



Agenda

Planning Committee

Date:	Wednesday, 3 July 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 12 June 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:	
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5	Local Lists Of Heritage Assets Heritage Zones: Kirkham, Wesham, Singleton, Freckleton	87-96
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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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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

03 July 2019

Item Number: 1

Committee Date: 03 July 2019

Application Reference:	18/0659	Type of Application:	Full Planning Permission
Applicant:	Melling	Agent :	Acland Bracewell Surveyors Ltd
Location:	GRANGE FARM, TREALES ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SQ		
Proposal:	INSTALLATION OF EARTH BANKED SLURRY LAGOON		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	24	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/@53.7972879,-2.8148819,701m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is part of Grange Farm, which is an active cattle farm located on Treales Road well outside of the village itself and close to the Hand and Dagger pub. The application site is an area of land to the north of the farm accessed from Dagger Road.

The application relates to the formation of an earth banked slurry lagoon to provide additional storage facilities for Grange Farm which has limited capacity at the farm itself. The site has been chosen to avoid gas pipe lines and ponds and is situated where the development will result in limited views, other than from the access track.

The development is clearly related to the on-going and well-established agricultural activity at the wider Grange Farm site, and is located where it has a minimal impact on the landscape or other planning interests. It is therefore considered to comply with the requirements of Policies GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032. The scheme allows for the sustainable growth and expansion of an existing agricultural business which is supported by the aims of the NPPF. In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to 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 is land forming part of Grange Farm, Treales Road, Treales. The particular location is situated from a track leading off Dagger Road, which is to the north east of farmstead. The area of the application measures 2,282.9 square metres and is on part of the land which is lower in level than the land nearest the highway and is to the south and west of several ponds.

The applicant operates a mixed agricultural enterprise with approximately 200 dairy cows, 340 beef cattle and varying numbers of sheep during the winter. The land is used for the grazing of the animals and for the production of barley, wheat and grass crops and is classed as Grade 2 agricultural land.

The site is designated as countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for an earth banked slurry lagoon with overall dimensions of 70.9 metres by 32.2 metres (including the banking) on a bed of clay. Stock proof fencing of 1.5 metres in height, situated at the top of the banking, is also proposed.

The lagoon will provide capacity for 1,002,049 gallons of slurry storage at any one time and is designed to provide approximately 9 months storage capacity based on the expected scale of operation of the farm.

The application has been revised since first submission to relocate the lagoon, with additional supporting information provided including an air quality assessment and a transport assessment..

Relevant Planning History

There is the usual extensive planning history for the farm, but none is of relevance to this proposal.

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on the original submission on 14 January 2019 and comment:

At the meeting of the Parish Council on the 22 January 2019 the members resolved to support the application and in so doing to encourage FBC to make the granting of planning consent for the slurry lagoon conditional upon:

- 1. The EA confirming that the proposed lagoon would provide suitable and sufficient safe storage for the amount of slurry being produced and that the proposed slurry lagoon will prevent surface water drainage contamination in the future from this farm.*
- 2. The Highways Authority be consulted and approve of the access from the highway in view of the narrowness of Dagger Road and the potential temporary obstruction caused by turning articulated vehicles to and from the access lane/highway.*

3. A suitable explanation be obtained for why the lagoon was distant from the farm.

Following receipt of additional information the Parish Council were re-consulted and have provided further comments dated 18 June 2019:

The Parish Council welcome this initiative in principle and they are keen to support the owner in achieving a suitable safe and sustainable solution to resolve the current unsatisfactory situation. To this end the Parish Council would strongly recommend that access/egress is located on a more safe and suitable road, as well as a safer more sustainable design.

Whilst the PC supported the previous application due to the need for the farm to address the environmental issues highlighted by the EA on several occasions on the condition that the highways authority were supportive and that a suitable explanation was obtained for why the lagoon was distant from the farm. This has still not been addressed.

This latest application is for a much bigger lagoon than previously applied for and in view of the concerns received from LCC Highways and other stakeholders, the Parish Council cannot support this application.

