is being moved from commercial to rural which could set a precedent for future applications across the Fylde.</i></p> <p><i>The drainage plan was not submitted with the initial overall application.</i></p> <p><i>In addition, the fields adjacent to the main development is indicated as a future development site – there is no indication this is the case.</i></p> <p><i>The drainage from the football pitches is also not utilizing the pond but is directed into the pipeline which will cause a ‘back-up’ pinch-point when the pond is emptying.</i></p> <p><i>The applicant seems to be presuming that the pond (drainage infrastructure) is being constructed for future development when future planning applications are not under consideration nor approved at this stage.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
GMEU	<p>I would raise no overall objections to the proposals, but I would advise –</p> <ul style="list-style-type: none"> • That the initial drain-down and site clearance of the existing SUDS feature should be undertaken with care and under the supervision of a suitably qualified person, to avoid harm to any amphibians or other aquatic wildlife which may use this feature. • That a Landscaping Plan is prepared for the proposed new pond, designed to maximise the biodiversity value of the new feature. • That measures are implemented during any approved works to avoid the possible spread of the invasive plant Himalayan balsam, which has been recorded in the area. Under the terms of the Wildlife and Countryside Act 1981 (as amended), it is an offence to cause this plant to spread.
Environment Agency	Were initially consulted on the application on 16 June, but did not provide any comments.

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	<p>Following dialogue with the Planning Officer, the EA confirmed that they had no objection to the development as proposed.</p>
Lead Local Flood Authority	<p>Initially the LLFA advised that they had no comments to make on this application since it is subject to Standing Advice, and, is not an application that requires assessment by the LLFA.</p> <p>Following further dialogue between the Officer and the LLFA, further comments were provided as verbatim below:</p> <p><i>As I stated in my response email, the LLFA can only comment on the scope of this specific application. I'd need a lot more information about the existing system to be submitted if I were to comment/object, but even then I can't comment on the implications for the wider drainage design for Mill Farm as I have no information about the future developments referenced in the application.</i></p> <p><i>In theory, just relocating a pond should have minimal consequences, but since they are referring to an additional connection without specifying what that connection is serving, its impossible for me to comment either way. I can only propose that the LLFA will comment on the referenced future developments as and when they are submitted and the LLFA consulted. Otherwise, it is for the LPA to consider whether the drainage implications of this minor development are problematic.</i></p>
United Utilities	<p>No objection subject to condition.</p> <p>UU comment that they may have infrastructure on or adjacent to the application site, including a pumping station and rising main. A condition is suggested that safeguards these assets.</p>

Neighbour Observations

Neighbours notified:	16 June 2023 and 27 th September 2023
Amended plans notified:	n/a
Site Notice Date:	27 June 2023
Press Notice Date:	n/a
Number of Responses	3
Summary of comments	<p>The comments received are all opposed to the development and can be summarised under the following headings and points:</p> <p><u>Criticism of the existing drainage at Mill Farm and proposed drainage strategy:</u></p> <ul style="list-style-type: none"> • It supports the development of additional land including Mill Farm. • It supports the release of land that the existing pond occupies to facilitate the location of the newly proposed huge B8 Distribution unit and its drainage.

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- The proposed relocation of the pond will provide a less efficient and less safe surface water drainage system – 100m+ from Bradkirk Brook, more dangerous location where young people will congregate for sports activities.
- The approved drainage system for the Sports Village was never completed, the existing pond was not completed to agreed requirements planted or fenced. The system has not been maintained as required.
- Since the construction of the MFS Village, our land, at Demmingfield, has suffered surface water puddling never previously encountered.
- If the new SUDS is maintained to the same low or negligible standard as the existing facility, and it will serve an even greater hard built surface run off, the risk of failure and dangerous flood run off will be even greater.
- At present there is significant surface run off to the highway A585 and to our land at the north. The greater concentration through a poorly maintained SUDS will exacerbate the situation.
- The proposal discharges into a stream that forms the western and northern boundaries of our small-holding and any defect in the surface water drainage from these neighbouring sites, now almost entirely hard surfaces with rapid run-off, could cause serious flooding and harm to us.
- Drainage drawing 7070-TRP-ZZ-XX-DR-4250 PO2 indicates that sports pitches do not drain in to the attenuation pond, avoiding the benefit of its storage capacity.
- A different drainage drawing is provided within the Drainage Strategy which supports Mill Farm Sports Village but also future development on Mill Farm land – including areas within countryside. This drawing does show the sports pitches draining to the new pond, but without any hydro braking unlike other feeder inlets. Which drainage drawing should be considered?
- The views of the statutory consultees offer no real comfort at this stage. Neither United Utilities nor the LLFA can underwrite the proposal now advanced. They say that without full knowledge of what is proposed to be built on the land parcels at old Mill farm or the re-purposing of the existing pond site and the over-flow car park area in MUS3, they cannot either accept or agree that the scheme is appropriate or even fit for purpose. They do NOT have 'no objection' to the scheme; they have NO OPINION as the extent of requirements on the drainage system will only be clear when the detailed applications for use of these parcels of land are put forward.

Criticism for the principle of development:

- The site is located within countryside and is not just outside of an existing employment site as stated by the Planning Statement.
- Whilst the pond itself might be rural in nature, it is only there to support the operation of a business that has no place against a rural setting.
- It has always been planning practice to INCLUDE the necessary support infrastructure within the curtilage of an application site and

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within the land use zoning set out in the Local Plan. If acceptable here, a very dangerous precedent would be set.

- The new development on the re-purposed car park and Mill farm countryside land it is **NOT** the continuation of the existing 'Sports Village' concept but an entirely unrelated activity in storage and distribution of consumer goods – policy GD4 (development in Countryside) which supports 'development needed for the continuation of an existing enterprise' is not applicable.
- The Sports Village was approved as a hybrid scheme with limited supported enabling development to allow the construction of sports facilities which would provide significant public benefit. Any further development within or adjacent to the original site that does not meet that concept should be strongly resisted as it **would not meet** the requirement of GD4 'as needed to support the continued operation or expansion of the Sports Village'.
- The retrospective application for the northern stadium stand contains some car parking proposals (that also impinge on countryside. The long outstanding traffic management and car park management needed to comply with the original Stadium discharge of conditions may require more space available for car parking. It is very worrying that the size and impact of employment sites in the countryside could be changed in an incremental way by arguments that a pond or ground level car park are really no different to open countryside and therefore can be located outside the accepted boundaries set in the Local Plan.
- The Officer recommendation to grant permission for the re-location of the attenuation pond is NOT in accordance with Council's Local plan policies. No other material consideration is put forward to support the application either by the applicant or the Planning Officers.
- The major warehousing scheme would sit on the site of the existing pond and all of the land previously earmarked for on-site over-flow car parking in the original MFSV approval together with a large parcel of land at old Mill farm. As the Car Parking management Plan for the AFC Fylde stadium has still not been resolved and Lancashire highways have formally notified Fylde Council of their view that no further development proposals on this site should be approved until this contentious matter is resolved, the Planning Committee should resist agreeing in advance infrastructure elements necessary to support developments that would restrict or diminish capacity to meet on-site car parking standards for the Sports Village. LCC have not been consulted in relation to this application.

Other Matters:

- None of the highway requirements have been met or adhered to throughout this development.
- Relocation of the pond will cause the demolition of 4 dwellings as a consequence of a proposed new junction arrangement. This will lead to further congestion.
- The new application indicates that existing stadium and sports village car parks will be removed. These are essential for use by

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spectators, with even less parking there will be further congestion with parking displaced to streets.

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):

EC1 - Overall Provision of Employment Land and Existing Employment Sites

GD4 - Development in the Countryside

GD5 - Large Developed Sites in the Countryside

GD6 - Promoting Mixed Use Development

ENV1 - Landscape

ENV2 - Biodiversity

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

Other Policy and Guidance

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in assessment of this application are:

- 1) Principle of development, bearing in mind the site mixed allocation.
- 2) Landscape and visual impact.
- 3) Flood risk and drainage.
- 4) Ecology.

Taking each matter in turn:

Principle of development

The application site, relative to the new drainage pond, is located within a Countryside Area. Policy GD4 relates to that designation and is a development restrictive policy in order to minimise the impact

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of such on the natural qualities of the countryside area. Development within such areas is restricted to specific forms only, namely:

- a) *where it is needed for the purposes of meeting local business and community needs; for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).*
- b) *the re-use or rehabilitation of existing permanent and substantial buildings;*
- c) *extensions to existing dwellings and other buildings in accordance with Policy H7;*
- d) *development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;*
- e) *isolated new homes in the countryside which meet the criteria set out in Policy H6;*
- f) *minor infill development;*
- g) *entry-level exception sites for first-time buyers (or those looking to rent their own home) on land not already allocated for housing which meets the criteria set out in the Framework and Policy GD7.*

A pond is not specifically referred to within GD4 by way of explicitly acceptable land uses, however it is Officer opinion that such a use is appropriate to a rural location given its natural form, and it being a typical feature found widely across the rural landscape of Fylde. It could therefore be considered as a use of land that is appropriate to a rural area and so sit under criterion a) above.

There is a current application for the employment development on that land (22/0616 listed above) which would require the removal of the pond were it to secure planning permission and be implemented. If this employment development is approved and the consent implemented, then the pond will require relocation since its siting is affected by the building proposed. This position is confirmed by the cover letter submitted with the current planning application. Whilst the relocation of the pond would be essential to facilitate the implementation of the employment development proposed under that application, it would also likely be a necessary element of any future development proposals for that allocation. Thereby according with criterion d).

Ordinarily, it is expected that development provide for essential infrastructure, such as a drainage ponds, within the confine of the allocation so as not to encroach upon countryside areas. Notwithstanding, as discussed in the 'landscape and visual impact' section below, it is considered that the proposal would not undermine the character or appearance of the countryside, thus presenting a unique circumstance in support of the location of development.

On this basis it is considered that the proposal to relocate the pond from the mixed use allocation to the countryside would allow a more effective use of the mixed use allocation, whilst bringing development into the countryside that does not conflict with the rural character of the area. Accordingly this proposal is acceptable in principle, with the new development being consistent with criteria a) and d) of Policy GD4, subject to assessment of the landscape and visual impact of the development.

In their comments on the application the Town Council refer to the replacement pond creating a 'blight' on the operation of the farm. There are no farming activities undertaken at the Old Mill Farm location, and even if there were it is quite common to find drainage ponds located in close proximity to agricultural activity, and so this concern is not considered to be one that could justify a refusal of

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the application. They also refer to their objections to the current application for an employment use on the site of the current pond under 22/0616. That application will be considered on its own merits at a later date, but the relevant point is that the land is allocated for a mixed use and so ensuring it is efficiently able to deliver that form of use is a planning benefit of this scheme.

Criteria a) and d) are however subject to 3 other tests, that require the development to be sensitive to its surroundings, must not have an impact on local road network, and should offer opportunities to make the location more sustainable. These are assessed further in the following sections of this report.

Is the development sensitive to its surroundings – landscape and visual impact

In addition to the requirements of Policy GD4a), Policy ENV1 applies to this assessment and requires new development to have regard to its visual impact within its landscape context and type that it is situated. Policy GD7 also states that all development will be expected to be of a high standard of design, taking account of character and appearance of the local area.

The application site of the new pond is designated as countryside, and forms part of a small network of fields that extend in a northerly and north easterly direction. It is however bound by built urban form of MFSV to the south and west, as well as farm and stable buildings to the east. Moreover, land parcels immediately to the north, as well as that to the south and east are allocated for development (Mixed Use and Employment) in the FLPPR. These allocations effectively form a ring of development surrounding a small parcel of countryside area that the application site for the pond forms a part of. The allocation to the north has not as yet been developed and this gives a false representation that the site and surrounds are more rural in character than they ultimately will be when this area is developed.

There are no PROWs on the application site or within fields that surround that the proposal could be viewed from. A footpath is located to the eastern side of Fleetwood Road, although the application site is screened from this vantage point by mature hedgerow and built form. The proposal is not therefore considered to be in a prominent location within the countryside.

Planning consent is sought for a pond, which by its nature is low lying to the existing ground level and would not therefore appear as a prominent feature within the landscape. In addition, a waterbody is a feature that is synonymous with the countryside, indeed there are a number of ponds within vicinity of the application site. The proposal will not therefore alter the present appearance of the site or character of the countryside to any great extent, especially bearing in mind the sites lack of prominence and changing character of the surrounds once allocations are built out.

Highway Safety

In addition to the highway safety aspects of GD4 a), GD7 also requires new development to provide for safe means of access.

The development does not propose any new access arrangement and would not encourage any additional vehicles movements other than that associated to the construction process. The proposal would not therefore undermine highway safety to any greater extent than the existing situation.

Objection has been received concerning impact that the location of the proposed pond will have upon parking at the MFSV, importantly on AFC Fylde match days. Agreement of a car parking management strategy for the Mill Farm Sports Village is a conditional requirement of the original consent for the

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development. An application to discharge that strategy is presently being assessed, however determination has been delayed due to on going discussion between the applicant and Highway Authority. That strategy is based upon an overflow car parking area being located on land to the north of the Sports Village, adjacent to the existing drainage pond and on land subject to the employment application. Importantly however, overflow car parking has not been proposed on the site of the new drainage pond subject of this current planning application. Thus relocation of the pond would not undermine the parking strategy as proposed.

Accordingly the development is not considered to compromise highway safety, and is consistent with the provisions of policy GD4 and GD7.

Is the location more sustainable?

Policy GD4 a) states that development should offer opportunities to make the location more acceptable, referring to improving the scope of sustainable transport including on foot, cycle and public transport by way of example.

Whilst the proposal would not improve access by sustainable means, the development will provide for a landscaped open waterbody and thereby enhance the biodiversity and habitat value of the site. This would be off set against the loss of the existing pond, but is unlikely to contribute toward any net loss of habitat or biodiversity given the similarities between the two. Notwithstanding, the sustainability requirements of GD4 are not mandatory in any event.

Drainage

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

The planning application is accompanied by a flood risk and drainage strategy which confirms the site's location within Flood Zone 1. The drainage strategy confirms that the existing MFSV surface water drainage system will be amended to accommodate the revised pond location and to maintain existing connections and outfall to Bradkirk Brook, located to the north of Mill Farm Sports Village. The strategy also confirms that the current restriction of discharge to the watercourse will be maintained at 126 l/s, with the attenuation volume of the new pond designed to account for climate change and future development.

Objection has been received on grounds that 2 different drainage designs are presented in the submission, with one demonstrating that surface water from the playing pitches bypassing the attenuation pond. Clarification on this matter has been sought, and the applicant has confirmed the appropriate drainage design for consideration (ref: 7198-TRP-ZZ-XX-DR-D-4200 rev: P02), which directs surface water from the playing pitches to the attenuation pond before discharge into Bradkirk Brook. The objector has been informed of this position.

Bradkirk Brook is a watercourse that flanks the northern boundary of Mill farm Sports Village, and is where surface water of MFSV is directed towards. It is classified as a Mains River and on this basis is an asset that is managed by the Environment Agency (EA). The EA did not initially provide comment on the application, but have now confirmed that they have no objection to the relocation of the pond.

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The Lead Local Flood Authority (LLFA) confirm that *'in theory, just relocating a pond should have minimal consequences'* and that *'they cannot comment on the implication for the wider drainage design since no information is available concerning future developments...'*. Ultimately they advise that the *'LLFA will comment on any future development at MFSV, but otherwise it is for the LPA to consider whether the drainage implications of this minor development are problematic.'* It therefore appears that the LLFA have no objection to the relocation of the pond and will provide commentary concerning future development and use of the new pond as means of surface water attenuation, as that development comes forward.

The submitted drainage strategy gives assurance that the existing surface water drainage runs will be redirected to the new pond, that increased attenuation will be provided, and that the existing discharge rate will be maintained at 126 l/s. The attenuation rate has been queried with the applicant since it appears high in comparison to the standard greenfield runoff rate. They have responded *'The 126 l/s was effectively the brownfield run off rate agreed for the overall development of the Mill Farm site. This was derived by considering the runoff from the original farm buildings and the green field run off from the new areas to be developed. The derivation of the 126 l/s is set out in the SW Drainage strategy (2013) prepared by PSA Design for the original development of the site and included in Appendix E1 of the current FRA and drainage strategy. The discharge limit of 126 l/s has been maintained in the current proposal and climate change allowances updated to reflect current guidance.'*

It appears that the proposed drainage scheme is based upon that already in situ, with enhancements that include increased attenuation to account for changes in surface water drainage guidance over the past 10 years relating to increased climate change resilience. Officers believe that this is a reasonable approach and so it is not therefore considered that there would be any additional drainage implications from the scheme as proposed compared to the existing arrangement.

It is noted that the drainage drawing does annotate discharge rates for 'Future Development Plots' on the Mill Farm Sports Village site. Members should note the LLFA comment with regards to future development and a lack of sufficient information within this submission to pass judgement on the acceptability, or otherwise, of such. On that basis, it is advised that a condition be imposed, if approved, to ensure that the drainage details provided for those future developments do not form part of this consent.

United Utilities have also commented on the scheme and have not raised any objection on drainage grounds. They do however refer to the presence of their infrastructure on/ adjacent to the site and requested a condition to safeguard such from the development.

The development is located within a Flood Zone 1 area, and would not therefore be at risk from, nor would the sites development increase the risk of flood risk elsewhere. On this basis, 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 the development plan and NPPF.

The Town Council's objection to the application, as well as that from residents, highlights their view that the current pond is poorly maintained, and that as the current scheme moves the pond 'several hundred metres' from the outfall then the future maintenance arrangements will be more complex. From officer observations it is certainly the case that the existing pond is overgrown with vegetation, although it is unclear that this is compromising its operation as a drainage facility. However, the concerns of the Town Council regarding future maintenance are valid and so a condition should be imposed to ensure that appropriate measures are agreed prior to the construction of the pond on

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this. These should firstly ensure that it is landscaped as a visual benefit, but then require that this is maintained to ensure the pond continues to effectively operate as a drainage facility. This maintenance condition will also include the implementation and maintenance of the connections to the pond, and for the 300m distance from the pond to its outfall at the brook. These will form part of the officer recommendation along with a further condition regarding the timing of the construction of the pond to ensure that surface water drainage capacity is maintained at all times. This should address the Town Council's concerns in that regard.

Ecology

FLRRP Policy ENV2 states that the Council is committed to the protection and enhancement of the boroughs biodiversity and geological assets. The strongest protection will be given to sites of international importance (Ramsar, Special Area of Conservation, Special Protection Areas or candidate sites of such). Development affecting sites of local importance will be permitted only where there is an overriding local public need. ENV2 also safeguards protected species and states that development that has any adverse effect will not be supported, unless the benefits of development outweigh the ecological impact, and subject to appropriate mitigation. NPPF23 presents a similar situation, with the addition that new development should also provide for biodiversity net gain.

