

Agenda

Planning Committee

Date:	Wednesday, 4 September 2019 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 31 July 2019 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Exclusion of the Public	3
5	Exempt Item – Not for Publication Planning Application for the Change of Use of Grazing Land to a Site Providing 6 Residential Gypsy Pitches at Willow Park Stables, Singleton Road, Weeton	EXEMPT
6	Planning Matters	4 - 110
	INFORMATION ITEMS:	
7	List of Appeals Decided	111 - 125

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PLANNING COMMITTEE	4 SEPTEMBER 2019	4

EXCLUSION OF THE PUBLIC

PUBLIC ITEM

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

RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined under paragraphs 1 and 2 of schedule 12A to the Local Government Act 1972, being information relating to an individual and information which is likely to reveal the identity of an individual.

Planning Committee Index

04 September 2019

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	18/0723	LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO THE B5261 (QUEENSWAY) INCLUDING PROVISION OF ASSOCIATED HIGHWAY INFRASTRUCTURE	Grant	6
2	18/0880	CLIFTON MARSH FARM, PRESTON NEW ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XE ERECTION OF ONE BROILER REARING UNIT FOR UP TO 36,000 BIRDS INCLUDING LINKED CONTROL ROOM, TWO ASSOCIATED FEED BINS AND FORMATION OF ADDITIONAL HARDSTANDING	Delegated to Approve	25
3	19/0006	STANWAYS OF LYTHAM, PRESTON ROAD, LYTHAM ST ANNES, FY8 5BG OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF CLASS A1 RETAIL FOODSTORE	Approve Subj 106	42
4	19/0282	BRADKIRK HALL FARM, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3NA ERECTION OF AGRICULTURAL BUILDING TO PROVIDE SHEEP HOUSING AND LAMBING ACCOMMODATION INCLUDING ASSOCIATED HARDSTANDING AND LANDSCAPING	Grant	73
5	19/0390	27 DERBE ROAD, LYTHAM ST ANNES, FY8 1NJ CHANGE OF USE FROM RESIDENTIAL DWELLING (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (CLASS SUI GENERIS) CONSISTING OF 8 NO. BEDSITTING ROOMS WITH ENSUITE FACILITIES AND SHARED COMMUNAL FACILITIES.	Grant	82
6	19/0477	183 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU VARIATION OF CONDITION 2 (APPROVED PLANS) ON PLANNING PERMISSION 19/0155 TO INCREASE GARAGE SIZE.	Refuse	93
7	19/0511	90 PRESTON STREET, KIRKHAM, PRESTON, PR4 2XA ERECTION OF DETACHED GARAGE	Grant	100

Background Papers

In accordance with Section 100D of the Local Government Act 1972, 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 Act.

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- 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 2019
- 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 either at www.fylde.gov.uk/resident/planning or for inspection by request at the Town Hall, St Annes Road West, St Annes.

Planning Committee Schedule

04 September 2019

Item Number: 1 Committee Date: 04 September 2019

Application Reference:	18/0723	Type of Application:	Full Planning Permission
Applicant:	Joint Administrators of Greenhurst Investments	Agent :	Indigo Planning
Location:	LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES		
Proposal:	CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO THE B5261 (QUEENSWAY) INCLUDING PROVISION OF ASSOCIATED HIGHWAY INFRASTRUCTURE		
Ward:	KILNHOUSE	Area Team:	Area Team 2
Weeks on Hand:	50	Case Officer:	Matthew Taylor
Reason for Delay:	Delays in consultation replies		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7679191,-3.011566,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application involves the creation of a new access to the western flank of the B5261 (Queensway) and associated off-site highway works to serve a *circa* 3.8 hectare parcel of land that is allocated as an employment site in the Fylde Local Plan to 2032 (site reference ES1). The application does not, however, seek permission for the use of the land or the construction of buildings upon it in connection with any specific type or quantum of development alongside the proposed access. Accordingly, the submitted scheme simply seeks permission for the elements of operational development associated with the creation of a field access into site ES1 off the B5261.

The proposed access, when taken in combination with the off-site highway infrastructure to be delivered in conjunction with it, would provide a safe and suitable means of access to the site for all users that is capable of integrating successfully with both the existing highway layout and the changes to the Kilnhouse Lane junction that are proposed to provide the permanent means of access to the Richmond Point development (including both the approved roundabout junction and the anticipated modifications to change this to a signalised junction). As the application does not include any development other than the access itself, the proposal would not give rise to any additional traffic generation that would affect the capacity of the surrounding highway network (those effects would be subject to separate consideration in connection with any subsequent application for a specific type and quantum of development on site ES1).

The siting, layout and design of the development would not give rise to any adverse effects on the character and appearance of the area and appropriate conditions can be imposed to ensure

suitable landscaping treatments in order that it integrates and is consistent with the wider scheme of improvements to the Kilnhouse Lane junction required to deliver the Richmond Point development. The proposal would not have any other adverse effects with respect to impacts on neighbour amenity, ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (FLP), the St Annes Neighbourhood Development Plan (SANDP) and the National Planning Policy Framework (NPPF).

Reason for Reporting to Committee

Ward Councillor Karen Henshaw has requested that the decision on the application be made by the Council's Planning Committee as the scheme has implications that are in the wider public interest.

Site Description and Location

The application relates to an irregularly-shaped area of land extending to *circa* 0.55 hectares which incorporates part of the adopted highway of the B5261 (Queensway – including the junction into Queensway Park Farm) and a small parcel measuring around 450 square metres to the southeast corner of employment site ES1 as designated on the Fylde Local Plan to 2032 (FLP) Policies Map.

Site ES1 is located on the west side of the B5261 and extends to around 3.8 hectares between Queensway and industrial units off Snowdon Road. The land presently comprises open grassland, but is allocated for B1, B2 and B8 employment uses in policy EC1 of the FLP. The site's eastern boundary with Queensway borders a shared footway/cycleway and, with the exception of a short run of low post-and-rail fencing, is largely open to the highway. A small cluster of semi-mature trees/hedges fall within the highway verge before the edge of the site meets a bridleway (Moss Edge Lane – 5-2-BW 11) which runs in a north-westerly direction away from Queensway to separate site ES1 from adjoining fields beyond. Open land to the north and east of site ES1 falls within the Green Belt.

The site in question comprises a *circa* 450 square metre parcel of land located to the southeast corner of site ES1. The remainder of site ES1 (and adjacent land which lies within the Green Belt outside this allocation) does not fall within the red line boundary for this application and is, instead, shown as adjoining land owned by the applicant (edged blue on the submitted location plan). The application site is located opposite the junction between the B5261 and Queensway Park Farm which lies on the east side of Queensway and, at its closest point, is around 70m north of the existing signalised junction between Queensway and Kilnhouse Lane. The closest dwelling is on Kilnhouse Lane (no. 204) approximately 110m to the southwest and a series of industrial units located off Snowdon Road and Scafell Road lie to the northwest.

Details of Proposal

The application seeks permission for the creation of a new access off the western flank of the B5261 (Queensway) into the land allocated as employment site ES1 in the FLP. The proposed access measures 20m in width where it merges with the B5261 and would form a signal-controlled junction with a dedicated left hand turn lane into the site from Queensway on the northbound approach and a separate right hand turning lane with ghost island approach for southbound vehicles. Egress from the site would also be signal-controlled. The north and south sides of the access would be flanked by a 3m wide shared footway/cycleway. A series of off-site works within the adopted highway are required in connection with the creation of the new access. In summary, these include:

- The repositioning of the existing access to Queensway Park Farm to a point approximately 10m north of its current location (to centreline).
- The widening of the existing carriageway of the B5261 along both its eastern and western flanks to allow the delivery of the new lane arrangement, associated ground markings and addition of turning lanes to serve the proposed access, and for the provision of a right hand turning lane to serve the re-positioned junction to Queensway Park Farm.
- The installation of traffic signal heads to create signalised junctions onto Queensway for both the proposed access and the re-located access to Queensway Park Farm and the provision of traffic islands to allow the siting of those signal heads.
- The provision of 3.6m wide signal controlled Toucan and Pegasus crossings to the north of the proposed access.
- The provision of a 3m wide shared footway/cycleway on the east and west sides of the B5261 as follows: (i) east side – to the north (for a distance of around 30m up to the Toucan/Pegasus crossings) and south (for a distance of around 45m) of the re-located junction to Queensway Park Farm; (ii) west side – to the north (for a distance of around 135m before merging with the existing shared footway/cycleway) and south (for a distance of around 60m before merging with the existing shared footway/cycle at the Kilnhouse Lane junction) of the proposed access.
- The provision of tactile paving for pedestrians crossing over the proposed access and the Toucan/Pegasus crossings.
- The addition and/or reconfiguration of street lighting.

The above works are shown on drawing no. 8551-0100-01A which is a revision of the scheme as originally submitted and has been prepared by the Local Highway Authority (Lancashire County Council).

The extent of the application site (the red line boundary) is limited to the land required to deliver the proposed access and associated off-site works within the adopted highway as described above. The remainder of site ES1 does not fall within the boundaries of the development site. Accordingly, this application seeks permission for operational development associated with the construction of the proposed access only. As no specific type or quantum of development has been applied for alongside the proposed access, the application simply seeks permission to establish a means of access into the existing field from the B5261.

Relevant Planning History

Application No.	Development	Decision	Date
17/0296	RESUBMISSION OF APPLICATION 16/0524 FOR OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS WITH ALL MATTERS RESERVED	Refused	11/08/2017
16/0524	OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS (ACCESS, SCALE AND LAYOUT APPLIED FOR) WITH ACCESS FROM NEW VEHICULAR ACCESS FROM QUEENSWAY	Refused	03/11/2016
12/0038	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING OFFICES (B1 (A)), GENERAL INDUSTRIAL (B2) AND STORAGE AND DISTRIBUTION (B8), AND 82 RESIDENTIAL DWELLINGS (C2 AND / OR C3) TOGETHER WITH ASSOCIATED WORKS AND	Finally Disposed Of	11/04/2016

	OPEN SPACE WITH THE CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM QUEENSWAY AND SCAFELL ROAD		
01/0690	REPLACEMENT OF EXISTING SIGNAL CONTROLLED JUNCTION WITH MAJOR FIVE ARM ROUNDABOUT (PUBLIC HIGHWAY)	Granted	18/08/2004
02/0219	FULL APPLICATION FOR NEW OFFICE DEVELOPMENT (PHASE ONE)	Granted	13/10/2005
02/0218	OUTLINE APPLICATION FOR BUSINESS PARK DEVELOPMENT INCLUDING ASSOCIATED PARKING ROADWAYS AND LANDSCAPING	Granted	13/10/2005
02/0220	FULL APPLICATION FOR LANDSCAPING WORKS IN ASSOCIATION WITH BUSINESS AND LEISURE PARK	Withdrawn by Applicant	12/01/2004
00/0612	OUTLINE APPLICATION FOR EXTENSION TO INDUSTRIAL ESTATE [3.7 HA] .	Refused	01/11/2000
00/0050	REPLACEMENT OF EXISTING SIGNAL CONTROLLED JUNCTION WITH MAJOR FIVE-ARM ROUNDABOUT (PUBLIC HIGHWAY)	Withdrawn by Applicant	14/09/2000
91/0328	RE SUBMISSION OF OUTLINE APPLICATION FOR RETAIL WAREHOUSE PARK COMPRISING RETAIL SPACE/TAKEAWAY FOOD RESTAURANT & ASSOCIATED STORAGE, CAR PARKING, SERVICE AREAS AND HIGHWAY WORKS.	Granted	17/02/1992
75/0963	LAYOUT OF LAND INCLUDING ROADS, SEWERS AND FOUL SEWAGE PUMPING STATION FOR AN INDUSTRIAL DEVELOPMENT.	Granted	01/07/1977

Relevant Planning Appeals History

Application No.	Development	Decision	Date
16/0524	OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS (ACCESS, SCALE AND LAYOUT APPLIED FOR) WITH ACCESS FROM NEW VEHICULAR ACCESS FROM QUEENSWAY	Dismiss	16/11/2017
00/0612	OUTLINE APPLICATION FOR EXTENSION TO INDUSTRIAL ESTATE [3.7 HA] .	Allowed	10/05/2001

Parish/Town Council Observations

St Annes on the Sea Town Council: Notified 19.09.18 of original scheme and 26.03.19 following receipt of amended scheme. The Town Council objected to the original scheme by correspondence dated 19.10.18, but submitted the following observations in respect of the amended scheme on 05.04.19 (including clarification that their stance has changed from one of 'objection' to 'observation'):

1. *"Proximity to water course. It would appear that this has been addressed as the junction has been moved from its original location.*
2. *The TC retain their concerns regarding the proximity of this proposed junction to the main Kilnhouse Lane/Queensway junction but as LCC the Highways authority appear to support the application we will accept their recommendation.*
3. *If this site to which the junction appertains becomes a housing estate the TC would still seek an additional entrance/ exit onto Snowdon/Scafell Road. However, if the site is to be developed for industrial/business use than the proposed junction would keep heavy and/or more frequent traffic away from residential roads.*

4. *The TC still maintain that the developers & LCC working together could provide a better solution with the provision of a 'free-flowing roundabout' in this area, not junctions controlled by traffic signals."*

Statutory Consultees and Observations of Other Interested Parties

LCC Highways: Objected to the original scheme due to its failure to assimilate with the committed access for the Richmond Point development from an operational, safety or integration perspective. This objection has been withdrawn following the submission of the amended scheme (that has been prepared by LCC Highways). Final comments on revised scheme (which relate to the access only and not the consequential impacts of development on the wider highway network which will be subject to a further application) as follows:

- The site has been subject to a previous application which was tested at a public inquiry with the inspector concluding that without the M55 to Heyhouses Link Road the cumulative impact of development in the area, including development on the appeal site would be severe. The applicant does acknowledge this point and accepts there is a risk to the delivery of the link road.
- Currently the committed Queensway residential scheme (Richmond Point) includes an access into the Queensway Industrial site (ES1) from a roundabout. As part of the strategy for the Queensway residential site a layout has been produced by LCC that integrates the existing network, that of the Queensway site with this site. This layout is a linked signalised junction, which can be delivered in stages. This flexible approach is not reliant on the other developer coming forward first, with each access being delivered in isolation or could be combined if timing is appropriate for both.
- The planning application is to provide suitable access into a plot of land. The proposed layout is confirmed in a letter to Mr Taylor at FBC on the 19th July 2019. The letter referenced the submitted scheme as being LCC Drg No 8551-0100-01A dated March 2019. The LCC layout is supported by the local highway authority. It supports the local and wider movements, sustainable movements and provides access to the land north of Kilnhouse Lane and west of B5261 Queensway.
- The application is for access only, with this no specific development land use is included or applied for. However as part of the wider cumulative junction LCC as local highway authority is satisfied that the proposed access (in isolation) can accommodate impacts of employment as per the local plan. The applicant acknowledges at the time of a further application for development of the site the capacity of the access will be further tested, as will the wider highway network at that time, having regard to the appeal decision.
- I consider this application (which is based on an access scheme designed by the highway authority) to be acceptable and to link appropriately into the existing network. The access has regard to the wider Kensington scheme access strategy, also designed by LCC. I am satisfied that the two access schemes can be implemented separately to allow the developments to proceed at different times and at different rates. This access scheme is therefore not reliant on the Kensington access scheme coming forward first. A further application is necessary which needs to satisfy wider impacts and previous appeal decisions. However on the basis of an appropriate local access to the local highway network, I support the access strategy proposed and as presented on LCC drawing 8551-0100-01A.
- Conditions are recommended as follows: (i) No development shall commence until planning approval has been granted for development on the site which this access is to serve; (ii) No development shall take place until full details of the scheme for the construction of the access and off-sited highway works has been submitted; (iii) No development shall take place until a construction method statement has been submitted and approved.

Tree officer: No objections. Comments as follows:

- There are no trees of merit affected by the creation of the proposed access. Any scheme for development on the remainder of the site should include the introduction of large landscape trees and the layout should be designed around these rather than a selection of small/medium sized specimens. This will ensure that new planting offers greater visual amenity and is more effective in breaking up the mass of large buildings.

Neighbour Observations

Neighbours notified:	19.09.18
Site notice posted:	05.10.18
Press notice:	11.10.18
Amended plans notified:	26.03.19
No. Of Responses Received:	Four
Nature of comments made:	Four objections

The appropriate neighbouring properties were notified of the original scheme by letter on 19.09.18. The same properties (along with any other people who made representations on the original scheme) were notified on 26.03.19 following the receipt of revised plans in connection with the amended scheme, and given a further 21 days to comment. In addition, as the location of the access in the original scheme resulted in the footway to the north side of that access crossing the line of the adjacent bridleway, the application was initially advertised as affecting a Public Right of Way by the posting of site and press notices. The same is not, however, true of the amended scheme where the access has been re-positioned further to the south away from the Public Right of Way.

Four letters have been received in objection to the application. The points of objection are summarised as follows:

- This stretch of Queensway already suffers from long queues both during and outside peak times. Adding further traffic onto the highway in this location by creating an additional access would only exacerbate existing congestion.
- The widening of Queensway proposed by this application will not assist in alleviating traffic congestion due to the bottleneck located further north at the junction of School Road and Common Edge Road.
- The position of the proposed access in relation to the Kilnhouse Lane junction would cause further obstructions and slow the free flow of traffic along Queensway.
- No new accesses onto Queensway should be permitted until the M55 link road is completed. The effect of the Blackpool Enterprise Zone on traffic in this area should also be taken into account. The application should not be considered in isolation of these other schemes.
- Access into this employment site should be taken from Scafell Road rather than Queensway in order to create a shared access with the neighbouring industrial units at Snowden Road.

Relevant Planning Policy

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 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory

Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site falls within the Saint Anne's on the Sea Neighbourhood Development Plan (SANDP) area, the Neighbourhood Plan also forms part of the Development Plan in this case.

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
SL1	Lytham and St Annes Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land & Existing Empt Sites
T4	Enhancing Sustainable Transport Choice
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV3	Protecting Existing Open Space

Saint Anne's on the Sea Neighbourhood Development Plan (SANDP):

GP1	Settlement boundary
DH1	Creating a distinctive St Anne's
DH1	Corridors and gateways
E4	Employment and enterprise
E5	Office development
SU1	Incorporate sustainable urban drainage into new development

Other Relevant Policy:

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

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) 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.

Comment and Analysis

Policy context and main issues:

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 reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the FLP.

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, criteria (c) and (d) of paragraph 11 indicate that this means:

- (c) approving development proposals that accord with and 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.

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

1. The principle of development, including the background to the scheme and the scope of this application.
2. The development's impact on the highway network, including its integration with both existing and proposed highway infrastructure.
3. The development's effects on the character and appearance of the area.
4. The scheme's impact on the amenity of surrounding occupiers.
5. Other matters relevant to the decision, including those relating to trees ecology and flood risk.

Background and scope of the application and the principle of development:

The site is located within the settlement boundary of Lytham St Annes and falls to the southeast corner of a *circa* 3.8 hectare parcel of land that is allocated for employment uses falling within classes B1, B2 and B8 in accordance with policies SL1 and EC1 of the local plan (site reference "ES1"). FLP policy GD1 and SANDP policy GP1 are permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies.

Background and scope of the application:

The site has been subject to recent applications for residential development involving up to 115 dwellings (application references 16/0524 and 17/0296). Both these applications were refused by the Local Planning Authority (LPA) and an appeal against the Council's decision on application 16/0524 was the subject of a subsequent appeal that was dismissed on 16.11.17 (appeal reference APP/M2325/W/16/3164516). Paragraphs 50 to 62 of the Inspector's decision deal with the appeal scheme's impact on the highway network and make reference to constraints associated with developing site ES1 due to the lack of certainty concerning the design of the junction that is to serve as the means of access for both Kensington's residential development on the east side of Queensway (Richmond Point) and site ES1.

The consented access to Richmond Point approved as part of outline planning permission 08/0058 takes the form of a five-arm roundabout junction, the western arm of which is to serve as the access to site ES1. The developer (Kensington Developments) has, however, expressed their intention to replace the consented roundabout with a signalised junction and has commissioned LCC (in their role as the Local Highway Authority) to design the replacement signalised junction. While this design work has now been completed, there remains no valid planning application from Kensington for the revised junction arrangement.

This application is submitted on behalf of the owners of site ES1 and seeks permission for the creation of a separate means of access into the site via Queensway which could operate independently of the Richmond Point junction and therefore allow access into site ES1 in advance of and without reliance

on Kensington constructing the Richmond Point junction (regardless of the form the design of that junction may take).

The application seeks permission only for operational development associated with the construction of the proposed means of access off Queensway and associated off-site works within the adopted highway that are required in connection with the delivery of that access. While the submitted Transport Statement makes reference to a “hypothetical employment development” involving “15,200m² of general employment development”, this is not part of the submitted scheme and the application does not include any component which seeks to alter the existing use of the land or to erect buildings in connection with this (or any) type or quantum of development. Accordingly, the application before the LPA is simply for the creation of an access into the existing field. The issue of whether the proposed access is suitable to serve a particular use and/or amount of development will need to be tested separately as part of any subsequent planning application that includes those details. Given that context and the limited scope of this application, the main issues in this case centre on whether the proposed means of access would integrate successfully with both the existing highway layout and the proposed junction arrangement for the Richmond Point development.

Principle of development:

As set out above, the application seeks permission for operational development involving the construction of the proposed access only. The layout, size and siting of the proposed access would not prevent or undermine the site’s future use for employment purposes – indeed, the design and geometry of the junction is intended to cater for larger vehicles associated with those types of uses – and so the proposal does not (unlike the proposals for residential development in applications 16/0524 and 17/0296) give rise to any specific conflicts with the development plan having regard to the site’s allocation for employment uses as set out in FLP policies SL1 and EC1. Similarly, and although the site is not allocated in the SANDP, there is no specific conflict with the intentions of policies E4 and E5 of the Neighbourhood Plan. Accordingly, the principle of development is considered to be acceptable and so the remainder of the report focusses on matters concerning the scheme’s detailed design.

Effects on the highway network:

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that:

- 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).
- 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.

Paragraph 108 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; 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 109 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.”

As this application is submitted in advance of development commencing on Kensington’s junction to Richmond Point, it must be ensured that the proposed access can operate both independently of that junction (a scenario ‘without the Richmond Point junction’) and in tandem with that junction after it is constructed, whatever form that may take – whether it is the roundabout consented under 08/0058 or a revised, signalised junction (a scenario ‘with the Richmond Point junction’).

Integration with other highway infrastructure and road safety:

Planning permission 08/0058 has been varied by S73 applications 17/0861 and 18/0544. The latter of those permissions allows phases 1 and 2 of the Richmond Point development (up to 165 dwellings) to take access from a temporary, priority (‘T’) junction onto Queensway to the south of the Kilnhouse Lane junction prior to the construction of the permanent, roundabout junction consented by application 08/0058. While the only consented permanent junction to the Richmond Point development remains in the form of a roundabout, Kensington Developments have indicated to the LPA that they intend to replace this with a signalised crossroad junction and have instructed the Local Highway Authority (LHA) to design the revised junction. Although the LHA have now completed the junction’s design there is, at present, no valid planning application from Kensington for the revised junction arrangement (and, consequently, no planning permission for this).

Accordingly, while it is highly unlikely that the roundabout junction consented by planning permission 08/0058 will be constructed in that form, in the absence of any valid planning application (or permission) for the revised signalised junction it must, at present, be assumed that the approved roundabout will form the permanent means of access to Richmond Point.

The ‘without Richmond Point junction’ scenario:

Planning permission 18/0544 allows up to 165 dwellings at Richmond Point to take access via a temporary, priority junction onto Queensway to the south of Kilnhouse Lane in advance of the permanent junction being constructed. The first phase of Richmond Point (comprising 65 dwellings) is nearing completion and so an additional 100 dwellings are still to be constructed before the stopping up of the temporary access and subsequent delivery of the permanent junction. This could, however, result in a *circa* 3 year delay in the construction of the permanent access and so the applicant must demonstrate that the proposed access to site ES1 is capable of operating safely and efficiently without the permanent Richmond Point junction being in place.

The junction arrangement shown on drawing no. 8551-0100-01A shows the proposed access and associated off-site highway works in the context of the current highway layout surrounding the Kilnhouse Lane junction. The proposal includes the widening of the B5261 on both its eastern and western flanks to create separate right and left turning lanes into site ES1 and to serve a re-positioned access to Queensway Park Farm. Additional traffic signals are proposed to create a crossroad junction where the B5261 is intersected by easterly and westerly accesses into Queensway Park Farm and site ES1 respectively. A shared 3m wide footway/cycleway is proposed on both sides of the B5261 to merge with the existing infrastructure and to serve new Toucan and Pegasus crossings to the north of the access. The existing southbound ‘straight ahead’ and ‘right turn’ filter lanes on the B5261 at the

Kilnhouse Lane junction would be retained, as would the alignment of the adjacent bridleway.

The proposed junction arrangement (including the scope of off-site highway works) has been designed by the LHA. All of the proposed works can be delivered upon land that is either within the applicant's ownership or is part of the adopted highway. As indicated by the LHA, the proposed junction arrangement would not adversely affect the safety and capacity of the surrounding highway network and would integrate successfully with the existing highway layout in advance of the permanent Richmond Point junction being delivered.

The 'with Richmond Point junction' scenario:

As set out above, the permanent junction to Richmond Point that is currently permitted comprises a five arm roundabout. It is, however, Kensington's intention to replace this with a signalised crossroad junction. While that junction has been designed by the LHA, there is no valid planning application for it, nor does it have planning permission. Accordingly, the applicant is required to demonstrate that their proposed access would not prejudice the delivery of the permanent access to Richmond Point (whichever of the two forms that may take).

While the position of the proposed access and layout of off-site highway works would require an alteration to the northern arm of the consented roundabout (as well as avoiding the need for the provision of the western arm into site ES1), it would not prevent its delivery (e.g. by developing land that is required for the roundabout) and the roundabout design could be adapted to incorporate the proposed access.

The LHA have indicated that the roundabout consented by 08/0058 will not be delivered and will, instead, be replaced by a signalised crossroad junction at the intersection between Queensway, Kilnhouse Lane and the new Heyhouses Bypass (the 'T5' road running east-west across the northern edge of Richmond Point). Notwithstanding that the LPA has not, to date, received a valid planning application for the replacement signalised junction, the LHA have completed its design and so the integration of the proposed access with the replacement junction can be determined. A separate, illustrative plan has been submitted showing the relationship between the proposed access and the replacement signalised junction. As both schemes have been designed by the LHA, the layout ensures that the two schemes operate as a comprehensive package with respect to lane alignments, traffic signals, ground markings and associated pedestrian, cycle and equestrian infrastructure.

The submitted plans demonstrate that the layout and design of the proposed access and associated off-site highway works are capable of integrating with both the roundabout junction consented as part of application 08/0058 and the replacement signalised crossroad junction that has been designed by the LHA. Accordingly, the proposed access would not prejudice the delivery of the permanent access to Richmond Point, whichever form that junction takes. Given these circumstances, there is also no need impose a condition prohibiting the construction of the proposed access and associated off-site highway works until the signalised junction that is intended to replace the consented roundabout has been approved.

Traffic generation and network capacity:

Paragraphs 50 to 62 of the Inspector's decision for appeal APP/M2325/W/16/3164516 (relating to a development of up to 115 dwellings on site ES1) deal with that development's effects on the capacity of the surrounding highway network. In summary, the Inspector found that existing capacity constraints on the local highway – principally arising from significant levels of queuing at the School Road/Common Edge Road north junction back to the Queensway/Kilnhouse Lane junction – would be

worsened through the addition of traffic from the appeal development, including an increase in the length of the queue through the Queensway/Kilnhouse Lane junction that would cause significant delays to traffic in the area (paragraphs 51 and 54). The conclusions in paragraphs 55 and 62 of the Inspector's decision read as follows with respect to highway impacts:

- "The resulting additional delays would extend the congestion over a longer period of time, increase the number of vehicles that would be queuing, causing air pollution, and could well have a knock on effect on the risks that drivers would be likely to take, to the detriment of highway safety. In addition, the bus services would take longer and emergency vehicles would find it harder to negotiate the traffic. This would be contrary to Government aims to support reductions in greenhouse gas emissions and reduce congestion given in paragraph 30 of the Framework. I find that the evidence provided demonstrates that the residual cumulative impacts of the development on transport would be severe without any improvements to the highway network."
- "In the absence of suitable mitigation, the proposal would have an adverse effect on highway safety and the flow of traffic on the local highway network and would result in a severe residual cumulative transport impact, contrary to paragraph 32 of the Framework."

The Inspector's conclusions in the above appeal were based on a quantum of development that would give rise to a level of traffic generation increasing the degree of saturation at the Common Edge Road/School Road junction from 117% (including all other committed development) to 119% by 2020. Accordingly, although the additional traffic arising from the appeal development "would represent less than 2% of the existing flow", the Inspector found this to "represent a severe impact up to 2022 should the proposed [M55] Link Road not be completed in that time".

Whilst the Inspector's conclusions in appeal APP/M2325/W/16/3164516 are noted, these would only be applicable in the event that the proposed development was to give rise to a comparable level of traffic generation. In this case, however, the application only involves operational development associated with the construction of the proposed access and connected off-site highway works. As there is no traffic-generating development associated with the proposed access (i.e. the additional vehicle movements arising from the construction of the field access would, in effect, be zero), the "severe residual cumulative transport impact" identified in the Inspector's decision would not occur in connection with this development. Any effects in this regard would, instead, need to be tested as part of a separate application for a specific type and quantum of development on the land.

The LHA have recommended that a condition be imposed to prevent any development involving the construction of the proposed access commencing until planning permission has been granted for the associated use of land and erection of buildings on site ES1. Such a condition would, however, fail to meet the tests of necessity and reasonableness in paragraph 55 of the NPPF.