1. Vehicular access and egress to the slurry lagoon will be via Dagger Road which is extremely narrow and unsuitable for HGV sized articulated vehicles i.e. modern tractor and trailer. It does not provide safe and suitable access to the site for all in conflict with NPPF p108.

a. The Parish council estimates that, when full, the slurry lagoon will require of the order of 500 tanker loads to empty the lagoon which equates to 1,000 articulated HGV sized vehicle movements per annum for multiple periods of intense activity during time windows where there are approached conditions for application of slurry onto the land, for the life of the facility. It remains unclear how the facility will be filled with slurry. If this is by tanker then required movements could be doubled. There will be additional HGV sized movements required in the construction and maintenance of the development.

b. Vulnerable road users would be at risk of conflict with the vehicles accessing the site due to the narrowness of the lane and as a result of damage to the carriageway edge caused by HGV sized traffic overrunning the edges and mud being brought onto the carriageway from the verges caused by overrunning vehicles. This was clearly evidenced from the conclusions of local constituents, LCC, HCLG Inspectors and the Secretary of State for Housing and Local Government in response to the proposed use by an increased number of HGV vehicles of Dagger Road for access for a proposed fracking site at Roseacre Wood over the past 5 years.

2. In addition the proposed fencing does not appear to meet the requirements of the HSE guidance in the "Managing slurry on farms" AIS9(rev2) 07/15 – link <http://www.hse.gov.uk/pubns/ais9.pdf>, which would suggest that it is not a safe, nor sustainable design.

3. In support of NPPF para 150, a more sustainable approach may be taken to climate change, by reducing greenhouse gas methane emissions. This may be achieved by several designs. In particular a potentially effective solution that could attract financial support would be the adoption of a farm-size anaerobic digester and energy generation plant as part of the new slurry management solution. This would have the further advantage of reducing noxious emissions, increasing the options for an acceptable location for the new facility. This approach will also enhance farm productivity through reduced energy costs, improved bio-security and reduced fertiliser costs. Such a facility may also

attract grants of up to 40% to encourage investment, improve sustainability and reduce financial risks. Fylde Borough Council's Economic Development partners may be able to assist the applicant in signposting to where support for such productivity enhancement can be found. Some past example links are provided in the annex to this letter.

The Parish Council supports the principle a sustainable, safe and environmentally enhancing solution to Grange Farm's slurry management. For the reasons given above, this proposal does not yet provide that and should be refused.

Statutory Consultees and Observations of Other Interested Parties

Health and Safety Executive

With the proximity of pipelines to the development a consultation has been undertaken with the HSE. They confirm that they *"Do not advise against"* granting permission for the development

National Grid

No comments received.

Environment Agency

They raise no objection to the proposal, and highlight the relevant legislation and guidance that apply to the design and management of slurry lagoons and the obligations that they place on the developer, including:

- The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013.
- The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

They also provide design advice about the depth of the clay liner to the lagoon bottom and sides, the ground tests to be undertaken prior to its construction, and that it should be located away from any watercourses and land drains.

Natural England

They have been consulted due to the site being located in an area of open agricultural land and its scale. They comment: *"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes."* They also provide general advice to the applicant, which should be included as a note to any decision.

Environmental Protection (Pollution)

Raise no objection to the proposal given the separation of the lagoon to dwellings.

Greater Manchester Ecology Unit

Great Crested Newt (GCN)

The on-site ponds and the ponds within 250m of the site boundary were assessed for their potential to support GCN. Ponds 1, 2 & 6 were subject to eDNA tests for GCN and all three returned a negative result, indicating that GCN are extremely unlikely to be present. No further surveys are therefore considered necessary at this time.

Water Vole

Two water vole surveys were carried out on the ditches on site. No evidence of water vole was found during the surveys and therefore water vole are not considered a constraint to the development.

Birds

Ground nesting birds could use the arable and semi-improved grassland. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). If any removal of this habitat is necessary then this work should be undertaken outside of the bird breeding season (May-August inclusive), unless nesting birds are found to be absent by a suitably qualified person. We recommend that a condition to this effect be placed on any permission.

Site of Special Scientific Interest (SSSI)

Natural England's Impact Risk Zones identified that interest features of Newton Marsh SSSI, maybe sensitive to impacts from aerial pollutants from this development. They have requested an Air Quality Report and will address this directly.

Lancashire County Council - Highway Authority

They were been consulted on the scheme as submitted and requested that further highway details were provided over the construction of the lagoon given the restricted width and rural nature of Dagger Road.