The site has no specific nature conservation designation in the adopted Local Plan.

The application was accompanied by an Ecology Appraisal, which concludes:

- No impacts are anticipated to affect any statutory or non-statutory designated sites due to the distance between the site and protected sites and the absence of impact pathways.
- The proposed development would result in the loss of the majority of the existing habitats on site. These habitats are common and widespread. No Habitats of Principal Importance are present.
- The attenuation pond on site is considered to offer suitable breeding habitat. However, Great Crested Newt is deemed absent due to the negative result of the eDNA test in 2022. Currently, the proposed development is considered unlikely to cause harm to Great Crested Newt.
- The remaining 6 ponds within 250 metres of the site boundary are considered to offer low suitability for Great Crested Newt breeding habitat or are not functionally linked to the site.
- Removal of scrub and ruderal herb could potentially affect nesting birds, should they be present.
- No impacts to badger are anticipated.
- No impacts to bats are anticipated.
- Further newt survey work will be required if works have not commenced by July 2024.
- Ecological features should be protected through the construction process through submission of a Construction Environmental Management Plan.
- Mitigation measures to protect, maintain and enhance ecological features during the operational phase of development should be provided through submission of a Biodiversity Management Plan (BMP).
- To ensure that Badgers and any other mammals are not trapped or harmed during the construction work, smaller excavations should be covered if left overnight. Larger excavations, if left overnight or for longer periods, should be ramped to enable animals to escape.
- Site clearance should avoid the bird nesting season.
- The Himalayan Balsam present on site is to be eradicated prior to site clearance works using a recognised methodology.

The Council's ecology consultant comments that there are no overall objections to the proposal on ecology grounds. Whilst the Ecology Appraisal makes additional recommendations, GEMU advise that draining of the existing pond should be done with care so as to avoid harm to any amphibians or other

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aquatic wildlife, and require landscaping of the new pond as measure to deal with invasive species present on the site. Such matters can be controlled by condition or informative.

The proposal is therefore in accordance with the objectives of the FLPPR and the NPPF with regards ecological matters, with conditions imposed to ensure that the recommendations are implemented.

Aviation Safety

Policies T2 and T3 of the Fylde Local Plan states that Warton Aerodrome and Blackpool Airport will be protected from non-airport related development in order to support the continued operation and viability of these aviation centres.

The establishment of new water bodies can be of interest to BAE and Blackpool Airport due to the impact on bird movements that they can have, and so the potential for impact on radar and flight operations. In this case officers determined that the separation distance to these runways and their flight paths, and the fact that there is no change in the number or material scale of the water bodies, meant that aviation safety would not be compromised by the works.

Other Matters

Timing of Planning Committee referral and determination

Objection has been raised to the timing of referral of this current application to Planning Committee. This is based on an outstanding planning application (ref: 22/0616) for an employment development located to the north, which if approved would also require relocation of the existing drainage pond. The objector also refers to that application site being designated as overflow car parking for the football stadium and that the contentious issue of car parking has not been resolved for the Sports Village. The objector requests that no further development, including this current application, be approved until the parking matter is resolved and that the Planning Committee should resist infrastructure developments that would restrict or diminish capacity to meet car parking standards for the Sports Village.

As discussed in the highway section, relocation of the pond would not undermine the car parking management strategy for MFSV and it therefore is Officer view that determination of the planning application can be made. Moreover, planning guidance in the NPPF encourages the prompt determination of all applications which are appropriate and satisfy planning policies, and so any delay in the decision here would conflict with that guidance given the officer conclusions over the acceptability of the scheme.

Clarification of development

Reference is made by an objector to the demolition of 4 dwellings 'which we understand is a proposed junction from the Mill farm Sports Village and associated businesses'. To clarify, this proposal relates solely to an existing pond and the site of a new pond, both of which are undeveloped. The proposal does not therefore necessitate demolition of any buildings. The objector makes reference to a new junction proposal and it is assumed that the objector's reference to demolition is relevant to such. The implication for demolition of any buildings as a consequence of that proposal will be made during assessment of any subsequent planning application.

The same objector refers to the proposal indicating that the existing stadium and sports village car parks will be removed, that these areas are essential for use by spectators and that removal will result in

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further congestion and parking to surrounding streets. The submitted drawings do not indicate removal of these parking areas.

Conclusions

Planning consent is sought for relocation of an existing drainage pond that will be located within a countryside area. The principle of development proposed is considered acceptable given that it would be appropriate to a rural location and would not undermine the character or visual appearance of the countryside, whilst meeting a local business need and being required for the continuation of an existing enterprise. It would also facilitate better use of land that use allocated for development within the FLPPR. Accordingly the principle of development is consistent with criteria a) and d) of Policy GD4.

The proposal would not undermine highway or aviation safety and will conserve the sustainability of its location through biodiversity and habitat creation.

On this basis the proposal is considered to be compliant with Policy GD4 a), GD7, ENV1, T2 and T3 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Site Location Plan - Drawing no. 6513_AP_01 revision P2.
- Proposed Site Plan - drawing no. 6513_AP_03 revision P3.

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

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

3. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, prior to commencement of the development hereby approved, a soft landscaping scheme for the pond to be infilled and the new pond shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

The approved landscaping scheme for the infilled pond shall be implemented within the next available planting season following the infilling of that pond.

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The approved landscaping scheme for the new pond shall be implemented within the next available planting season following excavation of that pond.

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 the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4, ENV1 and ENV2, and the National Planning Policy Framework.

4. No development shall take place until a method statement for the containment, control and/or removal of any invasive plant species (as defined within the Wildlife and Countryside Act 1981, as amended) which fall within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- a) measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).

- b) a timetable for implementation (including any phasing for removal/control on different parts of the site)

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

Reason: To ensure the satisfactory treatment and disposal of invasive plant species which have been identified at the site before any development commences on affected areas of the site in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

5. No construction, site clearance or demolition shall commence until a scheme to protect the United Utilities wastewater 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 assets within the site boundary and identify mitigation measures to protect and prevent any damage to the assets 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.

6. Prior to commencement of the development hereby approved (including any site clearance, excavation or infilling of the existing pond) a construction phasing scheme that outlines a

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timetable for implementation of the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall include, but not be limited to, the timing of works relating to site clearance, excavation of the new pond, connection of existing surface water drainage to the new pond, infill of the new pond, and that appropriate mechanisms are put in place to ensure that appropriate surface water drainage of the site is maintained throughout that period.

The development shall be constructed in complete accordance with the approved construction phasing scheme.

Reason: To ensure that adequate measures are put in place for the disposal of 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.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk and Surface Water Drainage Strategy (TRP Consulting, Project 7198, May 2023) and drawing no. 7198-TRP-ZZ-XX-DR-D-4200 revision P02a.

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.

8. This consent does not grant approval for any surface water or foul drainage design associated to those land parcels annotated as 'Future Development Plot' as detailed on drawing number 7198-TRP-ZZ-XX-DR-D-4200 revision P02a.

Reason: To ensure that an acceptable drainage design is provided for all future development plots, so 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.

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

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme referred to in condition 7, and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

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.

10. Prior to first operational use of the replacement pond as part of the surface water drainage arrangements on the Mill Farm site, a lifetime management and maintenance plan for the

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approved surface water drainage system shall be submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
- b. 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 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.

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

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

Informative(s)

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

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

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Item 2

Application No:	23/0358	Case Officer:	Matthew Taylor Area Team 2
Applicant:	ELITE DEVELOPMENT GROUP LTD	Agent:	RICHARD TATHAM
Location:	LAND REAR OF 69-77 CHAIN LANE AND OFF OCCUPATION LANE, STAINING, FY3 0DB		
Proposal:	ERECTION OF FOUR DWELLINGS AND FORMATION OF ASSOCIATED ACCESS ROAD OFF OCCUPATION LANE		
Ward:	Staining New	Parish:	Staining
Date Received:	22 May 2023	Earliest Decision:	3 October 2023
Reason for any delay:	Awaiting amended or additional details from applicant/agent	Online application file here	
Officer Recommendation:	Delegated to Officers in consultation with chairman and vice-chairman.		
Location Plan			

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Summary of Officer Assessment

The application relates to an edge-of-settlement greenfield site occupying an irregularly-shaped parcel of land extending to *circa* 0.35 hectares to the east of Chain Lane and south of Occupation Lane, Staining. The site falls within the Countryside Area as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map but benefits from an extant permission for a residential development of up to 4 dwellings granted pursuant to permission in principle application 22/0412. Three other planning permissions for residential development on the site have been granted since 2010 under application references 10/0894 (allowed at appeal), 14/0586 and 16/0468, though none have been implemented to date and have since expired.

Although within the Countryside Area, the site is located immediately adjacent to the settlement boundary of Staining between established areas of housing to the west (on Chain Lane) and north (on Kings Close). A collection of stable and storage buildings forming an equestrian enterprise intervene between the site and open fields to the east and its southern boundary is separated from open agricultural land beyond by the elongated and densely wooded rear garden of no. 79 Chain Lane. Given the site's physical and visual containment by development on all sides, together with the limited number and layout of dwellings proposed in relation to bordering areas of housing within the settlement boundary, it is considered that, in this particular context, the proposal represents minor infill development which is permitted in the Countryside under subsection f) of Local Plan policy GD4. The same conclusion was reached in the granting of extant permission in principle application 22/0412 and, although additional detail is included as part of this full application, as the site area, use and amount of development is consistent with that permitted by 22/0412 there is no reason to take a different view as to the acceptability of the principle of residential development on the site.

Access to the development would be gained via Occupation Lane from its priority junction with Chain Lane. Occupation Lane is a single lane track which is also a designated Public Right of Way (FP0512004). The scheme includes the widening of a section of Occupation Lane to create a passing place for vehicles and improve forward visibility for oncoming traffic. When these access arrangements are taken in combination with the improvements to the junction of Occupation Lane and Chain Lane required by the Local Highway Authority (as secured by condition) and the low levels of traffic likely to be associated with the size of the development, the proposal would ensure a safe and suitable means access to the site for all users. The scheme includes an appropriate level of parking provision for each dwelling in accordance with the Council's standards, the development would not have an unacceptable impact on highway safety and its residual, cumulative impacts on the highway network would not be severe.

The development layout comprises four detached, two storey dwellings arranged in an L shape around a cul-de-sac branching in a southerly direction off Occupation Lane. Dwellings would be laid out in a linear pattern 'back-to-back' with existing houses on Chain Lane and at right angles to those on Kings Close. The scale, layout and appearance of the proposed dwellings would achieve a bespoke, contemporary design which is compatible with surrounding development and presents an active, outward-facing aspect to the countryside beyond to ensure a sympathetic integration with the character and appearance of the area. The spacing, building orientation, window configuration and screening between existing and proposed dwellings would ensure a high standard of amenity for existing and future occupiers and avoid any harmful effects on neighbouring uses through loss of outlook, overshadowing and overlooking.

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The development would, where possible, retain existing natural features on the site (including several mature trees) and measurable net gains for biodiversity would be ensured through a combination of on-site enhancement (where possible) and off-site compensation secured through a financial contribution. The site falls within flood zone 1 and so is at the lowest risk of flooding from fluvial sources. Issues concerning foul and surface water drainage can be appropriately addressed via condition to ensure that the development is not at an unacceptable risk of flooding and would not increase flood risk elsewhere.

For the reasons set out above, no adverse impacts would arise from the development that would outweigh its benefits in the planning balance. Accordingly, the proposal represents sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Reason for Decision Level

Staining Parish Council have objected to the application and the officer recommendation is for approval. Therefore, the application is referred to the Planning Committee in accordance with the requirements of paragraph 5.1 (2)(c) of the Council's constitution.

Site Description and Location

The application relates to a greenfield site occupying an irregularly-shaped parcel of land extending to *circa* 0.35 hectares to the east of Chain Lane and south of Occupation Lane, Staining. Occupation Lane is a designated Public Right of Way (FP0512004) which follows a west-east route running between Chain Lane and Fairfield Road. The stretch of Occupation Lane leading up to the application site comprises a single lane track which is formally surfaced in tarmac and flanked by the boundary walls and fences of dwellings on Kings Close to the north and a narrow verge along the north side of no. 67 Chain Lane to the south.

The site is slightly elevated in relation to Occupation Lane and presently comprises overgrown grassland with a series of mature trees located along its southern, western and northern boundaries. Neighbouring buildings include a shop (no. 67) and a row of dwellings (nos. 69-79) on Chain Lane backing onto the site to the west, dwellings orientated at right angles on the cul-de-sac of Kings Close to the north and a collection of stable and storage buildings and a caravan bordered by grassland forming an equestrian site on adjoining land to the east.

Adjacent dwellings on Chain Lane and Kings Close fall within the settlement boundary of Staining as identified on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map, with the recently completed 30-dwelling easterly extension of Kings Close also forming allocated non-strategic housing site reference HS40. In contrast, the application site falls outside the settlement boundary and within the Countryside Area bordering the settlement edge. Nevertheless, the site benefits from an extant permission for a residential development of up to 4 dwellings granted pursuant to permission in principle application 22/0412. Three other planning permissions for residential development on the site have also been granted since 2010 under application references 10/0894 (allowed at appeal), 14/0586 and 16/0468, though none have been implemented to date.

Details of Proposal

The application seeks full planning permission for the erection of four, two storey dwellings on the site comprising a mix of 2 x 4-bed and 2 x 5-bed houses. The dwellings would be arranged in an L-

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shaped layout fronting onto a new cul-de-sac branching in a southerly direction off Occupation Lane to the eastern end of the site. Dwellings on plots 1-3 would be arranged with a back-to-back relationship to existing properties on Chain Lane, with the southernmost property (plot 4) orientated at right angles to face onto the head of the estate road, and would follow the gradual southerly rise in ground level across the land.

The proposed dwellings would follow similar proportions with the facades accentuated by protruding facing gables set alongside recessive walls behind. A mix of dual-pitched and hip roofed profiles would be used, with the dwellings being externally faced in a combination of white render, larch cladding and grey tiled roofs.

Each dwelling would be set in a broadly rectangular plot with their principal garden areas to the rear. Where garden boundaries border the countryside (east of plot 4) and Occupation Lane (north of plot 1), they would be enclosed by 1.2m high post-and-rail fencing backed by hedge planting to create a soft edge to the site perimeter. Close-boarded fencing reaching 1.8m in height would be used to mark rear garden boundaries where these back on to similar boundary fences to the rear of buildings on Chain Lane.

All four dwellings would have an integral garage and driveway approaches which, in combination, provide off road parking for 3-4 vehicles. Access to the development would be gained along a 77m long stretch of Occupation Lane extending up to the cul-de-sac in an easterly direction from its junction with Chain Lane. The scheme includes the widening of a 12m long stretch of Occupation Lane to create a 6.25m wide passing place for vehicle traffic to the rear of no. 67 Chain Lane.

Relevant Planning/Appeal History

Application no.	Description	Date determined	Outcome
09/0001	Outline application for 3 dwellings	18.03.09	Refused
10/0894	Outline application for five detached four bedroom two storey dwellings	26.04.11	Refused and allowed at appeal
12/0323	Variation by the deletion of condition 14 of application 10/0894 (affordable housing provision) granted on appeal under ref. APP/M2325/A/11/2155685/NWF	02.08.12	Granted
14/0586	Outline application for two dwellings and garaging with some reserved matters for access and layout	08.10.14	Granted
16/0468	Outline planning application for three dwellings and garaging (access applied for with all other matters reserved)	19.08.16	Granted
19/0360	Application for approval of the reserved matters of appearance, landscaping, layout and scale pursuant to outline planning permission 16/0468 for the erection of 3 detached dwellings with associated garages	15.08.19	Granted
19/0806	Application to discharge conditions 2 (materials), 3 (boundary treatments) and 6 (construction of parking areas) of reserved matters approval 19/0360	27.11.19	Granted
21/0695	Application to discharge condition 3 (time limit for implementation) of planning permission 16/0468	10.11.21	Granted
22/0412	Permission in principle for erection of a up to four dwellings	27.06.22	Granted

Parish/Town Council Observations

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Staining Parish Council – Notified of the original scheme on 23.05.23 and of the revised proposal on 12.09.23 following the receipt of amended plans. The Parish Council submitted comments on 16.06.23 in relation to the original scheme and on 27.09.23 in relation to the revised scheme as follows:

Comments dated 16.06.23:

“It was resolved to object to the application. Access / Egress is an issue for residents as well as emergency services and utility vehicles is an issue. There is overuse of the ground (4 rather than 3 homes) and excessively large properties. No utility / services diagrams to consider. There is a need for bungalows within Staining which would be more appropriate.”

Comments dated 27.09.23 indicate that the Parish Council’s objection is maintained for the same reasons. The Parish Council’s comments are repeated verbatim below:

“It was resolved to maintain the objection to the application. Access / Egress is an issue for residents as well as emergency services and utility vehicles is an issue. There is overuse of the ground (4 rather than 3 homes) and excessively large properties. No utility / services diagrams to consider. There is a need for bungalows within Staining which would be more appropriate.”

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit (GMEU) – No objections. Comments dated 13.06.23 & 02.10.23 as follows:

- **Protected species** – No evidence of any protected species was found on the site. Whilst great crested newts may be present in the wider environment, the consultant is satisfied that reasonable avoidance measures will suffice, given the distance to the nearest ponds. I am also aware that surveys of these ponds in the past (now no longer technically valid) failed to find any great crested newts. I am therefore satisfied that the risk of an offence is very low.
- **Nesting birds** – The development will result in the loss of potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition be applied to any permission to prevent any works to trees or shrubs between 1 March and 31 August unless a bird nesting survey confirms the absence of any active bird nests.
- **Other wildlife** – The consultant notes that the habitats on the site that will be lost could provide shelter for mammals such a hedgehog (UK Biodiversity Priority Species) as well as amphibians such as great crested newt and common toad, the latter recorded as part of previous ecological surveys in adjacent ponds. I therefore recommend a condition be applied to any permission requiring the submission of a reasonable avoidance measures method statement for mammals, amphibians and other wildlife prior to any vegetation clearance or earthworks. This information has now been provided prior to determination. I have no issues with the proposed Reptiles, Amphibians & Mammal – Reasonable Avoidance Measures Statement by Tyrer Ecological Consultants Ltd. The document can be conditioned.
- **Invasive species** – Monbretia was recorded along the northern boundary. Given its location I am satisfied that it is avoidable and the risks of an offence very low. The developer has now provided a method statement for its removal. I have no issues with the proposals which can be conditioned.
- **Contributing to and enhancing the natural environment** – Section of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of around 0.3ha of moderate ecological value habitats to be replaced with gardens, buildings and hardstanding low to negligible value habitats. Without mitigation there will be a loss of biodiversity at the site level.