Firstly it would, in effect, remove the benefit of the planning permission by making it reliant on another (as yet unknown) development coming forward in tandem. Such an approach would be unreasonable. Secondly, it is not necessary as, even if the access were to be constructed independently of any development on site ES1, that act of operational development itself will not have a severe impact on the highway network as it would not, in isolation, result in any additional traffic generation. As is made clear throughout this report (and in an informative note that will be added to the decision notice), the approval of this application for the access alone will not prejudice any decision the Council takes in respect of the use of land and/or erection of buildings on site ES1. The effects of any such development (including matters concerning the suitability of any proposed access – whether in the form proposed here or another form – and effects of traffic generation in connection with it) would, instead, to be subject to separate assessment at the time of an application involving a specific type and quantum of development on the land. It is not the case that, by approving this

application, the LPA is committing to the proposed form of access being suitable to serve any form of associated development on site ES1. Rather, the approval of this application is merely an indication that the proposed operational development involving the construction of an access off the B5261 can take place without interfering with or being reliant on the construction of the wider Richmond Point junction to the south. Accordingly, this condition requested by the LHA has not been imposed. Other recommended conditions requiring a scheme for the construction of the access and off-site highway works, the submission of a construction method statement and the maintenance of visibility splays are required in the interests of highway safety and to ensure a satisfactory standard of engineering works within the adopted highway.

Effects on Public Rights of Way:

FLP policy T4 a) and policy ENV3 f) indicate that developments should protect and enhance the existing public rights of way network.

The application includes the re-location of the existing access to Queensway Park Farm to a point around 10m north of its current position. All works required to re-position that access can be carried out on land that falls within the adopted highway and the alignment of the new junction would merge with the existing access track to Queensway park Farm in order that operations at this site would not be prejudiced as a result of the development. Whilst the access track to Queensway Park Farm (including the junction with the B5261 which is to be re-located) is part of a bridleway (reference 5-2-BW 12) the re-positioned junction would not obstruct access along this route – albeit that a diversion through the new junction may be required. Neither the Ramblers Association nor the Rights of Way Officer at LCC have commented on the application. An informative note has been added highlighting the possible need for a diversion of the Public Right of Way in question. However, given that the re-positioned access would not obstruct or prevent passage along the bridleway, there would be no conflict with the intentions of policies T4 and ENV3.

Character and appearance:

FLP 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 15 guiding principles (a – o). Criteria (d), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- 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.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

SANDP policy DH1 requires that “all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods.”

In addition, the route of the B5261 is identified as a “corridor” on the SANDP Policies Map and so policy DH2 of the Neighbourhood Plan relating to corridors and gateways is also applicable in this case. That policy requires developments adjoining the corridors and gateways identified on the Policies Map to respond in design terms to the guidance set out in the St Annes Design Guide SPD, with the overarching aim that development adjacent to these gateways should make a positive contribution towards their improvement, including with respect to “agreed design themes (including lighting, street furniture, landscaping, signage).”

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The red line boundary for the application is limited to the land required to construct the access and off-site highway works shown on drawing no. 8551-0100-01A. Accordingly, the landscaping aspects of the development relate principally to the treatment of the hard surfaced highway works delivered as part of the scheme as there are no areas within the confines of the development site that could feasibly be used for soft landscaping. Elements of soft landscaping would, instead, follow in connection with an application for development upon the remainder of site ES1. The main issue in this case is, therefore, to ensure that the treatment of hard surfaced areas and other appurtenances associated with the construction of the highway works (e.g. street furniture, footway surfacing, traffic signals, street lighting etc.) is carried out in a manner that is sympathetic to the character of the area, having particular regard to the site’s prominent position on the main corridor into St Annes.

The submitted plans show a high-level layout for the proposed access and the scope of associated off-site highway works. The detailed design of these works – with respect to their appearance at street level – is, however, unknown at this stage. Accordingly, it is necessary to impose a condition requiring the submission of a hard landscaping scheme for that detailed design in order to ensure that it is sympathetic to the character and appearance of the area and, in particular, that it follows the theme of the Richmond Point junction to the south with respect to its treatment of hard landscaped areas to provide consistency across the two schemes. With this condition in place, there is no reason to conclude that the development would have a harmful impact on the character and appearance of the area, including the corridor identified in the SANDP.

Effects on surrounding occupiers:

Criterion c) of FLP policy GD7 requires that development proposals facilitate good design by:

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

Furthermore, paragraph 127 (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.”

The proposed access would be located *circa* 110m to the northeast of the closest neighbouring dwelling at no. 204 Kilnhouse Lane. Given this degree of separation and as this dwelling (along with others surrounding the Kilnhouse Lane junction) already fronts onto a heavily-trafficked thoroughfare, the relationship of the proposed development to neighbouring dwellings would have no materially different or more harmful effects on the amenity of surrounding uses by reason of noise, pollution,

visual impact or any other nuisance/disturbance.

Other matters:

Trees and ecology:

The siting of the proposed access would require the removal of a group of semi-mature trees and hedging alongside the highway verge. As indicated by the Council's Tree Officer, none of the specimens that would be lost have sufficient value that would warrant their retention (e.g. through a tree preservation orders) and the most important issue is to ensure that any new landscaping delivered in tandem with the site's redevelopment provides a strong landscaped buffer with adjoining open fields that are in the Green Belt.

Given the limited scope of this application for the construction of the site access, the only adverse ecological effects that would arise relate to possible impacts arising from the clearance of vegetation during the bird nesting season. Accordingly, a condition has been imposed to restrict vegetation clearance during this period unless suitable surveys have evidenced the absence of nesting birds.

Flood risk:

The site falls wholly within flood zone 1 as defined on the Flood Map for Planning and is, therefore, an appropriate use of land for the purposes of the vulnerability classifications in the NPPG, FLP policy CL1 and paragraph 155 of the NPPF. The submitted plans indicate that the proposed access and off-site highway works will be drained through the provision of road gullies, with their precise position and number to be determined at detailed design stage. Accordingly, a condition has been imposed to require details for the drainage arrangements to be made in connection with the highway works to be submitted before development commences in order to avoid any potential flood risk impacts from surface water drainage.

Conclusions

The application involves the creation of a new access to the western flank of the B5261 (Queensway) and associated off-site highway works to serve a *circa* 3.8 hectare parcel of land that is allocated as an employment site in the Fylde Local Plan to 2032 (site reference ES1). The application does not, however, seek permission for the use of the land or the construction of buildings upon it in connection with any specific type or quantum of development alongside the proposed access. Accordingly, the submitted scheme simply seeks permission for the elements of operational development associated with the creation of a field access into site ES1 off the B5261.

The proposed access, when taken in combination with the off-site highway infrastructure to be delivered in conjunction with it, would provide a safe and suitable means of access to the site for all users that is capable of integrating successfully with both the existing highway layout and the changes to the Kilnhouse Lane junction that are proposed to provide the permanent means of access to the Richmond Point development (including both the approved roundabout junction and the anticipated modifications to change this to a signalised junction). As the application does not include any development other than the access itself, the proposal would not give rise to any additional traffic generation that would affect the capacity of the surrounding highway network (those effects would be subject to separate consideration in connection with any subsequent application for a specific type and quantum of development on site ES1).

The siting, layout and design of the development would not give rise to any adverse effects on the

character and appearance of the area and appropriate conditions can be imposed to ensure suitable landscaping treatments in order that it integrates and is consistent with the wider scheme of improvements to the Kilnhouse Lane junction required to deliver the Richmond Point development. The proposal would not have any other adverse effects with respect to impacts on neighbour amenity, ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP, the SANDP and the NPPF.

Recommendation

That planning permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Drawing no. CBO-0352-009 – Revised red line boundary based on LCC access design.

Drawing no. 8551-0100-01 A – Planning application drawing.

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 and National Planning Policy Framework.

3. No development shall take place until a scheme for the design, construction specification and drainage of: (i) the new access to the west side of the B5261; and (ii) the re-located access to the east side of the B5261, the positions of which are shown on drawing no. 8551-0100-01 A, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the following:

- a) Details of how the accesses interface with the alignment of the B5261 (as altered by the development).
- b) Details of the visibility splays to be provided in both directions at the junctions of each access with the B5261.
- c) Signing and carriageway marking details.
- d) Construction details and specifications.

Both of the accesses described in (i) and (ii) shall be constructed in accordance with the duly approved scheme before either is first brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splays in b) shall thereafter be kept free of any obstructions (including buildings, walls, gates, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access for all users, to secure the delivery of a comprehensive package of highway improvements that do not prevent or undermine the operation of existing land uses, and to achieve a satisfactory standard of engineering works in the interests of highway safety, to ensure the efficient disposal of surface water from the development, and because matters concerning the scheme's detailed design have not been provided as part of the application,

in accordance with the requirements of Fylde Local Plan to 2032 policies DLF1, GD7 and CL2, and the National Planning Policy Framework.

4. No development shall take place until a scheme for the precise number, siting, layout, scale, design, construction specification and drainage (as applicable) of the following highway works shown on drawing no. 8551-0100-01 A has been submitted to and approved in writing by the Local Planning Authority.
- a) The widening of the existing carriageway of the B5261.
 - b) The installation of traffic signal heads and, where applicable, the provision of traffic islands to allow the siting of those signal heads.
 - c) The provision of Toucan and Pegasus crossings.
 - d) The provision of a 3 metre wide shared footway/cycleway on the east and west sides of the B5261.
 - e) The provision of tactile paving and dropped kerbs.
 - f) The addition and/or repositioning of street lighting.
 - g) The installation of road drainage gullies.

All the highway works described in a) – g) shall be constructed and made available for use in accordance with the duly approved scheme before any of the accesses described in (i) and (ii) of condition 3 of this permission are first brought into use.

Reason: To secure the delivery of appropriate supporting infrastructure that is required to ensure a suitable and safe means of access for all users, to secure the delivery of a comprehensive package of highway improvements that do not prevent or undermine the operation of existing land uses, and to achieve a satisfactory standard of engineering works in the interests of highway safety, to ensure the efficient disposal of surface water from the development, and because matters concerning the scheme's detailed design have not been provided as part of the application, in accordance with the requirements of Fylde Local Plan to 2032 policies DLF1, GD7, CL2 and T4, and the National Planning Policy Framework.

5. No development shall take place until a hard landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include the following details:
- a) Carriageway and shared footway/cycleway surfacing materials.
 - b) The layout, scale, design, materials and colour treatment of all street furniture.

All hard landscaping works shall be carried out in accordance with the duly approved scheme before any of the accesses described in (i) and (ii) of condition 3 of this permission are first brought into use.

Reason: To ensure that areas of hard landscaping are attractive and treated appropriately, to achieve a sympathetic treatment to the corridor of the B5261 which forms one of the main thoroughfares into St Annes and to provide a coherent theme to landscaping treatments along this corridor in accordance with the requirements of Fylde Local Plan to 2032 policy GD7, Saint Anne's on the Sea Neighbourhood Development Plan policies DH1 and DH2, 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 1st March and 31st 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

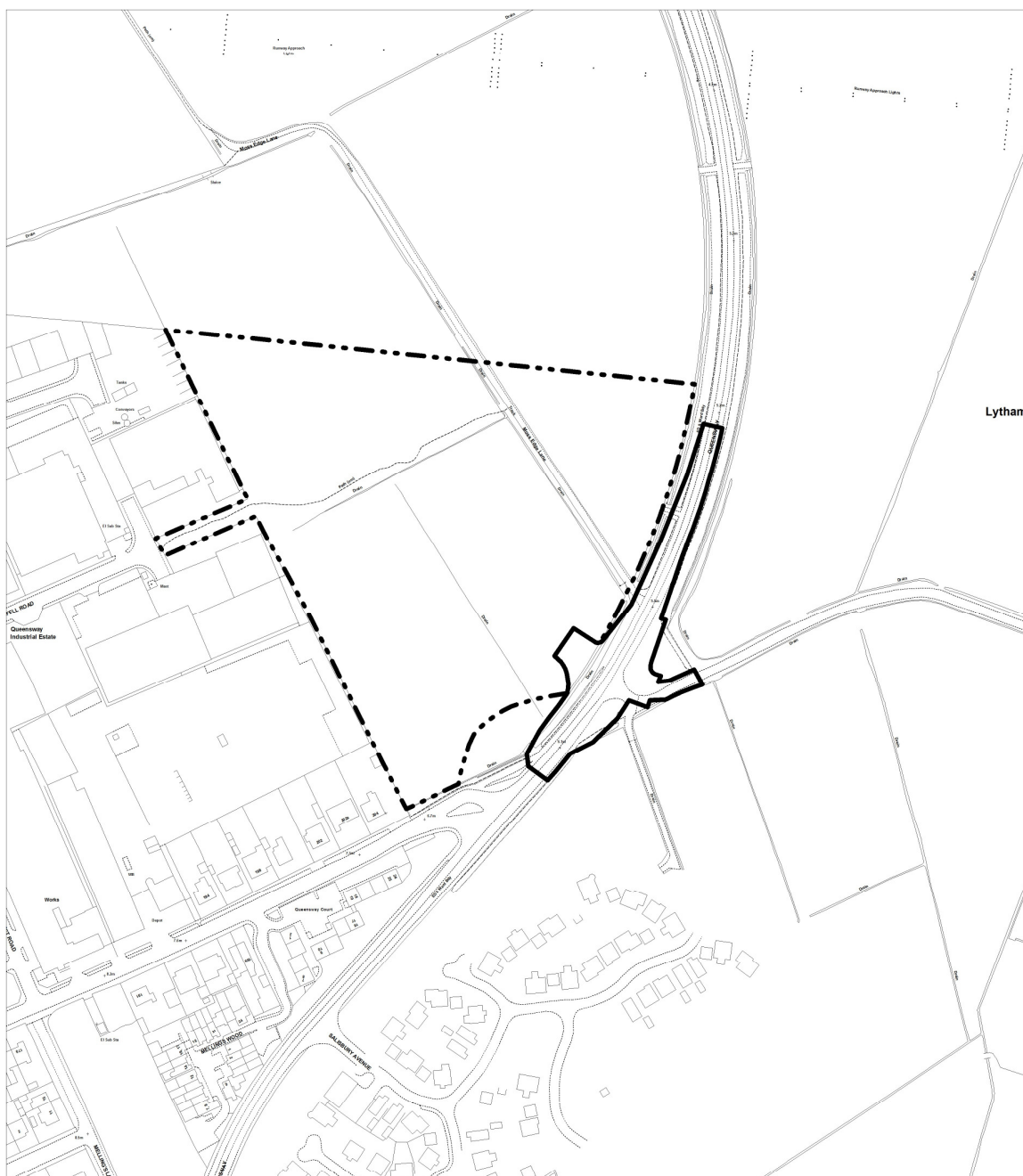
writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved 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.

7. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives and visitors;
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
 - e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
 - f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
 - g) a construction strategy that ensures the impacts on the B5261 and side roads are minimised during construction of the approved access.
 - h) a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction; and
 - i) measures to control the emission of dust and dirt during construction.

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

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



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Application No. 5/18/0723	Address Land adjacent Kilnhouse Lane and Queensway, Lytham St Annes	Grid Ref. E.3336 : N.4306	Scale 0 15 30 45 60 m

Item Number: 2

Committee Date: 04 September 2019

Application Reference:	18/0880	Type of Application:	Full Planning Permission
Applicant:	Mr Tomlinson	Agent :	Ian Pick Associates Ltd
Location:	CLIFTON MARSH FARM, PRESTON NEW ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XE		
Proposal:	ERECTION OF ONE BROILER REARING UNIT FOR UP TO 36,000 BIRDS INCLUDING LINKED CONTROL ROOM, TWO ASSOCIATED FEED BINS AND FORMATION OF ADDITIONAL HARDSTANDING		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	12	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7560368,-2.8180543,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application involves the erection of an additional (third) broiler rearing building upon a rectangular parcel of agricultural land at Clifton Marsh Farm, Clifton. The proposed 1,780 square metre building would accommodate around 36,000 broilers (taking the combined total at the site across all three buildings to approximately 91,000 birds).

The proposed building is required in connection with the continuation and expansion of the existing agricultural enterprise at Clifton Marsh Farm and, accordingly, represents an appropriate form of development within the countryside. While substantial in its scale, the building's form, design and materials would be inherently agricultural in character and its grouping and siting in close proximity to two existing broiler rearing units of a similar scale and appearance would ensure that the development assimilates sympathetically with the surrounding landscape.

The development's location, separation and screening in relation to neighbouring uses would ensure that it has no adverse impacts on the amenity of surrounding occupiers by reason of scale, noise, odour or any other nuisance. The applicant has demonstrated that the scheme is not likely to have any significant effects on the interest features of designated nature conservation sites located nearby and no other harmful ecological impacts would arise as a result of the development that could not be satisfactorily mitigated. The proposal would not give rise to any adverse effects on highway safety or capacity, appropriate measures can be put in place to ensure that the scheme will not be at an unacceptable risk of flooding or increase flood risk elsewhere and the development would not be at undue risk from the presence of hazardous installations.

Accordingly, subject to the receipt of satisfactory additional information to address outstanding comments from statutory consultees relating to flooding and ecological impacts, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

Reason for Reporting to Committee

The application involves major development and the officer recommendation is for approval.

Site Description and Location

The application relates to a rectangular parcel of land extending to *circa* 0.5 hectares on the western edge of a larger agricultural field located to the south of Clifton Marsh Farm, Clifton. The site falls on the east side of a crushed stone agricultural track that branches in a southerly direction off the tarmac access road to Clifton Fields which, in turn, merges with the A584 (Preston New Road) at its northern end. The site is located within the Countryside Area as defined on the Fylde Local Plan to 2032 Policies Map.

The site is bounded by agricultural fields following a largely flat topography to the north, east and south. Directly opposite the site – to the west side of the agricultural track – there are two existing timber-clad agricultural buildings and four cylindrical feed bins that are used in connection with an existing broiler rearing enterprise accommodating around 55,000 birds. Surrounding ground levels rise in general northerly and southerly directions away from the site up to tree-lined embankments which separate the site from industrial units at Clifton Fields *circa* 190m to the northwest and the Clifton Marsh Landfill site further to the southeast. The closest dwelling at Myrtle Cottage is located approximately 165m to the north.

Details of Proposal

The application seeks permission for the erection of an additional (third) broiler rearing poultry unit to the western edge of an existing agricultural field that is presently used for grazing sheep. The proposed building would follow a rectangular footprint measuring 73.3m in length and 24.4m in width and would be topped by a pitched roof measuring 2.9m to the eaves and 6.2m to the ridge. A lower control room measuring 6.1m x 3.1m would protrude to the southwest corner, with a monopitch roof following the slope of the main building's western gable. The timber-framed building would have a shallow concrete plinth, with its external walls finished in stained timber cladding and a polyester coated roof covering coloured slate blue. A collection of 11 equidistantly spaced, roof-mounted ventilation fans would protrude 1m above the building's ridge, with inlet vents mounted above base level to the north and south sides of the unit.

The scheme also includes the following ancillary works:

- The installation of two cylindrical feed bins to the southwest corner of the building. The bins would have a diameter of 3.4m, reach a height of 7.5m and are held in place by a slender steel frame.
- The formation of a 3m wide concrete apron to the eastern and northern perimeters of the proposed building and a hardstanding vehicle parking and turning area to the west merging with the existing crushed stone track.

Relevant Planning History

Application No.	Development	Decision	Date
19/0130	REQUEST FOR SCREENING OPINION PURSUANT TO THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF A PROPOSED DEVELOPMENT COMPRISING THE ERECTION OF A BROILER REARING UNIT FOR UP TO 36,000 BIRDS INCLUDING LINKED CONTROL ROOM, TWO ASSOCIATED FEED BINS AND FORMATION OF ADDITIONAL HARDSTANDING	Advice Issued	27/02/2019
17/0805	CONSULTATION ON COUNTY APPLICATION (LCC/2017/0074) FOR THE ERECTION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING SWITCHGEAR HOUSING, SECURITY FENCING AND INTEGRAL CONNECTION TO THE CLIFTON MARSH WASTE WATER TREATMENT WORKS EXISTING SUBSTATION	Raise No Objection	13/10/2017
17/0347	ERECTION OF AN ADDITIONAL BROILER REARING UNIT FOR UP TO 18,000 BIRDS WITH ASSOCIATED FEED BINS, HARDSTANDING AREA AND SURFACE WATER ATTENUATION POND (RESUBMISSION OF APPLICATION REF: 16/0813)	Granted	04/01/2018
16/0813	ERECTION OF ADDITIONAL BROILER REARING BUILDING AND ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS, HARDSTANDINGS AND OFFICE	Withdrawn by Applicant	31/01/2017
94/0426	POULTRY CABIN FOR REARING BROILER CHICKENS AND EXTERNAL STORE	Granted	17/08/1994

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council: Notified 11.06.19 and indicated that they support the application by letter dated 04.07.19.

Statutory Consultees and Observations of Other Interested Parties

Cadent Gas/National Grid – No objections. Comments as follows:

- National Grid has no objection to the proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.

Environment Agency (EA) – Latest response dated 14.06.19 as follows:

- The EA object to the application in the absence of an acceptable Flood Risk Assessment (FRA).
- The application sites lies within flood zones 2 (medium probability of flooding) and 3 (high probability of flooding). The proposal is for agricultural development which is considered to be a 'less vulnerable' land use for the purposes of the PPG.

- The submitted FRA does not comply with the requirements for site-specific FRAs set out in the PPG. In particular, the submitted FRA fails to: (i) identify that the proposed building is in flood zone 3; (ii) confirm the finished floor level of the proposed building in relation to the external ground level around it; (iii) confirm that the building will be designed to be resilient to flooding.
- The EA's objection can be overcome through the submission of a revised FRA which addresses the 3 points above.
- In accordance with paragraph 158 of the NPPF, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (the sequential test). It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk.

Environmental Health Officer – No objections.

Greater Manchester Ecology Unit (GMEU) – Responses dated 28.06.19 and 22.08.19 as follows:

- **Proximity to SPA** – Potential impacts on the SPA include air pollution, water pollution and impacts on functionally linked land used by qualifying species during construction. The previous application was concluded to have no negative impacts but potential impacts now need to be re-assessed because of cumulative impacts once measures were put in place. I note that Natural England have requested updates on the risks from air pollution. This report has been provided and appears to indicate that there will be no negative impacts on the SPA above Natural England's threshold.
- Provision of bird records for the previous application demonstrated that whilst there was potential usage of land, based on records from LERN and Fylde bird club, for Clifton Marsh these records were not significant and the given the presence of existing building, negative impacts on completion can be discounted, though there may be negative impacts from noise during construction. The updated assessment of the potential impact on bird qualifying species for the SPA has identified no significant change in the value of the site or cumulative impacts resulting from the additional poultry shed. I am satisfied that no further information or measures are required for the potential impacts on functionally linked land of the development.
- In terms of water borne pollution reaching the SPA, the previously agreed SUDs system should be reviewed/extended to take up any additional run off. I recommend that prior to determination information on surface water is provided.
- **Great Crested Newts** – A method statement has been provided. Compliance with this can be conditioned as part of any permission.
- **Nesting birds** – There appears to be a hedge along the western boundary of the site that will be lost potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition should be imposed to ensure that any vegetation clearance occurs outside the bird nesting season.
- **Biodiversity enhancements** – The NPPF states that the planning system should contribute to and enhance the natural and local environment. The loss of improved grassland will have negligible negative impacts. I recommend however that mitigation is provided for loss of any hedgerow, through planting along the northern, southern or western boundaries of a new hedge. This detail can be conditioned.

Health and Safety Executive (planning advice web application) – HSE does not advise, on safety grounds, against the granting of planning permission.

LCC Highways – No objections. Comments as follows:

- LCC Highways does not have any objections regarding the proposed broiler rearing unit and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- A condition should be attached to any permission granted requiring the private car parking and manoeuvring areas shown on the approved plan to be marked out before the building is first brought into use.

Lead Local Flood Authority (LLFA) – Advise that they have no comments to make on the application.

Natural England – Final response dated 09.07.19 as follows:

- Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

United Utilities – No objections. Comments as follows:

- In accordance with the NPPF and the PPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- The surface water drainage strategy contained in the submitted FRA is acceptable in principle to UU. A condition should be attached to any permission granted requiring that the development is drained in accordance with the principles set out in the submitted FRA. No surface water will be permitted to drain directly or indirectly into the public sewer.

Neighbour Observations

Neighbours notified:	11.06.19
Site notice posted:	18.06.19
Press notice:	20.06.19
Amended plans notified:	N/A
No. Of Responses Received:	None
Nature of comments made:	N/A

The appropriate neighbouring properties were notified of the application by letter on 11.06.19. In addition, as the application involves major development notices have also been posted on the site and in the local press. No representations have been received in response to this publicity.

Relevant Planning Policy

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 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Shell North Western Ethylene Pipeline
Pipelines
Trans Pennine Ethylene Pipeline

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and exceeds the threshold in column 2 of the table relating to category 1(c) developments. Therefore, it is Schedule 2 development.

The LPA issued a screening opinion on 27.02.19 stating that it considered the proposal to represent EIA development for the purpose of the definition in the 2017 Regulations. Following this opinion, an application for a screening direction was submitted to the Secretary of State. The Secretary of State issued its decision on 16.05.19 confirming that it “does not consider that the proposal is likely to have significant effects on the environment such that a full Environmental Impact Assessment is required”. Accordingly, the proposal does not constitute EIA development.

Comment and Analysis**Policy context and main issues:**

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 reiterated in paragraph 2 of the NPPF.

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, criteria (c) and (d) of paragraph 11 indicate that this means:

- (c) approving development proposals that accord with and 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.

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

- The principle of development, including whether it represents an appropriate use of land within the countryside.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the amenity of surrounding occupiers.
- The development's effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to ecology, flood risk and hazardous installations.

Principle of development:

As the site is located within the Countryside Area defined on the FLP Policies Map, the provisions of policy GD4 are applicable in this case. FLP policy GD4 states that development in the countryside will be limited to that falling within the following categories:

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;
- 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.

The application seeks permission for the construction of a third broiler rearing unit on land immediately to the east of two existing buildings that are in the same use. The proposed building would accommodate around 36,000 broilers, taking the combined total across all three buildings to *circa* 91,000. The building will be used to rear broilers from day old chicks through to finished table weight. The broiler rearing cycle operates on an 'all in, all out' system over a 45 day period. Broilers are reared for approximately 38 days, following which the buildings are cleaned out and prepared for the next flock. Cleaning and preparation lasts around 7 days. Accordingly, it is anticipated that the proposed unit will operate with 8 flocks per annum.

The additional building is required to expand established broiler rearing operations at the site. The use of the proposed building meets the definition of "agriculture" in S336 of the Town and Country Planning Act and so the applicant has demonstrated that the development is needed for the purposes of agriculture. Accordingly, the proposed agricultural use falls properly within the category of development listed in criterion a) of FLP policy GD4 and so represents an appropriate use of land and buildings within the countryside. The principle of development is, therefore, acceptable.

Character and appearance:

FLP 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 15 guiding principles (a – o). Criteria (d), (h), (i) and (k) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring 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.

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

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The proposed building would be located to the western periphery of a larger, broadly rectangular field parcel which is separated from adjoining agricultural fields by a combination of post-and-wire fencing (western and southern boundaries) and landscaped embankments (eastern and northern boundaries). The field has a largely flat profile, with a gradual rise across the banking that forms its northern boundary. The surrounding field pattern is one of similar-sized field parcels that are enclosed by dense lines of mature trees to the north, east and south. The agricultural track passing the site is not a public right of way, nor is the access to the landfill site that runs behind the tree line to the south. Therefore, while the landscape is generally flat, the presence of these perimeter tree lines and the site’s separation from public vantage points at Clifton Fields and from the A584 to the north mean that the proposed building would not be prominently in view across the wider landscape.

The scale and materials of the proposed broiler rearing unit would be similar to the existing buildings located on the opposite side of the agricultural track. The existing and proposed buildings would be separated by a distance of around 22m across a hardstanding forecourt. The siting of the proposed unit would ensure a close grouping of buildings clustered around a communal forecourt, thus avoiding a proliferation of isolated buildings across the open countryside. When this siting is considered in combination with the building’s low eaves height, timber-clad walls and slate coloured roof finish, the proposed agricultural development would assimilate sympathetically into the surrounding landscape. Similarly, the two proposed feed bins would be discreetly located against the southwest corner of the building in order that they are screened against this backdrop, and the roof-level vents would protrude marginally above the building’s ridge.

Effects on surrounding occupiers:

Criterion c) of FLP policy GD7 requires that development proposals facilitate good design by:

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

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 180 of the NPPF states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In paragraph 183 of the Framework stipulates that “the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

The closest neighbouring uses that would represent receptors sensitive to noise and odour impacts arising from the development are located a minimum of approximately 165m to the northwest of the site (Myrtle Cottage). The application is accompanied by an odour impact assessment, noise management plan, a specification for the ridge-level ventilation fans and a copy of the applicant's environmental permit issued by the Environment Agency.

Noise:

The closest neighbouring dwelling at Myrtle Cottage is bordered to the north by a large car park and industrial units at Clifton Fields. The proximity of these uses means that the dominant source of noise experienced by the occupiers of Myrtle Cottage is likely to be from operations at Clifton Fields.

The submitted noise management plan identifies the principal noise sources associated with the developments as: (i) deliveries; (ii) feeding equipment; (iii) vehicles and machinery; (iv) manure handling; and (v) mechanical extraction. The noise management plan sets out a series of mitigation measures that are to be implemented in connection with the broiler rearing operation. These include:

- Limiting the timing deliveries and collections at the site to normal working hours (8am – 6pm Monday to Friday and 8am to 1pm on Saturdays).
- Feeding through an ‘auger’ system that avoids pneumatic transfer and the use of feed mills.
- Limiting the hours for cleaning out and waste removal.
- The noise rating specification for the roof-level fans indicates a maximum sound pressure level of 69 dB (A) measured at a distance of 7m from the source. The closest noise-sensitive property that is not associated with the farming enterprise (or other businesses at Clifton Fields) is located approximately 500m to the north and borders the A584. Accordingly, noise from the proposed fans would have a negligible impact on these receptors.