Following receipt of this information a further consultation was undertaken which confirmed that LCC were satisfied that the construction could be undertaken without any adverse impacts on highway safety. They also have no concerns over the operation of the lagoon once completed.

Neighbour Observations

Neighbours notified:	14 January 2019
Amended plans notified:	29 May 2019
Site Notice Date:	24 January 2019
Number of Responses	None received

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
NPPG:	National Planning Practice Guidance

Site Constraints

- Pipelines
- Within countryside area
- Trans Pennine Ethylene Pipeline
- Shell North Western Ethylene Pipeline

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 application

This application seeks permission for the installation of an earth bank slurry lagoon for the storage of slurry produced on Grange Farm in accordance with the Environment Agency regulations in association with the applicant's dairy and beef herds.

The need and principle of development

The site is located within the countryside as allocated on the Fylde Local Plan to 2032. As such, Policy GD4 is relevant to this application. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at paragraph 83 advises that planning policies and decisions should enable economic growth and expansion of all types of business in rural areas and promotes the development and diversification of agriculture and other land based rural businesses.

The applicant advises that the proposed earth banked lagoon is required for a number of reasons, including the need to meet slurry storage requirements under Government guidelines, to provide a greater degree of storage to cope with the applicant's increased herd size, and the limited storage capacity currently on site.

The Environment Agency have advised the applicant that the existing storage is in danger of overflowing and as a consequence cause pollution. Therefore there is a clear need for the proposed lagoon which would provide storage above the current minimum requirements of 4 months capacity of storage. This additional storage facility is proposed as a contingency should the site be designated as a Nitrate Vulnerable Zone, which limits spreading, or the storage requirements change in the future as a result of climate change.

Given the applicant's limited capabilities to store slurry it is considered that the development is needed for the purposes of agriculture and is *'needed for purposes of agriculture'* and *'essentially required for the continuation of an existing enterprise'* as set out in Policy GD4.

The site

Several sites around the farmstead have been considered for the proposed lagoon, however the potential to use land surrounding the main farm is limited due to the location of a gas pipeline and several surrounding ponds. As a consequence the principle of locating the lagoon on land remote from the farmstead off Dagger Road was proposed.

During the course of the application the siting of the lagoon has been slightly moved from its originally proposed position to be situated further from a pond and on part of the applicant's land which is at a lower level than the surrounding land. These have benefits in its visual impact as it is screened from local receptors by the land form and field hedges.

Impact on visual amenity

The proposed site has been chosen as the most appropriate due to the position of the lagoon in relation to the farm and other constraints referred to above.

It is conveniently situated alongside the existing access track leading off Dagger Road and abutting the existing hedge which provides some screening.

In addition the fall of the land and surrounding natural land topography will also assist in screening the development. As such it will have a negligible impact on the surrounding landscape and character of the countryside.

Impact on neighbours

The nearest neighbours are those at Moss Farm Lodge which are approximately 240 metres from the site with those at New Grange and Grange Cottage approximately 370 metres away.

Given the siting of the slurry store the occupiers of these dwellings will not be prejudiced by the proximity of the lagoon in regards to views of the facility however, regard should be had to any changes in the air quality arising from the installation.

Air quality

Some degree of smell is an inevitable consequence of living in the countryside. However, the applicants are required to manage the slurry store in accordance with DEFRA guidance to prevent dispersal of odours as far as is possible. A note to that effect would be added to any planning permission.

In order to make an assessment of the proposal in regards to air quality the applicants have submitted an 'Odour Management Plan'. This plan states that by allowing the formation of a crust to form over slurry lagoons results in approximately a 60% reduction in the release of Ammonia, proving it to be an effective method in the reduction of emission output. This process is recognised by DEFRA as an odour and emissions mitigation measure. Where the contents of the lagoon do not aid formation of the surface crust, the spreading of straw on the surface of the Lagoon will aid the crusts formation.

In order that the slurry gets to the lagoon the process requires scraping slurry into a channel at Grange Farm which is then piped and pumped from the buildings. The pumped slurry will enter the lagoon at a low level, below the surface, without disturbing the crust formation and will only be stirred when absolutely necessary. It will be mainly emptied during the summer months by spreading on the applicant's land to act as a natural fertiliser to aid the growth of his crops. The additional capacity of the lagoon will reduce the need to spread the slurry on the land and reduce the potential for odour disturbance.