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Therefore, the scheme should include details of how mitigation will be provided for moderate value grassland and scrub through the provision of a Biodiversity Net Gain Assessment. With regard wildlife impacts the main issue is nesting birds, with mitigation for loss of bird nesting opportunities in the form of bird boxes or bricks on retained trees/new build recommended. Enhancements for bats could also be provided through provision of bat boxes and measures for mammals and amphibians also provided. I am satisfied that such measures could occur on the site and therefore provided via condition.

- **Biodiversity net gain (BNG)** – A soft landscape plan has been provided along with a biodiversity net gain assessment and metric. This confirms that the development will result in a loss of area based habitats with a gain in linear habitat. The consultant has noted that a loss of 2.1848 biodiversity units will occur. Given that BNG is not as yet mandatory and the scale of the development, I am happy to accept this as a reasonable figure. As noted by the consultant this does not represent 10% BNG, but again as not as yet mandatory and with the net gain in linear habitat, I will leave it the LPA to determine whether or not 10% is required. The consultant has calculated a commuted sum of between £34.6k and £34.9k based on my previous recommendation of £16k per BU. I have no issues with this figure, but accept that it is down to the LPA to ultimately determine the scale of the commuted sum as since I made that recommendation, higher figures per unit have started to be quoted by defra and other agencies. In conclusion, I have no issues with the proposed soft landscape plan or the BNG assessment and have no issues with compensation via a section 106 agreement and commuted sum, in the region of that has been suggested.

Lancashire Fire and Rescue Service – No objections. Comments as follows:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

LCC Public Rights of Way Officer – No objections. Comments 13.09.23 as follows:

- Footpath FP0512004 runs along the access track to the development. The right of way is to remain free from obstruction and should not be used to store materials, vehicles or machinery. If found to do so would be deemed an obstruction and the applicant would be subject to enforcement proceedings to remove.
- Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.
- If the applicant intends landscaping they need to ensure that any trees or bushes are at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.
- If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.
- If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.

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- All applications that affect a public right of way (footpath, bridleway or byway), must be publicised by site notice in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

Local Highway Authority (LHA) – Comments dated 05.06.23 in relation to the original submission as follows. Further comments on the amended plans were sought from the LHA on 12.09.23. However, these had not been received at the time of preparing the committee report and it is anticipated that these will, instead, be reported as late observations:

- **Summary** – LCC Highways does not have any objections in principle to the proposal, providing the applicant can address issues regarding the site access and turning head as set out below.
- **Access** – Occupation Lane is a private road and is not subject to any future adoption agreement. The applicant should check with their solicitor that they have rights over this road and rights to make alterations to the private access to form the site access and provide the passing places. From our mapping system "Mapzone", the proposed development will have direct access along definitive footpath FP0512004. The private lane is accessed from Chain Lane which has a zebra crossing within close vicinity to the junction with the zig-zag markings across the junction which does not permit any parking. This ensures the sightlines for the junction are protected.
- **Upgrading pedestrian access** – At the south side of the access and with Chain Lane is a convenience store with parking on the frontage. There are two vehicle accesses with one off the private lane. It is requested that the pedestrian access at the junction is upgraded with tactile paving and the access improved in the interests of road safety. The works would be constructed under a section 278 agreement of the 1980 Highways Act.
- **Formation of passing place** – With the narrow nature of Occupation Lane and to prevent reversing onto Chain Lane, especially with the zebra crossing within close vicinity, it is requested that the lane is widened to allow for a car to wait from the rear of the store to the tree constraints. This will act as a passing place and be intervisible with vehicles at junction. This is in the interests of road safety.
- **Estate road design** – The highway is not to an adoptable layout and will remain private. It is recommended that the access road is improved and re-surfaced for all users of the lane after the construction phase of the development. This also addresses any damage to the lane with the heavy vehicles. The turning head must be detailed further. The turning head to be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant to prove the turning head layout by swept path analysis for a twin axle refuse vehicle. The applicant should provide accurate details of the required turning head before determining the application and the turning head protected under condition.
- **Conditions** – Are recommended with respect to: (i) the construction of car parking and manoeuvring areas; (ii) the construction of the vehicle turning area to allow vehicles to enter and exit the site in forward gear; (iii) the construction of the off-site highway works within the adopted highway prior to first occupation; (iv) the retention of the proposed garages for car parking through the withdrawal of permitted development rights which would allow their conversion to living accommodation.

United Utilities – Comments dated 06.06.23 as follows:

- National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority: (1) into the ground (infiltration); (2) to a surface water body; (3) to a surface water sewer, highway drain, or another drainage system; (4) to a combined sewer. The applicant should consider their drainage plans in accordance with this drainage hierarchy. United Utilities is not responsible for advising on rates of discharge to the

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local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

- In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.
- The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities.

Neighbour Observations

Neighbours notified:	23 May 2023
Site notice posted:	2 June 2023
Press notice:	8 June 2023
Amended plans notified:	12 September 2023
No. Of Responses Received:	4

The appropriate neighbouring properties were notified of the application by letter on 23.05.23. In addition, as the application affects a Public Right of Way notices have been posted on site and in the local press. Neighbouring residents were also re-notified of the application on 12.09.23 and given a further 21 days to submit additional comments following the receipt of amended plans. A total of 4 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- Staining has already met, and exceeded, its minimum housing requirement. Therefore, there is no need for the construction of additional dwellings in Staining.

Amenity impacts:

- Existing dwellings backing onto the site on Chain Lane currently overlook green fields with various wildlife and animals. The proposed development will spoil this view by introducing urbanising features and cause existing properties to be overlooked, resulting in a loss of privacy.
- The development will generate additional noise and disturbance for surrounding occupiers during the construction period.

Highway impacts:

- Occupation Lane is a narrow, rural, single lane track with limited visibility on the approach to Chain Lane. It is presently used by very few vehicles, a tractor, horses and dog walkers and is an unsuitable means of providing access to the proposed dwellings off the busy road of Chain Lane.
- Several near misses have been witnessed on the junction of Occupation Lane/Chain Lane and the area around the junction is heavily trafficked due to commuting. Vehicles passing through the junction need to negotiate the mini roundabout, a zebra crossing and HGVs making deliveries to the local shop. The four additional dwellings will generate additional traffic in an area which is already extremely hazardous. Therefore, the proposed access would therefore be detrimental to highway safety.

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Ecology:

- The land is green pasture populated by flora and fauna, including great crested newts and bats, all of which would be lost if the development goes ahead.

Drainage:

- Flooding often occurs in Staining after heavy rainfall and is a particular problem at the junction of Occupation Lane and Chain Lane. Building additional houses on the land can only contribute to this existing problem.

Other matters:

- The proposal would devalue surrounding properties.

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.

National Policy and Guidance:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy
DLF1 - Development Locations for Fylde
GD4 - Development in the Countryside
GD7 - Achieving Good Design in Development
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
INF2 - Developer Contribution
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

Environmental Impact Assessment

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

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Analysis

Policy context and main issues:

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

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

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

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

1. The principle of residential development on the site, including whether it is a suitable location for housing.
2. The development’s effects on the character and appearance of the area.
3. The scheme’s impact on the amenity of surrounding occupiers and whether it would provide a good standard of amenity for future occupiers.
4. The development’s impact on highway safety.
5. The development’s effects on biodiversity and whether it includes suitable measures to mitigate any adverse impacts in this regard.
6. Other matters of relevance to the decision including those relating to flooding and drainage.

Principle of development:

Housing land supply position and the ‘tilted balance’:

Footnote 8 to paragraph 11 d) of the NPPF clarifies that policies which are most important for determining applications involving the provision of housing will be considered out-of-date “where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

The Council’s latest “Five Year Housing Land Supply Statement 2022” (published January 2023) indicates that the Council is able to demonstrate a supply of deliverable housing sites equivalent to

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6.04 years (including a 5% buffer) and the results of the latest housing delivery test published by government on 14.01.22 shows the rate of housing delivery in Fylde at 194% of the housing requirement over the previous three years.

Therefore, as none of the circumstances in footnote 8 of the NPPF are applicable, it follows that policies in the FLPPR relating to the supply of housing are not out-of-date and, furthermore, that the 'tilted balance' in paragraph 11 d) of the Framework is not engaged in this case. In turn, the restrictive approach to new residential development within the Countryside contained in policy GD4 of the local plan (other than in the limited circumstances set out in that policy as identified below) is not out-of-date and there is no reason why the application should be determined other than in accordance with the development plan for the purposes of paragraph 12 of the NPPF.

Whether the site is a suitable location for housing for the purposes of the development plan:

FLPPR policy H1 identifies "a minimum housing requirement of 415 net homes per annum for the period 2011-2019 and a minimum housing requirement of 305 net homes per annum for the period 2019-2032." Policy DLF1 indicates that the Local Plan will provide sites for "a minimum of 7,275 new homes [...] over the plan period to 31 March 2032" in locations that accord with the development strategy, which follows the four-tier settlement hierarchy set out in policy S1.

The site falls within the Countryside Area outside the boundaries of any of the settlements identified in FLPPR policy S1, the closest of these being the Tier 1 Larger Rural Settlement of Staining. However, residential development can be permitted in the Countryside where it meets the circumstances in FLPPR policy GD4. Indeed, policy S1 indicates that "within the rural areas, development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as applicable**" (emphasis added). In addition, the "windfalls" section of policy DLF1 indicates that "small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan**" (emphasis added). Accordingly, the development strategy in FLPPR policy DLF1 does not confine development to the settlements identified in policy S1, nor does it restrict it to the strategic/non-strategic locations for development set out in policy DLF1, as long as it complies with other policies of the plan.

As the site is located in the Countryside Area defined on the FLPPR Policies Map, the provisions of policy GD4 are applicable in this case. Policy GD4 sets out seven circumstances where development will be permitted in the Countryside (criteria a)-g) of the policy). In this case, the circumstances in criteria a) – e) and g) are not applicable to the nature and/or location of the residential development proposed in this case. Therefore, the development could only be permitted in accordance with the provisions of policy GD4 if it was found to meet the requirement in criterion f) which includes an allowance for "minor infill development" (referred to hereafter as 'MID').

Whilst the term MID is not defined within the local plan, it follows that the development must satisfy the two fundamental tests of being both "minor" and "infill" if it is to be found to fall properly within this category.

The question of whether a development can be considered "minor" will depend on site-specific circumstances associated with the context of its surroundings and how it relates to other components of the built environment. This will, therefore, vary on a case-by-case basis and so cannot be defined in a prescriptive way to suit every scenario. Reference to the term "minor" is also distinct from any of the definitions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and so is not reliant on a specific quantum of development (or a set number of dwellings).

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With respect to the term “infill”, pertinent interpretations have been provided as part of a number of recent appeal decisions relating to MID in Fylde in the context of the terminology contained in the local plan. For example, paragraphs 7 and 13 of appeal references 3229376 and 3244029 state, respectively, as follows:

- “There is no specific interpretation of the meaning of infill within the local plan. However, in a planning context the normal interpretation of infill is a gap in an otherwise built up frontage.”
- “In relation to the issue of infill, in the absence of a definition in the Local Plan it is therefore a matter of planning judgement for the decision-maker in each case. In my view it is reasonable to consider that infill development is the filling of a modest gap in an otherwise continuous built up frontage.

Other Inspectors have consistently applied the same interpretation as to what constitutes MID for the purposes of FLPPR policy GD4 f).

In this case, the site occupies a broadly rectangular parcel of land extending to *circa* 0.35 hectares in area which straddles the settlement boundary of Staining along its western and northern edges. The settlement boundary also extends some 120m further to the southeast of the site alongside Occupation Lane to include non-strategic housing site ‘HS40’ which has recently been developed for 30 dwellings forming an extension of Kings Close.

As a result, the site is immediately bordered by existing dwellings along its western (on Chain lane) and northern (on Kings Close) fringes, with that urbanised context having been accentuated by the south-easterly extension of Kings Close across site HS40. In addition, the southern boundary of the site is separated from open agricultural land beyond by the intervening, elongated rear garden of no. 79 Chain Lane (enclosed by mature tree and hedge planting) and three buildings associated with the equestrian site on adjoining land to the east provide a buffer with open fields to the east. The spatial relationship of these surrounding uses in relation to the site results in a unique set of circumstances whereby, despite its location within the Countryside Area, the land is contained on all sides by existing buildings (albeit of different scales) rather than being set against undeveloped open fields.

This sense of visual containment, the urbanised backdrop to the site (particularly to the west and north), the buffering from nearby open fields provided by existing land uses to the south and east, and the limited number of dwellings proposed across the site’s modest area, when taken in combination with the site’s close relationship to the settlement boundary, are considered to support a conclusion that the proposal would result in the filling of a modest gap in an otherwise continuous built up frontage and, in turn, it constitutes MID for the purposes of the allowance in FLPPR policy GD7 f). This repeats the conclusion reached in respect of permission in principle application 22/0412 for a development of up to four dwellings which was granted on 27.06.22 under the same policy tests. Notwithstanding that the scope of considerations applicable to permission in principle applications are more limited than those for full applications, as that permission remains extant it is a material consideration in the determination of this application with respect to establishing the principle of residential development on the site.

For the reasons set out above, it is considered that the proposal represents minor infill development which is permitted in the Countryside Area under criterion f) of FLPPR policy GD4. In turn, the site is a suitable location for housing in accordance with the development strategy in the local plan and no conflict with the development plan arises in this regard. As the principle of residential development on the site is considered to accord with the provisions of the development plan, all other matters of relevance relate to issues concerning the scheme’s detailed design as set out below.

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Character and appearance:

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area in accordance with 16 guiding principles (a – p). Criteria b), d), h), i), k) and m) are of greatest relevance in this case as follows:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

FLPPR policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare.

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

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

Density:

When calculating housing density, paragraph 9.25 of the FLPPR clarifies that the ‘normal’ net residential density of 30 homes per hectare “excludes requirements for open space provision within developments and particularly the need on certain sites to provide sensitive transitions to areas of countryside and to retain site features” and, furthermore, that “lower net residential densities may be justified, where it would reflect and enhance the local character of the surrounding area”.

In this case, the overall site area of 0.35 hectares includes a developable area of *circa* 0.3 hectares and an area of *circa* 0.05 hectares which includes the access road from Occupation Lane and landscaping along the eastern site boundary outside the curtilages of the proposed dwellings. In this case, therefore, the proposed development of 4 dwellings would deliver a net residential density of approximately 13 dwellings per hectare.

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Although this falls below the 'normal' density requirement in policy H2, it is considered that a lower density form of development is justified in this case given the site's location within the countryside and the need to avoid a high-intensity development in this transitional context where the built-up area of the settlement gives way to open countryside beyond. In addition, the prevailing pattern of surrounding development is one where dwellings typically occupy generous garden areas and the plot sizes of the proposed dwellings are intended to reflect that low density arrangement.

As set out in paragraph 9.25 of the FLPPR, the purpose of the 30 dwelling per hectare density target in policy H2 is "to ensure the creation of well-planned sustainable communities with high standards of amenity and to prevent the profligate use of land". Given the site-specific circumstances of this case, and having particular regard to its edge of settlement location within the countryside, there are other planning reasons which justify a reduced net residential density in order to respect local character without prejudicing the objective of FLPPR policy H2 to make efficient use of land.

Layout, landscaping, scale and appearance:

The development layout arranges the four dwellings in an 'L' shape around a cul-de-sac running in a southerly direction off Occupation Lane alongside the eastern site boundary. This places three dwellings (plots 1-3) flanking the western site boundary 'back-to-back' with those on Chain Lane, while ensuring an outward, front-facing aspect towards countryside to the east. The final dwelling (plot 4) would be positioned on a right angle at the head of the cul-de-sac to present a front-facing aspect to the estate road and a rear facing aspect towards the rearmost garden area of no. 79 Chain Lane.

Dwellings would be set back from the cul-de-sac behind garden frontages which include a combination of hardstanding driveways, lawns, shrub, tree and hedge planting. The soft landscaping strategy includes the provision of a near-continuous, linear hedgerow alongside the eastern site boundary supplemented by two new trees within a verge to the northeast corner of the cul-de-sac's turning head and a further six new trees within the front gardens of plots 1-2 and to the west side of the access. With the exception of a single Sycamore on the northern site boundary, a dead specimen on the western boundary and a collection of saplings within the centre of the site which are to be removed to allow the provision of the access road, all existing tree planting within and/or overhanging the site is to be retained as part of the scheme.

All dwellings would be two storeys in height to replicate the prevailing storey height of neighbouring properties on Chain Lane and Kings Close, and include a mix of 2 x 4-bed and 2 x 5-bed houses. The houses would incorporate a mix of hipped and dual-pitched roofs with the facades articulated by facing gables of matching width to each side set forward of a central recess containing the main entrance within curtain wall glazing. The 4-bed house types include single storey, flat-roofed garages with a substantial (6.6m) set back from the front elevation, whereas the 5-bed house types have additional first floor accommodation above garages with a lesser (1.1m) set back mimicking that of the main entrance. External materials include a mix of white render with larch timber dressings below a grey tiled roof. Windows and doors would be black aluminium.

The development layout would ensure a close association with the built-up edge of the settlement by placing the proposed dwellings alongside those on Chain Lane to the west and at right angles to Occupation Lane in the same orientation as those on Kings Close to the north. The dwellings on plots 1-3 would follow a consistent, linear building line set back behind garden frontages with the estate road and landscaping providing a buffer with the single storey stable buildings and open grazing land to the east. While the dwelling on plot 4 would step out at right angles from plots 1-3, this would be orientated to present an active elevation to the termination point at the end of the cul-de-sac and the

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use of a narrower house type on this plot would ensure a 7.8m buffer between its east side and the rural edge of the stables. In addition, the proposed landscaping strategy would ensure a soft edge with low, open boundary treatments (a 1.2m high post-and-rail fence backed by hedging) to the site's countryside fringe to the east and alongside Occupation Lane to the north.

Whilst larger in size than existing dwellings which surround them, the two storey height of the buildings, in combination with their spacious plot sizes and prevailing hip-roofed profiles which reduce roof-level massing, would ensure that they do not appear as unduly dominant or imposing features in this edge-of-settlement location. The northernmost dwelling on plot 1 would be set back a minimum of 5.6m from Occupation Lane behind the building line of no. 67 Chain Lane and a mature retained tree to provide a standoff from the roadside and to limit views through to the rear elevation from Chain Lane. Views from vantage points within the surrounding countryside (including those from the public right of way of Occupation Lane further to the east) would be filtered by a combination of existing (retained) and proposed planting to create a soft edge to the development's northern, southern and eastern fringes.