Given the mitigation measures set out in the noise management plan (which can be conditioned as part of any permission granted), the development's substantial separation from the closest noise-sensitive receptor and existing background noise levels likely to be associated with operations at Clifton Fields and passing traffic on the A584, it is not considered that the proposed development would have any unacceptable effects on the amenity of surrounding occupiers by reason of noise generation.

Odour:

The submitted odour impact assessment contains an atmospheric dispersion model which calculates odour exposure levels to surrounding receptors based on odour emission rates quantified by a model that takes into account anticipated internal odour concentrations and ventilation rates of the poultry

units.

The dispersion modelling indicates that “at all nearby residences, amenity areas and commercial premises considered, the odour exposure surrounding the proposed poultry unit would be below the Environment Agency’s benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³. This conclusion is not disputed by the Council’s EHO who has raised no objections to the application on grounds of odour. Accordingly, it is considered that the proposed development would not give rise to any unacceptable amenity impacts in this regard.

Waste removal:

Poultry manure is removed from the buildings at the end of each 38 day flock cycle (during the 7 day cleaning and preparation period). Manure is transferred by a mechanical loader into trailers and is then transported away from the poultry site for field heap storage and spreading as fertiliser on the applicant’s surrounding arable fields. Fallen stock are removed from the units daily, the numbers recorded and are securely stored in vermin proof sealed containers awaiting collection by a licenced disposal contractor.

The above arrangements for waste removal are covered under the operators permit issued by the EA. In accordance with paragraph 183 of the NPPF, it is not the role of the planning system to scrutinise controls that are dealt with under the permitting regime and so there is no reason to conclude that the applicant’s procedure for the disposal of waste would have any adverse amenity impacts for surrounding occupiers.

Scale:

Whilst substantial in its scale, the proposed building’s separation and screening with neighbouring uses and buildings would ensure that it does not have any undue visual effects on the amenity of surrounding occupiers.

Effects on the highway network:

Criterion q) of FLP policy GD7 requires that “the development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).”

Paragraph 108 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; 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 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The application is accompanied by a Transport Statement (TS). The TS makes the following conclusions

with respect to transport impacts:

- As the farmer is based at the site, the construction of the additional building will not result in any increase in trips to and from the site by employees.
- While more feed will be required for the additional stock, current deliveries to the site are not full loads. There is sufficient spare capacity within existing vehicles to cater for the higher feed demands from the additional building without increasing the number of deliveries to the site. Therefore, the frequency of deliveries will be unchanged.
- As manure is processed on site, there will be no additional vehicle movements arising from waste disposal.
- The only increase in vehicle activity will be at the end of the rearing period for the additional birds when 6 HGVs will take the birds off the site. These additional HGV visits will, however, only occur 8 times a year. Therefore, the increase in vehicle movements will be equivalent to 48 additional movements per annum and will have an imperceptible impact on the highway network.
- An increased area of hardstanding will be provided for HGV manoeuvring within the poultry rearing area. A swept path analysis shows that HGVs will be able to enter and exit the site in forward gear.

The site is accessed via an existing wide, bell-mouth junction off the A584 (Preston New Road). This access forms a priority junction with substantial visibility in both directions opening onto a 50mph road. A dedicated right hand turn lane for eastbound vehicles is provided off the dual carriageway. As set out in the TS, the proposed development will result in a very limited and infrequent degree of additional traffic generation and the additional vehicle manoeuvring areas formed as part of the scheme will allow HGVs to enter and exit the site in forward gear. The Local Highway Authority have not objected to the application on transport grounds, subject to the imposition of a condition requiring the proposed additional parking and manoeuvring areas to be marked out before the building is first brought into use.

The development would benefit from a safe and suitable means of access and the level of additional traffic generation arising from it would not have any severe residual cumulative impact on network capacity. Accordingly, the proposal would have no adverse transport impacts and can be accommodated without compromising highway safety in accordance with FLP policy GD7 and the NPPF.

Other matters:

Ecology:

The site is located *circa* 820m from the Newton Marsh SSSI and around 845m from the Ribble and Alt Estuary Ramsar/SPA/SSSI. The Pippy Lane Banks Biological Heritage Site (BHS) is located approximately 85m to the north of the site. The main ecological impacts of the scheme are associated with effects on the SPA and localised impacts arising from the construction and operation of the proposed building.

Natural England have commented on SPA impacts. They initially raised concerns regarding the potential for cumulative increases in ammonia emissions from the development to reduce habitat biodiversity in the SPA due to impacts arising from aerial pollutants. In response, the applicant has provided an air quality assessment which deals with the dispersion and deposition of ammonia from the development. The modelling shown in the submitted air quality report indicates as follows:

- Over the closest parts of the local wildlife site to the northeast, the process contribution to the annual ammonia concentration would exceed the Environment Agency's upper threshold

of the precautionary critical level of $\mu\text{g}/\text{m}^3$ and the lower bound of the range of Critical Loads of $10.0 \text{ kg-N}/\text{ha}/\text{y}$.

- At all other local wildlife sites, the Newton Marsh SSI and the Ribble & Alt Estuaries Ramsar, the process contribution to the annual ammonia concentration and nitrogen deposition rate would be below the Environment Agency's lower threshold percentage of Critical Level or Critical Load applicable to each site.

Based on the results of the ammonia dispersion modelling in the air quality report, Natural England have indicated that they have no objection to the application on the basis of its effects on the Ribble & Alt Estuary Ramsar/SPA/SSI, or the Newton Marsh SSSI. However, as the combined effects of the three poultry sheds would exceed Environment Agency thresholds for ammonia concentrations in the nearby BHS to the northeast, the development is required to introduce mitigation to offset these negative effects. Section 6 of the submitted air quality report identifies the following mitigation measures in this regard:

- To compensate for possible detrimental effects on the nearby Local Wildlife Sites (LWS), the area should be actively managed for wildlife and/or land of at least a similar area to the exceedance of 100% of the Critical Level (approximately 0.25 ha) set aside for nature conservation and be planted/seeded with native species. Woodland planting schemes, or restoration to traditional unimproved grassland, could replace land that is currently of relatively low ecological value. If planted between the poultry housing and the LWS, newly planted woodland would act as a sink for ammonia from the poultry houses (and from other sources of ammonia), thus reducing ammonia concentrations (and nitrogen and acid deposition rates) at the nearby LWS. Such schemes may be particularly effective at increasing bio-diversity if they border or connect with existing wildlife sites, remnants of woodland or unimproved grasslands.

The above recommendation is echoed in comments from GMEU, who suggest that additional planting should be introduced around the building to provide biodiversity enhancements as part of the scheme. An appropriate condition has been imposed in this regard to ensure that adequate mitigation is introduced to offset any damaging effects on the nearby BHS in accordance with the requirements of FLP policy ENV2 and the NPPF.

In terms of impacts on SPA birds, the applicant submitted an updated 'Habitat Suitability Assessment for Birds' in August. The updated bird survey concludes that, although the wider fields of Clifton Marsh Farm are used by "summering, overwintering and passage migrants" (including species that are qualifying features for the SPA), the area where the proposed building would be constructed comprises improved grassland of low biodiversity value which, by reason of its limited area and siting adjacent to other poultry units, would result in negligible direct effects on SPA bird species from habitat loss or disturbance during construction/operation in terms of bird displacement. Natural England have not raised any issues in this regard and GMEU are satisfied that the evidence presented in the updated bird survey is sufficient to demonstrate that there has been no significant change in the value of the site or cumulative impacts resulting from the additional poultry shed which would give rise to materially different effects. Accordingly, no further information or mitigation measures are required with respect to impacts on the SPA.

GMEU are satisfied that other matters relating to reasonable avoidance methods for newt protection, the timing of vegetation clearance to avoid the bird nesting season and the provision of biodiversity enhancements can be addressed through condition. Therefore, the applicant has demonstrated that the proposed development would not have any likely significant effects on designated nature conservation sites of International/National importance, and that any impacts on local sites can be addressed through the introduction of appropriate mitigation.

Flood risk:

The site falls wholly within flood zone 3 as defined on the Flood Map for Planning, though it is also shown as an “area benefiting from flood defences”. Nevertheless, the application must be accompanied by a Flood Risk Assessment (FRA) and, as advised by the Environment Agency (EA), the sequential test is applicable.

FLP policy CL1 refers to applying a sequential, risk-based approach to the location of development as set out in the NPPF. Paragraphs 157 and 158 of the Framework set out the requirements of the sequential test. The proposed agricultural development is as “less vulnerable” use for the purposes of the vulnerability classifications in the PPG. Table 3 of the PPG indicates that less vulnerable development can be permitted in flood zone 3 (subject to the sequential test being satisfied) without the need for the exception test to be passed.

In this case, with the exception of a few scattered pockets, all agricultural fields to the south of Clifton Marsh Farm are located within flood zone 3 (as is the majority of floorspace for the two existing poultry sheds to the west). In order to ensure an appropriate clustering and tight grouping of buildings (for both visual and operational purposes), it would not be practical to locate the proposed building on land that falls within an area at a lower risk of flooding. Accordingly, the sequential test is satisfied in this instance.

The EA have indicated that the current FRA is deficient as it fails to: (i) identify that the proposed building is located in flood zone 3 (and the implications arising from this); (ii) confirm what the finished floor levels of the building will be in relation to the surrounding external ground level; and (iii) confirm flood-resilience design measures. The applicant is in the process of preparing an updated FRA to address the EA’s objections. As the issues raised by the EA are not, however, especially complex and do not indicate that the principle of development in this location is unacceptable on flood risk grounds, it is considered they can be overcome through the provision of additional information. The wording in part a) of the resolution requires that the EA confirm the withdrawal of their objection before planning permission can be granted in order that flood risk issues have been adequately addressed for the purposes of FLP policy CL1.

GMEU have also requested further information with respect to surface water disposal in order to avoid the potential for water borne pollution to reach the SPA. It is expected that this will also be addressed in the revised FRA, and this caveat is included in part b) of the resolution below. At present, water from the site is disposed of by the following means:

- Contaminated water arising from the cleaning out of the poultry units is drained into sealed underground containment tanks which are subsequently emptied by vacuum tanker for disposal away from the site.
- Rainwater runoff from roofs and hardstanding areas is collected and directed into two balancing tanks which subsequently discharge into a ditch to the south of the site free from debris and settled sludge.

Hazardous installations:

FLP policy DLF1 states that development will not be permitted which would prevent or undermine the operation of existing land uses, including hazardous installations. The site is located within the consultation zones of three gas pipelines which run across fields to the west. National Grid have indicated that they have no objections to the development based on its location in relation to this

apparatus and HSE do not advise against the grant of planning permission on safety grounds. Accordingly, the development would not pose or be at an unacceptable risk due to the presence of hazardous installations.

Conclusions

The application involves the erection of an additional (third) broiler rearing building upon a rectangular parcel of agricultural land at Clifton Marsh Farm, Clifton. The proposed 1,780 square metre building would accommodate around 36,000 broilers (taking the combined total at the site across all three buildings to approximately 91,000 birds).

The proposed building is required in connection with the continuation and expansion of the existing agricultural enterprise at Clifton Marsh Farm and, accordingly, represents an appropriate form of development within the countryside. While substantial in its scale, the building's form, design and materials would be inherently agricultural in character and its grouping and siting in close proximity to two existing broiler rearing units of a similar scale and appearance would ensure that the development assimilates sympathetically with the surrounding landscape.

The development's location, separation and screening in relation to neighbouring uses would ensure that it has no adverse impacts on the amenity of surrounding occupiers by reason of scale, noise, odour or any other nuisance. The applicant has demonstrated that the scheme is not likely to have any significant effects on the interest features of designated nature conservation sites located nearby and no other harmful ecological impacts would arise as a result of the development that could not be satisfactorily mitigated. The proposal would not give rise to any adverse effects on highway safety or capacity, appropriate measures can be put in place to ensure that the scheme will not be at an unacceptable risk of flooding or increase flood risk elsewhere and the development would not be at undue risk from the presence of hazardous installations.

Accordingly, subject to the receipt of satisfactory additional information to address outstanding comments from statutory consultees relating to flooding and ecological impacts, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

Recommendation

That, subject to:

- a) The Environment Agency confirming withdrawal of their current objection dated 14.06.19 following the receipt of a revised Flood Risk Assessment, and providing for the imposition of any additional conditions required by the Environment Agency in connection with their response;
- b) The Greater Manchester Ecology Unit (GMEU) confirming that the additional information contained in any revised Flood Risk Assessment satisfies their recommendation for the means of surface water disposal to avoid the potential for water borne pollution to reach the SPA, and providing for the imposition of any additional conditions required by GMEU in connection with their response; and
- c) The following conditions (including any additions/alterations required as a result of a) and b));

Authority be DELEGATED to the Head of Planning and Housing to GRANT planning permission.

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990

as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

Drawing no. IP/JT/01 – Location plan.

Drawing no. IP/JT/02 – Site plan.

Drawing no. IP/JT/03 – Elevations.

Drawing no. IP/JT/04 – Floor plan.

Drawing no. IP/TW/03 – Proposed feed bin elevations.

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 and National Planning Policy Framework.

3. 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 materials described in section 6 of the document titled “Design and Access Statement” by Ian Pick Associated Ltd, and all colour treatments and finishes of the building’s external surfaces shall match those of the adjacent broiler rearing unit constructed pursuant to planning permission 17/0347.

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

4. The development hereby approved shall, so far as is reasonably practicable, be operated in accordance with the strategy and mitigation measures set out in the document titled “Noise Management Plan” by Ian Pick Associated Ltd.

Reason: To limit the development’s potential for additional noise generation that could cause disturbance and nuisance that would affect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. Surface water from the development shall be disposed of in accordance with the sustainable drainage strategy set out in sections 5 and 6 of the document titled “Flood Risk Assessment” by Lidar-Logic (report LL0002, dated October 2018). The strategy shall ensure that no surface water drains directly or indirectly to the public sewer network. All drainage infrastructure and apparatus (including the sediment trap shown in Figure 12 of the abovementioned document) required to implement the sustainable drainage strategy shall be installed before the building hereby approved is first brought into use, and shall be maintained 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 surface water in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

6. The building hereby approved shall not be brought into use unless and until a soft landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the mitigation measures identified in

section 6 of the document titled “A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Marsh Farm, Clifton, near Preston in Lancashire” by AS Modelling & Data Ltd (dated 20 June 2019) and shall include details of the type, species, siting, planting distances 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 building is first brought into 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 by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that adequate mitigation is delivered to deal with the development’s effects on local wildlife sites arising from increased ammonia emissions and to provide appropriate and proportionate landscape and biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

7. The development hereby approved shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the method statement titled “Method Statement for Great Crested Newts” prepared by Craig Emms and Linda Barnett (version 2, dated 11 December 2018).

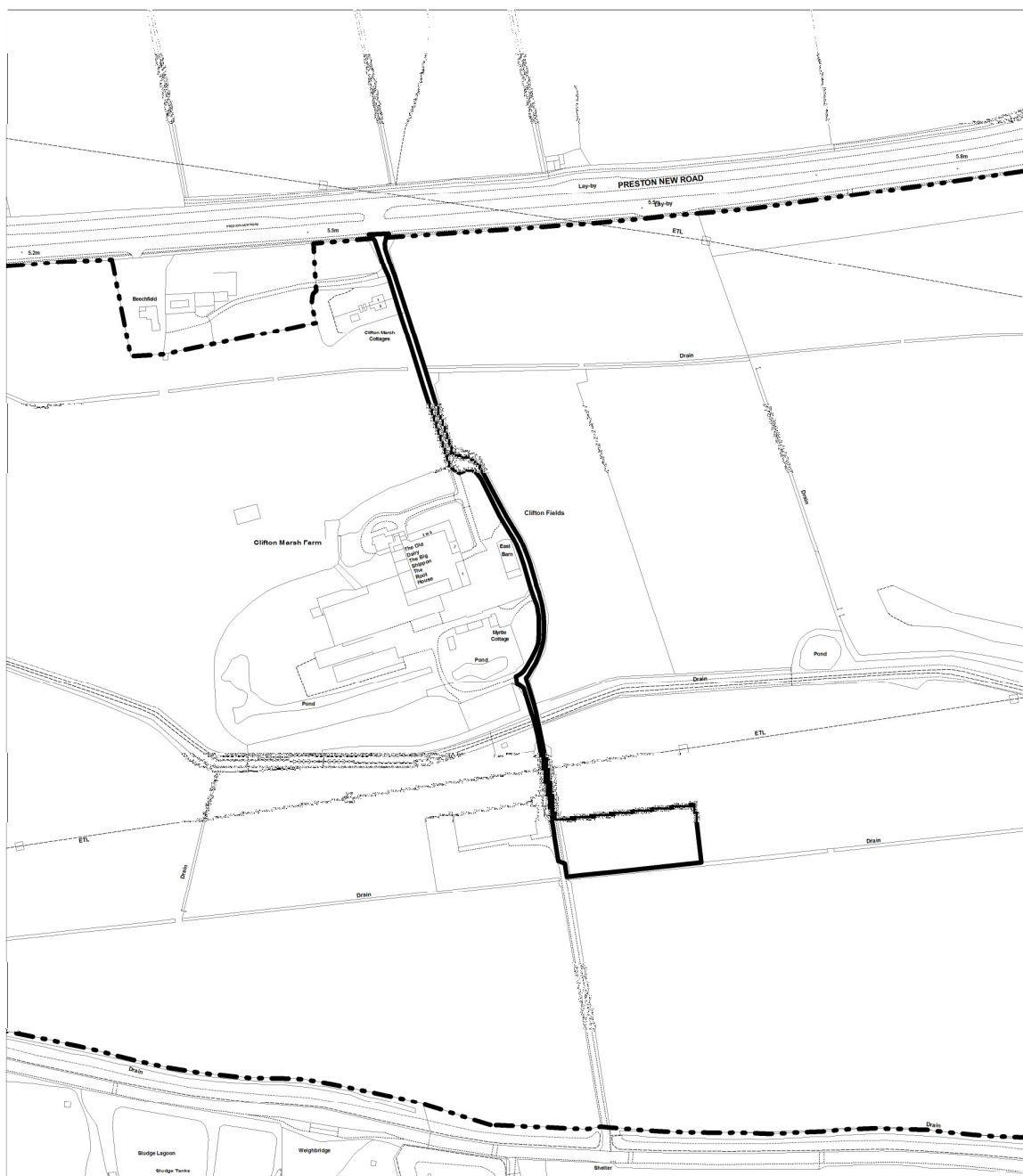
Reason: To ensure that adequate precautions are taken before and during construction of the development to avoid adverse impacts on the favourable conservation status of protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).


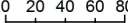
8. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared 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.

9. The additional hardstanding areas for vehicle parking and turning shown on drawing no. IP/JT/02 shall be constructed and made available for use in accordance with the details shown on the approved plan before the building hereby approved is first brought into use. The duly constructed parking and turning areas shall be retained as such thereafter, free from obstruction, for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate provision is made for vehicle parking, servicing and manoeuvring in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0880	Address Clifton Marsh Farm, Preston New Road, Clifton	Grid Ref. E.3465 : N.4289	Scale 0 20 40 60 80 m 

Application Reference:	19/0006	Type of Application:	Outline Planning Permission
Applicant:	Commercial Development Projects Limited	Agent :	Savills (UK) Limited
Location:	STANWAYS OF LYTHAM, PRESTON ROAD, LYTHAM ST ANNES, FY8 5BG		
Proposal:	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF CLASS A1 RETAIL FOODSTORE		
Ward:	ST JOHNS	Area Team:	Area Team 1
Weeks on Hand:	35	Case Officer:	Kieran Birch
Reason for Delay:	Application Deferred by Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.74545,-2.9384022,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Introduction

This application was on the agenda for the 31 July 2019 meeting of Committee, but was deferred at the start of proceedings to allow a consultation to be undertaken with Bryning with Warton Parish Council as a neighbouring Parish to the site, and a location where there were potential impacts from the development. The consultation was undertaken the day after that meeting.

Bryning-with-Warton Parish Council Response

The Clerk replied to the consultation on 19 August 2019 to report the following comments:

"Mr Matthew Sobic of Savills, representative of the applicant kindly met with the Chairman of the Parish Council, and the clerk, in order to allay fears of the Parish Council. The concerns, as previously outlined are potential detrimental impact on retail trade on the village and the consequence of traffic flows and hazards, presented by a large retail site that might be had further into Warton.

During the meeting Mr Sobic made some reassurances that while some economic impact was inevitable proper impact assessments had been carried out and the projected size of the unit applied for limited consequential impact on the existing retail outlets to a more commercial acceptable level for such local communities. Also given the projected businesses likely to take on that unit there may not be any loss of trade impact to existing commercial retail properties in Warton. Mr Sobic was not able to provide any concrete reassurances regarding traffic concerns but suggested the development would be as sympathetic to any specific Highway issues or concerns within their remit of operation but the County Council Highways had not raised any objections. Primarily it was an application to renew the site with a retail capacity rather than the motoring trade and at this stage without knowing the operating business it would be impossible to correctly gauge traffic usage accurately beyond what had already been done. In his conclusion he expressed a genuine desire to keep the Parish Council appraised, because of the concerns, in the progression and future of the development which was encouraging and affirmed the intended the financial contribution toward Warton village

through S106 payment.

As stated the principle of the application is not an issue, it is how the subsequent operating business impacts on the Village that is of concern to the Parish Council but it is appreciated it is probably too difficult to control with any specific conditions attached to the application. In regard to Traffic matters the Parish Council seems to have a heightened overview of the emerging safety issues on local highways and carriageways that the County Council experts seem to be completely obscured too. It is extremely surprising that no highway concerns have been raised elsewhere given the problems and near misses experienced further along Lytham Road at a neighbouring popular retail unit and the signal control units further on this stretch of Road. Given the traffic flow problems already experienced, admittedly only at certain times and periods of the year, on Lytham Road and the effects on traffic all the way back up through Warton village, from a safety perspective alone, the Parish Council would recommend some sort of control measures should be considered should the application be granted."

Officer Response to Bryning-with-Warton Parish Council Comments

The comments above are noted, and do not raise any issues that are not addressed in the existing report. The potential impact on the development of the village centre in Warton is to be mitigated by the financial contribution to the village centre enhancement works incorporated into the officer recommendation. The highway authority have been consulted with their comments confirming a lack of objection to the proposal and are included in the report in full.

Conclusion

There have been no amendments to the scheme under consideration since the last meeting and the planning policy and other considerations are also unchanged. As such the content of the officer report and recommendation are unchanged and are repeated below as appeared on the 31 July 2019 agenda.

Summary of Officer Recommendation

The application relates to the erection of a retail store located on land on the north site of Lytham Road which is currently occupied by Stanways of Lytham which is car sales and accident repair centre. The site is unallocated in the Local Plan for any purpose and is located within the settlement of Lytham. The proposed food store would comprise 1,022 sq. m at ground floor and 465 sq. m at mezzanine level. The application has been submitted in outline with all matters reserved however an indicative plan has been provided which shows the store set back into the site, utilising the existing access and providing 92 car spaces with room for delivery vehicles to the site and rear.

The proposal has been carefully assessed and found to comply with policy EC5 of the Local Plan to 2032 and the NPPF as there has not been found to be any sequentially preferable sites and the impact on the vitality and viability of existing centres will not be unacceptable.

The implications for the policy aspiration of EC5 to provide a Local Centre in Warton has been closely considered. Warton does not currently have a centre but EC5 promotes a Local Centre without being prescriptive about its form or location. This was considered necessary given that Warton is a strategic location for development with significant housing growth. No sites have been found in Warton that could accommodate the proposed store. The key issue therefore being whether or not approving this store could prejudice the delivery of the Local Centre in Warton. The advice from the Council's retail planning consultant is that it could. However as policy EC5 does not specify the form or location of the Local Centre it is difficult

to quantify what impact the proposal will have on this policy aspiration. Furthermore NPPF paragraph 89 states that when assessing application for development outside of town centres an assessment should be made of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

The key issues is whether the Policy aspiration of EC5 constitutes an 'existing, committed and planned' public or private investment. Whilst officers there can be no doubt that the Local Centre is planned, it is Officers view that there is no evidence of committed investment against which this application could prejudice. Therefore whilst the proposal could impact on the delivery of a store similar to that proposed here that is not to say an alternate form of retail development could not come forward in Warton. Indeed EC5 states that "Within Warton Local Centre a range of appropriate service that support the role and function of the Local Centre will be encourage".

Therefore when balancing the benefits of the scheme, including the contribution to public realm to assist in the facilitation of the Local Centre in Warton it is considered that on balance that the proposal is acceptable in principle. With regard to the other issues there are no highways, drainage, amenity or other reasons why the application is not acceptable and therefore it is recommended for approval subject to the signing of a legal agreement and conditions.

Reason for Reporting to Committee

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

Site Description and Location

The application site extends to 0.6ha and lies at the edge of Lytham approaching from Warton so is in a prominent location that forms a gateway to the town on the north side of Lytham Road. The plot is currently operated by Stanways Garage and comprises a forecourt with two buildings, providing a total of 1,394 sq. m GIA operating in Sui Generis use including a car showroom of circa 279 sq. m GIA and an accident repair centre with MOT station of circa 1,115 sq. m GIA. Also within that building is Stanways Bodyshop which is an accident repair centre and there is a car wash which is ancillary to the showroom.

Located directly east of the site is a vacant piece of land allocated for employment purposes in the Fylde Local Plan to 2032. Adjacent to that is Boundary Road which leads to a variety of different employment buildings and a McDonald's restaurant with drive thru. To the west of the site are dwellings behind which is an equipped area of public open space. On the opposite site of the road is Dudley Industries. The main drain ditch runs to the east of the employment site and down into the river Ribble.

Details of Proposal

The application is for the erection of a foodstore (Use Class A1) comprising 1,022 sq. m at ground floor and 465 sq. m at mezzanine level. The application has been submitted in outline with all matters reserved, but an Indicative Proposed Site Layout has been supplied which sets the parameters of the development and is summarised as follows:

The proposed development will involve the demolition of existing buildings on the Site and the redevelopment for a new foodstore comprising 1,022 sq. m at ground floor for retail use and 465 sq. m at mezzanine level for storage purposes. There will be a decrease in developed ground floor area of circa 367 sq. m GIA.

The existing car park will be reconfigured to provide a total of 92 car parking spaces to the front and side of the building. The car park shown includes five accessible spaces, four parent and child spaces and ten staff spaces. There is also a dedicated area for four motorcycles and 11 cycle spaces.

Servicing of the new foodstore will take place to the rear of the unit. A new HGV turning circle providing a 25m spin is provided to the rear of the site which will lead into a service point to the rear of the building.

The existing access from Preston Road is proposed to be retained and new landscaping and planting will be placed around the perimeter of the Site.

Relevant Planning History

Application No.	Development	Decision	Date
16/0718	INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS.	Withdrawn by Applicant	13/10/2016
16/0552	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT FOR INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS.	Withdrawn by Applicant	19/09/2016
06/0049	RE-SUBMISSION OF 05/555 - ALTERATIONS AND NEW BUILD EXTENSION TO AN EXISTING CAR SHOWROOM AND SERVICE CENTRE.	Granted	16/06/2006

Earlier planning history relating to development of car showroom omitted for its lack of relevance.

Relevant Planning Appeals History

No relevant appeals to report.

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Planning Policy Team

I am given to understand that the substantive issue concerning the proposed development and these comments is the interpretation and understanding of town centre uses policy both locally and nationally. I have therefore limited my comments to

the substantive points concerning this issue. Notwithstanding this, it is for the decision taker to factor in any other (and all) material considerations and to determine the weight to be attached to these (and all) material considerations as part of the planning balance.

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals should be determined in accordance with the statutory development plan unless material considerations suggest otherwise. The statutory development plan for Fylde is the Fylde Local Plan to 2032 (2018) and the Joint Lancashire Minerals and Waste Core Strategy DPD (2009), Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies DPD and as such should be considered as the starting point for a consideration of this application.

The Fylde Local Plan to 2032 (2018) (FLP32) is the adopted development plan for the borough and the policies with most relevance for the issues under consideration in these comments are Policy EC5 – Vibrant Town, District and Local Centres, Policy DLF1 – Development Locations for Fylde and Policy SL3 – Warton Strategic Locations for Development. However, a number of other policies in the FLP32 could be given weight in your decision taking and should you have any questions concerning these then please do consult with me.

In my view the determinative issue is whether or not there are any sequentially preferable site(s) available in line with the guidance provided by the Framework as Policy EC5 (of the FLP32) makes clear reference to dealing with applications such as 19/0006 in line with the Framework. I am also aware that you have sought the views of a specialist retail consultant who will provide a detailed response on a number of issues and as such I will defer to their judgements on a number of matters throughout this response. The proposed development is for a foodstore with a total floor area of 1,487m². The illustrative drawings accompanying the application indicate a supermarket on two levels: 1,022m² ground floor and 465m² on a mezzanine level. The application has all matters reserved, and therefore the proposed unit could be configured differently to the illustrative scheme. No end-user for the scheme is identified in the application.

Your decision on this application may turn on an understanding of Policy EC5 and I cannot agree with the statements made by the applicant at §7.22 (Planning, Retail, Design and Access Statement). Whilst a new local centre could comprise small scale shops there is nothing in the FLP32 to prescribe the scale and format of retail provision in a new local centre. Rather the policy was deliberately formed around a criteria based approach with flexibility of scale, form and location as a fundamental part.