No objections have been received from Natural England on air quality grounds, and given the proximity of the lagoon from neighbouring residents and the lack of public rights of way or other receptors in the area it is considered that the location of the proposal is acceptable in that regard. Paragraph 183 of the NPPF advises that the planning system should focus on the planning impacts and should not revisit matters that are covered by other permitting regimes. In this case there is extensive legislation and guidance that the Environment Agency and Natural England operate over the construction of lagoons, the operation of them, and the qualities of slurry that are to be stored and spread.

With regards to the planning matters, officers are satisfied that the location is appropriately sited to

maintain a separation from residents and other receptors. With regards to the possible pollution matters the operators of the relevant legislation have raised no objections to then proposal, and the need to comply with their legislation will be highlighted to the developer in any planning permission that is issued.

Access and highway issues

Unlike the majority of the farm traffic, this site will take its access from Dagger Road which is a narrow rural road. The highway authority initially raised queries over the use of this for the construction traffic, and so the applicants have submitted a 'Construction and Traffic Management Plan' (April 2019).

This identifies that it is proposed to provide additional stoning of the access track prior to construction and that the total of vehicular movements that are anticipated will be no more than 34 during the construction phase of the lagoon. The construction schedule advises that the applicant hopes to construct the lagoon from May to end of September to reduce the environmental impact and reduce any mud on the local highway network.

Once constructed the transportation of the slurry from the farms to the lagoon is proposed to be via the umbilical system and pumped over land or moved via tanker, when necessary, thereby reducing vehicular movements from the farm. There will be some vehicle movements associated with the operation of the lagoon as tractors will take the slurry for spreading on surrounding land, but this will be limited in number and is an accepted part of the rural highway network use.

As a consequence of the limited traffic movements during the construction of the lagoon and the methods proposed for the transportation of the slurry, it is considered that the proposal complies with Policy GD7 of the Fylde Local Plan to 2032.

Ecology

The application is accompanied by an ecological survey which identifies the site of the lagoon as arable and semi-improved grassland which is of low ecological value and common and widespread in the area.

A number of bird species were observed on and within close proximity to the site which indicates that the site and wider area is used as a resting ground for birds during winter months. Due to the limited size and nature of the development it is not anticipated that the site will lose its suitability as wintering bird habitat.

The site was also assessed for its suitability for a number of protected species including water voles, Great Crested Newts with the overall conclusion not considered to be of high ecological value and water voles and GCN are not present. Accordingly the proposal does not conflict with Policy ENV2 of the local plan.

Other matters

The Health and Safety Executive produce guidance for farmers to help to ensure that they meet the general duties under the Health and Safety at Works Acts. This guidance advises that perimeter fencing should be erected to a minimum height of 1.3 metres and should be constructed with suitable material. In this regard the proposal complies with the standards for the height of fencing, in this case it is proposed at 1.5 metres. A condition to ensure that the fencing surrounding the lagoon is of adequate standard will be a requirement of this decision should permission be granted.

Conclusions

Taking the above matters into account it is considered that the proposal represents sustainable growth and expansion of an existing agricultural business which is therefore supported by the aims of the NPPF.

The development is sited in an area that will have limited views from public vantage points and will not be detrimental to the amenity of neighbours nor generate significant numbers of vehicular movements or harm to any protected species.

Accordingly the development is considered to comply with the requirements of Policies GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032, in respect of the agricultural need for the development which is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years 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. 18/0659/PL01
- Proposed floor and section plan - Drawing no.X706/158/002 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