The dwellings would incorporate a mix of traditional and contemporary design features and generous window proportions arranged in a legible format with a strong sense of rhythm and symmetry to the façades. Active elevations would be presented to key vantage points outside the site and the proposed materials would reflect the prevailing grey roof tile and mixed external wall palette of other dwellings in the area in order that they do not jar with their surroundings.

For the reasons set out above the proposed development, by reason of its density, layout, landscaping, scale and appearance would assimilate sympathetically with its surroundings by integrating successfully with the character and pattern of neighbouring development, responding to the sensitivities of the site's rural fringes and retaining/supplementing those existing natural features of greatest value as part of the scheme. Accordingly, the proposal is considered to comply with the principles of good design set out in FLPPR policies GD7, H2 and ENV1 and the NPPF.

Impact on amenity:

Criteria c) and h) of FLPPR policy GD7 require that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed" and "being sympathetic to surrounding land uses and occupiers". In addition, criterion o) states that "all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents."

While used principally in the assessment of applications involving extensions to existing dwellings, the guidance in Design Note 1D iii) of the Council's 'Extending Your Home' Supplementary Planning Document (the 'SPD') indicates that:

- "Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique."

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

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Effects on existing occupiers:

Neighbouring uses bordering the site include a shop within a single storey building at no. 67 Chain Lane and a collection of eight other dwellings (nos. 69-79) comprising two storey houses (nos. 69-77) and dormer bungalows (nos. 77a-b and 79). All existing buildings on Chain Lane are orientated with their rear elevations facing onto the site. In contrast, two storey dwellings on Kings Close are orientated with their side elevations facing the site over Occupation Lane. Whilst the closest of these (nos. 4 and 12) include windows in their side elevations, these do not appear to serve habitable rooms and they are offset from the closest dwelling on plot 1. The equestrian site to the east includes a collection of three single storey buildings comprising two stables orientated at right angles along the western edge and a storage building to the northeast corner. A caravan also runs along the south side of the store. Land to the southern part of the equestrian site is used for grazing and beyond the rear garden of no. 79 Chain Lane to the south of the site are agricultural fields.

The proposed dwellings would achieve the following minimum spacing distances with existing buildings surrounding the site:

- Chain Lane – A back-to-back spacing distance of 24.5m (between the rear elevation of plot 1 and no. 67 Chain Lane).
- Garden of no. 79 Chain Lane – 9.2m between the first floor rear elevation of plot 4 and the garden of no. 79 Chain Lane.
- Kings Close – 16.5m between the northwest corner of plot 1 and the southeast corner of no. 4 Kings Close.
- Equestrian site – 9m between the southwest corner of the southernmost stable block and the northeast corner of the dwelling on plot 4.

Chain Lane:

Existing buildings on Chain Lane would have a 'back-to-back' relationship with the proposed dwellings. Ground level rises from north to south along Chain Lane and this change in levels is repeated within the application site. There is also a more gradual rise in levels from west to east away from Chain Lane. Details of finished floor levels for the proposed dwellings show a maximum level change of 0.95m between the proposed dwelling on plot 3 and the street level on Chain Lane (though the properties on Chain Lane are slightly elevated from street level). Sectional drawings show that the ridgelines of the proposed dwellings would be up to 2.65m taller than those of the bordering houses on Chain Lane (the difference between plot 3 and 75 Chain Lane), though their massing at roof level would be reduced through the use of hipped roofs to plots 1, 3 and 4.

The minimum 'back-to-back' spacing distance of 24.5m between the proposed dwellings and buildings on Chain Lane referenced above would be achieved between the northwest corner of the proposed dwelling on plot 1 and the southeast corner of the shop at no. 67. However, this spacing distance increases to a maximum of 30m (between the rear of plot 1 and no. 71) and a minimum of 26.5m with the dwellings at nos. 69-77 Chain Lane). In addition, dwellings on plots 1-3 would have minimum garden depths of 9.6m between their first floor windows and the shared boundaries with existing dwellings on Chain Lane and further filtering of views between them would be afforded by the retention of a row of existing mature trees within the rear gardens of plots 1 and 2 alongside the boundary line.

The dwelling on plot 4 would be orientated at right angles to neighbouring dwellings on Chain Lane, with its west-facing side elevation located *circa* 38m away from the closest properties at nos. 77a-b. As a result of this orientation, its rear elevation would face towards the rear garden of no. 79 Chain Lane over a minimum distance of 9.2m from its first floor windows.

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The rear garden of no. 79 Chain Lane follows an elongated profile of a much greater depth than other dwellings on Chain Lane. It extends for a total length of approximately 55m from the rear of the property up to its eastern boundary with the application site. The dwelling at no. 79 has recently been reconstructed pursuant to planning permission 21/0792, with that permission including the construction of a residential annex in the rear garden immediately to the rear of the main dwelling. The rearmost (eastern) part of no. 79's garden which the rear-facing windows in plot 4 would face is enclosed by dense vegetation, including a linear belt of mature trees along its northern boundary which is shared with the site. Given its distance away from the dwelling at no. 79 and the location of the buildings approved by 21/0792 in relation to the proposed dwelling on plot 4 it is apparent that the rearmost part of no. 79's elongated garden is not its primary outdoor amenity area (that, instead, being located to the immediate rear of the dwelling itself). The rear-facing windows in plot 4 would face the final, *circa* 16m stretch of no. 79's rear garden over a minimum distance of 9.2m at first floor level and extensive screening would be retained between them. Accordingly, the siting and orientation of the proposed dwelling on plot 4 would not result in unacceptable overlooking towards the private outdoor amenity space of no. 79 Chain Lane.

Kings Close:

The closest dwellings on Kings Close to the north (nos. 4 and 12) are orientated at right angles to the nearest of the proposed dwellings on plot 1 with their side elevations facing Occupation Lane. Windows in these elevations appear to serve non-habitable rooms and are offset to the northwest (no. 4) and northeast (no. 12) of plot 1's side elevation (which also lacks any principal habitable room windows), resulting in an oblique relationship between them. The southern boundaries of nos. 4 and 12 onto Occupation Lane are marked by a wall and fencing reaching approximately 1.8m in height, with the side elevation of the garage at no. 12 protruding above.

The degree of spacing, offset relationship and window arrangements between the proposed dwellings and existing houses on Kings Close would ensure that the development does not appear as an unduly dominant or oppressive addition to those occupiers, nor would it result in unacceptable overlooking between the existing and proposed dwellings. The presence of the solid, *circa* 1.8m high boundary treatment separating the gardens of properties on Kings Close with Occupation Lane would also avoid any harmful effects arising as a result of passing traffic accessing the site with respect to noise, privacy and potential light pollution from headlights.

Equestrian site:

The neighbouring equestrian site includes two stables bordering the eastern site boundary. These are flat-roofed, single storey buildings orientated with the stable doors facing south and north onto a shared internal yard. A third storage building and caravan are located to the northeast of the stables. Dwellings on plots 3 and 4 would be located adjacent to the two stables, with that on plot 3 approximately 17.2m distant and facing the side of the north stable and that on plot 4 being offset to the southwest of the southern stable some 9m away.

The orientation of the stables, with their blank side walls facing the site, in combination with the spacing distances and offset relationships with the proposed dwellings on plots 3 and 4, would ensure that the development has no harmful effects on the operation of this existing land use.

Summary:

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For the reasons set out above, the proposed dwellings, by reason of their scale, level changes, spacing, screening and window configurations in relation to neighbouring buildings and land uses, would have no adverse effects on the amenity of existing occupiers surrounding the site through loss of outlook, overshadowing, overlooking or any other nuisance.

Objectors have commented on potential noise disturbance and access issues during the construction period. The application is accompanied by a Construction Method Statement (CMS) which sets out restrictions on working hours (between 9am and 6pm weekdays and 9am – noon on Saturdays), means of access and parking for delivery/construction vehicles and site operatives, wheel washing/road sweeping and dust, noise and vibration suppression during the construction period to address these issues and compliance with the CMS can be controlled by condition to mitigate any effects in this regard.

Future occupiers:

For the same reasons as set out above, the relationship between the proposed dwellings and existing properties and land uses surrounding the site would ensure that the amenity of future occupiers would not be compromised by inadequate space, poor layout, or poor or lacking outlook in relation to these uses.

The development's internal layout places 3 dwellings (plots 1-3) in a consistent, linear row flanking the western boundary with their front and rear elevations containing principal, habitable room windows facing to the east and west. The perpendicular dwelling on plot 4 would be offset to the southeast with its front elevation facing the cul-de-sac beyond the front of plot 3 and its rear elevation facing the extended garden of no. 79 Chain Lane. All of the proposed dwellings include short, flat-roofed outriggers to the ground floor protruding from their rear elevations. The dwellings on plots 1 and 3 include Juliet balconies at first floor level immediately behind these outriggers, though balustrades across those balconies would prevent access to the flat roofs of the outriggers and/or their use as outdoor amenity areas. Appropriate conditions have been imposed to ensure this remains the case.

In combination with the scale and appearance of the proposed dwellings, the development layout would ensure a high standard of amenity for future occupiers with respect to access to outlook, daylight and generous garden spaces within spacious plots (arrangements for waste, access or cycle storage). Similarly, window arrangements within the dwellings would avoid any opportunities for direct overlooking between dwellings and their garden areas which could adversely affect the privacy of future occupiers.

Given the above, the proposed development would achieve a high standard of amenity for future occupiers in accordance with the objectives of the FLPPR and the NPPF.

Highways:

Criteria q), r) and s) of FLPPR policy GD7 require developments to meet the following principles with respect to highway safety:

- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

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- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

In addition, FLPPR policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes. In particular, criteria a) and i) of the policy identify the following objectives:

- Improve community health and wellbeing by providing alternative means of transport such as walking and cycling. This will be achieved through protecting and enhancing the existing public rights of way network; the provision of additional footpaths, cycleways and bridleways, where appropriate; and safeguarding land for the provision of a continuous footpath, cycleway and bridleway network along Fylde's coastline.
- Support the shift towards new technologies and fuels by promoting low carbon travel choices and encouraging the development of ultra-low carbon / electric vehicles and associated infrastructure.

Paragraph 104 c) of the NPPF states that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that: opportunities to promote walking, cycling and public transport use are identified and pursued". Paragraph 110 of the NPPF indicates that, in assessing applications for development, it should be ensured that:

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

Paragraph 111 of the Framework stipulates that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Paragraph 112 of the NPPF indicates that, within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Access, traffic generation and network capacity:

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Access to the development would be gained via Occupation Lane from its existing priority junction with Chain Lane to the west of the site. The junction opens onto a stretch of Chain Lane with zig-zag ground markings approaching a zebra crossing immediately to the north and a mini-roundabout forming the junction with Kings Close lies slightly beyond this crossing. A footway on the east side of Chain Lane borders the north and south sides of the junction, though there is no formalised crossing point over it. The open forecourt of the shop at no. 67 Chain Lane used for vehicle parking is located on the south side of the junction.

Occupation Lane is a single lane track with a tarmac surface which widens into a layby to the east of the site. The lane is also a designated Public Right of Way (FP0512004) and presently serves as the access to a private parking area at the rear of the shop, the equestrian site and a handful of approximately five other properties further to the east.

The development's estate road would comprise a short cul-de-sac running at right angles in southerly direction off Occupation Lane alongside the eastern site boundary. A stretch of Occupation Lane to the west of the site access and rear of no. 67 Chain Lane would be widened to create a 12m long and 6.25m wide passing place for traffic to give way to vehicles entering the site from the Chain Lane junction. The passing place would also improve forward visibility for oncoming vehicles along a straight stretch of Occupation Lane between the site access and Chain Lane.

The level of traffic likely to be generated by the four dwellings would be limited and far below the "significant amounts of movement" which would require the submission of a transport statement/assessment set out in FLPPR policy T4 and the NPPF. Similarly, there would be no "severe" impact on network capacity arising from the level of traffic generated by the development.

Nevertheless, the development would increase the number of movements (both pedestrian and vehicular) through the Chain Lane/Occupation Lane junction and along the *circa* 72m stretch of Occupation Lane which connects the proposed estate road with the junction. The effects of these additional movements would be mitigated through proportionate measures including the introduction of the passing place on Occupation Lane to limit the potential for conflicts between users and improve forward visibility for oncoming traffic, and the construction of tactile paving within the footway of Chain Lane on both sides (north and south) of the junction as requested by the Local Highway Authority (LHA). With these measures in place (as secured by condition), and in the absence of any objection from the LHA, it is considered that the proposal would ensure a safe and suitable means of access for all users and deliver proportionate highway infrastructure improvements which encourage and prioritise movements associated with non car-based journeys.

A construction method statement submitted with the application indicates that all vehicle parking and storage of materials/machinery would take place off the public right of way and so avoid any obstruction of Occupation Lane during the construction period. There is no indication of any need to divert or stop up the right of way during either the construction or operational phases of the scheme and no objections have been received from the County's Public Rights of Way Officer. Therefore, the existing public right of way would not be adversely affected by the development.

Parking:

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

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be applied to all new developments in Fylde”. The Council adopted the “Provision of Parking on New Developments” SPD in October 2023. The following parking standards in Table 2 of the SPD relating to developments in “rural areas/low accessibility” are of relevance in this case:

Proposed development/use	Standard for rural areas/ low accessibility
4+-bed family housing	3 per dwelling, of which one may be a suitably-sized garage

The proposed layout includes two off-road, in-curtilage parking spaces for each of the 5-bed dwellings on plots 1 and 3, and four spaces for each of the 4-bed dwellings on plots 2 and 4. All parking spaces would be located on driveway approaches to integral double (for plots 1 and 3) or single (on plots 2 and 4) garages.

Whilst this level of parking provision exceeds the standard in the SPD for the two 4-bed dwellings, the required standard for the two 5-bed houses would not be met via driveway provision alone. However, both 5-bed dwellings include integral double garages whose dimensions are capable providing at least one additional parking space. In accordance with the standard in Table 2 of the SPD, these garages would provide the third parking space for the 5-bed dwellings on plots 1 and 3 and so the level of parking provision across the development accords with the standard in the SPD. A condition has been imposed to require the retention of the integral garages on plots 1 and 3 as parking spaces to ensure this remains the case as requested by the LHA. It is also the case that the LHA have not objected to the application on the grounds of a lack of suitable parking provision.

Accordingly, it is considered that the level of parking provision for the development would be sufficient to ensure that it does not result in unacceptable congestion of the surrounding highway network which would give rise to a detrimental impact on highway safety for the purposes of FLPPR policies T5 and GD7, or the NPPF.

Ecological impacts:

Paragraph 174 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 180 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

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

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

Site-specific impacts:

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

- **Habitats** – The site is dominated by areas of neutral grassland interspersed with bramble scrub, mixed scrub and an area of broadleaved woodland to the southeast corner. One priority habitat, listed as such under the UKBAP, was identified at the application site in the form of the native-species rich hedgerow along the northern site boundary. All hedgerow lost should be replaced with an equal length of species-diverse native hedgerow.
- **Invasive species** – One Invasive Non-Native Species (INNS) was recorded in proximity to the site in the form of montbretia, located beyond the private lane immediately to the north. It is an offence, under current legislature, to knowingly permit the spread of INNS, either via allowing it to grow unchecked or through the irresponsible removal and dumping of waste. As work vehicles will likely need to access the site along this track, there is a biosecurity risk of incidental spread in tyre treads and vehicle tracks, or during any works to improve the existing lane. To prevent incidental spread of this species during the proposed works it is recommended that a precautionary working method statement with appropriate biosecurity protocol is instated prior to commencement of site works.
- **Bats** – No buildings are present on the site and all trees were found to be absent of potential roosting features. Therefore, the site offers negligible bat roosting suitability. All trees are, however, likely to provide foraging and/or commuting habitat for bats, subject to the presence of bats in the area. Trees should be retained where possible, and bat sensitive lighting measures employed.
- **Birds** – In relation to WCA Schedule 1 specially protected bird species, no evidence to suggest any form of breeding behaviour or other usage of the site was encountered. In relation to more common birds, all areas of dense bramble scrub, hedgerow, woodland, and taller grass provide birds with abundant nesting opportunities, which might be utilised during the breeding bird season of March – August; furthermore, breeding behaviour was observed at the site from a number of bird species. Given that all birds are protected when at the nest, it is therefore recommended that all tree felling/pruning and vegetation clearance works on site are carried out outside of the breeding bird season (March – August inclusive).
- **Other terrestrial mammals** – No signs were located to suggest the presence of Badgers or any other specially protected species; no further surveys are required nor impacts likely to occur to any specially protected mammal species. As a precautionary measure it is recommended that a Method Statement is created detailing Reasonable Avoidance Measures (RAMs) to reduce risk of harming small mammals subject to their presence at the site.
- **Great Crested Newt (GCN)** – The site does present some terrestrial habitat suitability for GCN, though is absent of aquatic habitat that might be utilised for breeding purposes. Five ponds occur within 250m of the application site; based on the results of the Natural England Rapid

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Risk Assessment, the loss of terrestrial habitat under the development proposals is highly unlikely to impact upon populations of GCN in these ponds. As a precautionary measure, it is recommended that GCN and other, more common amphibians including common frogs and common toads are included in the RAMs Method Statement.

- **Reptiles** – The small size of the application site along with the limited array of habitats suitable for reptiles means it is unlikely that the development will have any population scale impact upon reptiles. However, to reduce risk to individual reptiles, it is recommended that this taxon is also included with the above RAMs Method Statement.

GMEU have commented on the application on two occasions. Their initial response of 13.06.23 agrees with the conclusions and recommendations contained in the PEA summarised above and opines that “issues relating to nesting birds, invasive species and other wildlife can be resolved via condition and or informative. Accordingly, GMEU raise no objections to the application on ecological grounds subject to the imposition of conditions which: i) restrict the removal of vegetation on the site during the bird nesting season (between 1 March and 31 August) unless nesting birds have been shown to be absent by survey; ii) require the submission of a reasonable avoidance measures method statement for mammals, amphibians and other wildlife; and iii) secure the implementation of enhancement measures for birds, bats, mammals and amphibians through the installation of habitat features as identified in Appendix III of the PEA. In addition, GMEU recommend that an informative note be attached to any permission granted to notify the applicant of their obligations under the Wildlife and Countryside Act 1981 with respect to the need for measures to be taken to avoid the disturbance and spread of the invasive species monbretia found adjacent to the site.