The FLP32 sets no timescale for the delivery of a new local centre, other than clearly indicating that it is expected to be delivered before the end of the plan period (2032). What is considered a 'reasonable period' in terms of the NPPF §86 will vary depending on the particular circumstances of the case however given the undisputable fact that the FLP32 is a recently adopted plan, the provision of a local centre (in-line with Policy EC5) is a fundamental part of the sustainable development strategy for Fylde I would conclude that for your decision taking you should give substantial weight to these matters and Warton should be considered as a sequentially preferable site.

I am aware that the specialist retail consultant will provide comment on the particular planning case law matters raised by the applicant in challenging the current status of the local centre for Warton. For the avoidance of doubt, the proposed local centre has

development plan status in a recently adopted plan and should be considered 'planned' in the context of NPPF §89a. Therefore the impact on the local centre allocation at Warton is a matter which must be fully and properly addressed by the applicant.

Conclusions

The application falls outside of a defined centre and the site is not allocated for the use proposed by this application. The FLP32 is recently adopted and Policy EC5 echoes the ambitions of the NPPF in directing 'town centre uses' to existing centres. For development proposals located outside of a defined centre, Policy EC5 requires the applicant to demonstrate there are no suitable, sequentially preferable sites or premises available taking account of flexibility in scale and format. In assessing the availability of sites, those which are available now, or are expected to become available within a reasonable period should be taken into account. On the evidence presented with the application, it is my view that the impact on the local centre allocation at Warton is a matter which has not been fully and properly addressed by the applicant.

As a specialist retail consultant will provide views on the likely commercial impact of the proposed development on the allocated local centre at Warton I conclude that you should give significant weight to any likely adverse or potentially adverse impacts on the delivery of the local centre at the strategic location of Warton.

Notwithstanding the above, it is for the decision maker to factor in any other material considerations to determine the weight to be attached to these material considerations as part of the planning balance. I hope that this information is of assistance. If you require any further clarification, please do not hesitate to contact me.

Environmental Protection (Pollution)

They have reviewed the scheme and raise no objections to it subject to controls being imposed to deal with the following aspects:

- All plant and machinery to comply with the noise emissions requirements of the relevant British Standard to minimise disturbance to neighbouring residents
- Deliveries to be undertaken during day0tim hours only to minimise potential disturbance to neighbouring residents
- Details of light emissions to be agreed
- Details of the investigation and potential mitigation for any land contamination on the site be secured.

Lancashire County Council - Highway Authority

Initial Proposal

LCC have been consulted and provided an initial response that was informed by a site visit.

They describe the highway conditions at the site including road widths, speeds and the presence of the cycle route. They have also reviewed a full week transport study which LCC commissioned in October 2013 at the eastern boundary of the site with Blackpool Road. The traffic study indicates:

1. The 85th percentile speed is 53mpheast bound and 51mph west bound.
2. The average weekday flow of traffic passing the site is 7321east bound and 7314 west bound.

3. The morning peak traffic period is 8am till 9am with 811 vehicles east bound and 477 vehicles west bound.
4. The evening peak traffic period is 5pm till 6pm with 560 vehicles, east bound and 809 vehicles, west bound.
5. The average number of HGV movements is 6% east bound and 5% west bound.

The scheme is estimated to generate:

- 23 additional vehicular movements between 8am and 9pm (week days)
- 146 additional vehicular movements between 16:45am and 17:45pm (week days)
- 148 additional vehicular movements between 12:30pm and 13:30pm (Saturday)

(LCC) Highways are of the opinion that this will not cause a severe impact on highway capacity or congestion in the immediate vicinity of the site.

The accident records do not indicate that there have been any serious accidents in the location in the last 5 years.

The highway authority suggest that the sight lines of 2.4 x 59m is to be provided in a westerly direction, and a minimum of 2.4 x 124m in an easterly direction. From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land and the existing adopted highway. The main issue is the parked cars to the west of the site access. The geometry of the site access is too wide with excessive radius approach. The wide access is detrimental to highway safety for pedestrians crossing the junction and the combination of a wide access with large radius does not control vehicle speeds entering and existing the site, both of which are detrimental to vehicle and pedestrian safety

(LCC) Highways are also of the opinion that pedestrians will have a desire to cross Preston Road to access the retail food store, there are currently no pedestrian crossing points near the site and pedestrians need to cross a very wide carriageway with fast moving traffic with on-road cycle lanes on both sides of the carriageway. To address this the applicant is advised to consider a 2m build out of the kerb line fronting the site and traffic island for pedestrians and a continuation of the northern on-road cycle lane. The carriageway narrowing will aid with the sight lines passed the parked cars to the west of the site. The combination of the road narrowing and build out will also provide a traffic calming feature which would reduce traffic speed passing the site access. Any build out should not affect the parking for 203 Preston Road, as they do not have any off road parking provision and the build out should not affect access to the eastern bus stop. These recommendations may require the access needing to move to the eastern boundary of the site.

Pedestrian crossing and cycle link connections should also be improved to improve the sustainable access to the site, and the bus stops should be improved to quality bus standard to encourage their use. Finally they request that a travel plan is required to encourage sustainable transport patterns once the site is developed, along with an obligation to contribute towards its management.

They also make some comments on the internal layout to the site, but with this not being a matter for consideration at this stage these are not reported here.

Revised Proposal

Following receipt of these initial comments the developer provided a revised layout plan and LCC highway were re-consulted. At that stage LCC were informed that officers were minded to approve the development and received the following response;

As this is outline with all matters reserved LCC need to be satisfied that a safe and suitable means of access can be provided for all users. In this respect Stewart has considered the "indicative" access arrangements and found them unacceptable. However, a revised access arrangement can be made acceptable if the comments are taken on board and as such could be dealt with at reserved matter stage.

The development will require a Travel Plan for which LCC would request £6,000 secured through a S106 for travel planning support.

At reserved matters stage the developer will need to provide detail of the access arrangements which as a minimum must include provision of right turn lane on the A584, pedestrian refuge on A584, upgrade of existing bus stops (to include raised boarding area, shelters and associated signs and road markings). The developer will need to provide vehicle swept path analysis and Stage 1 Road Safety Audit.

Parking levels should be in line with those in the local plan or agreed with LCC based on agreed trip rates and car parking accumulation analysis

United Utilities - Water

UU confirm that they have no objections to the development. They state that following their review of Flood Risk Assessment, they confirm the proposals are acceptable in principle to United Utilities. They request a condition that secures the drainage to be carried out in accordance with the FRA. This requires no surface water to be drained into the public sewer. They also suggest a condition for the management and maintenance of the sustainable drainage systems.

Lancashire CC Flood Risk Management Team

No comments received.

Environment Agency

State that they have no objections to the application subject to the inclusion of contaminated land condition. State the site is in Flood Zone 3 which is defined as having high probability of flooding and the proposal is for 'less vulnerable' development.

Flooding

We have reviewed the submitted Flood Risk Assessment (FRA), referenced 4300/FRA/Final/v1.1/2018-12-20 (dated 20 December 2018), prepared by Weetwood and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application. However, although the FRA recommends incorporating flood resistance and resilience measures it does not commit to them, instead leaving these to be addressed by the client. As such, the applicant should be aware of the potential flood risk and frequency and, if

choosing not commit to flood resistance and resilience measures, they should be satisfied that the impact of any flooding will not adversely affect their proposals.

Contaminated land

The previous use of the proposed development site as a vehicle service/repair garage and former rail depot presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer B, and within 100m of a watercourse. We have reviewed the Phase 1 Land Quality Assessment Limited (Ref: G2937-GR-01A; dated 19 December 2018) prepared by PSA Design and it demonstrates that it will be possible to manage the risk posed to controlled waters by this development. We agree with the conclusions that an intrusive site investigation is necessary, therefore further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the NPPF. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

They then request a condition requiring that no development be commenced until a remediation strategy is submitted.

Sequential test

As part of their response they advise that the development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. And that it is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF

Neighbour Observations

Neighbours notified:	03 January 2019
Site Notice Date:	22 January 2019
Press Notice Date:	10 January 2019
Number of Responses	One (representing Lidl)
Summary of Comments	<ul style="list-style-type: none">• Surprised doesn't include neighbouring land therefore suspect first step towards larger development on amalgamated site;• Occupier unknown;• Proposal performs a neighbourhood function and yet is too large for a Local Centre.• Sequential test – smaller sites would require unacceptable changes to the business model - but no business model

proposed.

- Not demonstrated flexibility as only searched for same size site. Only searched for 2% less than gross floor area of proposal. – clearly only searching for identical site is not flexible in terms of scale.
- Sites that fall below the minimal threshold are not suitable due to the changes required to the proposed business model. There is no business model as unknown and no justification for limiting flexibility.
- Applicant acknowledges town centre first approach and that Warton is within the area of search. EC5 supports a new local centre in Warton.
- Applicants have interpreted this as equating to a small scale shopping function with small scale retail units between 20 and 150sqm. No justification of this is offered and therefore the conclusion that it is not of a sufficient scale to accommodate the foodstore is not robust.
- LIDLs view is that the LPA should require the applicants to undertake an appraisal of opportunities to deliver foodstore within Warton and Lytham with more flexibility than shown.
- Impact assessment ignores Warton's local centre allocation in Development Plan.
- Suggest Aldi, Waitrose M and S or Co-op could in principle occupy the site. Applicants impact assessment does not reflect this or reflect a worst case scenario e.g. Waitrose 11000 sqm. Tesco 15,000sqm.
- Same trade diversion regardless of sales density – e.g. 10% from booths in both scenarios. Different for different stores.
- Too modest to impact a town centre but expected to compete with large superstores drawing 20% of its trade from Morrison's and Tesco (bulk main food destinations)
- Too modest to impact town centre but will demonstrate confidence in local area as a commercial destination.
- If approved could attract a town centre retailer from a town centre which could impact on town centres – this hasn't been considered by applicants.
- 39 - 49 full time jobs. Lidl state this is overstated especially when unknown occupant.
- Concludes – fails to satisfy the sequential test due inflexible approach, out of date appraisal and not considering Warton.
- Impact assessment doesn't assess impact on town centres, failed to provide an assessment on Warton local centre.

Relevant Planning Policy

Fylde Local Plan to 2032:

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
EC1	Overall Provision of Empty Land and Existing Sites
EC2	Employment Opportunities
EC5	Vibrant Town, District and Local Centres

ENV1	Landscape
GD7	Achieving Good Design in Development
INF2	Developer Contributions
T5	Parking Standards

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

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 when considering this application are:

- Principle of the development
- Impact of proposed retail development on other retail centres
- Visual impact and scale
- Access and impact on highways network
- Impact on residential amenity
- Flooding and drainage

In order to assist officers in the decision making process, specialist retail planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres. This report takes into account the content and conclusions of the advice provided.

Principle of the development

The application site is located within a 'grey area' on the proposals map of the Local Plan to 2032 unallocated for any specific land use. The site is located within the settlement of Lytham however it is not located in the Town Centre. The development proposes 1022 sqm of trading floor area at ground floor and a total of 1487 total sqm floor area along with 82 car park spaces plus 10 for staff.

Policy EC5 – Vibrant Town, District and Local Centres of the Local Plan to 2032 sets out the retail hierarchy for Fylde and serves to maintain and enhance the vitality and viability of town, district and local centres. The policy states the following for development outside of Town Centres;

“Proposals for retail, leisure and office development in ‘edge of centre’ or ‘out-of-centre’ locations will be considered in line with the Framework, bearing in mind the impacts on existing centres. When assessing proposals for retail, leisure and office development outside of centres, a local threshold of any development more than 750 square metres, will apply in terms of requiring a retail impact assessment. When undertaking a sequential test, or retail impact assessment, it will be necessary to have regard to likely impact upon other centres, including those outside of Fylde.”

Given the size of the development proposed the application has been submitted with both a Sequential test and an Impact Assessment that have been considered by officers and consultees. This submission needs to be assessed against the policies in the Framework and the guidance in the NPPG. Policy EC5 also sets out the retail hierarchy of centres and confirms that a local centre is proposed in Warton. However there is no existing centre in Warton and the policy does not allocate any specific site in Warton for use as the Local Centre.

Loss of employment use

As stated above the site is located on area in the Local Plan that is unallocated for any purpose. It is however occupied by a mix of uses, including Sui Generis car sales and some B class uses to the rear. Policy EC2 states that *the Council seeks to retain continued employment use of current employment sites. This could include any type of employment use, including agriculture, and may not be restricted to B1, B2 and B8 land uses.* As stated above the application site consists of 3 businesses; the car showroom which is Sui Generis, the MOT test station and the accident repair centre comprising a total of 2394 sqm of floor space. The Mot test centre also falls within Sui Generis Use Class on the basis that the use only involves inspection and testing, not activities covered by the planning definition of an industrial process. It follows that the predominant land use operation of the site at approximately 70% of the use of the site is for Sui Generis use. It is likely that because of the existing uses on the site this is the reason why the site has not been allocated as an existing employment site. This is confirmed by the NPPG paragraph 010 Reference ID: 13-010-20140306 which states:

'Where land is or buildings are being used for different uses which fall into more than one class, then overall use of the land or buildings is regarded as a mixed use, which will normally be sui generis. The exception to this is where there is a primary overall use of the site, to which the other uses are ancillary. For example, in a factory with an office and a staff canteen, the office and staff canteen would normally be regarded as ancillary to the factory.'

Policy EC2 states that *Land and premises will be retained in employment uses unless it is demonstrated to the satisfaction of the Council that there is no reasonable prospect of the site being used for those purposes, having satisfied the tests of Policy GD8.* Policy GD8 is the Demonstrating Viability policy, but this policy states;

The Council will seek to retain existing commercial / industrial (B1, B2 or B8) (Policies EC1 and EC2) and leisure uses, including land / premises, together with agricultural / horticultural workers' homes (Policy H6) and the tourism use of premises in Holiday Areas (Policies EC6 and EC7) identified on the Policies Map including Inset Plans, unless it can be demonstrated to the satisfaction of the Council that one of the following tests has been met:..

Therefore this policy seeks to protect existing B use classes along with leisure and tourism uses. Not Sui Generis uses such as the application site. Therefore as this application does not involve the loss of B use classes it cannot be in conflict with GD8 which is the test required for land and premises to be retained in employment use in EC2. Given that the scheme will result in a different form of employment on the site it is not considered that there is a conflict with policy EC2.

Impact of proposed retail development on other retail centres

Sequential test

As outlined above EC5 requires that out of centre or edge of centre developments to be assessed in

accordance with the Framework. Therefore the proposal requires an assessment of whether there are any sequentially preferable locations within or at the edge of Lytham town centre or Warton as both are located within a 5 minute drive time of the site.

The applicants have submitted a sequential test which Fylde Officers have considered and have also obtained the views of a retail consultant. The below is an assessment of the submitted evidence and the representations received. The NPPF paragraph 87 states that when considering edge of centre or out of centre proposals preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre

The submitted sequential test contains the following key points;

- The proposed retail unit will be operated by a national foodstore occupier.
- The applicants state they have undertaken the assessment of sequential sites in accordance with the Local Plan, The Framework and the NPPG, the latest binding authority from case law and Secretary of State appeal decisions.
- In identifying potential sites, it is a requirement to consider the specific format of the development, the business model of the operator and the role and function it is intended to meet. The proposed development is intended to meet operator and consumer demand for a new retail foodstore in the local area.
- The current application, whilst in outline, will allow the retail sale of convenience goods by a national foodstore retailer. Given the nature of the operation and established expectations of customers, for an alternative premises to be 'commercially realistic', it must also benefit from dedicated internal storage area, which in this case includes storage both at ground floor level and in the form of a mezzanine and externally must benefit from direct car parking for customers to transfer goods from the store to cars and service provision for HGVs. The requirement for these characteristics form the basis for applying the sequential test.
- In light of the above factors the applicants have based their search for other sites on the following criteria, which they consider demonstrates a significant level of flexibility in accordance with the requirements of the sequential test:
 - A site area measuring 0.6 ha that could accommodate a minimum of 1,000 sq. m of floorspace at ground floor level.
 - At least 50 car parking space including a mix of disabled bays and accessible bays as well as parent and child spaces.
 - Dedicated servicing provision to accommodate heavy goods vehicles.
 - Visible and prominent locations
- They state that any sites below the minimal threshold are not suitable due to business model.
- They state that the proposed store is small and can only serve a local catchment functioning as a neighbouring foodstore.
- They identify the proposed Warton Local Centre as being within catchment area.
- They state that they cannot find any sites within Lytham and other sites with permission for housing are not available.
- With regard to Policy EC5 – Warton Local Centre – they state;
The Local Plan recognises that Warton has a requirement for a new Local Centre (Policy EC5) with the indicative location of this shown on the Fylde Policies Adopted Map 2018. The Policies Map indicates the proposed Local Centre will be located circa 3.1km to the east of the application site. It will provide a small scale shopping function, with small scale retail units typically ranging in size between 20-150 sq. m. It is identified as serving the needs of the immediate local community and accordingly is not of a sufficient scale to accommodate the proposed development. The proposed

local centre is anticipated to come forward on previously developed land owned by BAE Systems on Lytham Road, as part of the Warton Strategic Location for Development (Policies SL1 and SL3 of the Local Plan). It is therefore not available for development, and is considered a medium to long term development opportunity.

Consultants view on the Sequential test

As outlined above given the complex nature of retail planning your officers have sought specialised retail planning advice from a planning consultant that has advised the authority on other developments around the Borough. With regard to the applicants submitted sequential test and also the comments made in representation by Lidl and the Councils Policy Officer he has made the following points;

- The sequential assessment should consider the specific question of whether “the application” can be accommodated on alternative sequentially preferable locations.
- The suitability of alternative sites should be assessed having regard to the nature of the application.
- In considering suitability, the facts and circumstances of each particular case will determine the bounds that may be set in respect of flexibility of format and scale.
- Whilst the preference of a single operator should not justify rejecting alternative sites, nevertheless the developer’s intentions are relevant to the consideration of alternatives and the assessment should have regard to “real world” considerations.
- There is no requirement to disaggregate a proposal into components in order to consider whether elements of a scheme can be accommodated on a number of smaller sites unless a specific, up-to-date, NPPF compliant development plan policy indicates otherwise.
- The consultant’s assessment of Savills ST is that the current application is speculative with no end user. Nearest fit would food warehouse and M and S. The site is considered too small for Aldi.
- There is no user so no business model to constrain scope of flexibility. Needs to be broadly similar but applicants have not engaged with the requirement to consider the flexibility in the scale and format of application.
- He agrees that Lytham and Warton should be considered as part of Sequential test.
- He accepts that there are no sites in Lytham despite the applicants not taking a fully flexible approach.
- Savills state that the Warton local centre EC3 is identified as serving the needs of the immediate local community and it is argued that the Warton local centre would not be of sufficient scale to accommodate the application. However, the Local Plan does not specify or provide guidance about the scale or composition of a new local centre at Warton. It is not unusual for a new local centre to be anchored by a supermarket of a scale similar to the application.
- Whilst the LP does not identify a specific site for the local centre, but it anticipates that a proposal would be brought forward by BAE Systems on land fronting Lytham Road. There are previously developed sites fronting onto Lytham Road in the vicinity of the indicative location of the local centre shown on the Local Plan Proposals Map.
- In respect of availability, there is presently no proposal for a local centre on BAE Systems land. Whilst I understand there may have been discussions between BAE Systems and the Council firm proposals have yet to emerge. The Local Plan sets no timescale for the delivery of a new local centre other than indicating it should not be delivered before the end of the planned period (2023) What comprises a “reasonable period” in terms of NPPF paragraph 86 will vary depending on the particular circumstances of the case. Given the Development Plan allocation and the

importance of delivering a local centre to secure a sustainable pattern of development at Warton, the fact that there is no certainty about the siting of a local centre, or the timing of delivery, at this point in time does not disqualify Warton as a sequentially preferable opportunity

- Being mindful of a proportionate approach but having regard to the onus falling on the applicant to demonstrate the acceptability of their proposal, I take the view that applicant has failed to show that the application is compliant with the sequential approach to site selection.

Therefore with regard to the Sequential test the Council's retail consultant takes the view that whilst he agrees that there are no sites available in Lytham there is an allocation for a new local centre in Warton that could be available and he does not consider that the applicants have fully considered sites in Warton. This therefore is considered below, following an examination of the submitted Impact Assessment. This is because if this site is developed for this scheme instead of this scheme in a site (to be determined) in Warton then the impact on that allocation needs to be considered.

Retail Impact Assessment - Applicants Submission

The applicant's submission indicates that given the modest nature of the foodstore proposed, it is not of a scale that could have any significant adverse impacts on existing town centre locations. They make the following points;

- The estimated turnover of the proposal has been calculated on the basis of the time period up to five years as required by The Framework. The trading patterns for the new foodstore will be fully established by that year. The Assessment Table 1 shows that the turnover of the convenience goods floorspace will be between £6.59m and £8.23m at 2019, and will increase to £6.67m and £8.33m at 2024. We have utilised a sales density of between £8,000 and £10,000 per sq. m in line with anticipated operators that could occupy the proposed floorspace. The sales density range is commensurate with the scale and size of store proposed which will principally serve the surrounding area.
- In terms of factoring commitments into the assessment, it is important to note that Paragraph 89 of the Framework is only concerned with the impact of the proposal on town centre vitality and viability and not the impact of the proposal taking account of committed floorspace. In any event, there are no commitments in Zone 9 and only two new commitments in Zone 5 (Former Booths in Blackpool and Whyndyke Farm in Blackpool), both of which are much smaller in scale and serve a different market and resident population and accordingly do not compete with the proposal or draw trade from facilities within Zone 9. The Whyndyke Farm proposal will serve the substantial urban extension planned in that area.
- The proposed foodstore is not of a scale of operation that could have a significant adverse impact on existing relevant centres in Fylde or Blackpool. The forecast turnover range of the proposed store represents between 2.1% and 2.6% of the total available convenience goods shopping expenditure in Zone 9, which is not at a level that could give rise to a significant alteration in existing shopping patterns that could result in significant adverse impacts.
- Under any reasonable assessment, it is clear that the proposed development will not result in any significant adverse impacts on the vitality and viability of defined retail centres or on any planned investments.
- In accordance with the above, we conclude that the proposed development satisfies the requirements of the impact test. It follows that the proposal accords with Policy EC5 and Paragraph 89 of The Framework.
- For the precise reason that the LPA concluded the adjacent Lidl store on Preston Road would not have a significant adverse impact on centres, the proposed neighbourhood store will also not have a significant adverse impact on centres. Moreover, the store is anticipated to be smaller

than the Lidl, and its modest nature is not of a conceivable scale to be able to give rise to significant impacts, particularly given the adjacent out-of-centre store that it will compete with directly.

Retail Impact Assessment - Consultant's advice

The Council's consultant has considered the above and has made the following points with regard to the submitted Impact Assessment;

- In terms of investment there are no existing committed or planned in Lytham St Annes or Kirkham. However at Warton a Local Centre is identified.
- Savills state that the modest nature means that it could not have a significant adverse impact on planned investment. Further, it is argued that the planned local centre at Warton is not an "investment" to which the impact test should apply. – Savills argue that for it to be a planned investment it has to be at a very advanced stage.
- Savills assert that in order to qualify as a planned investment in terms of NPPF paragraph 89, the project has to be at a very advanced stage and as a local centre in Warton has yet to come forward it cannot be considered a planned investment for the purposes of the impact test. The consultant does not agree with this assertion.
- The consultant sites the context of Scotch Corner as relevant. Hambleton District Council, an objector to the application, maintained that the proposal would harm the delivery of scheme on land in multiple ownership at the edge of Northallerton Town Centre. However, the scheme was not a Development Plan allocation and a masterplan that had been produced served to illustrate that the project was at a very early stage of formulation. Here therefore the investments did not have development plan status which is different to here at Fylde.
- The Cribbs Causeway inspector noted that an allocation, supported by an evidence base, was a significant stage when considering the planning of the investment.
- The circumstances at Warton are materially different to those arising at Scotch Corner or Cribbs Causeway. The Development Plan, which is recently adopted and up to date, requires the creation of a new local centre at Warton as part of the strategy of the plan. In the consultants view the relationship between the application and the local centre allocation is central to the determination of these proposals. The local centre is to meet local needs and provide facilities for residential growth in a strategic location. Set in that context a new local centre is important to secure a sustainable pattern of development. Whilst acknowledging the approach taken in the Scotch Corner decision, the Cribbs Causeway decision serves to emphasise that the particular circumstances arising in each case will provide a direction as to how this issue should be addressed. In his view the Local Plan allocation constitutes an investment which is self-evidently 'planned' and thereby qualifies under NPPG paragraph 89(a). In their opinion, the impact of the proposal on the local centre allocation is a matter that must be properly addressed.
- The development of a new supermarket in this location, albeit of modest size, is likely to impact adversely on the ability to deliver a new local centre for Warton. The application would attract retail expenditure from Warton (and its' catchment), resulting in less expenditure to support new shopping at a local centre. In commercial terms, the presence of the application proposal close to Warton is in my view likely to have significant repercussions for the ability to attract retail businesses to a new development in Warton. The fact that the application could be seen to consolidate existing retail activity at Preston Road is also relevant in this context.
- He states that the location of the proposal would attract shoppers from Warton and in his opinion affect the prospects of delivering a new local centre.
- Notwithstanding the fact that the location and scale of a new local centre is yet to be determined, the centre is "planned" in the context of NPPF paragraph 89(a). I have taken account of the arguments made by Savills and the discussion above on the consideration of this

issue generally by Inspectors and the Secretary of State. Given the particular circumstances of this case I consider that refusal is justified because of the adverse impact on planned investment at Warton, which in my view would be significant.

- In terms of the impact on vitality and viability of existing centres the consultant states that Savills estimates of trade diversion are speculative and they do not show the impact of the development on existing centres. The consultant has considered different scenarios;
 - A- a discount food retailer with 8.72m turnover.
 - B – M and S with 10.8m turnover.
- The onus lies with the applicant to demonstrate that new developments would not have a significant adverse impact.
- Savills estimate of the turnover of the application is too low because it is calculated on part only of the floorspace for which approval is sought. Whilst it is recognised that the catchment would extend westwards and include Warton, the analysis excludes zone 10 of the Blackpool Study.
- Two different scenarios are assessed by Savills to reflect the prospect of different retailer occupying the proposal. However, a ‘fine-grain’ analysis cannot be undertaken given the limitations of the household survey data. Savills apply the same trade draw rates to each scenario and do not recognise they are likely to be different depending on the type of occupier.
- The trade draw rates for the application (and hence trade diversions) assumed by Savills are opaque in terms of their justification and appear to bear no relationship to existing patterns of shopping. Savills do not set out the impact of the application on existing centres.
- I have considered two scenarios: one on the basis that the development is occupied by a discount supermarket such as Food Warehouse and the other, that it is occupied by Marks & Spencer. The impacts on Lytham and Kirkham are not likely to be material because in monetary and percentage terms trade diversions are small. At St Annes, the town centre is healthy and although my estimates of trade diversions are higher, the quantitative impact on vitality and viability is unlikely to be significantly adverse. This assumes that Marks & Spencer would continue to trade from the town centre. If Marks & Spencer were to cease trading because they relocated to the application site the loss of expenditure within St Annes town centre would be in the order of -£6.5m representing an impact of about -11%. Expenditure in the town centre would be materially lower than at present. Combined with a qualitative loss arising from the closure of Marks & Spencer, I consider that the circumstances would be such that the application would lead to a significant adverse impact on the town centre. However, this is not the determining factor in considering the impact of the application.
- The Development Plan promotes a new local centre at Warton which is a strategic location for new housing. In my view, having considered the various decisions and the points made by Savills, in the particular circumstances arising in this case, the Local Plan allocation of a local centre at Warton is a ‘planned investment’ in terms of NPPF paragraph 89(a). The application would in my opinion be harmful to the prospects for a new local centre because of the proximity of the application to Warton, the fact that the application is expected to draw trade from Warton and in commercial terms, the application is likely to have repercussions for the ability to attract retail businesses to a new centre in Warton. In addition, the expenditure capacity to support new retail development at Warton is modest and this fact will be reflected in the attractiveness of Warton to retailer occupiers particularly if they see a consolidation of retail activity at Preston Road a short distance to the west. The location of the application and the nature of the proposal would, in my opinion, harm the prospects of delivering a new local centre. In the context of the strategy of the Development Plan to deliver a sustainable settlement at Warton, I consider that the harm would be a significant and substantial objection to the application.

Therefore the Council’s retail consultant accepts there will not be an unacceptable impact on Lytham, raises concerns that if Marks and Spencer’s were to vacate St Annes that this would have a significant adverse impact on the town centre and considers that the proposal would have

repercussions in the ability to attract retail businesses to Warton. Therefore as with the Sequential test the key issue is whether or not the proposal could be accommodated in Warton and what would be the implications for not doing so.

Should the Warton Local Centre Allocation form part of the assessment?

The wording of Policy EC5 states that *Proposals for retail, leisure and office development in 'edge of centre' or 'out-of-centre' locations will be considered in line with the Framework, bearing in mind the impacts on existing centres.* It follows that Local Plan requires an assessment in accordance with the requirements of the National Planning Policy Framework and that the impact assessment is concerned only with an assessment of impacts on existing centres. The Framework states in paragraph 86;

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'*

Policy EC5 also sets out the retail hierarchy of centres and confirms that a local centre is proposed in Warton. However there is no existing centre in Warton and the policy does not allocate any specific site in Warton for use as the Local Centre. However its inclusion shows that it is an undoubted aspiration of the Council to create a new Local Centre to support the new housing development that will be delivered in Warton.

As such at officers request given that policy EC5 allocates a Local Centre in Warton it was considered necessary for the applicants to consider sites in Warton. Whilst this cannot form part of the sequential test as there is no centre in Warton and therefore no sequentially preferable sites within the settlement as there must be an existing centre that the site is located within this was considered necessary given the aspirations in the Local Plan.