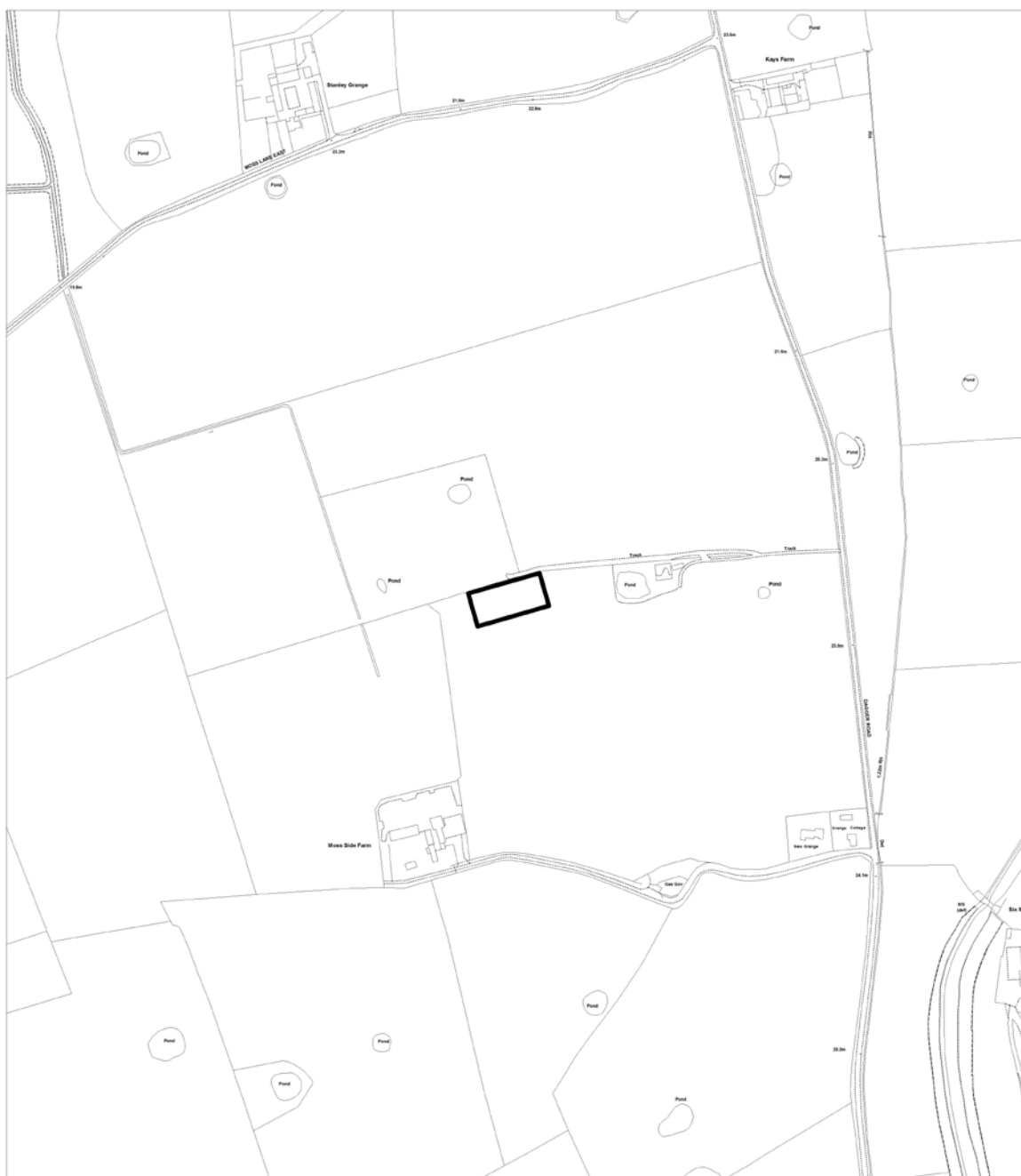
3. Prior to the first use of the lagoon the stock proof fencing shall be erected in the position and design as shown on drawing reference X706/158/002 REV. B and shall be of the height and design as shown in the cross sectional drawing and shall be maintained at all times thereafter.


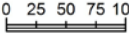
Reason: To ensure safety and prevent unauthorised access to the lagoon and in accordance with the National Planning Policy Framework.

4. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. 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 duly approved methodology.