Following GMEU’s response of 13.06.23 the applicant’s ecologist has supplied the reasonable avoidance measures method statement in ii), along with a statement setting out measures for the removal and management of the invasive species monbretia. GMEU’s latest comments of 02.10.23 concur with the recommendations in these documents and so conditions are imposed to ensure compliance with the measures and timetable contained within them.

Given the latest response from GMEU, it is considered that the implementation of appropriate and proportionate mitigation measures as set out in the applicant’s PEA and other supporting documents can be dealt with through the imposition of conditions to ensure that the proposed development does not adversely affect existing habitats and/or the favourable conservation status of protected species on the site in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

GMEU’s response of 13.06.23 also identifies the lack of a strategy to mitigate for “the loss of around 0.3ha of moderate ecological value habitats to be replaced with gardens, buildings and hardstanding low to negligible value habitats” and opines that “without mitigation there will be a loss of biodiversity at the site level”. Accordingly, GMEU have advised that the application must be supported by a biodiversity net gain assessment to set out how mitigation will be provided for the loss of moderate value grassland and scrub as part of the development. The applicant provided a biodiversity net gain assessment and associated small-sites metric in September 2023. The implications of this are indicated below.

Biodiversity net gain:

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

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At present, the secondary legislation to mandate the 10% BNG requirement in the Environment Act has not yet come into force. However, paragraphs 174 d) and 180 d) of the NPPF state that planning decisions should “[minimise] impacts on and [provide] net gains for biodiversity” and that “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can **secure measurable net gains for biodiversity**” (emphasis added). In addition, criterion d) to subsection 2 of FLPPR policy ENV2 indicates that where development is permitted that might have an adverse effect on a priority species or its habitat, planning conditions or agreements will be used to “identify and pursue opportunities for securing measurable net gains for biodiversity”. Accordingly, developments should, as a minimum, deliver a measurable net gain in biodiversity to meet these objectives. In practical terms, this could be very limited (e.g. 0.1%), but it must ensure an uplift against the current benchmark, rather than a net loss or neutral (‘break even’) position.

The applicant has provided a BNG assessment following GMEU’s comments on 13.06.23. Using Natural England’s ‘small sites metric’, tables 4.1 and 4.2 of the BNG assessment identify the value of existing baseline habitats on the site for the purposes of benchmarking and attribute a total score of 5.6095 habitat units and 0.3777 hedgerow units to these. Set against this, tables 4.3 and 4.4 of the assessment indicate that post-development habitats on the site – which include the introduction of areas of newly created wildflower grassland, non-native shrubbery, lawns and verges, retained woodland and broadleaved trees and newly planted trees and hedgerows as part of the development’s landscaping strategy alongside the dwellings and hardstanding areas – will deliver a total of 3.4247 habitat units and 0.4324 hedgerow units.

In turn, table 4.5 of the BNG assessment identifies the following on-site net biodiversity unit and percentage changes arising from the development:

Total net unit change	Habitat units	-2.1848
	Hedgerow units	+0.0547
	River units	0
Total on-site net % change	Habitat units	-38.95%
	Hedgerow units	+14.49%
	River units	0

The BNG metric indicates that, whilst the proposed development would result in a net gain of 0.0547 (or 14.49%) hedgerow units, it would result in a net loss of 2.1848 (or 38.95%) habitat units against the pre-development benchmark. The conclusions in section 5.2 of the BNG assessment identify the following options to achieve a BNG of 0.1% habitat units in order to secure measurable net gains for biodiversity:

1. The enhancement of the existing woodland in the south into good condition; this would provide 0.0190 additional habitat units, and would need to be secured through a woodland Creation, Monitoring and Management Plan (CMMP).
2. The site could look to achieve an off-site gain. This would need to occur on land owned by the same applicant and should be targeted at habitats identical to those present on the site.
3. On application of the mitigation hierarchy, if none of the above options are feasible, or do not bring the scheme to the requested 0.1% threshold, then the scheme may need to consider paying a compensatory fee to the local authority for the number of units required to bring the scheme to a 0.1% gain. The LPA has quoted a figure of £16,000 per unit lost, as suggested by the Greater Manchester Ecology Unit. The development would therefore need to pay a compensatory fee of £34,956.80, or with enhancement of the woodland, £34,652.80.

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The principles of BNG set out in the Environment Act 2021 require a sequential approach to be taken whereby habitat mitigation and/or compensation should be achieved on the development site itself prior to investigating off-site options, with financial contributions in lieu of physical measures being a last resort once all other options have been exhausted. Similarly, paragraph 180 d) of the NPPF refers to “opportunities to improve biodiversity **in and around developments** [being] integrated as part of their design” (emphasis added). Nevertheless, until the requirements of the Environment Act 2021 are made mandatory, the basis for the BNG contribution sought in this case is that contained in existing national and local planning policies, rather than a legislative one.

In this case, the small size of the site means that if the 0.1% uplift in BNG were sought through the introduction of on-site measures, the number of dwellings would need to be reduced to create an undeveloped area of land sufficient to deliver these. Alternative calculations carried out by the applicant estimate that two of the four dwellings proposed would need to be removed to achieve that, which would make the scheme unviable. Similarly, the applicant opines that the loss of one dwelling would not achieve the level of BNG required (thus also necessitating an off-site contribution alongside this) and would also undermine the viability of the scheme.

The applicant has investigated opportunities to maximise BNG within the site through the proposed landscaping strategy and the enhancement of the existing woodland in the south which will be secured through the imposition of a condition requiring a woodland Creation, Monitoring and Management Plan (CMMP) as identified in section 5.2 of the BNG assessment. Accordingly, opportunities for securing measurable net gains for biodiversity within the site while ensuring a commercially viable scheme have been identified, pursued and exhausted. As the applicant does not own any other land in the vicinity of the site which could provide a suitable alternative site for BNG delivery, the only remaining option is a financial contribution towards off-site BNG delivery.

The Council presently owns areas of land within the borough which provide opportunities for BNG and is presently investigating options to acquire additional land to deliver BNG habitat features in consultation with partner organisations such as the Lancashire Wildlife Trust. Any off-site financial contributions towards BNG collected by the Council would need to be spent on delivering physical BNG measures on its own land, along with a 30-year habitat management plan for these. GMEU’s response of 13.06.23 advised that a financial contribution equivalent to £16,000 per habitat unit should be sought for this purpose and the financial contribution identified in the applicant’s BNG assessment is based on this figure. However, GMEU’s response of 02.10.23 notes that since their initial response of 13.06.23 research by DEFRA indicates that a higher figure (estimated at a national average price of £20,000 per biodiversity unit) may be charged. It is, however, considered that the original price of £16,000 per biodiversity unit referred to in GMEU’s response of 13.06.23 and consequently used to inform the applicant’s BNG assessment should be maintained in this case to ensure consistency in the LPA’s advice to the applicant.

As set out in option 3 of the applicant’s BNG assessment, with the enhancement of the existing woodland providing an additional 0.0190 habitat units and secured through condition, the overall net loss of 2.1658 habitat units would require a financial contribution of £34,652.80 to deliver a 0.1% uplift in BNG as part of the development in order to satisfy the requirements in FLPPR policy ENV2 and paragraphs 174 d) and 180 d) of the NPPF. This financial contribution must be secured through the completion of a planning obligation entered into pursuant to S106 of the Town and Country Planning Act 1990 (as amended). The need for that is reflected in the resolution below.

Monitoring fees for planning obligations:

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

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

The Council's strategy for monitoring fees follows the process highlighted in bold above – that a fixed fee will be charged per obligation contained in each agreement for in-kind contributions. This fee is charged at a rate of £300 per trigger for each contribution (for example, if the BNG contribution is made as a single payment the monitoring fee would be £300, but if it were spread across two separate instalments the monitoring fee would be £600) and will be payable prior to commencement of development (that being the point when the monitoring period commences). As the precise triggers for the BNG contribution required in this case are unknown at this stage (they are to be determined through the drafting of the S106 agreement), the resolution sets out the approach and charges that will be applied rather than specifying a figure.

Other matters:

Flood risk and surface water drainage:

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development, as required by the NPPF (paragraph 159). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

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

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

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Nevertheless, a detailed drainage strategy has been submitted with the application. This sets out the following principles for the disposal of foul and surface water from the site:

- The geology of the site is slowly permeable seasonally wet loamy and clayey soils with impeded drainage. Several boreholes have been taken within the centre of Staining which reveal the ground conditions as made ground over a thick band of clay. As a result, disposal of surface water via infiltration is not possible.
- The site does not presently have any formalised drainage. The nearest watercourse lies approximately 60m to the north of the site on the northern side of Kings Close and eventually flows into the river Wyre.
- There is a public sewer network along Chain Lane. This includes a public combined sewer that flows to the south along Chain Lane and a public surface water sewer that flows to the north along Chain Lane and east along Kings Close to discharge into the nearby watercourse.
- Surface water from the development will be discharged into the surface water sewer that lies within Chain Lane and connects to the watercourse north of Kings Close. The rate of discharge will be controlled to the calculated pre-development greenfield runoff rate of 2.0 l/s allowing surface water runoff generated by all rainfall events up to the 100 year critical rain storm plus 50% on stored volumes. Attenuation is provided within the proposed drainage network using storage crates under the access road. Surface water runoff from the areas of parking, paths and patios within the developed site will runoff to channel drains or to adjacent areas of gravel filter strips or planted beds where it will be allowed to infiltrate into the upper strata and will be either taken up by plants or evaporated.
- Foul water from the development will be collected by a piped system and discharged into the public combined sewer that flows to the south along Chain Lane.

United Utilities (UU) have been consulted on the application and do not raise any objections to the scheme or request the imposition of any conditions relating to drainage, though they do highlight that any apparatus which is proposed for adoption would need to meet their guidance in order to be eligible for adoption. Nevertheless, having ruled out infiltration the proposal to discharge surface water to the closest watercourse at a controlled rate with on-site attenuation ensures that the proposed drainage strategy satisfies the sequential approach within the drainage hierarchy identified in FLPPR policy CL2, the NPPG and the NPPF. Accordingly, with a condition in place to require the implementation of the submitted drainage strategy and measures to secure its future maintenance, there is no reason to conclude that the development would be at an unacceptable risk of flooding, would increase flood risk elsewhere or that an appropriate means of disposal for foul and surface water could not be achieved in accordance with FLPPR policies CL1 and CL2, and the NPPF.

Other matters:

The Parish Council's objections to the scheme include references to the large size of the properties and the "need for bungalows within Staining which would be more appropriate". However, as the proposal for 4 dwellings is below the threshold of "10 or more dwellings" in FLPPR policy H2 where a proportion of smaller house types are required from housing developments, there is no planning policy basis to require the provision of smaller homes, or bungalows, as part of the housing mix for this scheme.

Objectors refer to the potential for the development to devalue surrounding dwellings. It is, however, an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, and as is made clear

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in paragraph 008 of the “Determining a Planning Application” chapter to the NPPG (reference ID 21b-008-20140306), any perceived devaluation of surrounding properties is not a material planning consideration that would justify refusal of the application. Similarly, whilst objectors refer to the development resulting in the loss of existing views over an undeveloped site, it is not the role of the planning system to protect existing private views.

Conclusions

The application relates to an edge-of-settlement greenfield site occupying an irregularly-shaped parcel of land extending to *circa* 0.35 hectares to the east of Chain Lane and south of Occupation Lane, Staining. The site falls within the Countryside Area as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map but benefits from an extant permission for a residential development of up to 4 dwellings granted pursuant to permission in principle application 22/0412. Three other planning permissions for residential development on the site have been granted since 2010 under application references 10/0894 (allowed at appeal), 14/0586 and 16/0468, though none have been implemented to date and have since expired.

Although within the Countryside Area, the site is located immediately adjacent to the settlement boundary of Staining between established areas of housing to the west (on Chain Lane) and north (on Kings Close). A collection of stable and storage buildings forming an equestrian enterprise intervene between the site and open fields to the east and its southern boundary is separated from open agricultural land beyond by the elongated and densely wooded rear garden of no. 79 Chain Lane. Given the site’s physical and visual containment by development on all sides, together with the limited number and layout of dwellings proposed in relation to bordering areas of housing within the settlement boundary, it is considered that, in this particular context, the proposal represents minor infill development which is permitted in the Countryside under subsection f) of Local Plan policy GD4. The same conclusion was reached in the granting of extant permission in principle application 22/0412 and, although additional detail is included as part of this full application, as the site area, use and amount of development is consistent with that permitted by 22/0412 there is no reason to take a different view as to the acceptability of the principle of residential development on the site.

Access to the development would be gained via Occupation Lane from its priority junction with Chain Lane. Occupation Lane is a single lane track which is also a designated Public Right of Way (FP0512004). The scheme includes the widening of a section of Occupation Lane to create a passing place for vehicles and improve forward visibility for oncoming traffic. When these access arrangements are taken in combination with the improvements to the junction of Occupation Lane and Chain Lane required by the Local Highway Authority (as secured by condition) and the low levels of traffic likely to be associated with the size of the development, the proposal would ensure a safe and suitable means access to the site for all users. The scheme includes an appropriate level of parking provision for each dwelling in accordance with the Council’s standards, the development would not have an unacceptable impact on highway safety and its residual, cumulative impacts on the highway network would not be severe.

The development layout comprises four detached, two storey dwellings arranged in an L shape around a cul-de-sac branching in a southerly direction off Occupation Lane. Dwellings would be laid out in a linear pattern ‘back-to-back’ with existing houses on Chain Lane and at right angles to those on Kings Close. The scale, layout and appearance of the proposed dwellings would achieve a bespoke, contemporary design which is compatible with surrounding development and presents an active, outward-facing aspect to the countryside beyond to ensure a sympathetic integration with the character and appearance of the area. The spacing, building orientation, window configuration and screening between existing and proposed dwellings would ensure a high standard of amenity for

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existing and future occupiers and avoid any harmful effects on neighbouring uses through loss of outlook, overshadowing and overlooking.

The development would, where possible, retain existing natural features on the site (including several mature trees) and measurable net gains for biodiversity would be ensured through a combination of on-site enhancement (where possible) and off-site compensation secured through a financial contribution. The site falls within flood zone 1 and so is at the lowest risk of flooding from fluvial sources. Issues concerning foul and surface water drainage can be appropriately addressed via condition to ensure that the development is not at an unacceptable risk of flooding and would not increase flood risk elsewhere.

For the reasons set out above, no adverse impacts would arise from the development that would outweigh its benefits in the planning balance. Accordingly, the proposal represents sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Recommendation

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

Stipulation 1:

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

- a) A contribution of £34,652.80 towards the provision and ongoing maintenance of off-site biodiversity net gain habitat features within the borough of Fylde.
- b) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contribution set out in a).

Stipulation 2:

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

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

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

2. This permission relates to the following plans:

- Scale 1:1250 location plan
- Drawing no. 22-109-8 Rev H – Proposed site plan.
- Drawing no. 22-109-1 Rev A – Floor plans house type A.
- Drawing no. 22-109-2 Rev B – Elevations house type A.

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- Drawing no. 22-109-3 Rev A – Floor plans house type B.
- Drawing no. 22-109-4 Rev C – Elevations house type B.
- Drawing no. 22-109-5 Rev B – Floor plans house type C.
- Drawing no. 22-109-6 Rev C – Elevations house type C.
- Drawing no. 22-109-9 – Floor plans house type D.
- Drawing no. 22-109-10 – Elevations house type D.
- Drawing no. 22-109-11 – Proposed boundary treatments.
- Drawing no. 7272.01 Rev B – Landscape proposal.
- Drawing no. 23193-PWA-00-XX-DR-C-2000 Rev P04 – Proposed external works.
- Drawing no. 23193-PWA-00-XX-DR-C-2001 Rev P02 – Proposed site sections.
- Drawing no. 23193-PWA-00-XX-DR-C-6100 Rev P02 – Vehicle tracking.

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the buildings shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the 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.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the finished building floor levels and external ground levels for each plot shown on drawing no. 23193-PWA-00-XX-DR-C-2000 Rev P04.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, construction of the development shall be carried out in strict accordance with the details, mitigation measures and timetable identified within the document titled "Construction Method Statement" dated 7 August 2023 by 'Beckett Estates Ltd' throughout the entirety of the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit the potential for noise, vibration, 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 the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

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6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the document titled "Arboricultural Implications Assessment (AIA)" dated 11 September 2023 by 'Arbconsultants Ltd'. The tree and hedgerow protection measures identified on the Tree Protection Plan which forms Appendix 5 of the same document shall be implemented before any other development takes place and shall be maintained as such thereafter for the entirety of the construction period.

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

7. With the exception of those specimens identified within the document titled "Arboricultural Implications Assessment (AIA)" dated 11 September 2023 by 'Arbconsultants Ltd', no other trees or hedges shall be pruned, topped or removed unless details of those works and, in the case of removal a scheme for the provision of appropriate replacement planting which includes details of the number, size, species, siting, planting distances/densities and the programme of planting for replacement hedges and trees, have first been submitted to and approved in writing by the local planning authority. Any replacement planting to be introduced pursuant to this condition shall be carried out in accordance with a timetable which has first been submitted to and approved in writing by the local planning authority and any replacement 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 protect the existing trees and hedgerows on the site that are shown to be retained as part of the scheme and to ensure appropriate compensatory planting is introduced to offset any additional tree and/or hedge removal required as a result of the development in the interests of visual amenity, to safeguard the amenities of existing and future occupiers and to ensure appropriate protection for and/or replacement of valuable green infrastructure networks in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

8. 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 no. 7272.01 Rev B shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings hereby approved, after the dwelling on each associated plot is first occupied; and ii) in the case of landscaping on all the other areas of the site located outside the curtilages of the dwellings, 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 and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local

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

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. 22-109-8 Rev H and 22-109-11 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

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

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), other than those means of enclosure expressly authorised by this permission no gate, fence, wall or other means of enclosure over a height of 1.2 metres above ground level shall be erected or constructed in the following locations:

- a) On any area of land located outside the curtilage of any of the dwellings hereby approved.
- b) On any area of land located to the east of the outermost wall of the east facing (side) elevation of the dwelling on plot 4 (identified on drawing no. 22-109-8 Rev H).
- c) On any area of land located to the north of the outermost wall of the north facing (side) elevation of the dwelling on plot 1 (identified on drawing no. 22-109-8 Rev H).