No sites were found in Warton, with regard to the BAE site the land is allocated for employment use as part of the Enterprise Zone and as such the provision of a retail use on this site would contradict that policy allocation and hence be unacceptable in policy terms. Furthermore it is not available as County Council who manage the Enterprise Zone have responded to officers stating they consider it to be premature at this stage to support the site in the EZ as a potential site for a local centre. The proposal for a Local Centre would not reflect the main focus of the EZ to attract Advanced Manufacturing and Engineering Uses. The site was also found to not be large enough for the proposal even with a significant degree of flexibility applied as it is half the size of the application site and cannot accommodate the proposed development. Another site considered was the Clifton Arms Pub Car Park, this was not available and not big enough. Therefore no sites are available and there are currently no sequentially preferable sites that could deliver this scheme and become the Local Centre for Warton.

With regard to the impact assessment on existing centre's Warton is not an existing centre, and the

form and size of the Local Centre is not defined within EC5. The Local Centre could in theory take many forms, from a parade of smaller shops to a larger individual store such as that proposed by the application. Therefore whilst Warton has an allocation for a Local Centre it currently does not exist and therefore it is difficult to assess the impact on the proposed centre. Therefore it needs to be considered whether or not the allocation of a Local Centre somewhere in Warton constitutes an *'existing, committed and planned public investment'* and whether or not the proposal would impact unacceptable on this investment.

The applicants are firmly of the opinion that as Warton does not have an existing Local Centre that the sequential test and impact assessment policies can not apply. And as stated above there are no sequentially preferable available sites in Warton that are suitable for the foodstore proposed by the application and no existing operations or planned investment within Warton that the proposal could have a significant adverse impact on. Their view is that even if Warton were a Local Centre, which it is not, there is not development or investment in progress and therefore no planned investment against which the proposal would be assessed against. With regard to vitality and viability they consider that this policy requirement does not apply on Warton as it exists as it is not an existing centre against which an assessment can be carried out,

Officer's view is that because policy EC5 does not prescribe the location or form of the proposed Local Centre, and the fact that it does not exist it is extremely hard to quantify what impact if any this proposed store would have. The fact that there is not a site available in Warton means that this particular scheme cannot be developed in Warton at this moment in time, but does that mean building it in the proposed location that the Local Centre would or could not come forward. If the Local Plan was clear in the form of the Local Centre it would be easier to assess however effectively policy EC5 leaves the provision of a Local Centre relying on market forces. Officers need to assess the scheme that is proposed in front of them and on balance whilst the development could have an impact on the provision of the Local Centre it is not considered that the evidence that it would do is robust or clear enough to warrant refusal of the application for that reason. With regard to the issue of whether the allocation constitutes an existing, committed and planned public investment clearly a Local Centre is planned as it is in the Local Plan to 2032 as the Council's policy officer point out, but the wording of the Framework is such that what needs to be considered is committed and planned investment, and on the vitality on the viability of a centre. If the Plan does not allocate a site and instead relies on market forces it is difficult to say that it is committed investment. Accordingly for an application to be refused under the terms of Policy EC5 and Paragraph 90 of the National Planning Policy Framework, there must be suitable sites that are available within a centre, and the proposal must not have a significant adverse impact on a centre. Put another way, there must be a centre for which an assessment can be carried out against which is not the case here. Furthermore the NPPG is instructive on when the impact test should be used in terms of impact on existing, committed and planned public and private investment in a centre or centres. Paragraph: 016 Reference ID: 2b-016-20140306;

'Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- *the policy status of the investment (ie whether it is outlined in the Development Plan)*
- *the progress made towards securing the investment (for example if contracts are established)*
- *the extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence'*

It follows that for an assessment on existing, committed and planned public and private investment

in a centre or centres (i.e. criterion (a) at Paragraph 89 of the National Planning Policy Framework) is only carried out where that development or investment is 'in progress'.

Therefore the National Planning Practice Guidance states that, an assessment on existing, committed and planned public and private investment in a centre or centres is only carried out where that development or investment is 'in progress'. Therefore even if Warton were a Local Centre, which it is not, there is not development or investment in progress and therefore no planned investment against which the proposal could be assessed against. Clearly this contradicts the advice of the Council's retail consultant who considered that the scheme could hinder the FLP32's aspiration for a Local Centre in Warton which is a strategic location for development for housing, and that this policy aspiration constituted a planned investment. As stated above there is no doubt that it is planned, but it is for debate as to whether that constitutes a commitment. Clearly a proposal for a Local Centre in Warton would be viewed favourably by the LPA as per EC5 and as such there is a commitment to view such schemes favourably, but if a development is not proposed by a developer then currently there is no commitment or application for a Local Centre. The Council's consultant also raises concerns that the proposed scheme would be harmful to the prospects of a new local centre in Warton (a planned investment), because the application would draw trade from Warton because of its proximity and its presence would likely have repercussions for the ability to attract retail businesses to a new centre in Warton. He also states that the expenditure capacity to support new retail development at Warton is modest and this fact will be reflected in the attractiveness of Warton to retailer occupiers particularly if they see a consolidation of retail activity at Preston Road a short distance to the west. Officers do not dispute that the proposed store is in close proximity from Warton and some residents of Warton are likely to use the store. However as stated above the Local Centre could take many forms, including a store such as one proposed here, or a series of a smaller stores, policy EC5 does not prescribe the form or location of Warton's Local Centre. Therefore whilst the proposal could harm the prospects of a store such as this one from being delivered in a new local centre that is not to say that a different form of retail development could not come forward.

Officers when debating this issue with the applicants have requested that in order to mitigate the potential impact that a contribution be made to assist in bringing forward operations or investment to secure Warton's Local Centre in one form or another. This would take the form of enhancing public realm so that this scheme does not prejudice the delivery of the Local Centre. Whilst hard to quantify the development will undoubtedly have some impact on the delivery of that centre, especially given that this centre has no prescribed form or size and as a retail store the size of this application could indeed be acceptable. A contribution of £30,000 has been proposed by the applicants and this would be secured via a unilateral undertaking prior to the commencement of development.

How to prevent future unacceptable impact on existing centres?

An issue raised by the Council's consultant and subsequently by officers with the applicants is that whilst there is an agreed position that the store would not have an unacceptable impact on the existing centres of Lytham and St Annes that this would change if an established retailer in one of those centres, in particular Marks and Spencers in St Annes moved to the application site and their premises were not filled. In response to this the applicants have suggested a condition, commonly known as a non-poaching provision and utilised on a number of retail permissions and endorsed by the Secretary of State in call-in decisions and the Courts, to be included on any decision. The suggested condition reading as follows;

'None of the approved Use Class A1 retail floorspace should be opened for trade by any retailer who

at the date of first opening of the approved foodstore, occupies retail floorspace within the Primary or Secondary Shopping Frontages of St Annes or Lytham town centre as defined in the Local Plan unless a scheme which commits the retailer to retaining their presence as a retailer within the Primary or Secondary Shopping Frontages of St Annes or Lytham town centre, for a minimum period of 5 years following the date of opening for trade within the development, or until such time as they cease to occupy retail floorspace within the development, whichever is the sooner, has been submitted to and approved in writing by the local planning authority.'

Such a condition would ensure that none of the established retailers occupying premises in St Annes and Lytham town centres at the time of opening could occupy the proposed store unless they committed to retaining their existing store for a minimum of 5 years. Thus ensuring that this development will not have an unacceptable impact on those town centres. Officers are satisfied with this as a general approach, but concerned over the potential for it to be nullified if the occupiers of an existing store were to cease trading from their site immediately prior to the opening of the application store. The protection of the trading strength of the existing town centres in the borough is a key economic priority and so this decision cannot undermine that. To ensure that the greatest protection is given to this officer's belief that this 'anti-poaching control' be contained within a legal agreement rather than a planning condition and so that will form an element of the decision.

Benefits of the proposed development

The applicants have outlined that the proposed development will bring the following benefits which need to be weighed in the overall planning balance;

- The proposal will increase the number of employment opportunities at the site by approximately 35 full-time equivalent employment positions.
- The increase in employment will result in an increase in wage generation at the site by between £170,000 - £315,000 every year and as a consequence secures sustainable economic growth.
- The proposal will enable the relocation of an existing business, and the applicant expects that none of the existing employees will be made redundant.
- The applicant consider that the proposal therefore secures sustainable economic growth.
- The proposal would deliver an increase in turnover above the existing use by approximately £4.7 to £6.3m per annum.
- The store will generate an estimated £115,000 in business rates per annum, more than triple that of existing.
- Construction of the site will provide opportunities for local young people to gain NVQ Level 2 and Level 3 training and practical experience.

Officer conclusion on retail matters

The retail planning issues raised by this scheme with regard to the aspiration for a Local Centre in Warton are complex.

Clearly there are no existing sites available in Warton or Lytham and as such the application passes the Sequential test. With regard to the Impact assessment the development has been found to have an acceptable impact on Lytham and St Annes and with the poaching condition proposed by the applicants none of the existing retailers will be able to move to the new store for a period of 5 years, hence protecting their vitality and viability.

With regard to Warton there is an aspiration in the Local Plan to 2032 through policy EC5 for there

to be a Local Centre. Currently there is no existing centre for the development to have an impact upon and EC5 does not specify the form or location of the Local Centre. Indeed EC5 states that “within the proposed Warton Local Centre, as identified indicatively on the Policies Map, a range of appropriate services that support the role and function of the Local Centres will be encouraged”, therefore it could be considered that the Plan anticipates a Local Centre to provide a number of different services asides to a single food retailer as proposed here. Therefore it is difficult to quantify what impact the proposal will have on this policy aspiration.

With regard to whether or not the allocation in the plan constitutes *an existing, committed and planned public investment* it is officer’s view that clearly a Local Centre is planned as it is in the Local Plan to 2032 but the wording of the Framework is such that what needs to be considered is ‘committed and planned investment’. It is for the reasons outlined above considered that a Local Centre in the form proposed by this application is not a ‘committed investment’. Therefore as it stands Warton is not a Local Centre and there is no committed public investment against which the proposal can be considered against. It is acknowledged that the development of this store in this location will inevitably lead to trade being drawn from Warton, and its presence could have repercussions for the ability to attract retail businesses to a new centre in Warton. However it is officer’s view that as the form of the Local Centre is not prescribed that an alternative form of retail development could form the character of Warton Local Centre. Therefore whilst the proposal could harm the prospects of a store such as the one proposed here from being delivered in a new local centre, that is not to say that a different form of retail development could not come forward. Furthermore the benefits of the proposed scheme detailed above are acknowledged, as is the applicant’s commitment to a financial contribution to enhancing Warton’s public realm in order to assist the facilitation of the Local Centre. It is therefore considered that with these benefits and with regard to the issues discussed above that on balance the retail impact of the proposed development and therefore the principle of the development is acceptable.

As the application has been considered and found to have an acceptable impact on other retail centres on the basis of having a total gross internal retail floorspace of 1022 sq.m (gross internal area) it is appropriate to condition that this be the maximum area of sales floor space that can be implemented at the site. To allow a larger area of sales floorspace would mean that the impact would need to be re-assessed. A condition can also be placed on any permission granted so that the retail store operates primarily as a store for the sale of convenience goods with only ancillary sales of comparison goods. Therefore the principle and the impact of the development on existing centres is considered acceptable.

Visual impact and scale

Policy GD7 – Achieving good design in development is a criteria based policy which requires developments to achieve a high standard of design, taking account the character and appearance of the local area. Relevant sections of GD7 including the following;

d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.

h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.

The site consists of an existing car sales and MOT business surrounded by two storey residential development and other employment buildings and uses of a variety of designs and sizes. This

application is fully outline and therefore the consideration of the impact is based on the indicative layout and other details provided. Proposed is a store with 1,022 sq. m at ground floor and 465 sq. m at mezzanine level, clearly the store will need to be of a scale to accommodate a mezzanine floor and will therefore be of a similar height to the existing buildings on the site. In terms of height therefore it will be in keeping with the surrounding area which includes two storey residential to the west and up to two storey commercial buildings in all other directions. It is considered that an appropriately designed building in the location indicated on the submitted plan would be considered acceptable given the surrounding context.

The application supporting statement outlines that simple landscape proposals will contribute effectively to the retail scale and character that provide an attractive development while promoting visibility and good design practice. The site currently has limited areas of soft landscaping. The existing site therefore offers scope to improve the site's appearance by increasing the level of soft landscaping, including use of grassed areas within and around the site's perimeter.

The application outlines that the design is anticipated to use glazing along the main elevations facing onto the proposed car parking area and that it will be a high quality design that will contribute positively to the existing street scene. It will have been designed to give due regard to the surrounding commercial context. It is considered that whilst the application is submitted in outline that the visual impact of the proposed development will be acceptable given the parameters within which it will be constructed.

Access and impact on highways network

The application site is located within the settlement of Lytham and is in close proximity to bus stops and is walking distance from a number of dwellings. The application has been presented as retaining the existing access which will use the existing pedestrian links from Preston Road connecting to the existing public footpaths around the site. The site is proposed to have 73 car parking spaces, five accessible spaces, four parent and child spaces and a dedicated area for 4 motorcycles and 11 cycle spaces. Servicing of the site will take place to the rear of the store, utilising the same access with a 25m turning circle to allow HGV's to enter, reverse and exit successfully.

The application has been accompanied by a Transport Assessment. This outlines that the site is sustainably located. It also considers trips generated by the existing uses and the proposed use. This results in the following two-way vehicular trips;

Existing Use: 31 in the am peak, 30 in the pm peak and 28 in the Saturday peak

Proposed use – 58 in the am peak, 174 in the evening peak and 174 in the Saturday peak.

The TA states that these figures are a relatively modest increase and assesses the capacity of the existing network. It finds that the existing junction is operating well within capacity and that the impact of the development traffic will be negligible resulting a maximum ratio of flow to capacity (RFC) of 0.32 occurring on the minor arm of the nearby roundabout in the weekday peak, with no significant level of queuing predicted.

LCC Highways have commented on the application and their views are reported above. In short they state that they are of the opinion that the proposed store would not have a severe impact on highway capacity or congestion in the immediate vicinity of the site and that the area around the site has a good accident record.

With regard to sight lines they state that a 2.4 x 59m needs to be provided in a westerly direction

and a 2.4 x 124m in an easterly direction and that the sight line requirement is fully achievable over the applicants land and the existing adopted highway.

With regard to the access they consider the geometry to be too large with an excessive radius approach. The wide access is detrimental to highway safety for pedestrians crossing the junction and the combination of a wide access with large radius does not control vehicle speeds entering and existing the site, both of which are detrimental to vehicle and pedestrian safety.

They state that they are of the opinion that pedestrians will have a desire to cross Preston Road to access the retail food store, there are currently no pedestrian crossing points near the site and pedestrians need to cross a very wide carriageway with fast moving traffic with on-road cycle lanes on both sides of the carriageway.

They state that the applicant is advised to consider a 2m build out of the kerb line fronting the site and traffic island for pedestrians and a continuation of the northern on-road cycle lane. The carriageway narrowing will aid with the sight lines passed the parked cars to the west of the site. The combination of the road narrowing and build out will also provide a traffic calming feature which would reduce traffic speed passing the site access.

(LCC) Highways are of the opinion that the proposed retail food store will encourage cycle movements to and from the site and due to the significant increase in traffic movements from the site the existing cycle facilities fronting the site should be continued across the site access. The current proposal do not provided any features to continue the cycle lane passed the site access.

They also state that they are of the opinion that the proposed retail food store increase the need for staff and customers to use the fifteen minute bus service passing the site. The current proposal do not provided any improvements to the current public transport facilities adjacent to the site. They recommend that upgrading of the two bus stops adjacent to the site to quality bus stops with raised kerbs and a shelter on the southern side of Preston Road. The bus stop improvements to be carried out as part of the off-site works and will need to be constructed under a section 278 agreement of the 1980 Highways Act.

They also request a contribution of £6000 towards Travel Plan monitoring. They are not seeking any section any other section 106 contributions as part of this development providing the recommended section 278 works are provided for the site access and off- site works for the road narrowing, pedestrian traffic island and bus stop improvements, as detailed above. Based on the above LCC Highways have stated that they cannot support the proposed development as presented and would ask that planning permission is refused as:

- The proposed development will have an adverse impact on highway safety on Preston Road at the site access and as such fails to meet the requirements of the National Planning Policy Framework.
- The development also fails to adequately promote safe and sustainable travel by modes other than car and as such fails to meet the requirements of the National Planning Policy Framework.

However given that the application is being made completely in outline and it is clear that a future Reserved Matters application will include detailed access matters this would overcome this issue as the application will need to include detailed access design which will need to meet LCC approval and can be designed in accordance with the above requirements. As such there is not considered to be any highways issues that could warrant refusal of the application, the provision of the off site works can be secured by condition and the 106 contribution via an obligation. Officers provided this view

to LCC officers prior to completion of this report and they have confirmed as reported above that their objections to the access can be dealt with at Reserved Matters stage. They have confirmed that they require the £6000 Travel Plan contribution, and that at reserved matters stage the developer will need to provide detail of the access arrangements which as a minimum must include provision of right turn lane on the A584 pedestrian refuge on A584, upgrade of existing bus stops (to include raised boarding area, shelters and associated signs and road markings). The developer will need to provide vehicle swept path analysis and Stage 1 Road Safety Audit. They suggest two conditions one being that no development commence until the access and off site highway works be constructed in accordance with an approved scheme to be submitted and that prior to any clearance of the site that a Traffic Management Plan be submitted and approved. Therefore with such conditions there are no highway issues with the application.

Impact on residential amenity

As outlined above the existing site operates as a Sui Generis use but includes some noisy employment activities including the MOT testing station. The proposed retail use is not one in itself that will generate significant levels of noise however the number of people entering and leaving the site, both in car and pedestrians will increase which could impact upon amenity. The nearest dwellings are those to the west on Mornington Road and Preston road whose side elevations face the application site. The nearest dwelling to the proposed store on the indicative plan is 21m, and 9m from the access road to the parking areas. This boundary consists of a variety of different treatments, including walls, hedgerows, concrete, mesh and metal fencing. The Council's Environmental Protection Officer has commented on the application and raises no objections. He requests a number of condition that will serve to protect the amenity of surrounding dwellings, these include noise level restrictions, deliveries being restricted to 07:00- 21:00 Mondays to Saturdays and 09.00 – 17.00 Sundays and details of the illumination of the site to ensure that there is no light nuisance to neighbours. It is considered that with these conditions and also with ones restricting the hours of use of the premises that the amenity of neighbours can be protected. It is also expected that when an application for the reserved matter of landscaping is submitted that

Flooding and drainage

The application has been supported by FRA which outlines that with regard to surface water that all runoff from the redeveloped site will be directed to the Main Drain via the existing connection. The redeveloped site will have less hardstanding than the existing site and thus there will be more natural infiltration. The surface water run-off will be restricted to 50.6 l/s which is a reduction of 30% from the existing rates of discharge. Attenuation storage will be provided to store surface water run off generated from roofs and hardstanding. The details of this will be dependent on the details submitted in the reserved matters. Foul water will go into the existing sewer system. Both the EA and UU have no objections to the development. UU confirming no objections and requested a condition that the development is carried out in accordance with the FRA and also suggesting a condition in relation to management and maintenance of the SuDS. The EA similarly have no objections but request a contaminated land condition and also states that they are satisfied that the FRA demonstrated that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. With regard to the EA's comments about the sequential test, they state that in accordance with the NPPF para 158 development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that it is for the local planning authority to determine if the Sequential Test has to be applied. With regards to the flood sequential assessment, it is important to note that

the proposed development is considered a 'less vulnerable' use and therefore is exactly the same category as the existing uses on the site. It would therefore be operating in line with the existing baseline position, and in accordance with the 'Flood Risk Vulnerability Classification' in Planning Practice Guidance, the proposed development is 'appropriate'. As such it is not considered necessary for the flooding sequential test to be undertaken. Therefore with these conditions in place there are no flooding or drainage issues with the application.

Conclusions

The proposal is considered to comply with policy EC5 of the Local Plan to 2032 as there has not been found to be any sequentially preferable sites and the impact on the vitality and viability of existing centre will not be unacceptable. The implications for the policy aspiration of EC5 to provide a Local Centre in Warton has been closely considered. It has been found that there are no sites currently available in Warton to house the proposed store. Whilst it is acknowledged that the proposed scheme could impact on the form of Local Centre delivered in Warton as policy EC5 does not specify the form or location of the Local Centre it is difficult to quantify what impact the proposal will have on this policy aspiration. Officers have considered the development in the context of NPPF paragraph 89 which addresses the Impact Assessment. This states that when assessing application for development outside of town centres an assessment should be made of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre. The key issues is whether the Policy aspiration of EC5 constitutes an 'existing, committed and planned' public or private investment. As outlined above whilst officers agree that the Local Centre is planned, it is our view that there is no committed investment against which this application could prejudice. Therefore whilst the proposal could impact on the delivery of a store similar to that proposed here that is not to say an alternate form of retail development could not be delivered. Therefore when balancing the benefits of the scheme, including the contribution to public realm to assist in the facilitation of the Local Centre in Warton it is considered that on balance that the proposal is acceptable in principle. With regard to the other issues discussed above there are no highways, drainage, amenity or other reasons why the application is not acceptable and therefore it is recommended for approval.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

- a) The phrasing of an 'anti-poaching control' to ensure that in the event that this store is to be occupied by an operator with a presence in Lytham or St Annes town centres then they are to retain that presence for an agreed period of not less than 5 years.
- b) a financial contribution of £30,000 (and the phasing of the payment of this contribution) towards securing public realm works to enhance the attractiveness of Warton village centre in accordance with the requirements of Policies EC6 and INF2 of the Fylde Local Plan to 2032
- c) a financial contribution of £6000 (and the phasing of the payment of this contribution) towards Travel Plan monitoring in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032

The suggested Planning Conditions and Reasons are as follows:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

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

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

Nos. (1, 2, 3,4 and 5)

(Reserved matters are:-

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

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

3. That the details submitted under any application for the reserved matter of 'access' shall include details of the following works:

- improvement of the junction of the site with Preston Road with kerb build-outs and consequential lining changes
1. the provision of a pedestrian island
 2. Appropriate visibility splays in both directions
 3. Appropriate connections to the existing cycle paths on Preston Road
 4. The improvement of the nearest bus stop in both directions to Quality Bus Standards
 5. the phasing of these works

The approved development shall be implemented in accordance with the agreed phasing of these works, and shall not open for trading until all necessary access and off-site highway works have been constructed

Reason: To ensure the development provides a safe and accessible access arrangement to all road users as required by Policy GD7 of the Fylde Local Plan to 2032.

4. Prior to commencement of any site clearance works a Construction Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority. The TMA shall be implemented throughout the entire demolition and construction phase and shall include and specify the provisions to be made for the following:

- a) The timing of all demolition and construction activities
- b) A specific location for the parking of vehicles of site operatives and visitors;
- c) A location for the loading and unloading of plant and materials used in the construction of the development;

- d) A location for the storage of such plant and materials;
- e) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- f) Timing of deliveries to the site, which should be timed to avoid early morning / late evening visits and to avoid peak hours
- g) Routes to be used by vehicles carrying plant and materials to and from the site;
- h) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 4300, Dated 28 February 2019) which was prepared by Weetwood. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage 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 completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A site investigation scheme, based on the Phase 1 Land Quality Assessment Limited (Ref: G2937-GR-01A; dated 19 December 2018) prepared by PSA Design) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

8. The retail unit hereby approved shall not exceed 1022 sqm gross internal ground floor area, and 465 sqm at mezzanine level. The mezzanine floorspace shall be used for storage purposes only.

Reason In order to protect the vitality and viability of nearby town, district, and local centres in accordance with the provisions of Policy EC5 of the Local Plan to 2032 and the NPPF, and because the retail impacts associated with the development have been assessed on the basis of these floorspace figures.

9. The retail store hereby approved shall primarily trade as a store for the sale of convenience goods and no more than 15% of the gross floor area shall be used for the sale of comparison goods.

Reason: In order to prevent the establishment of an open A1 retail use that would detract from the vitality and viability of established local centres.

10. The rating levels for cumulative noise from all plant and machinery from the retail unit hereby approved shall not exceed (10 dB(A) below the existing LA90), at the nearest noise sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014).

Reason: In order to protect the residential amenity of neighbouring dwellings.

11. The retail unit hereby approved shall not be open for trading and there shall be no deliveries to or waste collection from the store outside of the hours of 07.00 to 22.00 Monday to Saturday inclusive and 10.00 to 16.00 on Sundays.

Reason: In order to protect the residential amenity of neighbouring dwellings.

12. Prior to the first operation of the retail store hereby approved a light /illumination survey or details of the site illumination shall be submitted for approval in writing by the Local Planning Authority in order to demonstrate that there is no potential for light nuisance towards the residential properties. No dwelling shall be subject to light level of above 3 lux as a result of the operation of the site.

Reason: In order to protect the residential amenity of neighbouring dwellings.

13. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

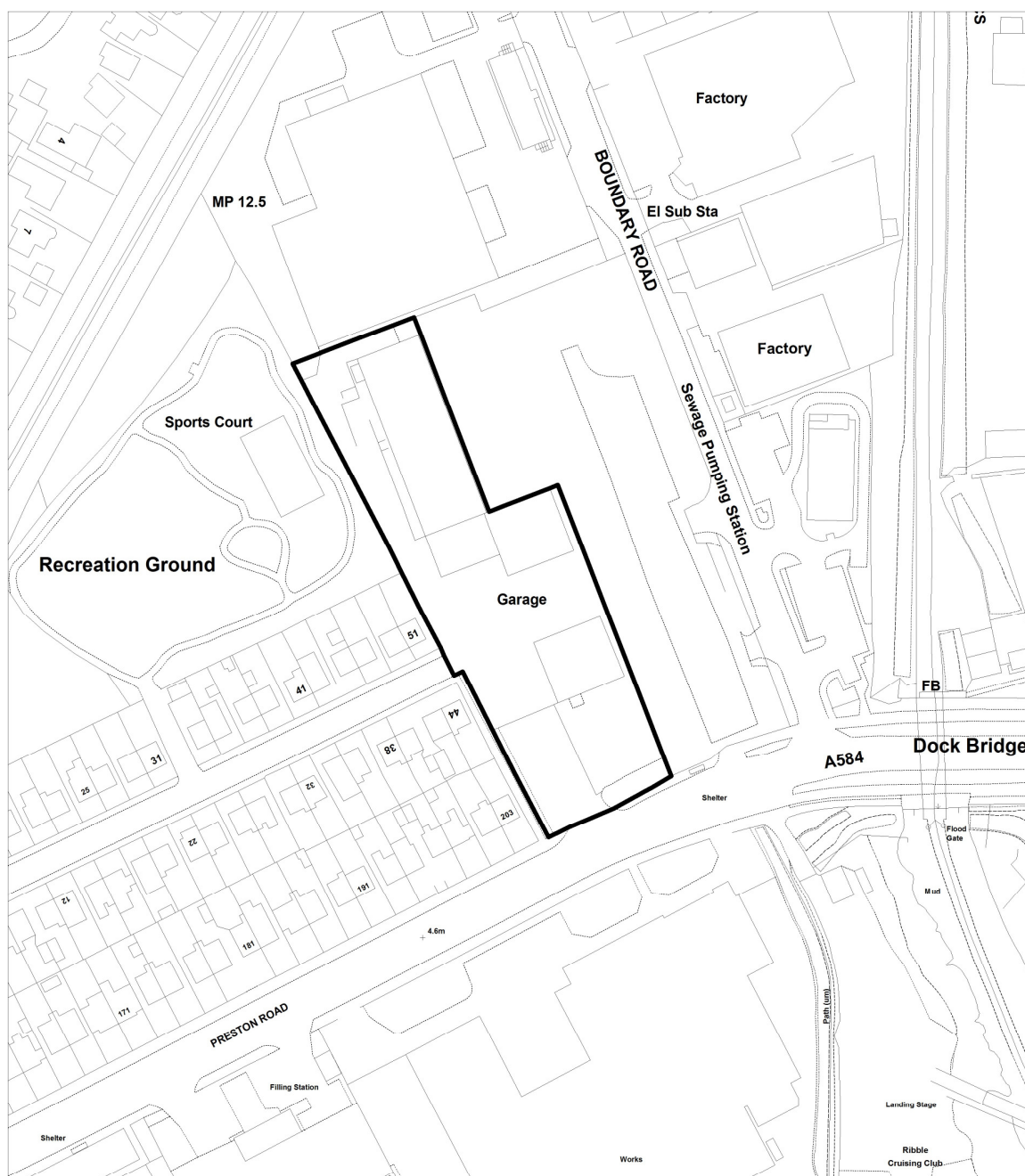
- a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- b) If the desk study identifies potential contamination and ground gases, a detailed site

investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.



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Ordnance Survey (100006084).

Application No.
5/19/0006

Address
Stanways of Lytham, Preston Road,
Lytham St Annes

Grid Ref.
E.3381 : N.4280

Scale
0 6 12 18 24 m

Item Number: 4

Committee Date: 4 September 2019

Application Reference:	19/0282	Type of Application:	Full Planning Permission
Applicant:	RG & JM Towers	Agent :	Ian Pick Associates Ltd
Location:	BRADKIRK HALL FARM, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3NA		
Proposal:	ERECTION OF AGRICULTURAL BUILDING TO PROVIDE SHEEP HOUSING AND LAMBING ACCOMMODATION INCLUDING ASSOCIATED HARDSTANDING AND LANDSCAPING		
Ward:	MEDLAR WITH WESHAM	Area Team:	Andrew Stell
Weeks on Hand:	22	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7951816,-2.9033713,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is part of Bradkirk Hall Farm which is located on Weeton Road in Wesham. The site is located on the opposite side of Weeton Road to the main farmstead and the group of buildings previously used as part of the dairy enterprise at Bradkirk Hall, which have now converted to a mix of commercial (Class B1, B2 and B8) uses.