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



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0659	Address Grange Farm, Treales Road, Treales	Grid Ref. E.3459 : N.4336	Scale 0 25 50 75 100 m 

Item Number: 2

Committee Date: 03 July 2019

Application Reference:	18/0881	Type of Application:	Outline Planning Permission
Applicant:	ERRIGAL DEVELOPMENTS LIMITED	Agent :	MCK Associates Limited
Location:	LAND AT BLACKPOOL AIRPORT, SOUTHWEST OF AMY JOHNSON WAY, LYTHAM ST ANNES		
Proposal:	OUTLINE APPLICATION FOR EMPLOYMENT DEVELOPMENT COMPRISING UP TO 17 ENTERPRISE UNITS WITH A MAXIMUM COMBINED FLOORSPACE OF 2,474 SQUARE METRES (USE CLASSES B1, B2 AND B8) INCLUDING ASSOCIATED INFRASTRUCTURE, HARDSTANDING AND PARKING (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Ward:	ST LEONARDS	Area Team:	Area Team 2
Weeks on Hand:	14	Case Officer:	Matthew Taylor
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/@53.7776673,-3.022442,1403m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a *circa* 1.2 hectare parcel of land located to the eastern periphery of Blackpool Airport within the boundaries of the Blackpool Airport Enterprise Zone (BAEZ) as defined on the Fylde Local Plan to 2032 Policies Map.

The proposed development for a combination of B1, B2 and B8 employment uses accords with the development strategy in FLP policy DLF1 by directing growth towards the 'Fylde-Blackpool Periphery' Strategic Location for development and would deliver employment uses within the BAEZ in accordance with the objectives of FLP policy EC4 and policy SS1 of the Saint Anne's on the Sea Neighbourhood Development Plan (SANDP). Accordingly, the principle of employment development in this location is acceptable.

The quantum of B1, B2 and B8 development proposed can be accommodated comfortably within the site and, when taking account of restrictions concerning the scale of the units, along with the need for mitigation measures to be included with any application for approval of reserved matters, the scheme would not have any prejudicial effects on the operation of the airport or existing surrounding businesses.

Appropriate modifications would be made to the existing site access from Amy Johnson Way in order to accommodate the scale and nature of additional vehicle traffic associated with the development to ensure the continued safe and efficient operation of the surrounding highway network. The development is also capable of delivering a suitable level of parking provision to serve the use. No other adverse effects would arise with respect to impacts associated with ecology, flood risk or aviation interference that would outweigh the benefits

of granting permission for a development that accords with the provisions of the development plan. Therefore, the proposal is considered to represent sustainable development in compliance with the relevant policies of the FLP, the SANDP and the NPPF.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to a *circa* 1.2 hectare parcel of land located to the eastern periphery of Blackpool Airport. The site falls within the boundaries of the Blackpool Airport Enterprise Zone (BAEZ) as defined on the Fylde Local Plan to 2032 Policies Map. Adjoining land to the south and west of the site is within the Green Belt.

The site currently comprises open grassland and borders taxiways for the airport running parallel to its southern and western boundaries. A rectangular industrial unit lies to the east ('J-MAX') and is fronted by a concrete apron to the south used as a landing/manoeuvring area for helicopters and other aircraft associated with 'UK Aviation Services' who occupy this unit. The J-MAX building benefits from a gated access which opens onto a curved section of Amy Johnson Way to the northeast. To the north, the site is bounded by a mix of single and two storey industrial units on Sir Frank Whittle Way.

Planning permission has previously been granted for a 271 space car park on an adjoining parcel of land to the west of the site (application 16/0566). This car park was intended to provide an overspill parking area for vehicles associated with nearby car showrooms on Amy Johnson Way. While planning permission 16/0566 has not been implemented, it remains extant until 04.11.19. The approved car park would occupy a rectangular parcel of land, with its western boundary running parallel to the fence line of the adjoining industrial site to the north and its southern boundary bordering the edge of the Green Belt. The application site is 'sandwiched' between the site of the approved car park to the west and the J-MAX building to the east, with its southern boundary aligning with that of the car park to fall wholly outside the Green Belt.

Details of Proposal

The application is submitted in outline with access being the only detailed matter applied for and seeks permission for an employment development comprising up to 17 enterprise units with a maximum combined floorspace of 2,474 square metres. The units could be occupied for a combination of purposes falling within classes B1 (business – including offices and light industry), B2 (general industry) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Whilst submitted in outline with matters of layout, scale, appearance and landscaping being reserved for future consideration, the application is accompanied by an illustrative masterplan. This shows a total of 17 units laid out in two linear rows flanking the eastern (units 1-9) and western (units 10-17) perimeters of the site. Each unit is shown to have its own forecourt opening onto separate sections of an internal access road which would be segregated by a central strip for vehicle parking, with this also extending along the southern boundary. A 2.4m high fence is shown around the site perimeter. Indicative building elevations are also provided to establish the maximum eaves (5.25m) and ridge (7.2m) heights of the units.