Reason: To ensure that the height of boundary treatments which occupy sensitive locations in relation to surrounding roads and the rural fringes of the development site is restricted to avoid the erection or construction of unduly tall, solid and/or imposing boundary treatments in these sensitive locations which would undermine the quality of the scheme's design in order to preserve the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

11. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, surface and foul water from the development hereby approved shall be disposed of in accordance with the drainage strategy detailed in the document titled "Surface Water and Foul Water Drainage Strategy" Revision A, dated September 2023 by 'Reford Consulting Engineers Limited'. All drainage infrastructure detailed in the approved strategy shall be fully installed and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

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

12. None of the dwellings hereby approved shall be occupied unless and until an Operation and Maintenance Scheme for the lifetime of the surface water drainage system to be installed

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pursuant to condition 11 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Operation and Maintenance Scheme shall include:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirements for all SuDS components, attenuation features and connecting drainage structures, and their ownership;
- c) A 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) Arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage system in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved Operation and Maintenance Scheme.

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 suitable measures are put in place for the future management and maintenance of the surface water drainage system in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

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

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

14. The development shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the document titled "Reptiles, Amphibians & Mammals - Reasonable Avoidance Measures Statement (RAMS)" by 'Tyrer Ecological Consultants Ltd'.

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 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework, the

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Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

15. The development shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the document titled "Method Statement in relation to Invasive Plant Species" dated September 2023 (Issue 1.0) by 'Tyrer Ecological Consultants Ltd'.

Reason: To avoid the spread and ensure the satisfactory treatment and disposal of invasive plant species in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD9 and ENV2, and the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

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

- a) The installation of bat boxes.
- b) The installation of bird boxes.
- c) The installation of features for mammals and amphibians.

The biodiversity enhancement measures shall thereafter be provided in accordance with the details in the duly approved scheme before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate mitigation for the loss of existing habitats and nesting opportunities and to secure the provision of proportionate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

17. Before any of the dwellings hereby approved are first occupied a woodland Creation, Monitoring and Management Plan (CMMP) for the enhancement of the existing woodland in the south of the site to a 'good' condition shall be submitted to and approved in writing by the Local Planning Authority. The CMMP shall detail the measures to be put in place and actions to be taken to achieve the 'good' condition rating, including a timetable for their implementation, and shall provide a strategy and timetable for future monitoring, management and remedial actions to ensure this is sustained. The development shall thereafter be carried out and maintained in accordance with the details in the duly approved CMMP and the timetable contained therein.

Reason: To ensure that the development maximises opportunities for delivering measurable net gains in biodiversity on the site through the provision of the habitat creation measures identified within the document titled "Biodiversity Net-gain Assessment" dated 11 September 2023 (issue no. 1.5) by 'Tyrer Ecological Consultants Ltd' which, as far as practicable, compensate for the development's impact on existing habitat features within the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

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18. The on-site biodiversity net gain habitat creation measures identified within the document and plan listed in a) and b) below shall be implemented before the development is substantially completed.

- a) Document titled "Biodiversity Net-gain Assessment" dated 11 September 2023 (issue no. 1.5) by 'Tyrer Ecological Consultants Ltd'.
- b) Drawing no. 7272.01 Rev B – Landscape proposal.

A report verifying the implementation of the on-site biodiversity net gain habitat creation measures identified in a) and b) shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To ensure that the development maximises opportunities for delivering measurable net gains in biodiversity on the site through the provision of proportionate habitat creation measures which, as far as practicable, compensate for the development's impact on existing habitat features within the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

19. Before any of the dwellings hereby approved are first occupied, a 30 year Habitat Management Plan (HMP) containing a strategy for the future management and maintenance of the on-site biodiversity net gain habitats to be created pursuant to condition 18 of this permission shall be submitted to and approved in writing by the Local Planning Authority. The HMP shall include the following details:

- a) A description and evaluation of the features to be managed;
- b) An analysis of ecological trends and constraints on the site that might influence management;
- c) Aims, objectives and targets for management;
- d) A description of the management operations necessary to achieve the aims and objectives in c);
- e) Prescriptions for management actions;
- f) A works schedule and timetable for implementation (including an annual work plan capable of being rolled forward).
- g) Details of the persons, body or organisation responsible for implementation and monitoring;
- h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the HMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- i) Mechanisms of adaptive management to account for necessary changes in work schedules to achieve the required targets;
- j) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery.
- k) Provisions for reporting to the Local Planning Authority in years 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

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

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

20. None of the dwellings hereby approved shall be occupied until a scheme for the siting, layout, design and construction of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
- a) The widening of Occupation Lane to create a passing place in the location shown on drawing no. 22-109-8 Rev H.
 - b) The provision of tactile paving and associated kerbing works on both sides of the junction between Occupation Lane and Chain Lane to create a pedestrian crossing over the junction.
 - c) The re-surfacing of Occupation Lane from its junction with Chain Lane up to and including its junction with the development access.

The highway improvement works shall be implemented in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied, or within any other timescale that has first been approved in writing by the Local Planning Authority.

Reason: To ensure a safe and suitable means of access to the site for all users, to enhance pedestrian access to the site and the safety of pedestrian traffic utilising the junction (having particular regard to Occupation Lane's status as a Public Right of Way) and to ensure that any damage caused to the surface of Occupation Lane (a private road) during the construction period is rectified through the re-surfacing of the lane in the interests of highway safety, to maximise opportunities for travel by sustainable modes of transport and to ensure that the Public Right of Way network is maintained and enhanced in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

21. Before each dwelling hereby approved is first occupied, a scheme for the design and construction (including surface treatment) of its associated vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority. The vehicle parking areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies T5 and GD7, and the National Planning Policy Framework.

22. Before any of the dwellings hereby approved are first occupied the development's access onto Occupation Lane, internal estate road and turning areas shown on drawing nos. 22-109-8 Rev H and 23193-PWA-00-XX-DR-C-6100 Rev P02 shall be fully constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

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Reason: To ensure a satisfactory standard of engineering works for the construction of roads and manoeuvring areas to serve the development and to provide suitable turning areas which allow vehicles to enter and exit the site in forward gear before the dwellings are first occupied in order to ensure a safe and suitable means of access to the development for all users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

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

Reason: To support the shift towards new technologies and fuels by promoting low carbon travel choices and to ensure that the development delivers suitable infrastructure which is designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy T4 i) and paragraphs 107 e) and 112 e) of the National Planning Policy Framework.

24. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the integral garages of the dwellings on plots 1 and 3 hereby approved shall be retained for the parking of vehicles and shall not be converted to or used as additional living accommodation.

Reason: To ensure that appropriate provision is maintained for the parking of vehicles off the highway for the dwellings on plots 1 and 3 which rely on the provision of parking spaces within garages to allow for that in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

25. The 1 metre high glass balustrades to the rear of the Juliet balconies for the dwellings on plots 1 and 3 hereby approved shall be installed in the positions shown on drawing nos. 22-109-3 Rev A, 22-109-4 Rev C, 22-109-5 Rev B and 22-109-6 Rev C before the balconies on each associated dwelling are first brought into use, and shall be retained as such thereafter.

Reason: To ensure that the balconies do not protrude beyond the rear elevation of the dwellings on plots 1 and 3 to restrict views towards adjacent properties from the balconies in order to safeguard the privacy and amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

26. No part of the flat roofs of the ground floor outriggers to the rear of the dwellings on plots 1 and 3 hereby approved shall be used as a balcony, roof terrace or any other outdoor amenity area.

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Reason: To safeguard the privacy of adjoining occupiers by minimising the potential for overlooking in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Informatives:

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

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

Highways:

The highway improvement works involving the provision of tactile paving at the junction of Occupation Lane and Chain Lane required by condition 20 of this permission involve works within the adopted highway which will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Local Highway Authority before works begin on site.

Public rights of way:

Occupation Lane is a private road and is not subject to any future adoption agreement. The applicant should check with their solicitor that they have rights over this road and rights to make alterations to the private access to form the site access and provide the passing place.

Occupation Lane is also a designated Public Right of Way (FP0512004). The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The right of way should remain free from obstruction and should not be used to store materials, vehicles or machinery. If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works. If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer. Further details can be found by contacting PROW@lancashire.gov.uk

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Item 3

Application No:	23/0529	Case Officer:	John Copestake Area Team 2
Applicant:	MR ANDREW FARE	Agent:	MRS MARY MILLER
Location:	NORCROSS, PARROX LANE, NEWTON WITH CLIFTON, PRESTON PR4 3RR		
Proposal:	CHANGE OF USE OF LAND TO PROVIDE 7 ADDITIONAL HARDSTANDING PITCHES FOR TOURING CARAVANS AND 3 GRASS PITCHES FOR TOURING CARAVANS OR CAMPING INCLUDING FORMATION OF ASSOCIATED ACCESS TRACK, TOILET AND SHOWER BUILDING AND INSTALLATION OF PACKAGE TREATMENT PLANT		
Ward:	Rural East Fylde	Parish:	Newton with Clifton
Date Received:	18 August 2023	Earliest Decision:	1 November 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	
Officer Recommendation:	Grant		
Location Plan			

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Summary of Officer Assessment

The application site is an irregularly shaped area of greenfield land that is situated to the south of Blackpool Road between Newton and Kirkham, and to the immediate west of Parrox Lane but includes a connection to the access to the site which is located close to the junction of Parrox Lane and Blackpool Road. The land is outside of any settlement and designated as being within an Area of Separation in the Fylde Local Plan to 2032 (incorporating Partial Review).

The proposed development is to extend the existing 5 pitch caravan site that is operated at the property to provide a further 7 hardstanding pitches and 3 grass pitches with this accessed from an extension of the internal access road and consisting of a series of hardstanding pitches. A new facilities building is proposed to serve the existing and proposed pitches.

The application is considered to be for a use which would help to diversify the rural economy and of a type and scale which would not harm the effectiveness of the gap between the settlements. The topography of the site and position of large boundary hedge would almost entirely screen the development from public views from both Parrox Lane and Blackpool Road. The hedges are also to be enhanced and maintained through conditions attached to this report.

Other impacts, notably relating to access, amenity and ecology, have been addressed to the satisfaction of the relevant consultees and in accordance with the material policy and guidance. As such the application is recommended for approval.

Reason for Decision Level

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

Site Description and Location

The application relates to Norcross, Parrox Lane, Newton. The application site comprises a large portion of the agricultural field to the south of the existing five hardstanding caravan pitches, as well as access from the existing site access on to Parrox Lane, through the existing buildings and caravan pitches.

The site is approximately 250m to the west of the main developed area of Newton with Scales and 600m to the southeast of Kirkham, close to several residential, commercial and agricultural clusters of development around Blackpool Road, and otherwise set within agricultural fields extending to the north and south.

The site is outside of any settlement boundary and is within the Area of Separation as defined by Policy GD3 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

Planning permission was initially sought for the following:

- Creation of 10 hardstanding pitches for touring caravans or tents;
- Formation of three grass pitches for touring caravans or tents;
- Extension of the existing access track to serve the new pitches;

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- Erection of a toilet, shower and washing-up block (footprint of 3m by 2.5m, maximum height of 1.95m);
- Planting of new native hedgerow and erection of livestock fence;
- Planting of new trees along southern boundary of application site;
- New planting to fill existing gaps in hedgerow adjacent to Parrox Lane; and
- Provision of a belowground package treatment unit with associated outflow.

In response to officer comments and informed by consultation responses, the scheme was amended after submission as follows and so this is the proposal under consideration here:

- Reduction in number of additional hardstanding pitches from 10 to 7;
- Reduction in the overall geographical size of the proposed development;
- Increase in separation between the pitches and the existing hedgerows;
- Enhancements to the proposed track to improve stability; and,
- Enhancements to the proposed planting.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
18/0396	CHANGE OF USE OF LAND TO CREATE FIVE HARD STANDING PITCHES FOR TOURING CARAVANS INCLUDING FORMATION OF ACCESS TRACK, INSTALLATION OF FOUL WATER TANK AND BIN STORE	Granted	30 July 2018
19/0180	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 18/0396 CONDITION 4 (MANAGEMENT PLAN) CONDITION 7 (LANDSCAPING)	Issued	24 April 2019
19/0218	CHANGE OF USE OF RESIDENTIAL ANNEX TO CREATE A SEPARATE, INDEPENDENTLY OCCUPIED DWELLING (USE CLASS C3)	Granted	01 May 2019
19/0393	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION ON PLANNING PERMISSION 19/0218 - CONDITION 4 (BOUNDARY TREATMENT)	Issued	27 June 2019

Parish/Town Council Observations

Parish/Town Council	Observations
Newton with Clifton Parish Council	<p>Officer note: The Parish Council have been re-consulted, following receipt of the amended plans. Given that the comments received in response to the original scheme (copied below) raised objection to the principle of development, it is anticipated that the updated response will be to sustain that objection. The Parish Council are due to meet again on 02 November 2023 and any updated comments received following that meeting will be presented in the late representations report to planning committee.</p> <p><u>Comments received on 06 October 2023</u></p> <p><i>Members determined the proposed development fails to comply with the Fylde Local Plan (FLP) to 2032 Policy GD4 Development in the</i></p>

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	<p><i>Countryside which, if permitted, would have an adverse intrusive effect on the area to an unacceptable extent. It is considered the frequency, type and volume of traffic movement that will be generated by the proposed development is hazardous to highway safety, particularly at the junction of the A583/Blackpool Road. The proposed development site is considered to be within the defined Area of Separation (AOS), therefore would compromise the function of the AOS and consequently is not consistent with FLP GD3. There are examples of previous applications in the designated AOS which have been refused planning permission that members consider set a precedent for planning permission being refused for this and other similar applications. Moreover, members consider the development does not fall within any FLP policy exceptions that would justify planning permission being granted, would, if allowed, serve to consolidate that development which does exist to the detriment of the character of this part of the countryside and would set a precedent for further similar development which consequently would be difficult to resist.</i></p>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environment Agency	No objection. Advice relating to foul drainage was included within the response.
Environmental Protection	<p>No objection, subject to a condition to limit the hours of construction as follows:</p> <ul style="list-style-type: none"> • 08.00 – 18.00 – Monday to Friday inclusive • 08.00 – 13.00 – Saturdays • No works taking place on Sundays or Bank Holidays
Greater Manchester Ecology Unit	<p>GMEU has been re-consulted on the amended scheme which incorporates the amendments recommended in the original response. They have raised no objection to the amended scheme, with a suggestion that a species within the proposed planting scheme (field maple) is changed to a native species. This has been requested and will be reflected in the late representations report to committee as appropriate.</p> <p>No objection was raised to the original scheme, with advice and recommendations for conditions provided.</p> <p>Original response:</p> <p><i>Summary: Potential ecological issues include great crested newts, nesting birds and mitigation and enhancement for adverse effects on the Natural Environment.</i></p>

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	<p><i>Great Crested Newts: An updated great crested newt assessment has been provided. As previously this has concluded the pond is low risk, which when combined with the low risk nature of the development site, is such that I am satisfied that reasonable avoidance measures will suffice. The recommendations of the letter by Envirotech dated the 31st July 2023 should be conditioned.</i></p> <p><i>Nesting Birds: There does not appear to be any loss of trees, shrubs or hedge as a result of the development, but the proposed pitches are located adjacent to the existing hedge line adjacent to Parrox Lane. Some cutting back may be required and or disturbance to the hedge occur, potential bird nesting habitat. I therefore recommend as an informative along the following lines is applied to any permission. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).</i></p> <p><i>Contributing to and Enhancing the Natural Environment: Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of between 0.15 and 0.2ha of low ecological value grassland to be replaced with hardstanding. A new hedge is proposed along the western boundary of the site. Under NPPF guidance I would be satisfied that if the hedge was native that adequate mitigation was been provided. However, under the soon to be mandatory biodiversity net gain guidance, linear habitats should not be utilised for mitigation of area based habitats.</i></p> <p><i>With regards wildlife, mitigation in the form of a bird box on a retained tree along the southern boundary could be provided via condition.</i></p>
Lancashire County Council Highways	No objection. Assessment provided that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
Landscape	<p>No objection to amended scheme. Advice for amendments was provided in initial consultation response which were positively reflected in the amended scheme. A key summary of the response to the amended scheme is as follows:</p> <p><i>The principle of additional pitches in this location is generally acceptable. The Area of Separation is not compromised by the proposal and there are no public rights of way or accessible viewpoints of the site, other than from Parrox Lane. Given the topography of the location of the existing site off Blackpool Road and the level of screening already provided by high hedges, embankments</i></p>

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	<p><i>and groups of trees around the site's boundaries, it is not considered that the proposed work would have a significant landscape or visual impact on the wider area.</i></p> <p><i>Sections of hedgerow which have become gappy are to be reinforced with additional hedgerow planting and some trees, as set out in the Hedgerow Condition Survey Proposed Planting and Maintenance Strategy. This satisfies the concerns raised in Item 3 of the previous consultation, but such planting should be conditional to any approval and include an annual maintenance/management regime for the duration of the site's operation.</i></p>
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Neighbour Observations

Neighbours notified:	30 August 2023
Site Notice Date:	6 September 2023
Press Notice Date:	N/A
Number of Responses	Total number of comments: 1
Summary of Comments	The comments received are in opposition to the application and can be summarised as: <ul style="list-style-type: none">• The site already accommodates more than the previously allowed five pitches;• The existing operation causes noise and privacy issues;• The existing operation causes highway safety issues, particularly with regards to tourers reversing out of the site;• Increased traffic will lead to further highway issues; and,• If this is permitted, a hedge should be planted for privacy.

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries
GD3 - Area of Separation Kirkham and Newton)
GD7 - Achieving Good Design in Development
EC6 - Leisure, Cultural and Tourism Development
EC7 - Tourism Accommodation
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity

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National Policy and Guidance:

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The application site is situated outside of any settlement and within an Area of Separation. As such the assessment must be made for compliance with Policy GD3 of the Fylde Local Plan to 2032 (incorporating Partial Review). The assessment relates most pertinently to the nature of the proposed use which is considered here, as well as the visual and spatial impact which is considered in the Landscape and Visual Impact section below.

The proposed development would extend the existing area for five pitches for caravans and tents, to include a further seven hardstanding pitches and a grassed area that could accommodate three pitches.

With regards to the position of the site within the Area of Separation, Policy GD3 sets out that development will be limited to a range of uses, notably including uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements. Although the site is not within the Countryside area as defined by Policy GD4, it sets out that holiday caravan sites are uses which are appropriate in a rural area.

With regards to its impact, consideration should be given to any harm to the effectiveness of the gap between settlements and the degree to which the development would compromise the function of the area in protecting the identity and distinctiveness of settlements. The proposed development comprises a relatively small, well-contained extension to the existing site. The pattern of proposed development would be a ribbon, extending perpendicular to Blackpool Road, which is consistent with the type and scale of existing development within the Area of Separation. As discussed in more detail in the Landscape and Visual Impact section below, the proposed development would be almost entirely screened from external view, largely by virtue of the topography of the surrounding land, the size of boundary hedges and the position of roads and footpaths. For these reasons, the proposed development would not introduce development in a way which causes perceived or actual narrowing of the gap between Kirkham and Newton.