This part of the farm that this application refers to has been retained in agricultural use and is used for the rearing of sheep. The sheep flock has been expanded since the cessation of the dairy enterprise and the method of farming and the timing of the production of lambs require that the sheep are housed during the winter months. The existing buildings are either of a condition or of a size which cannot accommodate the increased flock, hence the need for the proposed building.

The site is located in the Countryside so rural development is supported under Policy GD4, with the agricultural use for this building, and its scale and location such that the development is considered to comply with the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032. It is also considered to accord with guidance in paragraph 83 of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is recommended for approval by Members.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict 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 Bradkirk Hall Farm, Weeton Road, Wesham. In particular the land in this application is located to the north side of Weeton Road where there is a group of four farm buildings, two of which are older brick built buildings, one of a more modern style and a recently constructed modern portal frame and timber-clad building.

Surrounding the site to the north, east and west is agricultural land. To the south of the site is the main farm area at Bradkirk Hall, which consists of the main farm dwelling, two farm cottages and the former farm buildings. The farm buildings were the subject of application 16/0738 which granted approval for the conversion of 10 of the farm buildings to industrial use within Classes B1, B2 and B8. This conversion has now taken place and many of the buildings are occupied for their approved use.

The application site is within an area designated as countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of an agricultural building to provide specialist sheep housing and lambing accommodation in connection with the sheep flock at Bradkirk Hall Farm.

The new building is attached to the existing sheep building and situated to its north side which is the rear when viewed from Weeton Road. The building is proposed to measure 39.6 metres by 24.3 metres with an eaves height of 3.6 metres and with an overall ridge height of 6.8 metres.

The building is to be constructed with pre-cast concrete panels and timber boarding to all elevations and has openings in the east and west end elevations with a cement fibre sheeting roof.

The building consists of three sections two of which provided sheep housing with a central feed passage.

Relevant Planning History

Application No.	Development	Decision	Date
18/0771	APPLICATION FOR PRIOR APPROVAL OF AGRICULTURAL DEVELOPMENT FOR ERECTION OF STEEL FRAMED BUILDING FOR LIVESTOCK	Prior Approval is not required	05/11/2018
18/0512	CONSTRUCTION OF NEW AGRICULTURAL BUILDING FOLLOWING DEMOLITION OF EXISTING AGRICULTURAL BUILDING.	Refused	28/09/2018
18/0386	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0738 CONDITION 7 - CONSTRUCTION METHOD STATEMENT	Advice Issued	09/07/2018
17/1060	ADVERTISEMENT CONSENT FOR DISPLAY OF 2NO NON ILLUMINATED FASCIA MARKETING BOARDS.	Granted	15/02/2018
17/0568	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 190 DWELLINGS WITH ACCESS FROM WEETON ROAD AND ALL OTHER MATTERS	Refused	09/02/2018

RESERVED

17/0490	REQUEST FOR SCREENING OPINION ASSOCIATED WITH POTENTIAL OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 190 DWELLINGS UNDER THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017	EIA not required	09/02/2018
16/0738	CONVERSION OF A SERIES OF AGRICULTURAL BUILDINGS TO ENABLE THEIR USE AS CLASS B1/B2/B8 UNITS. CONSTRUCTION OF NEW ACCESS TRACK AND ACCESS POINT TO WEETON ROAD AND ADDITIONAL HARD SURFACED PARKING AREAS	Granted	30/06/2017
15/0635	OUTLINE APPLICATION FOR THE ERECTION OF A REPLACEMENT DWELLING (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	16/11/2015
14/0553	PROPOSED PORTAL FRAME CATTLE BUILDING	Granted	08/10/2014
13/0578	PROPOSED PORTAL FRAME CATTLE BUILDING	Granted	11/11/2013
AG/12/0008	PRIOR NOTIFICATION FOR PROPOSED PORTAL FRAME AGRICULTURAL BUILDING	Approve Prior Determination	16/10/2012
AG/08/0002	APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT FOR PORTAL FRAME BUILDING.	Permission not required	09/07/2008

There is an extensive earlier planning history relating to the agricultural activity at this site which is not included due to lack of direct relevance.

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0635	OUTLINE APPLICATION FOR THE ERECTION OF A REPLACEMENT DWELLING (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Dismiss	05/05/2016

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 02 April 2019 and comment:

*“Medlar-with-Wesham Town Council wish to express the following views:-
Option C - the Council OBJECT to the proposal.*

The objection is due to that previous planning applications stated agricultural buildings should be converted into business units as were no longer needed for agricultural purposes.”

Statutory Consultees and Observations of Other Interested Parties

Ward Councillors (Cllr Nulty)

This area has only just been altered to accommodate Industrial/Business buildings. I would have thought that some buildings could have been altered to be used for sheep

when all this was being considered. Also this building is on the other side of the road from the main farmhouse and buildings, intruding more into the open fields once again. I always want to support agriculture and their operations but I feel we are just getting more and more building around this farm, taking away the open feel of the area.

The Ramblers Association

No comments received

Lancashire County Council Rights of Way

No comments received

Lancashire County Council - Highway Authority

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

United Utilities - Water

They initially highlight that an easement crosses the site relating to a water main and that this involves restrictive covenants that protect the easement to allow access for maintenance at any time. Having reviewed the position of the building in respect of the water main they advise:

Further to our review of DWG Title 'Site Plan A1', Prepared by Ian Pick Associates Ltd, DWG. NUMBER IP/RT/02, Dated Mar 19, it appears the proposed sheep shed is located directly above the water main. This is not acceptable to United Utilities and therefore we must OBJECT to the proposal in its current form.

Following further information provided by the applicant regarding the separation from the water main United Utilities provided further comments on 21 August 2019. These confirm that their objection has been addressed providing the development is carried out in accordance with the revised layout which is plan IP/RT/02C of August 2019.

Neighbour Observations

Neighbours notified:	02 April 2019
Site Notice Date:	05 April 2019
Press Notice Date:	18 April 2019
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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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

This application seeks permission for the erection of an additional agricultural building to sit alongside the existing sheep building on site. The applicant's state that the building is necessary to provide over winter accommodation for the expanded flock.

Principle of development

The site falls within a countryside area allocated through Policy GD4 of the Local Plan to 2032. Policy GD4 states that development in the countryside will be limited with one of the forms that is acceptable being '*a) that needed for purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area.*'

The case put forward in support of the application is that the dairy farming operations on the main Bradkirk Hall Farm site to the south side of Weeton Road were reducing and subsequently ceased operating due to '*poor economic conditions*' in June 2015. Planning permission was then granted under application no. 16/0738 for the change of use of the farm buildings to a B1/B2/B8 use of the Use Classes Order together with other associated works to facilitate that use. This was allowed on the basis that the development would help the commercial viability of the farm through diversification, would create employment opportunities, and would deliver growth. This application indicated that eight of the farm buildings would be retained for general agricultural storage and machinery (buildings 1-5), and the three buildings located on the north side of Weeton Road, ie the application side, would be retained for sheep rearing. The applicants stated at the time of the change of use of the farm buildings to an industrial use that the development would not result in the retained farming enterprises requiring additional buildings.

Notwithstanding that position, an application for an agricultural building was submitted under application no. 18/0512. Whilst this was a 'major application' in regards to its scale it was not put before Members for determination due to the decision being to refuse the application due to lack of demonstrated need for the development and impact of the development on the visual amenity. A similar building was then proposed using the 'agricultural determination' procedure following a relaxation of the legislation for such buildings, and so this building was constructed under that process.

This current application differs in that the application has been submitted with a supporting statement which advises that following the cessation of the dairy enterprise operated from the buildings at the main Bradkirk Hall site the applicants continued with the sheep rearing enterprise and have expanded their sheep flock in order to utilise the permanent grassland retained on the farm. The resultant flock now extends to 1,000 breeding ewes to be cared for together with the rearing and finishing of the lambs produced by the ewes.

Traditionally the sheep were overwintered on land outside and the barns on the application site used only for shelter at lambing time. However, these barns are no longer fit for purpose due to their design, age, size and condition and need to be replaced.

In addition the applicant's flock has doubled in size, since the dairy business ceased, and the applicants are now required to house all the sheep throughout the winter months indoors in order to protect and rest the pasture land to ensure that sufficient grazing is available when the sheep produce their lambs in March/April. The timing of the lambs in spring is to secure their market place for them and to ensure that they will be fit for sale in September and October. As a consequence they lamb in spring and are turned out to feed on the rested pasture land. If the sheep are left out over winter on the fields, the fields become poached and the grass does not regrow.

The buildings that remained following the cessation of the dairy enterprise at Bradkirk Hall were not of a suitable design for sheep housing as the ventilation, flooring and layout of them would not work for modern farming methods and welfare requirements now needed for different animals. Should some of those original buildings, on the main site, have been retained and adapted for sheep farming the resultant mixed use of the site for farming and business/industrial use would result in health and safety implications by mixing a lambing operation with the business/industrial units.

Given the above commentary it is considered that the proposed development is required to support an active and on-going agricultural enterprise on one of the well-established farms in the area. The applicant has demonstrated in this application that there is a need for the development which overcomes the previous reason for refusal and it is officer view that principle of erecting an additional building complies with the requirements of Policy GD4 criterion a).

Impact on visual amenity

Given the acceptability of the principle of development there is now a need to assess its impact on the rural landscape. The proposed building is situated to the north of the existing recently constructed sheep building and will be clearly visible when approaching from Wesham or the Weeton side of the site as well as from the Mill Farm site, due to its scale and the generally flat form of the land here.

Notwithstanding the open views of the building, its design is typical of agricultural buildings in the Fylde countryside and it matches the design, width and use of materials of the existing building it is situated adjacent to. In addition the building is set back from the road and so will be viewed as a group with the existing buildings. The views that will be obtained of the new building from wider public vantage points will be interspersed with the soft landscaping of boundary hedges and field and hedge trees that exist in the area and so will significantly reduce its prominence. The proposed building is smaller than that refused under application no. 18/0512 at around 960 sqm as opposed to 1350 sqm applied for under the earlier application. In addition the proposed location was nearer the highway and obtrusive in the landscape.

It is considered that the proposed building is more appropriately located and of a scale which will not appear incongruous in the landscape nor result in a detriment to the visual amenity of the countryside. Accordingly, the proposal complies with criterion h) of Policy GD7 and overcomes the previous reason for refusal.

Impact on residential amenity

Given the siting of the building there are no residential dwellings nearby other than those at Bradkirk Hall which are sufficient distance from the proposed building so as not to experience any loss of amenity as a consequence of the proposed building, in addition these are occupied by the

applicants and family members.

Councillors and Wesham Town Council have objected to the proposed building for the reasons set out above. However, the applicants remain a local farming family and have diversified their dairy business and expanded the sheep rearing business. The applicants have advised that the buildings formerly used for dairy farming were unsuitable for sheep rearing, for the reasons outlined above, hence the need for this development.

Other matters

During the course of the application the size and location of the proposed building has been altered to accommodate the presence of a water main which crosses the site from east to west. United Utilities raised initial concerns over the proximity of the building to the pipeline and requested that the applicant provide details of the easement width and demonstrates their proposal can be delivered without issue to this important infrastructure. As a result the scheme was amended and United Utilities have withdrawn their objection.

Conclusions

It is considered that the proposal is acceptable and complies with the requirements of the Fylde Local Plan to 2032 and is supported by NPPF paragraph 83 which requires that planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings;

In the absence of any demonstrable harm from this development it is considered to be acceptable and so is supported subject to conditions. However as there is an on-going query about the proximity of the building to the water main to the north of the site it is recommended that the decision be delegated to officers to allow the decision to be delayed until that matter is resolved, and to allow any variations of the scheme required as a result to be considered.

Recommendation

That Planning Permission be GRANTED subject to the following conditions and reasons:

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

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

2. This permission relates to the following plans:

1. Location Plan - Drawing no. IP/RT/01C
- Proposed Site Plan - Drawing no. IP/RT/02C
- Proposed Floor and Elevations - Drawing no. IP/RT/03B

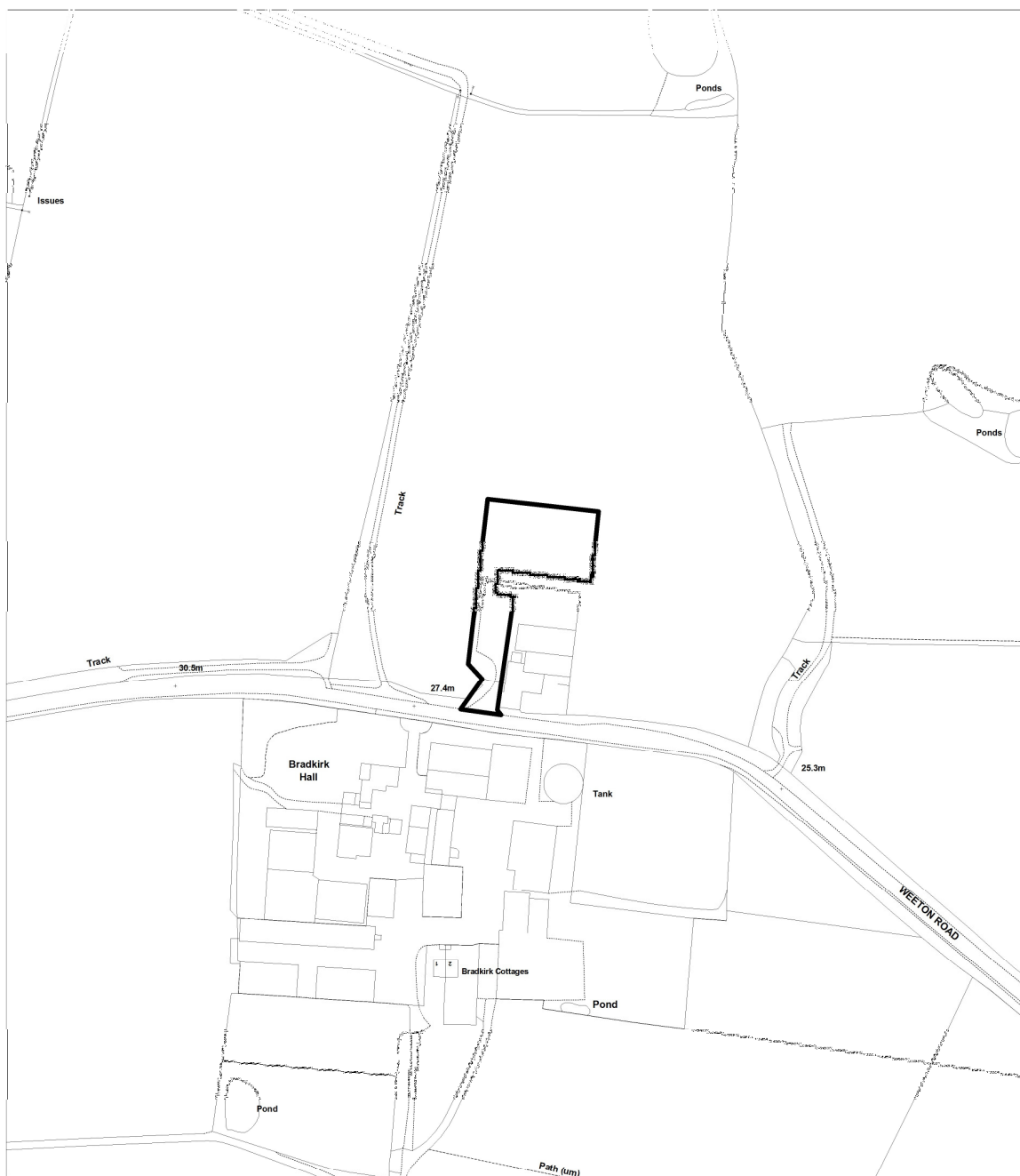
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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 and National Planning Policy Framework

3. 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 materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

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 Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



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Ordnance Survey (100006084).

Application No.
5/19/0282

Address
Bradkirk Hall Farm, Weeton Road, Wesham

Grid Ref.
E.3409 : N.4335

Scale
0 10 20 30 40 m

Item Number: 5

Committee Date: 4 September 2019

Application Reference:	19/0390	Type of Application:	Full Planning Permission
Applicant:	Granite Homes Limited	Agent :	Hayes Architects Ltd
Location:	27 DERBE ROAD, LYTHAM ST ANNES, FY8 1NJ		
Proposal:	CHANGE OF USE FROM RESIDENTIAL DWELLING (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (CLASS SUI GENERIS) CONSISTING OF 8 NO. BEDSITTING ROOMS WITH ENSUITE FACILITIES AND SHARED COMMUNAL FACILITIES.		
Ward:	FAIRHAVEN	Area Team:	Andrew Stell
Weeks on Hand:	16	Case Officer:	Ruth Thow
Reason for Delay:	Negotiations to resolve difficulties		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7450872,-3.0253887,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site is a semi-detached three storey dwelling located within the settlement area of St Annes. The application seeks approval for the change of use of the property from its current use as a single dwelling (Class C3 Use) to form a property in use as a House in Multiple Occupation (HMO) for 8 bedsits (a Sui Generis Use).

Following an assessment of the submitted plans and some clarifications from the applicant it is the case that the proposal offers the standards of accommodation set out in the Housing Act 2004 for a HMO. This is a form of accommodation that is typically found in residential areas and will assist the council in providing smaller and more affordable properties to assist with the obligation in Policy H2 of the Local Plan to provide '*a broad mix of types and sizes of home suitable for a broad range of age groups will be required on all sites to reflect the demographics and housing requirements of the Borough*'.

Whilst there are some concerns that the form of accommodation will lead to parking and amenity issues it is not considered that these are so harmful to justify a refusal of the application. It is also the case that the use of the property as a small HMO for up to 6 bedsits is a change that is permitted under the GPDO without planning permission and so this represents a fallback position for the application.

Whilst this scheme is more intensive than that, it is a large property and allows each bedsit to meet the housing space standards and comply with the requirements of Policies H2 and GD7 of the Fylde Local Plan to 2032 is recommended for approval by Members.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict 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 27 Derbe Road, Lytham St. Annes. In particular the application refers to a semi-detached, three storey property situated on the east side of the road. The area is characterised by similar scaled semi-detached residential properties, many of which have been subdivided into flats. This property was previously a hotel and holiday flats, but has been in use as a residential dwelling for the past few years. The adjoining property (no. 29) is a single dwelling with flats adjacent to the other side (no. 25).

The site is within the settlement of Lytham St. Annes as designated on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the conversion of the property from a single dwelling (C3 Use of the Use Classes Order) to a house in multiple occupation (a Sui Generis use) providing eight en-suite bed/sitting rooms. This is a reduction from the nine rooms originally proposed as a consequence of an internal revision.

The application proposes three bed/sitting rooms on the ground floor with a communal kitchen/dining area and a communal sitting room, with three further bed/sitting rooms on the first floor. To the second floor two bed/sitting rooms are provided with a further communal sitting room and kitchen situated at the rear of the property.

Externally the property provides secure bike storage and parking for two vehicles. Other than the provision of the cycle stores no external changes are proposed.

Relevant Planning History

Application No.	Development	Decision	Date
11/0274	CHANGE OF USE FROM GUEST HOUSE TO PRIVATE DWELLING	Granted	05/07/2011
90/0274	GROUND FLOOR SIDE EXTENSION AND REAR ROOFLIFT TO FORM PRIVATE ACCOMMODATION	Granted	23/05/1990
74/0661	CHANGE OF USE - CONVERSION TO HOLIDAY FLATS.	Granted	13/11/1974
80/0493	REGULARISING APPLICATION - CHANGE OF USE FROM RESIDENCE TO PRIVATE HOTEL.	Granted	28/05/1980
86/0411	EXTENSION TO FORM NEW HOTEL KITCHEN PLUS 2 BEDROOMS AND W.C. AND SHOWER FOR OWNERS ACCOMMODATION.	Granted	13/08/1986

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 16 May 2019, and to later revisions to the scheme. Their latest comments from 8 August to the plans under consideration :

Having looked at revised no. 3 plans, (a further amended layout dwg No 622-P02B), We are disappointed to note that there has been no increase in size of any of the (now) 8 bedsits. A comparison of the dimensions shown on plan no. 2, with those shown on plan no. 3, without exception, are shown to be actually smaller room sizes than the size we objected to. A resident asked the question, would the developers like to live there?

They then comment on the changes involved in that scheme as follows:

Developer's Change

Removed the kitchens from all the bedrooms

Town Council Comment

Removing a fridge, sink and worktop from a unit of living space, does not increase the area of meters square to be lived in. Not all bedsits had a kitchen area. If we removed a bed from a bedroom, we haven't increased the size of the room someone sleeps in.

Confirm all bed sits are for one person

Satisfactory

Adjusted the ensuite facilities to each Bed sit to provide extra space for towelling etc.

No comment. Not a material consideration.

Provided a larger Communal Kitchen on the Ground floor which will accommodate 8 users

This statement is incorrect. The ground floor communal kitchen is still 8 meters long with a width of 2.5m wide (smallest) in the kitchen area and 3.5m wide (largest) in the communal sitting area. Reconfiguring the wall units and washers does not provide any additional space, although we accept a better use of the space would be a more accurate description.

The application fails to meet the criteria of Neighbourhood Plan Policy HOU2.

The original application (plan no. 1), sought advice from FBC Planning Officer who advised that the room sizes are of importance. We would have preferred to see 3 decent sized flats, 1 on each floor, with no communal areas and an acceptable size of living accommodation.

Statutory Consultees and Observations of Other Interested Parties

Ward Councillor (Cllr Little)

I have been asked to raise an objection to this application both as a Town and Borough Ward Councillor.

Listed below are the objections from Town Council Planning meeting already registered through the website on the planning application

- Inadequate living space. Application form section 14*
- Insufficient provisions of bins of all types for nine residents.*
- St. Annes Neighbourhood Plan HOU2 - Conversion of existing properties into flats*
- and HMOs - this application contravenes multiple elements of the Plan.*

- Only two car parking spaces.

Apart from the above, the car parking issue is a big concern as the number of houses with multiple occupancy in that area is vast – I know for the property on 34 Derbe Road this was an issue raised and taken in to account

Lancashire County Council - Highway Authority

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

The applicant has shown 4 cycle stands which are not secure and covered. It is requested that each bedsit has the provision for secure and covered cycle storage. This is to support social inclusion and promote sustainable forms of transport.

Strategic Housing

I envisage that the proposals are likely to achieve Housing Act 2004 requirements with regard to amenity and space etc.

Neighbour Observations

Neighbours notified:	16 May 2019
Site Notice Date:	06 June 2019
Number of Responses	8 letters received
Summary of Comments	<ul style="list-style-type: none"> • issues of drugs and anti-social behaviour • cannot allow these type of properties if we want St. Annes to improve • closing problem houses took an age why allow another to open • landlords are only in it for the money they can get no doubt from housing benefit and the council • they are absent and care nothing about who they put in • strongly object • proposals do not fit with ethos in St. Annes Neighbourhood plan • Derbe Road has a mix of property, the changes would change the balance • parking and overcrowding on street • cycle parking will have little impact on residents, visitors to Derbe Road and beach • St. Annes has reputation for poor parking • this would be a step backwards • noise from residents would have negative impact leading to anti-social behaviour and arguments • existing landlords operates minimal, low quality maintenance and management of properties • who would resolve any issues • what would be turnaround time from escalation to resolution • who would be responsible for bin emptying • experience problems and continual Policy presence from other multiple occupancy homes • extremely intensive development for property

- emergency services would find it difficult to have access
- late night noise and general disturbance
- harms living conditions of the neighbours
- have a serious effect on value of property directly in the vicinity
- inadequate parking and access
- sustainable transport is unrealistic and impractical
- realistic level of 1 space per bed sit
- nothing to stop 2 people occupying bedsits
- nothing to stop occupants owning car and utilising Derbe Road and surrounding streets
- Derbe Road has surpassed a safe maximum for parking
- commercial businesses attract constant need for parking
- popular spot for parking for the beach
- pressure on local amenities
- over intensive use of property
- none of the existing apartments are bed sits
- bicycle parking will little impact on residents and visitors
- poor parking puts off visitors spending money in town
- poor sound proofing will have negative impact on residents
- private space is limited and could lead to disputes over noise and private space
- wonderful if we could encourage families to the road
- 90% of the district flatted stock change is excessive

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
T5	Parking Standards

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan

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

This application seeks permission for a three storey property currently in use as a single dwelling (C3 Use) to a house in multiple occupation for eight people with shared facilities (Sui Generis Use).

(For clarification during the course of the application the proposal has reduced the number of bedsits from nine to eight.)

Background

The planning history for this site indicates that in 1974 permission was granted to use the premises as holiday flats and from 1980 the history refers to the use of the property as a hotel and guest house with owner's accommodation. In 2011 permission was granted to convert the property to a single dwelling, and the Council Tax records confirm it is in that use.

Relevant Policies

A change of use of a dwelling to a HMO is Permitted Development (C4 Use) providing that this is small scale, which is defined as being for up to 6 bedsits. As such the applicant could convert the property for up to six bedsits without the need to apply for planning permission and so this represents a fallback for the principle of the development. For conversion of more than six units the use is 'Sui Generis' hence the submission of this application and the need for assessment against the council's policies.

Policy H2 of the Fylde Local Plan refers to the density and mix of new residential development. Whilst this is more specifically aimed at new housing schemes the criteria in respect of '*avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area*' applies.

This criteria is also reiterated in Policy GD7 which refers to achieving good design, in particular;

Criterion c) *Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*

h) *Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*

o) *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. New homes designed specifically to accommodate the elderly should comply with optional standard M4(3(2a)) in accordance with policy H2.*

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

As the site is within St. Annes the 'St. Annes on the Sea Neighbourhood Plan 2016-2031 is also relevant in particular policy HOU2. This policy refers to 'Conversion of existing properties into flats and HMOs', the criteria of which is covered by Policy GD7 of the Fylde Local Plan to 2032.

Impact on neighbours

As described the proposed property is a three storey semi-detached dwelling where the immediate properties are a single dwelling (no. 29 attached) and flats (no. 25) with the wider street a mix of single dwellings, flats and small hotels and guest houses.

Neighbours have commented upon the introduction of noise and disturbance and the potential for an increase in anti-social behaviour as a result of the proposed additional occupants.

Given that the property was, until more recently, a hotel and is located where there is several multiple occupancy properties and holiday uses, it is considered that the potential for increase in noise and disturbance as a result of the use as a HMO would be imperceptible, given the character of the area and the occupancy of the properties. It is understood that around 10 of the properties on this part of Derbe Road are dwellings, with the others in flats or use as care homes, hotels, etc.

Impact on visual amenity

The proposal does not propose any alteration to the external appearance of the property. As a consequence there would be no impact on the visual amenity of the street scene.

Standard of accommodation

The Town Council have commented on the standard of accommodation being proposed in this scheme, and this is a relevant consideration for this application.

During the course of the application the applicants have amended and reduced the scale of the scheme from 9 to 8 units with 3 on each of the lower floors and 2 on the upper floor. These changes were made following advice provided from the council's housing team who must issue a licence for such accommodation under the Housing Act 2004. She is satisfied that the proposal now meets the requirements of the Housing Act 2004 which include the spacing guidelines for HMO's. As such the space provided for each bedsit (which provides accommodation for one person), is considered to be acceptable and in accordance with national standards.

Restriction on occupancy numbers is controlled through a licence which is issued through the local authority housing section which is subject to conditions based on room sizes, kitchen facilities, number of bathrooms and facilities for bin storage etc. If the conditions of the licence are breached the council can take action.

The NPPF at paragraph 59 advises that 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and a variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 60 advises that 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

The Fylde Coast Strategic Housing Market Assessment issued February 2014 (paragraph 43) advises *'In order to meet the level of affordable housing need in full within a five year time horizon, the rate of development would need to far exceed any single year's provision as seen over the last ten years. This is extremely unlikely to be realised, and therefore this level of provision should not be reasonably expected to be delivered. This also does not recognise that the private rented sector plays an important role in absorbing affordable need.'*

To this end it is considered that the provision of 8 bedsits would help to provide appropriate accommodation for certain sectors of the market. A condition will be imposed to ensure the layout follows that shown on the revised plans to ensure that the bedsits utilise the communal areas for cooking and social facilities.

Parking

Criterion q) of Policy GD7 refers to highway safety. Policy T5 of the plan states '*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'.

The NPPF at paragraph 109 advises that '*Development should only be prevented or refused on highway grounds if there would be an acceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.*'

The town council and several of the neighbours have objected to the scheme on the basis of the lack of car parking facilities on the site.

Residents do not have allocated on street parking, private parking is restricted to those spaces within the owner's own property as is the case with the application property. The forecourt of the site is capable of providing parking for two vehicles, which is the same parking provision for the majority of the properties in this road. Alternative parking is available on-street as Derbe Road and several of the neighbouring streets around the area have unrestricted parking which could accommodate a potential increase in demand for parking spaces as a result of this proposal. In addition the applicant can demonstrate that the site can provide sufficient secure cycle storage for the proposed occupiers, as requested by LCC Highways.

Whilst the potential increase in demand for parking spaces may result in some residents looking elsewhere for parking spaces, which may be an inconvenience for them the impact of the development would not be at such a level to result in a detriment to highway safety nor residential cumulative impact on the road network be at a level which is severe and as a consequence warrants a refusal of the application. Members are reminded that LCC Highways have not objected to the proposed scheme.