Access to the site is proposed via the existing priority (give way) junction onto Amy Johnson Way, with a new internal access road to the site branching in a north westerly direction off this junction. A detailed access plan has been provided to show the modifications proposed to the existing junction in order to cater for traffic from the development. In summary, these modifications include:

- The provision of visibility splays of 4.5m x 43m at the junction of the access with Amy Johnson Way.
- The removal of existing gates across the site access.
- Kerb radii of 10m and 6m at the junctions with Amy Johnson Way and the internal access road.
- A continuous internal road width of 7.3m flanked by 2m footways.

The scope of the scheme has been amended during the course of the application. Specifically, 3 aircraft hangers and a concrete apron which were shown to extend into the taxiway to the south of the site have been removed from the initial submission in order to address objections from Blackpool Airport and National Air Traffic Services. For the avoidance of doubt, the application is being considered in accordance with the amended scheme which involves the provision of up to 17 industrial units only, as depicted on the revised plans and mentioned in the updated description of development.

Relevant Planning History

Application No.	Development	Decision	Date
16/0566	FORMATION OF ACCESS ROAD AND CAR PARKING FACILITY WITH 2.4M FENCE AROUND TO PROVIDE STORAGE FOR CAR DEALERSHIP STOCK	Granted	04/11/2016

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Annes on the Sea Town Council: Notified 28.03.19 and 08.05.19. Final comments on amended scheme received 24.05.19 as follows:

- “Support. Neighbourhood Plan E4: Employment and enterprise – Town Council support for small business and new enterprise.”

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport: Comments received 18.04.19 and 24.05.19 as follows:

- Objected to the original scheme (which included 3 hangers within the taxiway to the southern end of the site) as the hangers would obscure views of the final approach and touchdown point from the visual control room in the air traffic control tower and could interfere with transitional surfaces associated with an instrument runway.
- The revised scheme overcomes the airport’s initial objection by removing the 3 hangers and re-locating unit 9 to allow a clear sight line to the runway. The proposed building heights are also acceptable. Conditions are required relating to: (i) external lighting; and (ii) the height of any construction machinery.

Environmental Health Officer (EHO) – Comments as follows:

- No objections in principle. A condition is required restricting times for construction to between 08.00 -18.00 Monday to Friday; 08.00 – 13.00 Saturdays and no working on Sundays or Bank Holidays.

Greater Manchester Ecology Unit (GMEU) – Comments as follows:

- The ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. The survey found the site to have limited ecological value and that, given the nature of the site, the proposals will not impact on any designated site. Therefore there are no ecological issues associated with the proposals. The ecology report does make recommendations for biodiversity enhancement at the site, appropriate for the location. We would therefore recommend that a condition requiring a scheme for the implementation of the biodiversity enhancement measures set out in section 5.4 of the ecology report be submitted to and approved in writing by the LPA, to be implemented prior to first occupation.

Local Highway Authority (LHA) – Blackpool Council:

- Initial comments received 28.03.19 requested various changes to the access arrangements relating to: (i) the width of the internal road and access onto Amy Johnson Way; (ii) changes to kerb radii; and (iii) changes to visibility splays at the junction onto Amy Johnson Way.
- Final comments 05.06.19 confirm that the changes to the proposed access arrangements are acceptable. Conditions are required to provide for the first 35m of the access to be constructed to a standard that is capable of adoption (including requirements for street lighting, removal of gates, changes to landscaping and dropped kerbs).

LCC Highways:

- Submitted a holding response on 26.04.19 stating that it will not be possible to provide comments within the relevant time period.

National Air Traffic Services (NATS): Comments received 18.04.19 and 11.06.19 as follows:

- The initial scheme conflicted with NATS' safeguarding criteria and so NATS submitted an objection to this.
- The removal of the hangers from the scheme reduces the impact on the St Annes radar to an acceptable level and therefore NATS has no objection to the scheme for the 17 industrial units providing that their height does not exceed the maximum figures shown on the illustrative elevations.