Paragraph 84 of the NPPF sets out support for a prosperous rural economy, stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism which respect the character of the countryside. This is carried through at a local level in policy EC6 of the FLPPR, which promotes rural tourism in its wider sense, and Policy EC6 which supports the provision of holiday caravan and camping pitches. This latter policy permitting the limited increase in pitch numbers within existing sites where they are associated with environmental improvements.

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On this basis and in accordance with the material policies and guidance which notably includes Local Plan Policies GD3 and EC6, the type of proposed use in this location is acceptable in principle. The characteristics of the proposed development are assessed in the following sections of this report.

Landscape and Visual Impact

The application site comprises a part of a field which sits within a wider network of fields, part of which forms the Area of Separation between Wrea Green, Kirkham and Newton. Given the topography of the location of the existing site off Blackpool Road and the level of screening already provided by high hedges, embankments and groups of trees around the site's boundaries, it is not considered that the proposed work would have a significant landscape or visual impact on this wider area.

In response to officer comments, the proposal was amended to include full details for the restoration of parts of the existing boundary hedges, as well as new hedge and tree planting to further screen the proposed development and ensure that its appearance more closely matches the character of the surrounding area. The scheme was also amended to ensure a minimum 3m buffer between the pitches and the hedgerow forming the boundary with Parrox Lane, with this necessary to protect the landscape and ecological amenity provided by the high hedge.

In addition to being well screened, the proposed toilet /shower / washing-up block will be discretely positioned and modestly sized, with a footprint of 3m by 2.5m and a maximum height of 1.95m. The above-ground part of the proposed package treatment plant will have a width of approximately 1m and will protrude no more than 0.4m above ground level.

Where glimpses of the site would be afforded, small scale tourism sites for camping and caravanning are not at odds with the local rural character. Indeed, it is likely that the only public viewpoint which would feature the site would be from one part of Parrox Lane, approximately 100m south of the site. The site would remain subservient to the fields and wider rural area in which it is situated.

For these reasons and subject to conditions to secure the implementation and maintenance of the proposed planting scheme, the proposed development would be appropriate to the landscape character in which it is situated, in accordance with Local Plan Policies ENV1, GD3, GD7 and all other material considerations.

Ecology

The application is supported by a Great Crested Newt Assessment, a Hedgerow Condition Survey and a landscaping plan.

The Great Crested Newt assessment sets out that the pond on site is low risk and proposes reasonable avoidance measures. GMEU have confirmed that this assessment is appropriate and that the proposed measures should be secured by condition.

The Hedgerow Condition Survey was submitted as additional information in response to officer comments. It includes a proposed planting and maintenance strategy which sets out to ensure that the substantial screening of the existing boundary hedgerow along Parrox Lane is enhanced and maintained. This also includes a minimum 3m buffer between the proposed pitches and that existing hedgerow. GMEU have confirmed that the proposals are suitable, subject to a condition to secure the proposed strategy.

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The landscaping plan otherwise proposes new tree planting across the southern boundary of the site and a new native species hedgerow around the extended part of the site. Three new bird boxes will also be installed on existing trees within the site, in accordance with GMEU recommendations.

For these reasons and subject to conditions to secure the implementation of the proposed landscaping scheme, the proposed development would be appropriate in terms of biodiversity impact, in accordance with Local Plan Policies ENV2 and all other material considerations.

Access

The proposed development would connect to the existing access serving the five pitches and associated dwelling, connecting to Parrox Lane in the vicinity of its junction with Blackpool Road. The existing junction between the access and public highway offers good visibility.

The proposed additional pitches would not give rise to a significantly intense use of the site, when considering the size and location of the site close to Blackpool Road and other commercial and agricultural sites of similar or larger sizes. LCC Highways was consulted on the proposals and raised no objection, confirming that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The proposed access track was amended in response to officer comments to include a geotextile layer and deeper substrate, to ensure suitable stability.

Therefore, the proposed development accords with all material considerations in this regard.

Neighbour Amenity

The closest residential neighbour outwith the site is 80m to the west of the site, with field boundaries in the intervening space. Whilst the proposed development will increase the intensity of the use, the increase would not give rise to any materially different impacts on this or any other neighbour.

Whilst comments have been received that the increase in vehicles movements to and from the site would impact on amenity, the additional of ten pitches would not give rise to any significantly different or harmful impacts. The scale and intensity of use of the site will be in keeping with the general character of the surrounding area. LCC Highways have also provided comment that the proposed development would not significantly impact on amenity in the vicinity of the site.

For these reasons, the proposed development would accord with Local Plan Policies EC6 and EC7, as well as all other material considerations.

Other Matters

A range of standard conditions relating to tourist caravan sites are attached to the recommendation, to ensure that they pitches are retained for holiday use, in accordance with Local Plan Policy EC7.

The proposed package treatment plant is supported by technical information which demonstrates its suitability for the scale of the proposed use, as well as the suitability of the proposed discharge rate. The Environment Agency were consulted on the proposals and raised no objection, with standard advice relating to foul water management issued.

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Conclusions

The application site situated outside of a Settlement Boundary and within an Area of Separation. The proposed development is for a use which would help to diversify the rural economy and of a type and scale which would not harm the effectiveness of the gap between the settlements. Furthermore, the topography of the site and position of large boundary hedge would almost entirely screen the development from view, with the proposed landscaping and hedgerow schemes and setting out a suitable strategy for enhancing and maintaining that screening. On this basis, the proposed development would accord with Local Plan Policies GD1 and GD3, NPPF paragraph 84 and all other material considerations.

Other impacts, notably relating to access, amenity and ecology, have been addressed to the satisfaction of the relevant consultees and in accordance with the material policy and guidance.

The proposed development would therefore expand an existing rural tourism related business, delivering economic and social benefits, in a way which is appropriate for its location and which would give rise to no significant harmful impacts. The development will also enhance and maintain the ecology of the site. The proposed development accords with the requirements of the Development Plan and all other material policy and guidance, and should therefore be approved subject to the proposed conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Site Location Plan (Drawing no. 344233, 431243)
- Proposed Site Plan (Scale 1:500, amended plan, received by the Local Planning Authority on 12th October 2023)
- Proposed Camp Site - Facilities (Scale 1:50)
- Proposed Permeable Stone Track (Scale 1:25)

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

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

3. Other than quiet internal building operations such as plastering and electrical installation, works associated with site preparation, delivery of materials and construction shall only take place between the hours of 08:00 and 18:00 Monday-Friday and between the hours of 08:00 and 13:00 on Saturdays, with no works to take place on Sundays or Bank Holidays.

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Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance during hours when surrounding residents would reasonably expect to be undisturbed in order to prevent nuisance arising in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

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

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

5. The proposed soft landscaping scheme (Proposed Site Plan, scale 1:500, received by the Local Planning Authority on 12th October 2023) including the proposed hedgerow planting (Hedgerow Condition Survey, received by the Local Planning Authority on 12th October 2023) shall be carried out during the first planting season after any of the pitches hereby approved are first brought in to use, and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced in accordance with the recommendations set out in the Hedgerow Condition Survey, or otherwise 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 the interests of visual amenity, to compensate for the loss of existing planting within the site and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

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

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

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7. The development shall be carried out in full accordance with the precautionary amphibian protection measures (including their timetable for implementation) detailed within the method statement prepared by 'envirotech' and dated 31 July 2023 (ref: 4685).

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).

8. The caravan site hereby approved shall be laid out in accordance with the details on Proposed Site Plan (Scale 1:500, amended plan, received by the Local Planning Authority on 12th October 2023), resulting in seven new hardstanding pitches alongside the five existing hardstanding pitches on site, with three grass pitches for tents. No more than 12 caravans shall be located on site at any one time.

Reason: To define the permission and layout on the site in the interests of clarity and the character and visual amenity of the area, in accordance with Local Plan Policies ENV1, GD1, GD3, GD4 and GD7, as well as with the National Planning Policy Framework.

9. Before the use hereby permitted first taking place, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall set out details of how and from where the site will be managed, the time periods the 'manager' is available, security arrangements for the site, contact details out of hours for the Manager, emergency procedures, details of the size, siting and design of signage to direct users to the site from the public highway etc. The development shall thereafter be operated in full accordance with the duly approved Management Plan.

Reason: To provide adequate supervision and security on the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) Policies GD3, EC6 and EC7, and the aims of the National Planning Policy Framework.

10. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of the caravans, details of their main home addresses, and shall record the length of stay on the site. This information shall be made available to the Local Planning Authority at their request, and shall be provided within 7 days of any such request being made.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) Policies GD3 and EC7, and the aims of the National Planning Policy Framework.

11. None of the touring caravans/motor homes located on the site shall be occupied as a permanent, sole or main place of residence for any occupant.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Fylde Local Plan to 2032 (incorporating Partial Review) Policies GD3 and EC7, and the aims of the National Planning Policy Framework.

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12. Foul and surface water shall be managed and drained in accordance with the details provided in the Utilities Statement (prepared by 'rural futures'). The duly approved scheme shall be implemented before any of the pitches hereby approved are first brought in to use.

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 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.

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Item 4

Application No:	23/0555	Case Officer:	Alan Pinder Area Team 2
Applicant:	NEWPARK HOMES LLP	Agent:	WENDY LEUNG
Location:	BONDS OF ELSWICK, BONDS LANE, ELSWICK, LANCASHIRE PR4 3ZE		
Proposal:	APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 23/0038 TO ALLOW: 1) THE SUBSTITUTION OF HOUSE TYPES ON PLOTS 4 AND 5 WITH RE-HANDED VERSIONS OF THE APPROVED HOUSE TYPES; 2) THE SUBSTITUTION OF THE APPROVED HOUSE TYPE ON PLOT 8 WITH AN ALTERNATIVE HOUSE TYPE; AND 3) THE INTRODUCTION OF A RENDERED FINISH TO THE GROUND FLOOR OF PLOTS 2, 4, 6 AND 8		
Ward:	Rural North Fylde	Parish:	Elswick
Date Received:	16 August 2023	Earliest Decision:	29 September 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	
Officer Recommendation:	Grant		
Location Plan			

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Summary of Officer Assessment

The application relates to former site of the Bonds Ice Cream premises on Bonds Lane in the settlement of Elswick. The site has an extant planning permission for the construction of 8 no. detached two storey dwellings which was granted in June 2023.

This application seeks minor material amendments to alter the house types of plots 4, 5 and 8 of the previously approved development. The changes that are involved include swapping the positioning of approved plots and revising the design of the end plot on the site to increase its scale.

Members may recall that there was a concern from the Parish Council regarding the limited use of render as a finished material in the properties on this site. When the application was first submitted the scheme included a minimal element of render to some of the front elevations. The Parish Council understandably raised objection to this element and Officers secured revised plans that increase the amount of render so that half of the front gables to the properties are now proposed to be rendered. Notwithstanding this change, the Parish Council have restated their objection to the proposal as they continue to believe that the use of only partial rendering will not reflect the character of the village.

The changes are proposed are within the scope of a minor material amendment and so the application can be determined as such. Furthermore they will result in an acceptable form of development that does not lead to any planning harms. The proposed use of materials reflect the requirements of the previous permission with regards the use of render, whilst retaining the use of brick in the elevations to reflect the materials elsewhere on Bonds Lane.

The scheme is fully in accordance with the requirements of Policy GD7 and the other relevant Fylde Local Plan to 2032 (incorporating Partial Review) policies, and with the aims of the National Planning Policy Framework. Accordingly the application is recommended for approval subject to appropriate conditions.

Reason for Decision Level

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

Site Description and Location

The application site is the Bonds of Elswick premises, located on the northern side of Bonds Lane in the settlement boundary of Elswick. This site is of a rectangular shape orientated in an east/west direction immediately alongside the lane. It comprised of various buildings to the western end with the car park taking up the remainder of the site, although a number of the buildings have recently been demolished in preparation for the commencement of works. The site has hedgerow along its Bonds Lane frontage, and sporadic self-seeded trees along its north and east boundaries.

Surrounding the site there are neighbouring residential properties which are located on the south side of Bonds Lane, on Highbury Gate and on Copp Lane. The site is at the eastern end of the settlement boundary with open countryside further east.

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Details of Proposal

The application site currently benefits from an extant planning permission (ref. 23/0038) for the construction of 8 No. two storey detached dwellings. This application seeks permission for minor material amendments to that approved scheme in the form of the following:

- Substitution of the house types on plots 4 and 5 with re-handed versions of the previously approved house types.
- Substitution of the 4 bedroomed house type on plot 8 with an alternative 4 bedroomed house type
- The use of a white render finish to the front facing gables of plots 2, 4, 6 and 8

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
15/0349	OUTLINE APPLICATION FOR ERECTION OF 8 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED)	Granted	12 February 2016
20/0363	DEMOLITION OF EXISTING RESTAURANT AND ERECTION OF 8 DWELLINGS	Granted	01 April 2022
23/0038	APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 20/0363 TO ALLOW THE SUBSTITUTION OF ALL APPROVED HOUSE TYPES WITH NEW HOUSE TYPES INCLUDING ASSOCIATED MODIFICATIONS TO THE DEVELOPMENT LAYOUT, PARKING ARRANGEMENTS AND LANDSCAPING	Granted	08 June 2023

Parish/Town Council Observations

Parish/Town Council	Observations
Elswick Parish Council	<p><u>Comments received on 02 October 2023</u></p> <p><i>“The council wishes to oppose the latest plan as the council previously asked for a number of the houses to be rendered and painted white so as to be in keeping with at least fifty percent of houses in the village. This was strongly supported by the planning committee at the meeting that I attended and it is hugely disappointing to find that the applicant is only proposing to render the ground floors. This will not create the effect that the parish council was seeking and in my opinion is not what the planning committee wanted. I hope that the applicant can be persuaded to fully render the four houses that have been outlined for half rendering on the plan. If not the parish council wishes to object to the plan and requests that the application is heard by the planning committee. I also support this request as one of the members for north rural Fylde.”</i></p> <p><u>Comments received on 27 October 2023</u></p>

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	<p>Following the receipt of revised plans that increased the extent of render used the Parish Council was reconsulted and provided the following response.</p> <p><i>“The Parish Council wishes to retain its objections as the council considers that only partial rendering will not achieve the aim of integrating the properties into the village.”</i></p>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p>Object to the proposal and recommend refusal on the following grounds</p> <ul style="list-style-type: none"> • No provision of a 2 metre wide footway provided on Bonds Lane across the frontage of the development to provide a safe haven and access for pedestrians • Due to the narrow width of Bonds Lane vehicles reversing from each property would potentially obstruct the highway and result in conflict with other road users
Electricity North West	<p>No objection but advise as follows:</p> <p><i>The development is shown to be adjacent to or affect Electricity North West’s operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.</i></p>
Tree Officer	<i>I have no comment to make on this application.</i>

Neighbour Observations

Neighbours notified: 16 August 2023
Site Notice Date: 8 September 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

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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):

DLF1 - Development Locations for Fylde
S1 - The Proposed Settlement Hierarchy
GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
GD8 - Demonstrating Viability
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV2 - Biodiversity
HW2 - Community Facilities
T5 - Parking Standards

Other Policy Guidance

NPPF – National Planning Policy Framework
NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The principle of the construction of the 8 No. detached two storey dwellings set in a linear fashion along the northern side of Bonds Lane has already been established by the recent (and extant) planning permissions, ref. 20/0363 and ref. 23/0038. This application proposes minor material amendments to the most recent approval, 23/0038. The level and nature of the development proposed, and the site boundary remain unchanged and so there can be no dispute with regard to the principle of the development.

Hence the matters for consideration in this application are whether the changes that are proposed to the previously approved development satisfy the requirements of policy GD7 relating to the design of new development, the impacts on neighbour amenity, and the impacts on highway safety. These will be assessed in this report below.

Design & Appearance

This application seeks minor material changes to the residential development approved under planning permission ref. 23/0038. That development comprises of 8 No. dwellings, all of similar design and appearance, set out in a linear fashion along the northern side of this initial section of Bonds Lane.

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The amendments sought are to amend the house types on plots 4, 5 and 8 as previously approved under 23/0038, and the application of rendered elements to four of the proposed dwellings. These are examined as follows:

Plots 4 and 5

The amendment sought is to effectively swap over the approved house types such that the house approved for plot 4 is relocated to plot 5 and that approved for plot 5 is relocated to plot 4. This amendment is sought due to the presence of a telegraph pole that would otherwise sit in front of the driveway of plot 5 of the scheme approved under 23/0038. The swapping of plots 4 and 5 would relocate No.5's driveway to alongside the electric substation and preserve a symmetrical appearance to the site frontage. It is therefore a practical and visual improvement.

This amendment would retain the essential form, including the lower side elements, of both dwellings and the spatial relationship of the two dwellings relative to each other would replicate that of plot 1 and plot 2 but with a wider separation. This wider separation would prevent any appearance of 'terracing' and the visual impact of the revised house types for plots 4 and 5 on the street scene, when compared to the approved scheme, would be negligible.

Plot 8

The proposed changes to the previously approved house type are as follows:

- Increase the width of the dwelling by 3 metres (10.4 metres to 13.4 metres)
- Decrease the depth of the first floor by 2.2 metres (from 9.5 metres to 7.3 metres)
- Increase the ridge height of the lower side element by 0.5 metres (from 6 metres to 6.5 metres) and its eaves by 1 metre (from 3 metres to 4 metres), and relocate this lower side element from the east to the west facing side elevation

The notable changes are the increased width of the dwelling within the plot and the relocation and increase in height of the lower side element.

With regard to the increased width, it is noted that plot 8 is located at the far east end of the proposed row of eight dwellings. As such its increased width would be marginalised by the overall linear form of the eight dwellings fronting onto Bonds Lane, to a degree that the limited additional mass along the frontage would not be visually intrusive within the streetscene or harmful to the character and appearance of the previously approved development (23/0038).

With regard to the relocated lower side element this would face towards the lower side element of plot 7 resulting in a similar spatial arrangement to that of plots 1 and 2, and that of the proposed reorientated plots 4 and 5. The ridge of the side element would be 0.5 metres higher than plot 7's, but the ridge of the main roofs of plot 7 and plot 8 would be of the same height. As such the overall development would retain the 'main element and lower side element' pattern of the approved development and the overall visual change would be marginal.

Rendered Elevations

The materials of construction have been the subject of some debate during the consideration of the earlier application on the site (23/0038) and the current proposal.