Other matters

The Town Council highlight a conflict with Policy HOU2 of the St Annes Neighbourhood Plan. As this is a 'made' Plan it is part of the development plan and so must be given full weight in the decision on the application. Policy HOU2 refers to the conversion of existing properties into flats and HMOs and so is directly relevant to this scheme. The Policy states:

In determining planning applications to convert property to flats or Houses in Multiple Occupation (HMOs), the council will have regard to:

- a) the standard of accommodation for the intended occupiers of the premises,*
- b) effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;*
- c) adequacy of car parking provision,*
- d) general effects on the character of the neighbourhood, including the extent to which flat*

conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;

- e) adequate private outdoor amenity space*
- f) adequate provision and screening for, waste and recycling facilities.*

To assess this application against these requirements the officer views are as follows:

- a) As advised earlier this meets the standards set out in the Housing Act 2004 to allow the council to licence the HMO under that legislation and so must comply with this requirement.
- b) There are no planning or building regulation controls over this, although if there were to be a statutory noise nuisance the council could use its Environmental Protection powers to intervene as with any domestic situation.
- c) Whilst there are only 2 spaces provided the site is in allocation where there is good accessibility to all services in St Annes Town Centre, on the beach, at the Island, etc.
- d) The general character of Derbe Road is one where flats and other 'non dwelling' uses are found and so the conversion of this property to form an additional property of that nature would not be incongruous
- e) The amenity space available is limited, but that is also true of the property as a dwelling. However, it is conveniently located to St Annes Green
- f) A refuse facility is provided within a screened structure that also provides the cycle facility to the rear of the property.

As such it is considered that the proposal complies with this Policy.

Neighbours have raised other objections to the proposal, but these are not planning matters or are covered by other legislation.

Conclusions

A change of use of a dwelling to a HMO is Permitted Development (C4 Use) providing that this is small scale and therefore the applicant could convert the property for up to six bedsits without the need to apply for planning permission. For conversion of more than six units the use is 'Sui Generis' hence the need for this application.

Policy H2 requires that overall the new residential developments in the borough provide a broad mix of types and sizes of home, suitable for a broad range of age groups. One sector that is growing according to the Office for National Statistics is the number of households in the private rented sector which saw a 1.7 million increase from 2.8 million in 2007 to 4.5 million in 2017. Households in the private rented sector are getting older with those aged 45 to 54 increased from 11% to 16% with those aged 16 to 24 dropped from 17% to 12%. As such smaller and more affordable rented accommodation of this nature is likely to be in demand in the borough.

The HMO proposed in this application complies with the standards of accommodation set out in the Housing Act 2004. The will assist the council in providing 'a broad mix' of housing 'suitable for all ages groups' within a sustainable location, close to the town centre and so it is considered that the development complies with the requirements of Policy H2.

The proposal will not result in any external changes, other than the provision of cycle shelters and so will not result in a detriment to the visual amenity.

The character of the area is currently provided by the mix of single dwellings, residential flats, holiday flats, small hotels and guest houses and as such the proposed use will not result in a detriment to the character of the area nor the amenity of occupiers of neighbouring properties.

The provision of two parking spaces and cycle storage is considered acceptable for the proposed used in a location where there are alternative means of transport and will not be detrimental to highway safety.

Accordingly it is considered that the proposal complies with the requirements of the relevant policies of the Fylde Local Plan to 2032, the St. Annes on Sea Neighbourhood Plan, and the aims of the National Planning Policy Framework.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.622-EX01
- Proposed floor plan - Drawing no. 622-P02 REV. C

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 and National Planning Policy Framework.


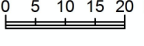
3. Prior to first occupation of the development details of the type and location of secure and covered cycle storage shall be submitted to the Local Planning Authority and agreed in writing. Thereafter the approved storage shall be installed and retained in its approved form.

Reason: In the interests of social inclusion and to promote sustainable forms of transport, in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. The individual bedsits shall be arranged within the building as shown on the approved floor layout plan listed in condition 2 of this permission, and shall provide the bed sitting and en suite accommodation shown on that plan only, with the communal kitchen, dining and sitting areas all available at all times that the property is occupied in accordance with this use for their respective purposes.

Reason: To ensure that the bedsits provide an appropriate level of space for their occupiers, and to ensure that communal facilities are provided and retained to support that occupation in accordance with the requirements of Policy H2 of the Fylde Local Plan to 2032 and Policy HOU2 of the St Anne's Neighbourhood Plan.



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Application No. 5/19/0390	Address 27 Derbe Road, Lytham St Annes	Grid Ref. E.3326 : N.4281	Scale 0 5 10 15 20 m 

Item Number: 6

Committee Date: 4 September 2019

Application Reference:	19/0477	Type of Application:	Variation of Condition
Applicant:	Mr M Burton	Agent :	
Location:	183 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
Proposal:	VARIATION OF CONDITION 2 (APPROVED PLANS) ON PLANNING PERMISSION 19/0155 TO INCREASE GARAGE SIZE.		
Ward:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7626558,-2.8762018,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application relates to the variation of the approved plans for a replacement dwelling on a site that is located in the green belt outside of Freckleton. The approved scheme replace a true bungalow with a two storey property and large single garage, with the amendment now sought retaining the scale and design of the property but increasing the height and width of the garage so that it is a true double garage.

Various assessments have been undertaken to examine if the scale of the revision is such that it will result in an overall development that is materially larger than the fall-back position established by the recent planning permission, and in each case it is the officer view that the replacement dwelling and double garage will be materially larger than the previously existing bungalow on the site, and that the increase in scale of the garage is such that the increase will conflict with local and national policy relating to the protection of the green belt from inappropriate development that will harm its open character and the purpose for its designation. As such this application should be refused as being in conflict with Policy GD2 of the Fylde Local Plan to 2032 and para 145 of the NPPF.

Reason for Reporting to Committee

The application complies with the Scheme of Delegation, but the Chairman of the Planning Committee has exercised his right to require that the application is determined by Committee to enable the green belt implications of the development in that part of Freckleton to be debated in the public interest.

Site Description and Location

The application site is located on the western side of Kirkham Road to the north of the settlement of

Freckleton. The site is within an area designated as Green Belt as defined by the Fylde Local Plan to 2032. To either side of the site there are open areas - a paddock and field. Further north there is a detached red brick dwelling and on the opposite side there is a row of terrace properties and commercial site. The surrounding area has a general character of open countryside interspersed with a range of dwellings.

Details of Proposal

This application relates to planning permission 19/0155 which was granted in May 2019 and relates to the construction of a two storey dwelling with detached single garage to replace a bungalow dwelling. Since the granting of permission the bungalow has been demolished, however work has yet to commence on the construction of the approved replacement dwelling although the pre-commencement conditions have recently been discharged as application 19/0560. The current planning application seeks to vary condition 2 of planning permission ref. 19/0155, and replace the approved 'Proposed Site Plan, Plans & Elevations' (drawing no. 909.PL.27) with a revised drawing (drawing no. 909.PL.25).

Planning permission 19/0155 provided approval for a replacement of the previous bungalow with a detached two storey dwelling and included a detached single garage sited in the western corner of the plot to the rear of the replacement dwelling. This application is to vary the approved plans so that the replacement dwelling remains as previously approved, but the garage is increased in size to be a double garage in the same location. The double garage would retain the gabled dual pitched roof profile but with a ridge height that is 1.45 metres greater in height and have a footprint measuring 1.7 metres greater in width. The length of the garage is unchanged from the previous approval and so the double garage as proposed has dimensions of 7.5m long x 6.5m wide x 5.7m to ridge.

The application has been submitted on the basis that the approved single garage is not big enough to meet the applicant's needs.

Relevant Planning History

Application No.	Development	Decision	Date
19/0155	RESUBMISSION OF APPLICATION 18/0249 FOR ERECTION OF REPLACEMENT TWO STOREY DETACHED DWELLING AND DETACHED GARAGE.	Granted	10/05/2019
18/0249	ERECTION OF REPLACEMENT TWO STOREY DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE FOLLOWING DEMOLITION OF EXISTING WITH 1.8M WALL / RAILING / GATES TO FRONT	Withdrawn by Applicant	17/08/2018

Relevant Planning Appeals History

There is no appeal history relevant to this site to report.

Parish/Town Council Observations

Freckleton Parish Council notified on 11 June 2019 and comment: *"Freckleton Parish Council supports this application."*

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No comments have been received.

Ministry of Defence - Safeguarding

No comments have been received

Neighbour Observations

Neighbours notified: 11 June 2019

Number of Responses One

Summary of Comments Letter from No.189 Kirkham Road stating they have no objection to the application

Relevant Planning Policy

Fylde Local Plan to 2032:

GD2	Green Belt
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Within Green Belt

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

Background to Assessment

Policy GD2 of the Fylde Local Plan to 2032 relates to development within Green Belt and states that national policy for development within the Green Belt will be applied. Para 143 of the NPPF states that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Para 145 goes on to clarify that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within one of seven exceptions listed in para 145. With the proposal relating to a replacement dwelling then the only relevant exception listed in para 145 is 'd', which permits:

"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

In this instance no change in use is proposed as the application proposes the single dwelling and garage that are approved under reference 19/0155, and as existed prior to that. Hence the test for

this application is whether the proposed replacement dwelling and associated revised garage is materially larger than the previous dwelling, with the replacement dwelling and approved single garage offering a fall-back consideration in this assessment. If the replacement building would be materially larger, then in accordance with the NPPF it would by definition be harmful to the Green Belt. There is no statutory definition of what constitutes 'material' in planning terms, however section 96A(2) of the Town and Country Planning Act 1990 states:

"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

The dwelling that has permission was the subject of considerable discussions with the applicant's agent during the initial application, following its withdrawal, and during the consideration of the application that was eventually approved. These discussions brought about a re-designing of the dwelling to reduce its scale and green belt impact, and a reduction in the scale of the garage to achieve the same benefits, and so allowed the application to be supported.

Assessment of Scale of Garage

Neither the NPPF nor the Fylde Local Plan to 2032 provide any guidance on how the scale of a replacement building in the Green Belt should be assessed, however in the hierarchy of rural protection in the Fylde Local Plan to 2032 the Green Belt is given the highest protection, with Areas of Separation below that, and then Countryside below that. Policy H7 of the Local Plan provides a test for assessing the scale of replacement dwellings within Countryside and given that Green Belt land has a greater level of protection it is considered reasonable to apply this test as a minimum in assessing the scale of the replacement dwelling and garage, with a further assessment made of the actual impact of the development on the openness of the green belt.

Policy H7 requires that a replacement dwelling must not have a ground footprint more than 33% greater in area than the original dwelling. In this instance planning permission 19/0155 grants approval for the construction of a replacement dwelling together with a detached single garage. In the assessment of that application the dwelling itself involved a 33% increase in floorarea over the original dwelling and so the scale of increase met the amount permissible in a Countryside area under Policy H7. As such the dwelling itself was extended to the maximum level permissible for a replacement dwelling in the countryside never mind the tighter controls that would reasonably exist in a Green Belt.

The garage was an additional feature and whilst there was no garage to the previous dwelling officers took a pragmatic view when assessing the impact of that element of the scheme and discounted its scale in the footprint part of the assessment, although it was considered in the green belt openness part of the assessment.

The approved garage measures 7.5m long x 4.8m wide to give a footprint of 36m². This scale is a reduction from that which was originally proposed which was 7.5m x 6.5m and so gave a footprint of 48.75m². The current proposal reverts back to the garage that was proposed as part of the original application, and was reduced in scale to enable that application to be supported.

Given that there is no definition of how to assess the scale of a replacement dwelling in the green belt an alternative assessment based on the overall increase in the footprint of the dwelling has been undertaken in an attempt to verify the approach taken above. The approved garage has a footprint of 36m² and when added to the replacement dwelling's 132m² it involves a 68% increase over the 100m² footprint of the original dwelling. The garage proposed in this application has a

footprint of 49m² and so with the dwelling footprint it would establish an 81% increase in the footprint over that of the original dwelling.

Both of these percentage increases exceed the figure permissible in Countryside areas under Policy H7 and so whilst this policy can only be a guide in a green belt location, the scale of the increase in the dwelling as a consequence of both garage proposals is well in excess of the maximum permissible under this policy.

Notwithstanding this issue officers accepted that it is reasonable for a modern property to provide a garage facility and so when the garage was reduced to the scale of a typical garage it was accepted that this could form part of the approval under reference 19/0155. A key element of this decision was the actual impact of the garage on the openness of the green belt as is examined below.

Impact on the openness of the green belt

The application for the replacement dwelling was under consideration for some months, and was the subject of pre-application discussions following the withdrawal of an earlier application months before that. These discussions focussed on the reduction of the scale of the replacement dwelling to a point where it could be considered to comply with the requirements of para 145, and the provision of a single garage instead of the double garage that was originally sought was a contributing factor in allowing that permission to be granted.

The approved single garage is positioned to the rear of the proposed dwelling so that it is alongside the edge of the site, and so provides a visual break between the side elevation of the property and the side of the garage, as well as having a less imposing scale. This is an important feature in allowing views through the site to the countryside beyond to be obtained from Kirkham Road thereby reducing the impact on the open character of the site. The current proposal retains the location of the garage to the rear of the dwelling and alongside the perimeter of the site, but with its increased width it will now line through with the side elevation of the property closing off the views that would be available under the approved scheme and so create a greater impact on the open character of the green belt. This is compounded by the greater width raising the roof ridge from the approved 4.25m to the 5.7m height of the proposal which reduces the available views further.

A quantifiable impact to the openness can be obtained by comparing the volume (rather than footprint) of the existing garage at 125m³ to the 160m³ proposed under this application. It was previously concluded that the provision of a double garage in addition to the scale of increase to the dwelling itself would result in a scale of overall development that would cause unacceptable harm to the openness of the Green Belt. It was for this reason that officers sought to work with the applicant's agent over the past 12 months to secure revisions to the scheme that allowed the dwelling to be replaced and a reasonable garage provided, whilst also maintaining the open character of the green belt as much as was feasibly possible. The existing approval is considered to provide appropriate parking and domestic storage space for a dwelling of the size and location involved.

Para 133 of the NPPF advises that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and their permanence. Openness has both a visual and spatial dimension and whilst the proposed garage would be sited within the curtilage to the dwelling it is larger in footprint and volume and so has a greater impact on the openness of the green belt.

As an overall assessment officers are very clear that the re-introduction of this large double garage into the overall scheme will result in that scheme creating a materially larger building that creates a

greater visual intrusion into the Green Belt than the previous dwelling in conflict with the requirements of para 145 as set out above. This increase in scale further erodes the openness of the green belt and thus conflicts with one of the purposes of including land within Green Belt. Accordingly it is considered that the proposed development would unacceptably harm the openness of the green belt, contrary to policy GD2 of the adopted Fylde Local Plan to 2032 and the guidance on development in green belts in the NPPF.

Other Matters

The scheme remains as previously approved in other respects and there are no concerns over the design, parking, access or other implications of the revisions.

Conclusions

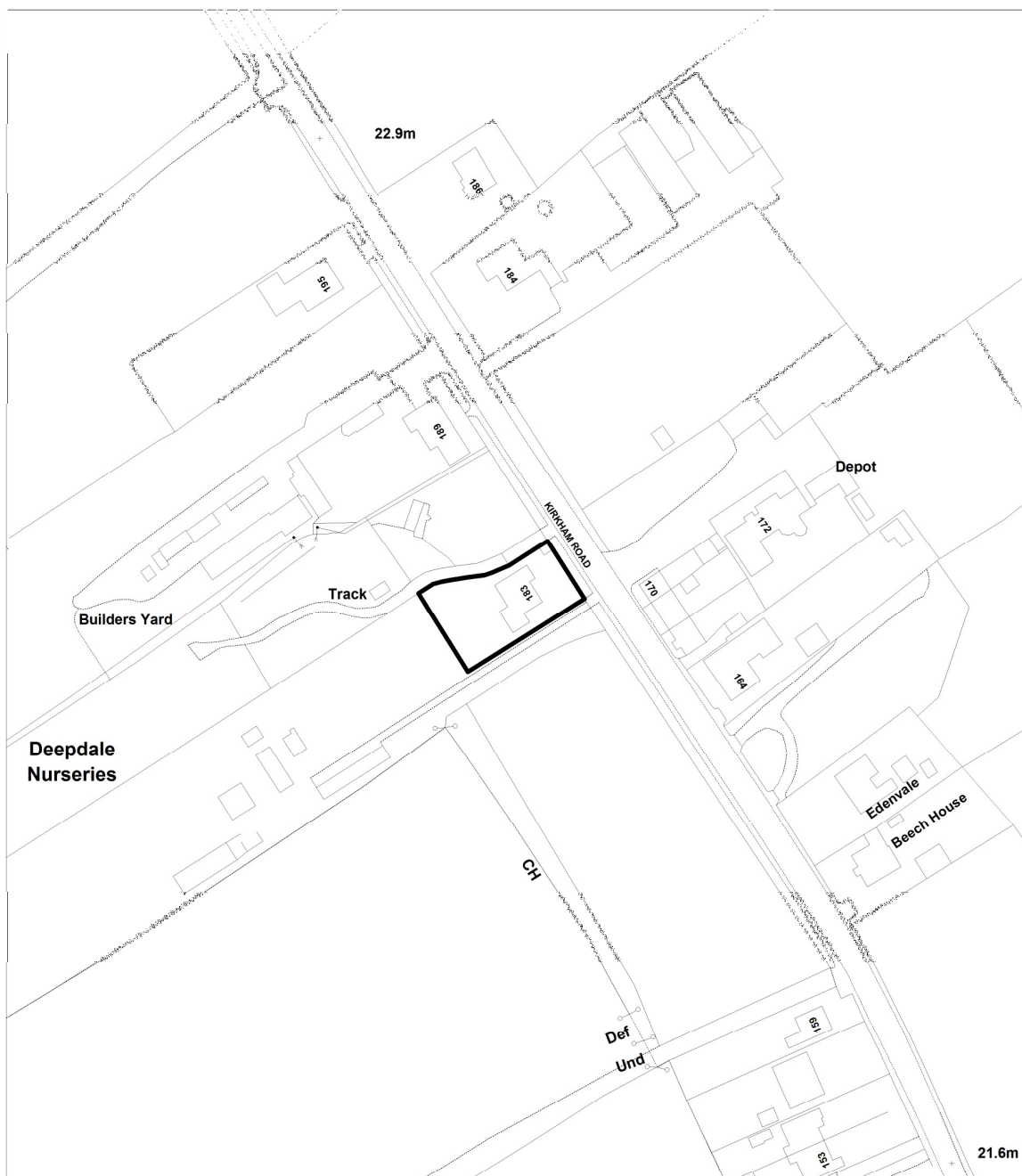
The application relates to the variation of the approved plans for a replacement dwelling on a site that is located in the green belt outside of Freckleton. The approved scheme replace a true bungalow with a two storey property and large single garage, with the amendment now sought retaining the scale and design of the property but increasing the height and width of the garage so that it is a true double garage.


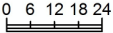
Various assessments have been undertaken to examine if the scale of the revision is such that it will result in an overall development that is materially larger than the fall-back position established by the recent planning permission, and in each case it is the officer view that the replacement dwelling and double garage will be materially larger than the previously existing bungalow on the site, and that the increase in scale of the garage is such that the increase will conflict with local and national policy relating to the protection of the green belt from inappropriate development that will harm its open character and the purpose for its designation. As such this application should be refused as being in conflict with Policy GD2 of the Fylde Local Plan to 2032 and para 145 of the NPPF.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The scale of the replacement dwelling together with the double garage now proposed is such that it will be materially larger than the bungalow it replaces and so cannot benefit from the exception given to inappropriate development in the green belt under para 145d of the NPPF19. The replacement dwelling and garage taken together will have a scale that is harmful to the openness of the green belt and the purposes of its designation in this area, with no very special circumstances being presented to outweigh this harm. As such the proposal is in conflict with national policy guidance as set out in para 143-145 of the National Planning Policy Framework and local development plan policy in Policy GD2 of the Fylde Local Plan to 2032.



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Application No. 5/19/0477	Address 183 Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3426 : N.4298	Scale 0 6 12 18 24 m 

Item Number: 7

Committee Date: 4 September 2019

Application Reference:	19/0511	Type of Application:	Householder Planning Application
Applicant:	Mr Birket	Agent :	Firebuild Solutions Ltd
Location:	90 PRESTON STREET, KIRKHAM, PRESTON, PR4 2XA		
Proposal:	ERECTION OF DETACHED GARAGE		
Ward:	KIRKHAM SOUTH	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Katie Halpin
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7815763,-2.868204,139m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site refers to a semi detached, 2 storey dwelling house located within the settlement of Kirkham. The application relates to the erection of a detached garage with storage above to the rear, and is to be considered in a revised form from the original proposal as the garage has been reduced in height and length.

The garage is to be used for purposes that are associated with the residential occupation of the application property, specifically for the applicant to store and maintain his motorcycles which are his hobby. A shower room is provided to the rear of the garage and storage space in the roof.

The application is to be determined at Committee as Kirkham Town Council have raised objections based on the impact of the garage to the streetscene and the use of the garage as a granny flat. With regards to the proposal damaging the streetscene, the revised proposal is now set back 22m from the highway which means it will not be prominently visible in that streetscene. With regards to the allegation that the proposal will be used as a granny flat, there is no evidence to support this view and it is presented as a domestic garage only.

The garage has an appropriate design and relationship to the host property and its neighbours and complies with the requirements of Policy GD1 and Policy GD7 of the Fylde Local Plan to 2032 subject to a series of conditions including ensuring the materials match the approved plans.

Reason for Reporting to Committee

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

Site Description and Location

The application property is a semi detached, 2 storey, rendered with grey slate roof, dwelling located on the south side of Preston Street, Kirkham. It is located within the settlement boundary in accordance with Policy GD1 in the Fylde Local Plan to 2032, adopted 22 October 2018.

Details of Proposal

The proposal is for the erection of a detached garage to be located in the garden of the property. This comprising of a garage/workshop with ensuite to ground floor and a storage loft above. The garage measures 8.25m in length with a width of 3.4m. The height of the roof is 4.6m to ridge with an eaves height of 2.5m. It is set back 3.5m from the front building line of the property and 0.9m from the side of the property. The internal height of the roof space is 1.7m at the ridge. To the front elevation will feature a garage door measuring 3.4m in width. The eastern elevation will feature a set of double doors and a 2 light window, with 1 side opening window and 4 roof lights proposed in the eastern roof plain. To the rear there is proposed to be a further 2 light window with 1 side opening. The current proposal is a revision to that originally submitted which was 5m to ridge and 10m in length.

The materials proposed are to match the main dwelling with brickwork detail to the base and matching render with grey roof tiles to complement the grey slate of the dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
14/0038	APPLICATION FOR PRIOR NOTIFICATION OF SINGLE STOREY REAR EXTENSION OF 3.1m PROJECTION WITH 3.9m RIDGE AND 2.7m EAVES.	Approve Prior Determination	17/02/2014
93/0705	NEW VEHICULAR CROSSING	Granted	08/12/1993

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 25 June 2019 to the initial proposal and comment:

Kirkham Town Council object to this application on the grounds that it

- *will damage the streetscene*
- *will be used as a granny flat*

Kirkham Town Council were re-notified on 15 August 2019 following receipt of amended plans and comment:

Kirkham Town Council have agreed after reviewing the revised plans that their objections to the original application also apply to the revised plans.

Statutory Consultees and Observations of Other Interested Parties

LCC Archaeology Service

The proposed development lies on the edge of the medieval town of Kirkham, and to the north of the Roman fort and civilian settlement (Lancashire Historic Environment Record PRN 73). Finds of a Roman date have been found at both Carr Hill (PRN 2050) and Carr Lane (PRN 16390) c. 100 to the east. There is a potential for further evidence of settlement dating to the Roman and/or medieval periods to be encountered by the proposed development.

I advise that the groundworks for the proposed development are subject to a formal archaeological watching brief and that any surviving buried remains encountered are examined and recorded. The following planning condition is therefore recommended

Neighbour Observations

Neighbours notified:	25 June 2019
Amended plans notified:	15 August 2019
Number of Responses:	0 (Any comments received following re-notification will be presented to Committee in the Late Observations Schedule)

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

Site Constraints

None

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

The application site is located within the settlement area under Policy GD1 of the Fylde Local Plan to 2032. In these areas the application is to be assessed against the requirements of Policy GD7 of the Plan which relates to the general design principles of development, and so is documented in the following sections of this report.

Design and Appearance in Streetscene

The property is a semi detached, 2 storey dwelling located on the south side of Preston Street, Kirkham. It is set back 18m from the highway with the parking area to the front of the property at

highway level and the house set up a steep gradient which is reached by a set of steps. The revised plans for the proposal show a garage that is set back 22m from the highway and a ridge height that has been reduced from 5m to 4.6m. Despite Kirkham Town Council's objection stating that the proposal will damage the streetscene, due to the distance between the highway and the proposed development, it is not considered that there will be any harm to the appearance of the streetscene especially in light of the materials proposed, which are to match the existing dwelling house and the reduction in the ridge height.

Taken together the design and scale of the extension accord with the requirements of criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

The only neighbouring property that is impacted by this development is 88a Preston Street which is the dwelling to the side. This property has a garage that is built up to the adjoining boundary and is set back 2m behind the proposed garage. On the side elevation this property has 2 windows towards the rear of the first floor. Both of these windows are obscure glazed and service a hallway and bathroom, neither of which are considered to be habitable rooms. Due to this the garage is considered to have an entirely acceptable relationship with the neighbouring property in all respects and complies with criteria c), d) and h) of Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Other Matters

LCC archaeology have requested a condition be attached in light of the proximity of the proposal to a Roman/medieval settlement. This is a reasonable request given the history of the area and the requirements of para 190 of the NPPF regarding preserving archaeological remains, and so a condition forms part of the officer recommendation.

Despite Kirkham Town's Council objection that the garage will be used as a granny flat, this is not what the application is for. The applicant has asserted that the garage is for the storage and maintenance of his motor cycles as he is a keen enthusiast and the shower room is merely to enable the applicant to clean down once finished, prior to entering the dwelling house. The case officer noted at site visit that the property supported the applicant's claims that he maintained motorcycles as a hobby, and that this was not at a scale which involved a material change of use of the property. As such there are no concerns over that aspect although a condition to require the garage to be used for purposes that are incidental to the occupation of the dwelling is proposed as a precaution.

Conclusion

The application relates to the erection of a detached garage at a dwelling in the settlement of Kirkham. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy GD7 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application 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 beginning with the date of this permission.

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

2. This permission relates to the following plans:

- Location & Site Plan - Drawing no. PL01 Rev A
- Proposed Layout, Elevation & Section Plans - Drawing no. PL02 Rev B

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 and National Planning Policy Framework.

3. 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 materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

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 Policy GD7 of the Fylde Local Plan to 2032.


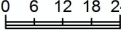
4. No works to the application site, including any clearance/demolition or preparation works shall take place until a programme of archaeological works, including a watching brief for the demolition and excavation works and the recording of any surviving buried remains, has been submitted to and agreed in writing by the Local Planning Authority. The agreed programme of works shall be carried out during the implementation of the planning permission hereby approved, with any written recording of archaeological finds forwarded to the local planning authority on completion of the examination. The watching brief must be carried out by an appropriately qualified and experienced professional contractor in accordance with the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site in accordance with Policy ENV5 of the Fylde Local Plan to 2032 and para 189 and 190 of the NPPF.

5. The garage hereby approved shall be used for purposes which are incidental to the occupation of the application property as a single residential dwelling only and no trade or business shall be carried on, in or from the building.

Reason: To safeguard the residential amenities of the locality in accordance with Policy GD7 of the Fylde Local Plan to 2032.



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Application No. 5/19/0511	Address 90 Preston Street, Kirkham	Grid Ref. E.3429 : N.4320	Scale 0 6 12 18 24 m 

Item Number: 8

Committee Date: 04 September 2019

Application Reference:	19/0524	Type of Application:	Householder Planning Application
Applicant:	Mr Wade	Agent :	
Location:	67 RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BB		
Proposal:	PROPOSED FORMATION OF VEHICULAR ACCESS		
Ward:	KIRKHAM SOUTH	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7811833,-2.8822315,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site relates to a mid-terrace property located on Ribby Road in Kirkham. It seeks planning permission for the formation of a dropped kerb to the front of the property to allow vehicles to cross the footpath and park within the front curtilage of the property. The development would require the removal of the existing front boundary wall and the formation of an area of hardstanding within the front curtilage.

The hardstanding area can be constructed as permitted development under Part 1 Class F of the Town and Country (General Permitted Development) Order 2015, and the wall removed as permitted development under Part 2 Class A of the Town and Country (General Permitted Development) Order 2015. However, the permitted development right that allows accesses to be formed under Part 2 Class B is not available when the property is located on a classified road, as is the case here and so planning permission is required.

To assess the highway safety implications of the formation of this access point LCC have been consulted as the local highway authority and have raised no objections to the development. Given the lawful fall back for the wall and hardstanding, and the lack of objection from the highway authority to the provision of the access, it is considered that the proposal is acceptable and the application is recommended for approval.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict 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 a two storey terraced dwelling located on the southern side of Ribby Road within a predominantly residential area of the settlement of Kirkham. The property is one of six terraced dwellings all of similar appearance with approximately 6 metre deep front gardens featuring low boundary walls with a single pedestrian access. The property is not within a conservation area and has retained its permitted development rights.

Details of Proposal

Planning permission is sought for the formation of a new vehicular access to the front garden and a dropped kerb. The access would be formed by the removal of the front boundary wall and single pedestrian gate post. The front garden area is to be converted to a parking area with a gravel surface covering.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 11 July 2019 and comment:

"Kirkham Town Council object to this application on the grounds that it:

- will remove two on street parking places and provide only one limited space off street.*
- will present a risk when cars pull across the pavement*
- will damage the streetscene"*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed new vehicle access and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The applicant is requested to enter into a s184 agreement for the formation of the vehicle crossing in the highway.

Neighbour Observations

Neighbours notified:	11 July 2019
Comments Received:	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

Site Constraints

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

Planning permission is sought for the formation of a vehicular access and area of hardstanding to the front of No.67 Ribby Road. This proposed development would replicate the same development approved at the adjoining property, No.69, by the Planning Committee on 16 March 2018 (ref. 18/0033).

The two principle issues to consider in the determination of this application are the visual impacts of the proposed development and impacts on the local highway.

Visual impact

The frontage of this terrace of dwellings is characterised by low brick boundary walls with each dwelling featuring a single pedestrian access. Kirkham Town Council have expressed concern that the removal of the front boundary wall will damage the appearance and character of the street scene. Notwithstanding this concern the properties that form this terrace of dwellings all retain their householder permitted development rights. Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows boundary walls such as this to be removed without any requirement to obtain formal permission from the local planning authority. Hence whilst the removal of the wall would undoubtedly disrupt the visual uniformity of the frontage to this terrace of dwellings it remains that in any event the wall can be removed and thus a refusal of permission on the grounds of visual harm would be unsustainable at appeal.

Highway impacts

The front garden of this property is to be laid to permeable gravel to create an area for off street parking of up to two cars following the formation of a dropped kerb. The town council opine that this would create only one off street parking space and result in the loss of two on street parking spaces. However the width and depth of the front garden is the same as that of the adjoining No.69 and two vehicles can readily be parked side by side within its front curtilage, hence the net level of parking would remain the same. County Highways have been consulted on the application and they have raised no objections, opining that the development would have no significant impact on highway safety, capacity or amenity within the immediate vicinity of the site.

Notwithstanding the above comments, the laying of a permeable hard surface within the front curtilage and use for a purpose incidental to the enjoyment of the dwelling can be carried out as permitted development under Part 1 Class F of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. In this instance the proposal is for a permeable gravelled surface within a domestic front garden. The parking of vehicles on that surface would be incidental to the enjoyment of the dwelling. Hence these physical works can be carried out as permitted development and without need for formal planning permission. Accordingly the refusal of permission on the grounds of impacts arising from the use of the front garden for parking would not be sustainable at appeal.

Conclusion

This application site relates to a mid-terrace property located on Ribby Road in Kirkham. It seeks planning permission for the formation of a dropped kerb to the front of the property to allow vehicles to cross the footpath and park within the front curtilage of the property. The development would require the removal of the existing front boundary wall and the formation of an area of hardstanding within the front curtilage.

The hardstanding area can be constructed as permitted development under Part 1 Class F of the Town and Country (General Permitted Development) Order 2015, and the wall removed as permitted development under Part 2 Class A of the Town and Country (General Permitted Development) Order 2015. However, the permitted development right that allows accesses to be formed under Part 2 Class B is not available when the property is located on a classified road, as is the case here and so planning permission is required.

To assess the highway safety implications of the formation of this access point LCC have been consulted as the local highway authority and have raised no objections to the development. Given the lawful fall back for the wall and hardstanding, and the lack of objection from the highway authority to the provision of the access, it is considered that the proposal is acceptable and the application 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 beginning with the date of this permission.

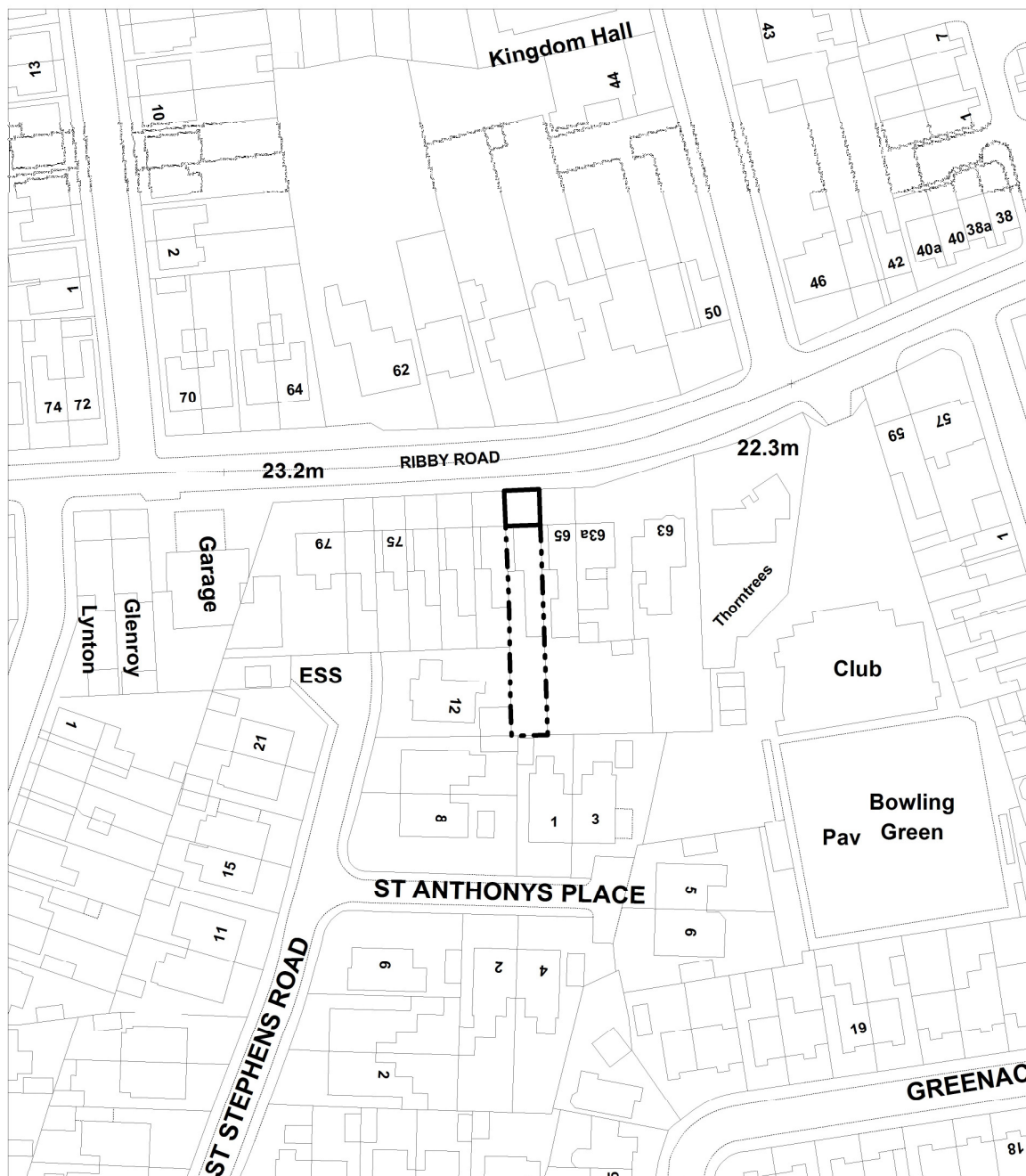
Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.


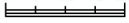
2. This permission relates to the following plans:

- Location Plan - supplied by Streetwise Maps Ltd, dated 28 June 2019
- Proposed Site Plan

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

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



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0524	Address 67 Ribby Road, Kirkham	Grid Ref. E.3420 : N.4319	Scale 0 5 10 15 20 m 

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	4 SEPTEMBER 2019	7
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decision between 19 July 2019 and 23 August 2019.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

APPEAL DECISIONS

The council received decisions on the following appeals between 19 July 2019 and 23 August 2019. The decision notices for these appeals are attached for information.

Rec No: 1			
12 February 2019	18/0559	121 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AD RESUBMISSION OF APPLICATION 17/0906 FOR ERECTION OF TWO STOREY APARTMENT BLOCK ON LAND TO REAR OF EXISTING PROPERTIES TO PROVIDE FIVE FLATS (4 X 2 BED, 1 X 1 BED)	Written Representations Case Officer: RC
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 16 August 2019		
Rec No: 2			
22 May 2019	17/0851	LAND TO THE NORTH OF FRECKLETON BYPASS / EAST OF WARTON, BRYNING WITH WARTON APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 14/0410 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS) IN ORDER TO REMOVE COMPONENTS (A) AND (B) AND TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE (COMPONENT (C)) FROM 15% TO 33% OF THE OVERALL DEVELOPMENT	Written Representations Case Officer: MT
Fylde Dec. Level	COMM		
Appeal Decision:	Allowed: 05 August 2019		

Appeal Decision

Site visit made on 25 April 2019

by R Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/M2325/W/19/3221393

121 Lytham Road, Bryning with Warton PR4 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Barker against the decision of Fylde Council.
- The application Ref 18/0559, dated 10 July 2018, was refused by notice dated 19 October 2018.
- The development proposed is erection of two storey apartment block on land to rear of existing properties to provide five flats (4x2 bed, 1x1 bed).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development on the planning application form from 'Proposed 5No. new 1/2 bedroom dwellings' to 'erection of two storey apartment block on land to rear of existing properties to provide five flats (4x2 bed, 1x1 bed).' This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description than the original and I have therefore used it in the banner heading above.
3. The policies of the Fylde Borough Local Plan referred to by the Council in its decision notice have been superseded by policies from the Fylde Local Plan 2032 which was adopted since the Council's decision was made. As the now adopted policies are similar to those in the submission version referred to in the decision notice, neither party has been prejudiced by this change in policy circumstance.
4. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Having considered the role and content of revisions, I do not consider it necessary to re-consult the main parties about this change in national policy in relation to this case.

Main Issues

5. The main issues are the effect of the development on i) the living conditions of existing and future occupiers, ii) the adjoining employment use, iii) the character and appearance of the area, and iv) highway safety.

Reasons

Living Conditions – existing occupiers

6. The proposed apartment block is located to the rear of existing dwellings that front Lytham Road. At first floor, the accommodation has been arranged with the main living/kitchen areas, as well as bedrooms facing the rear of those dwellings. The minimum separation distance shown on the application drawings is approximately 15.8m between the bedroom of apartment 4 and No 125 Lytham Road (No 125). I have not seen an internal layout to No 125, but I saw on my site visit bedroom windows at first floor. Whilst No 125 is off-set from the apartment block, given the distance between the respective windows, there would be some loss of privacy to its occupiers. Further, both the living/kitchen area and bedroom to apartment 4 would overlook all but the very far end of the garden of No 125. Similarly, the first floor bedroom to apartment 5 would overlook most of the rear garden of No 119 Lytham Road.
7. The separation distance between the apartment block and No 121 Lytham Road (No 121) and the house recently granted consent (ref. 18/0001) that would replace the existing workshop adjoining No 121, is only around 16.5m. Given this distance and the orientation of the apartments with main living areas to the front, there would be overlooking of the rear of these houses resulting in a loss of privacy.
8. The apartment block is around 15.8m over its length, to a maximum height of around 7.8m. As a result of this massing, the siting directly behind No 121 and the limited separation distances, it would have an overbearing impact on the outlook from that property. Due to the siting of the building offset from Nos 119 and 125, I do not consider that there would be an overbearing effect on outlook from those properties to an extent to cause harm to living conditions.
9. I have no detailed expert evidence before me in respect of the loss of light to neighbouring properties. Given the separation distances described above and the height of the apartment block, there is potential for some loss of daylight. I am not, however, persuaded on the evidence that this would be sufficient to cause harm to the living conditions of existing occupiers.
10. Notwithstanding my conclusions on loss of light, I find the proposals would cause harm to the living conditions of neighbours, by reason of loss of privacy and outlook. I am mindful of the existing use of the site as a builder's yard and workshop, which could be more intensively used than it is currently. However, the benefit of removing this use does not outweigh the harm to living conditions I have identified. The proposed development would therefore conflict with Policy GD7 and H2 of the Fylde Local Plan to 2032 (2018) (LP) because it would have a detrimental impact on the amenity of neighbouring uses.

Living conditions – future occupiers

11. The apartment block is sited around 1m from the boundary with the BAE Systems Warton Aerodrome facility (BAE), with part of apartment 5 sited right on the boundary. The proposed elevations show a close boarded fence to the boundary, beyond which is a narrow gap and then the security fencing to an area of BAE car parking. Although the main living and kitchen areas for apartment 1 and 2 face into the site toward Lytham Road, bedrooms are located to the rear. Given the proximity of the boundary fence, these rooms would have a very limited, oppressive outlook and little natural light. Further, whilst a door is shown to the rear of apartment 5, the main rear window to the living, kitchen area would be all but obscured by the boundary fencing.

12. At first floor, the bedroom windows of apartments 3 and 4 are on the boundary with BAE, directly overlooking the security fencing and car parking. I saw on my site visit that the BAE car parking was well used and, given its proximity, this would result in some noise and disturbance, which would cause harm to the living conditions of future occupiers.
13. Consequently, the development would conflict with LP Policy GD7 and H2 because it fails to provide a high standard of amenity for occupiers. It would further fail to meet the guidance at paragraph 127 of the National Planning Policy Framework (the Framework) that development should ensure a high standard of amenity for existing and future users.

BAE employment use

14. The proposed apartment block is sited very close to the boundary with BAE, adjoining an area that is currently used principally for car parking with some storage. I have concluded above that, given the proximity, the car parking would cause some noise and disturbance to any future occupiers of the development. Alternative uses of this area, for example increased external storage or the location of plant and machinery could equally cause harm to the living conditions of future occupiers. Whilst I note there is existing housing on the boundaries of the BAE site, most are separated by their back gardens including those on Elder Close. The lack of any significant separation or buffer between the BAE use and the proposed apartments means that future employment use or development may be restricted to ensure there is no harm to living conditions.
15. Whilst BAE have not objected to the appeal proposals, I nonetheless consider that they could have a detrimental impact on the future use of the site for employment purposes. As a result, the development would conflict with LP Policy GD7 because its siting does not relate well to the surrounding context and it is not sympathetic to surrounding land uses. It would further conflict with LP Policy EC2 and Policy BWNE1 of the Bryning-with-Warton Neighbourhood Development Plan (NP) which seek to retain continued employment use of current employment sites.

Character and appearance

16. The appeal site is a single storey workshop and builder's yard which includes an existing house (No 121) and adjoining workshop that front Lytham Road. The proposal is for a 2-storey apartment block located on the rear boundary of the site behind the frontage development, using the existing narrow access from Lytham Road.
17. The existing pattern of development in the surrounding area is predominantly houses fronting the road with gardens to the rear. However, the building line on Lytham Road and the type and scale of development varies and there is no uniformity in spacing between the road frontages and rear boundaries. Whilst it would be backland development, which is not a particular characteristic of the area, the absence of a direct road frontage would not result in a form of development divorced from its surroundings. The proposed development would still have a close and integrated relationship with surrounding residential uses. Further, given the narrow access and existing buildings to the front, the development would only be glimpsed from Lytham Road and the appearance of

the street scene would remain largely unchanged. The development would not therefore cause harm to the character and appearance of the area.

18. Consequently, it would not conflict with LP Policy GD7 in-so-far as it requires development to reflect local character and avoid demonstrable harm to the visual amenities of the local area. It is further consistent with NP Policy BWNE2 and paragraph 122 of the Framework which requires development to respect or be sympathetic to local character.

Highway safety

19. The proposed site layout shows 5 car parking spaces arranged diagonally along the common boundary with No 121 and No 123.
20. The Joint Lancashire Structure Plan Parking Standards (2005) are 1 space per 1 bedroom dwelling and 2 spaces per 2 bedroom dwelling. So, for the proposed development the standard is 9 spaces in total. These standards are, however, expressed as maximums and the Highways Authority (HA) consultation response requested the car parking layout was reviewed to enable 6 parking spaces to be accommodated. There is therefore a shortfall of a single space over that accepted by the HA. Given the small size of the proposed apartments and the accessibility of the site to local services and public transport, I do not consider a shortfall of a single space would result in a level of on-street parking on Lytham Road to an extent to cause harm to its safe operation.
21. The proposed turning area is constrained and the parking space closest to the bin store would be particularly difficult to access without a number of movements. Practically, given the orientation of the spaces and narrow access, users are most likely to make sufficient movements so as to egress the site in forward gear, rather than to attempt to reverse. Lytham Road is busy, with fast moving traffic and waiting restrictions Monday to Saturday between 11.00hrs and 14.30hrs. On-street parking is therefore available when occupiers of the apartments are most likely to be at home. However, despite the cramped parking and turning area, given the busy nature of Lytham Road, I am not persuaded that occupiers would chose to park on the street, rather than within a private parking area.
22. I therefore conclude the development would not cause an unacceptable risk or harmful impact to the safe operation of Lytham Road. Consequently, the development would comply with LP Policy GD7 in-so-far as it requires that parking areas for cars are safe and accessible and highway safety is not compromised. It would further be consistent with guidance at paragraph 127 of the Framework that developments should be safe and accessible.

Conclusions

23. Although I find no harm to the character and appearance of the area or highway safety, I do find significant harm to the living conditions of existing and future occupiers. I also find harm to the future operation of the adjoining employment use. Accordingly, for the reasons above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR



Appeal Decision

Site visit made on 16 July 2019

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 5 August 2019

Appeal Ref: APP/M2325/W/19/3221605

Land off Lytham Road, Warton, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Warton East Developments against Fylde Borough Council.
- The application Ref 17/0851 is dated 6 October 2017.
- The application sought outline planning permission for the erection of up to 350 dwellings without complying with a condition attached to planning permission Ref. 14/0410, dated 13 February 2017.
- The condition in dispute is no. 7 which states that: No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:
 - a) The Preston Western Distributor Road;
 - b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue;
 - c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.
- The reason given for the condition is: The safety and convenience of highway users.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 350 dwellings at land off Lytham Road, Warton, Lancashire in accordance with application Ref. 17/0851, dated 6 October 2017, without compliance with condition nos. 3, 7 and 8 previously imposed on planning permission Ref. 14/0410, dated 13 February 2017, and subject to the conditions set out in the Schedule of conditions at the end of this decision.

Main Issues

2. The original application subject of this appeal sought the modification of condition no. 7 attached to planning permission Ref. 14/0410, dated 13 February 2017. The desired modifications included the removal of requirements a) and b) of the condition, and a relaxation of the restriction on development prior to satisfying requirement c) from 15% to 65%. However, during the planning application process, the extent of the relaxation sought by the appellant was modified, such that up to 33% of the development could be occupied prior to requirement c) being satisfied. Therefore, I have considered the appeal on the basis of a relaxation to 33%, rather than the original 65% sought.

3. I consider that the main issue in this case is the effect on the safety and convenience of highway users of modifying condition no. 7 as proposed.

Reasons

4. On 13 February 2017 the Secretary of State granted outline planning permission Ref. 14/0410 for the erection of up to 350 dwellings on land off Lytham Road, Warton. The planning permission was the subject of 21 conditions and those related to local highway improvements included condition no. 7. The appellant argues that there has been a change of circumstances since the grant of planning permission Ref. 14/0410 by the Secretary of State, which justifies a relaxation of condition no. 7. This argument is accepted to some extent by the Council, as set out below, and is rejected by a number of objectors.
5. I deal first with the development limitation of 15% prior to highway improvement works a), b) and c). The appellant asserts that the approach to traffic forecasting contained in the Local Highway Authority's (LHA) sensitivity test model presented at the Inquiry, upon which the 15% threshold was based, resulted in unrealistically high estimates of future year baseline traffic volumes which have not materialised over the period since the Inquiry was held.
6. In support of that view, the appellant has indicated that the assumptions underlying the sensitivity test model resulted in a predicted increase, between 2013 and 2024, in traffic on the approaches to the Church Road/Lytham Road/Highgate Lane junction (CLH junction) in the range 34% to 54%. Furthermore, this equates to predicted levels of growth in vehicle movements around 2 to 3 times greater than predicted using the Government's *National Trip End Model* and *TEMPRO* software.
7. Notwithstanding the delivery of a significant quantum of development in the area, in the period 2013 to 2018, traffic surveys undertaken in January 2018 by the appellant and separately by the LHA indicate that the actual degree of growth is significantly below the levels of growth associated with the sensitivity test model. For example, using the LHA survey results, the highest growth rate in traffic approaching the CLH junction between 2013 and 2018, which is associated with a net change in the AM peak hour on Lytham Road (west) of 146 vehicles, equates to around 10%.
8. I have had regard to the concern of the Council that as the surveys were all undertaken at a similar time of year, they could only be taken as a 'snap-shot' in time and could not be considered to be representative of a consistent pattern. However, the appellant has also provided data from the Department for Transport's annual count database for a count site on Lytham Road to the west of Church Road, which indicates that in the period 2001 to 2016, whilst there have been limited year on year variations in traffic levels, there has been a slight downward trend. Under these circumstances and in the absence of any compelling evidence to the contrary, I consider that the survey results can be relied upon.
9. Furthermore, against this background, I share the appellant's view that there has been a change of circumstances since planning permission was granted and the sensitivity test model presented at the previous Inquiry is likely to

- have resulted in unrealistically high estimates of future year baseline traffic volumes. It was in the context of those estimates, and the highway improvements to be secured by condition no. 8, that the addition of traffic associated with 15% of the appeal site development was found to be acceptable in terms of the safety and convenience of highway users by the previous Inspector.
10. The Council has indicated, on reflection, that minor modifications would need to be made to condition no. 8, which relates to the provision of MOVA/UTC control at local junctions, to ensure that it is effective. The appellant does not object to those changes and I consider that they would be necessary in the interests of clarity and enforceability.
 11. The appellant has estimated that the difference in development related traffic associated with 15% and 33% of the development is around 38 vehicle movements in the AM peak hour and 42 in the PM Peak hour, figures which have not been disputed. In my judgement, these relatively small increases would be likely to be more than offset by a reasonable downward correction of the unrealistically high estimates of future year baseline traffic volumes, such that overall, the effect on the safety and convenience of highway users would be no worse than previously approved in association with planning permission Ref. 14/0410.
 12. Requirement a) of condition no. 7 relates to the completion of a road scheme known as the Preston Western Distributor Road (PWDR). It is a local highway authority improvement scheme, for which planning permission was granted in November 2018, and forms part of the *Lancashire County Council Fylde Coast Highways & Transport Masterplan*. The Council has confirmed it is anticipated that construction will start towards the end of 2019 and will be completed in early 2023. Furthermore, the Council indicates that its construction does not rely on the implementation of planning permission Ref. 14/0410, nor is it directly required as a mechanism to relieve traffic arising from the appeal development. The main purpose of the PWDR being to redirect traffic movements into and out of BAE Systems, which is the dominant source of peak traffic on the local highway network, away from the western end of the settlement. The previous Inspector (Ref. 14/0410) indicated that, compared with traffic from BAE Systems, the effects of the appeal site development are relatively insignificant.
 13. Requirement b) of condition no. 7 relates to the relocation of the BAE Systems access from Mill Road to Typhoon Way and is associated with the development of an Enterprise Zone within BAE Systems land. The Council has confirmed that planning permission was granted for that development in 2013 and the access proposal is tied to development within the Enterprise Zone, which has yet to take place.
 14. Furthermore, the Council has indicated that since the appeal before me was made, the appellant has submitted a further planning application which seeks to remove requirements a) and b) of condition no. 7 and to keep the proportion of development that can come forward in advance of requirement c) at 15%. The Council has resolved to approve that application.
 15. In the circumstances set out above, I conclude that neither requirements a) nor b) are necessary to ensure that the effect of the appeal site development on the safety and convenience of highway users would be acceptable.

As regards requirement c), the dispute relates to the increase in traffic that would necessitate improvements at the CLH junction, in the interests of the safety and convenience of highway users, rather than the works themselves. Based on my findings above, I consider that those interests of acknowledged importance could be safeguarded by a limitation of 33%, as proposed by the appellant. The LHA did not object to the proposed relaxation of the requirements of condition no. 7 and this adds further weight to my findings.

16. I conclude that the effect on the safety and convenience of highway users of modifying condition no. 7 as proposed would be acceptable and it would not conflict with aims of Policy GD7 of the *Fylde Local Plan, 2018* (FLP) or the *National Planning Policy Framework* (the Framework) insofar as they seek to ensure that development would not prejudice highway safety or the efficient and convenient movement of highway users.

Other conditions

17. In the event that the appeal is allowed and a new planning permission granted, the Council considers that in addition to modified condition nos. 7 and 8, it would be necessary to modify condition no. 3 to ensure that the time limit for submission of applications for reserved matters is consistent with the original permission. I agree, as a section 73 application cannot be used to vary the original time limit for implementation.
18. In addition, the Council considers that an entirely new condition should be imposed to ensure that the development delivers the housing mix identified in FLP Policy H2, which has been adopted since planning permission Ref. 14/0410 was granted. In support of its view, the Council cites part of the guidance on section 73 applications set out in the national *Planning Practice Guidance* (PPG) to the effect that local planning authorities should, in making their decisions, focus their attention on national and Development Plan policies, and other material considerations which may have changed significantly since the original grant of planning permission¹.
19. However, further guidance provided by the PPG includes that in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application; it is not a complete re-consideration of the application. The Secretary of State will take the same approach when considering an associated appeal². It is in this context that the PPG indicates that the application is considered against the Development Plan and material considerations and conditions attached to the existing permission³.
20. To my mind therefore, the scope of the considerations is limited to the proposed changes to condition no. 7 and consequential changes to other previously imposed conditions, in light of the current Policy framework. In my judgement, the proposed new condition, which is unrelated to condition no. 7 and the matters it seeks to address, lies outside that scope. However, even if that were not the case, the PPG indicates that in granting planning permission under section 73 the local planning authority may impose new conditions-provided the conditions do not materially alter the development

¹ ID: 17a-019-20140306.

² ID: 21a-031-20180615.

³ ID: 21a-040-20190723.

that was subject of the original permission and are conditions which could have been imposed on the earlier planning permission⁴. The Council has indicated that at the time when planning permission Ref. 14/0410 was granted the Development Plan did not include the same requirements as FLP Policy H2. It is not self-evident therefore, that the proposed condition could have been imposed on the earlier permission. In either circumstance, I conclude that it would not be reasonable to impose the proposed new housing mix condition promoted by the Council and this amounts to a compelling reason not to do so.

Other matters

21. Planning permission Ref. 14/0410 is subject to a number of planning obligations secured by a unilateral undertaking (UU) pursuant to section 106 of the *Town and Country Planning Act 1990*. The obligations include, amongst other things, provisions related to Affordable Housing and contributions towards infrastructure made necessary by the approved development. The appellant has provided a viability appraisal to show that it would only be viable to provide 14 Affordable dwellings, in addition to the financial contributions, as part of the first 33% of the development, which is equivalent to the construction of 117 dwellings. The balance needed to fulfil an overall level of provision of 30% Affordable Housing across the site, in accordance with the requirements of FLP Policy H4, could be delivered in the later phase(s) of the development. This position is accepted by the Council. The appellant has provided a planning obligation to secure the necessary changes to the extant UU, in the form of a deed of modification under section 106A of the *Town and Country Planning Act 1990*, which would link the obligations to the section 73 application. The Council has confirmed that it meets its requirements, with reference to FLP Policies H4, T4 and INF2. I have no reason to take a different view on these matters.
22. I conclude that the UU would satisfactorily secure planning obligations necessary to make the appeal proposal acceptable in planning terms. It meets the tests of planning obligations set out in the Framework.
23. I have had regard to the concern of objectors that the appeal proposal, if successful, could be used to support the modification of development restrictions attached to planning permissions for development elsewhere in the area. However, there is no compelling evidence before me to show that this would be likely. In any event, each case must be considered primarily on its own merits and it would remain open to the Council in any future cases to show that harm would be caused.
24. The appellant has indicated that the previously approved development is not deliverable, due to the constraints imposed by condition no. 7, and the appeal scheme would assist in kick starting the delivery of housing on that allocated strategic site by improving its marketability. This position is accepted by the Council and I have no reason to disagree. In light of the Government's desire to boost significantly the supply of housing, this weighs in favour of the appeal proposal.

⁴ ID: 21a-040-20190723.

Conclusions

25. I found that the effect of the appeal scheme on the safety and convenience of highway users would be acceptable. Furthermore, I conclude on balance that the scheme would accord with the Development Plan taken as a whole and it would amount to sustainable development under the terms of the Framework.

I Jenkins

INSPECTOR

Schedule of conditions

- 1) No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 2ha including a LEAP/LAP has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of planning permission 14/0410 (i.e. by 13 February 2020).
- 4) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number SK21338-12. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area to be kept free of obstruction to visibility shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway.
- 6) No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment 140603/SK21338/TA02 June 2014 by SK Transport Planning Ltd.
- 7) No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of

Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.

- 8) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at:

- a) The Church Road/Lytham Road/Highgate Lane junction;
- b) The Lytham Road/Mill Lane junction; and,
- c) The junction of Lytham Road and the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue.

Unless alternative details have first been submitted to and approved in writing by the local planning authority, the MOVA/UTC control at location a) shall include the following measures: (i) installation of MOVA control and setup; (ii) relocation of loop locations in the highway where required (in line with MOVA requirements); (iii) a new signal control box; (iv) new signal poles and signal heads; and, (v) installation of remote CCTV monitoring of the junction.

- 9) No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
- 10) No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.
- 11) No development shall take place on any phase of the site until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until it is provided with its drainage as approved.
- 12) No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted

to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.

- 14) No development shall take place within any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place on the relevant phase until details of the pedestrian and cycle access to Canberra Way at the north-western corner of the site and to Butlers Meadow at the south-western corner of the site (both shown indicatively on the illustrative master plan accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.
- 16) The external fabric of any dwelling hereby approved having a direct line of sight to Lytham Road and the boundary fences around their rear or private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section 5 of the Noise Impact Assessment by Resource & Environmental Consultants Ltd reference 90342R2.
- 17) No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the LEAP/LAP and all the public open space on all phases has been laid out and made available for its intended purpose.
- 18) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the recommendations contained in section 5 and drawing 60072-002 of the Arboricultural and Hedgerow Assessment reference 60072P1R4 by Resource and Environmental Consultants Ltd dated 2 June 2014 and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.
 - i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or

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- lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 19) None of the ponds and ditches shown on figure 2 of the Ecological Survey and Assessment reference 2013_089 by ERAP Ltd dated September 2013 (Updated June 2014) shall be removed or filled in except in accordance with details submitted and approved in compliance with other conditions of this permission. A buffer zone of 10m around the edge of each pond shall be kept free of development.
- 20) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology 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 approved methodology.
- 21) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The hours of site operation;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. Wheel washing facilities;
 - vii. Measures to control the emission of dust and dirt during construction; and,
 - viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.
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