In the case of application 23/0038 the developer proposed a largely brick treatment to the dwellings, but following consideration of the Parish Council's concerns over this at Planning Committee a condition was imposed which required that the materials be submitted for agreement with "*not less than 3 of the dwellings including an element of render treatment to the front elevations.*"

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The original submission under the current application did not feature any render, and so would not have satisfied the intentions of the earlier condition. The plans were then amended to include a rendered panel to part of the ground floor of the front elevation of 4 of the 8 properties. Whilst this would technically have satisfied the requirements of the condition it was not really delivering the extent of render that was sought by Committee when imposing that condition. The developer was therefore advised to revise the scheme further. The result is the scheme under consideration which provides a full height rendered gable element to 3 of the 8 properties, with plot 8 including full height rendered treatments to the elements of the property that are either side of the front gable. The result is therefore that 4 of the 8 properties include render, and this is to a significant part of the front elevation of each property and at full two storey height.

The Parish Council objected to the application on the grounds that the four dwellings are not being fully rendered on all elevations, which they believe is necessary in order for the development to accord with the existing vernacular of Elswick village. They have been reconsulted on the latest iteration of the plans as is described above, and have restated their objection to the scheme on this basis.

Whilst the concerns of the Parish Council are noted, it must also be recognised that the existing dwellings located directly opposite the site on the south side of Bonds Lane, and the dwellings to the rear of the site on Highbury Gate, are all predominantly unrendered with buff brick faced elevations. The elements of render included on the proposed dwellings now exceeds that which was required under the previous planning permission by providing significant elements of render to the front elevation of 4 of the 8 dwellings.

Against this surrounding context and planning history the extent of render proposed is considered to be acceptable and appropriate.

Summary

Overall the amendments sought would result in a development that retains the general layout and general linear form approved under 23/0038, with only the dwelling at plot increasing marginally in size. The design changes between 23/0038 and the now proposed dwellings are limited in scope and considered to be minor material changes that would not result in a development sufficiently dissimilar to that previously approved as to justify a refusal of permission. Accordingly there are no concerns over the design changes which are considered to satisfy the requirements of Policy GD7.

Relationship to Neighbours

Policy Background

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

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

Assessment

Neighbouring dwellings potentially affected by the amendments are those to the rear of the site on Highbury Gate, those to the front of the site on the opposite side of Bonds Lane, and No.1 Bonds Lane which directly neighbours the eastern boundary of the application site.

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Highbury Gate – The amendments to plots 4 and 5 would retain the same separation distances to the shared boundaries with, and rear elevations of, the dwellings along the south side of Highbury Gate. These separation distances accord with the design guidance set out in the council's adopted SPD on householder development and thus the amended plots 4 and 5 would not unduly impact on the residential amenity of Highbury Gate dwellings.

With regard to plot 8 the depth of the first floor of the revised house type is 2.2 metres less than that of the previously approved dwelling for plot 8. As such its first floor windows would be set 2.2 metres further away from the shared rear boundary with No.5 Highbury Gate. As such it would have a reduced impact on No.5 than that of the plot 8 dwelling approved under 23/0038.

No's 4 to 14 Bonds Lane (opposite the front of the application site) - These comprise six detached dwellings located on the southern side of Bonds Lane, opposite the application site. The proposed amendments do not bring any of the dwellings any closer to these opposing dwellings than the development approved under 23/0038. As such there would be no greater impact on the amenity of these dwellings than otherwise occur from the extant permission.

No.1 Bonds Lane - This is a detached two storey dwelling sited adjacent to the eastern boundary of the application site with its blank side elevation facing towards plot 8 of the application site and a hard surfaced driveway and manoeuvring area between it and plot 8.

The additional width of the dwelling proposed for plot 8 would take it closer to both the shared boundary and the side elevation of No.1 with separation distances of *circa* 7.5 metres and 14 metres respectively. These separation distances, combined with the intervening driveway of No.1, are sufficient to ensure that No.1's amenity is not compromised by way of overlooking, overshadowing or dominating overbearingness.

Having regard for the above spatial relationships of the proposal with neighbouring dwellings it is considered the proposal accords with criteria c) and o) of policy GD7 of the FLP and with para 130 of the NPPF.

Access & Parking

Policy Background

Criterion r) of policy GD7 requires development to "*...not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users...*" and "*...should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction*". Policy T5 of the FLP requires car parking to be provided on site wherever possible and in a manner that ensures there is no detriment to highway safety.

Assessment of local highway comments

Bonds Lane is a narrow rural lane that reaches a dead end at its eastern point, has no footpath on either side, and is adopted and maintained by Lancashire County Council. LCC Highways have been consulted on the application and have objected to the application for the following reasons:

- There is no provision for a 2 metre wide footway on Bonds Lane across the frontage of the development to provide a safe haven and access for pedestrians.
- Due to the narrow width of Bonds Lane vehicles reversing from each property would potentially obstruct the highway and result in conflict with other road users.

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- The submitted drawings indicate hedging and trees to be planted in the adopted highway where they would obscure sight lines and so this is unacceptable.

Highway safety is clearly a key consideration in the assessment of any application, and Lancashire County Council are the local highway authority and a statutory consultee on applications that can have highway implications. Their comments here raise objection, and that was also the case when the earlier application was considered and approved by Fylde Council. It is unusual that the views of the local highway authority are not accepted in the determination of an application, but they are only a consultee and the ultimate decisions for Fylde Council as local planning authority. As such officers have considered the various points raised by the local highway authority below.

Footway - With regard to the requested 2 metre wide footpath across the site frontage it is acknowledged that this would provide benefits for safe pedestrian access along this short stretch of Bonds Lane. However, its provision would cause further issues:

- It would lead to a narrowing of Bonds Lane for vehicular traffic
- It would require removal of roadside hedging and so urbanise the character of this rural lane
- It would require the proposed dwellings to be sited further back into the site. This would reduce the separation available to the Highbury Gate dwellings and so introduce unacceptable amenity impacts to residents of Highbury Gate.

Given these harmful impacts and the low level of pedestrian movements currently on Bonds Lane and the limited increase in them from this development it is considered that the benefits of providing a footway would not outweigh the harm to visual and residential amenity that would inevitably result from its provision.

Reversing Vehicles – It is the case that the linear layout for the off-street parking at each dwelling will potentially result in some vehicles reversing onto Bonds Lane. However, this form of parking arrangement is common in urban areas throughout the Fylde Borough, and whilst Bonds Lane is narrow in parts it is also lightly trafficked. Furthermore, the off-street parking arrangements for the existing approval (20/0363) would also potentially require vehicles to reverse into Bonds Lane. As such it is not considered that the new proposed arrangement would result in any appreciable additional harm to highway safety.

Having regard for the above it is considered that, on balance, the objections of the local highway authority should be set aside in this case.

Assessment of Other Highway Matters

A further issue is the connection from Bonds Lane to the wider highway network. In their comments to the previous application in 2020 the local highway authority requested the provision of a raised table at the junction of Bonds Lane with Ash Road and Beech Road. This would assist with pedestrian accessibility through the village and would serve as a traffic calming feature. This was incorporated into the decision on that application with a condition imposed which required its detailed design to be submitted, and then the table implemented prior to the occupation of any of the dwellings. Notwithstanding the omission of this from the comment of the local highway authority to this application, officers believe it remains appropriate and necessary and so this condition is to be repeated in the recommendation on this application.

Summary

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The policy test in this at the scheme is whether the development provides adequate arrangements for access and parking so that its development will not cause a 'severe' impact on highway safety arrangements. Given the commentary provided here the officer view is that the scheme will not meet that level of harm and is acceptable in its access and parking. It is therefore in accordance with the objectives of policies GD7 and T5, and paragraph 107 of the NPPF.

Conclusions

The application proposes a minor material amendment to an extant planning permission for the erection of 8 dwellings on the former site of Bonds Ice Cream of Elswick. The changes that are proposed are within the scope of a minor material amendment and result in an acceptable form of development that does not lead to any planning harms. The scheme is fully in accordance with the requirements of Policy GD7 and the other relevant Fylde Local Plan to 2032 (incorporating Partial Review) policies and so is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years from the date of planning permission ref. 20/0363. (ie by 1 April 2025)

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 and to ensure that the date of expiry of this permission is consistent with the extant planning permission that is to be varied.

2. This permission relates to the following plans:

- Location Plan - Drawing no. SL01 Rev A
- Proposed Site Layout - Drawing no. PL01 Rev E
- House Type 1 Plot 1 Elevations - Drawing no. 4B-1407 (2) Rev A
- House Type 1 Plot 1 Floor Plans - Drawing no. 4B-1407-P2 Rev A
- House Type 1 Plot 2 Elevations - Drawing no. 4B-1407 (2) Rev C
- House Type 1 Plot 2 Floor Plans - Drawing no. 4B-1407-P2 Rev B
- House Type 2 Plots 3 & 7 Elevations – Drawing no. 4B-1407(1) Rev D
- House Type 2 Plots 3 & 7 Floor Plans – Drawing no. 4B-1407-P Rev D
- House Type 2 Plot 4 Elevations – Drawing no. 4B-1407(1) Rev D
- House Type 2 Plot 4 Floor Plans – Drawing no. 4B-1337-P
- House Type 2 Plot 5 Elevations – Drawing no. 4B-1337(5)
- House Type 2 Plot 5 Floor Plans – Drawing no. 4B-1337(P5)
- House Type 2 Plot 6 Elevations – Drawing no. 4B-1407(1) Rev C
- House Type 2 Plot 6 Floor Plans – Drawing no. 4B-1407-P Rev C
- Plot 8 Elevations – Drawing no. P8-EL Rev E
- Plot 8 Floor Plans – Drawing no. P8-FP Rev D

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

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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 and National Planning Policy Framework.

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works of development shall take place until samples or full details of all materials to be used on the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials with those elements of the properties that are indicated as being treated in a rendered finish in the plans hereby approved being completed as such. The development shall thereafter be implemented in accordance with the duly approved details.

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

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

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

5. No above ground works of development shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - a) separate systems for the disposal of foul and surface water;
 - b) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
 - c) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change);
 - d) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - e) a timetable for implementation, including details of any phased delivery; and
 - f) details of how the drainage system will be maintained and managed after completion.

The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, and shall be managed and maintained as such thereafter.

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

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the dwellings hereby approved are first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the dwellings hereby approved shall be occupied until a scheme for the construction of all hard surfaced areas of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the layout, design and construction (including sub layers and surfacing materials) of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be laid out and made available for use in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure satisfactory treatment of hard surfaced areas and an appropriate standard of engineering works in the interests of visual amenity and the amenity of future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

8. The development shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in section 4 of the Arboricultural Impact Assessment prepared by Karen O'Shea of 'Urban Green' (dated March 2020) and approved under planning permission ref. 20/0363. The identified tree and hedgerow protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

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

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9. No clearance of any vegetation and/or demolition of buildings (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 and/or buildings to be cleared do 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 and/or buildings shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

10. The development shall be carried out in full accordance with the Construction Method Statement submitted by MCK Associates Ltd on 17 March 2023 and approved under planning permission ref. 23/0038.

Reason: In order to ensure that appropriate measures are put during the development 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 the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

11. The private vehicle parking and manoeuvring areas for each dwelling (including areas of driveway and car port) shall be constructed and made available for use in accordance with the details shown on the approved site plan listed in condition 2 before each associated dwelling is first occupied. This shall ensure that not less than 2 in-curtilage parking spaces are available for the use of each property, with these spaces retained as available parking and manoeuvring areas at all times thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies T5 and GD7, and the National Planning Policy Framework.

12. No above ground works of development shall take place until a scheme for the siting, layout, design and construction of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

a) The provision of a junction table at the junction of Beech Road, Ash Road, and Bonds Lane.

The highway improvement works shall be implemented in full accordance with the details in the duly approved scheme and before any of the dwellings hereby approved are first occupied, or within any other timescale that has first been agreed in writing with the Local Planning Authority.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to achieve a safe and suitable means of access to the development for all

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users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, 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. Highway Authority Engagement informative

Before any development takes place, the applicant is advised to contact the Local Highway Authority (Lancashire County Council) in order to determine the need for any Traffic Regulation Orders, section 38 and/or section 278 Agreements under the Highways Act (1980) with regard to the adoption of any new estate roads and/or any engineering works to be carried out within the adopted highway.

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Item 5

Application No:	23/0626	Case Officer:	Alan Pinder Area Team 2
Applicant:	MICHELLE MORRIS	Agent:	MR PETER ENTWISTLE
Location:	19 ST PAULS AVENUE LYTHAM ST ANNES LANCASHIRE FY8 1ED		
Proposal:	DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF REPLACEMENT DETACHED GARAGE/GARDEN ROOM		
Ward:	Ansdell & Fairhaven	Parish:	
Date Received:	11 September 2023	Earliest Decision:	5 October 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application	Online application file here	
Officer Recommendation:	Grant		
Location Plan			

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Summary of Officer Assessment

The application property is a detached two storey dwelling location in a residential area of Lytham St Annes where the character of the area is established by other sizeable detached dwellings built in the local vernacular with reasonable garden areas. In this case the property faces across the grounds to AKS School.

The application seeks planning permission for the demolition of an existing single storey detached garage allocated to the rear of the garden and accessed via a driveway alongside the property, and the construction of a replacement single storey garage. This is a larger structure that includes an attached 'garden room' that runs to the side and so across the majority of the rear boundary of the garden area of the property.

The proposed development is not considered to be an inappropriate form of development that might otherwise prejudice the visual amenity and character of the area or property. It is of a scale that will not prejudice the amenity of neighbouring dwellings, or result in unacceptable impacts of the safe use of the public highway. Accordingly the proposal accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

The application is therefore recommended for approval.

Reason for Decision Level

The applicant is a serving Fylde Councillor and thus, in accordance with Fylde Borough Council's Scheme of Delegation, the application is to be determined by the Planning Committee.

Site Description and Location

The application relates to a detached, two-storey red brick built dwelling which is set back from the roadside with a large boundary wall and access gates to the front elevation. The site is located along a row of similar sized dwellings along a tree lined street and face on to the playing field of AKS school.

The site falls within the settlement of Lytham St Annes as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

Planning permission is sought for the demolition of an existing detached garage within the rear garden and construction of a replacement single storey garage with attached 'garden room'.

The proposed building is L-shaped in form and would have a maximum width of 10m and depth of 7.5m. It would have a mono-pitched roof with 3 metre eaves height at the rear and 3.15 metres eaves at its front. The elevations are to be faced with brick with a garage door to the front facing the driveway and patio doors to the element facing back to the house across the garden.

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Relevant Planning History

Ref	Description	Decision	Date
11/0552	RESUBMISSION OF APPLICATION 11/0196 FOR PROPOSED NEW GARAGE TO REAR WITH FIRST FLOOR ELEMENT TO PROVIDE ANCILLARY LIVING ACCOMMODATION	Granted	23 September 2011
11/0196	PROPOSED NEW GARAGE TO REAR WITH FIRST FLOOR ELEMENT TO PROVIDE ANCILLARY LIVING ACCOMMODATION	Refused	30 June 2011
05/0825	SINGLE STOREY EXTENSION TO REAR	Granted	24 October 2005

Parish/Town Council Observations

Whilst the boundary of St Annes Town Council's area is along the centre of St Paul's Avenue, the application property is outside of that area.

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

Neighbour Observations

Neighbours notified: 14 September 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) and other relevant Guidance:

GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
SPD1 - Extending Your Home - November 2007

Other Policy / Guidance

NPPF – National Planning Policy Framework
NPPG – Planning Practice Guidance

Comment and Analysis

Principle

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

Impacts on the Character and Appearance of the Area

Policy Background

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

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

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

Assessment

The proposed building would replace, and sit atop the footprint of, an existing single storey garage sited within the rear garden, beyond the rear elevation, and accessed via a driveway to the side of the property. This siting within the rear garden and beyond the rear elevation of the dwelling is such that the replacement garage would only be visible from the public domain in views directly opposite the driveway and so will have no impact on the streetscene.

This notwithstanding its single storey flat roofed design and brick finish construction would replicate the existing garage which it is to replace. As such the development is considered to accord with the requirements of criteria d), h) and i) of Policy GD7 and the objectives of the NPPF.

Relationship to Neighbours

Policy Background

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

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

Assessment

Neighbouring dwellings potentially affected by the application are No’s 17 & 21 St Pauls Avenue, which neighbour to each side, and No’s 26 & 28 Myra Road, which neighbour to the rear and share a boundary with the application site.

No.17 St Pauls Avenue – This property neighbours to the north and shares a side boundary with the application site. The proposed building would be set 2 metres off this shared boundary and towards its furthest end, *circa* 10 metres beyond No.17’s rear elevation. This separation from the shared boundary and the rear of No.17 is considered appropriate and not to cause any undue prejudice to No.17’s amenity by way of overshadowing or overbearing appearance.

No. 21 St Pauls Avenue – As with the existing garage the proposed building would also be built onto, and along, the shared boundary with this property but *circa* 0.9 metres closer to the rear elevation of No.21. On the boundary the height of the proposed building would be the same at its closest point to the rear elevation of No.21 and *circa* 0.15 metres higher at its furthest point. Hence the overall impact on No.21 would be marginally greater than already exists, and not to an extent that might otherwise be considered unduly harmful and unacceptable.

No.26 Myra Road – The proposed building would be built 0.8 metres from, and *circa* 9 metres across, the shared rear boundary with No.26. This boundary is *circa* 2 metres in height and thus the building would project approximately 1 metre above it. The rear garden of No.26 is *circa* 18 metres in length and the building would be *circa* 20 metres from the closest part of No.26.

The resulting spatial relationship is considered acceptable and the proposed building would not have any unacceptable impacts on the amenity of No.26 by way of overshadowing or overbearingness when viewed from No.26.

No.28 Myra Road – The building would also be 0.8 metres from this shared boundary and but only overlap it by *circa* 1.3 metres. This relationship is such that No.28 would not experience any prejudice to its amenity.

Overall, the proposed development accords with the objectives of criteria c) and h) of Policy GD7 and the NPPF

Parking and Access Arrangements

The proposal would retain an appropriate level and location of parking for the property and will not compromise the existing access arrangements or have any unacceptable effects on highway safety. As such it complies with criteria j) and q) of FLPPR Policy GD7 and the NPPF.

Conclusions

The application relates to the erection of extensions at a detached dwelling located within the settlement of Lytham St Annes.

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

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. PCE-Morris-July-23Site location
- Proposed Plans & Elevations - Drawing no. PCE-Morris-July-23-Planning

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used on the external surfaces of the development shall match those of the existing dwelling in terms of type, colour, texture and scale.

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

Informative(s)

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

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