Natural England: Comments 10.04.19 and 17.05.19 as follows:

- Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects (LSE) on the Ribble & Alt Estuaries Special Protection Area (SPA), Ramsar and has no objection to the proposed development. We acknowledge that the development is likely to be no LSE, due to the location/distance from the sites and the fact it is within the airport area. The LPA is, however, advised to produce a HRA for completeness to meet the requirements of the Habitats and Species Regulations 2017 (as amended).
- The amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Neighbour Observations

Neighbours notified:	28.03.19
Site notice posted:	16.04.19
Press notice:	04.04.19
Amended plans notified:	08.05.19
No. Of Responses Received:	Two
Nature of comments made:	Two objections (both from same author in relation to original and amended scheme).

The appropriate neighbouring properties were notified of the application by letter on 28.03.19. The same properties were notified on 08.05.19 following the receipt of amended plans and given a further 21 days to comment. In addition, as the application involves major development notices have also been posted on site and in the local press. As the original submission involved the construction of 3 buildings within the Green Belt, the application was initially advertised as a departure from the development plan. That is, however, no longer the case with respect to the amended scheme.

Two letters have been received in objection to the application on behalf of the head leaseholder of the adjacent 'J-MAX' building and their tenant 'UK Aviation Services'. The points of objection in the second letter (dated 24.05.19) are relevant to the scheme as now amended and are summarised as follows:

- The removal of the proposed hangers is welcomed. However, concerns remain in relation to the proximity of units 5-9 (inclusive) to the apron of the J-MAX unit for the following reasons.
- The J-MAX unit comprises an aircraft hanger together with a large external apron which serves as a helicopter landing area and a taxiing and manoeuvring area for fixed wing aircraft including those powered by propeller and jet engines. A commercial business within the unit (UK Aviation Services) is engaged in the service, maintenance and storage of helicopters and fixed wing aircraft and relies upon its location in close proximity to the licensed airfield, with clear safe and unobstructed access to its taxiways, aprons and runways. Of critical importance is its ability to safely manoeuvre aircraft to the hanger and this relies upon clear distances from the public, other airport users, buildings, structures and boundary treatments.
- **Helicopters** – The British Helicopter Association recommends that in the touch down and lift off area there should be a clear distance of 30m or more from any buildings to avoid downwash and noise effects. Similarly, there should be an allowance for final approach and take off area whose length should be 245m and width should be twice the length of the aircraft, plus 25%. The largest helicopter accessing J-MAX is 16m in length and this width should therefore be 40m. The proposed development does not meet these distances, with the result that a helicopter would be unable to approach and land safely on the current J-MAX apron. Therefore, the current business would be unable to operate in the maintenance of helicopters.
- **Fixed wing aircraft** – The issues are twofold. Firstly, any approach should allow for the aircraft wingspan plus a safe working margin. The greatest wingspan of any aircraft currently using J-MAX is 28m – classified as a 'code C aircraft' in civil aviation authority document CAP 168 'Licencing of Aerodromes'. This requires a strip of 26m in width on each side of the taxiway centreline throughout the length of the taxiway (a total width of 52m in this case). The proposed industrial units would extend into an area measured 26m from the centreline of taxiway Echo. Secondly, allowance needs to be made for the wash of jet engines associated with aircraft turning on and within the apron. In the absence of information in UK Civil Aviation documents covering safe working distances in regard to the effect of jet wash

or jet efflux, reference is made to the flight manual of a Bombardier Challenger 350 aircraft currently under contract to the hanger at J-MAX. This quotes a safe clear distance of 17m to the rear of the aircraft at engine idle speed (with this distance increasing considerably when under power to taxi and manoeuvre). In the absence of the legislation or guidelines published in the UK, reference is made to an Order of the Australian Government Civil Aviation Safety Authority which stipulates a minimum distance behind the aircraft, at point of thrust to initiate movement of a stationary aircraft, of 46m. In the case of J-MAX, it should be assumed that the tail of the aircraft will overhang the western edge of the apron as this is a likely point in any manoeuvre from a parked position. Allowing for safe working dimensions, a fixed winged jet aircraft of the size currently accommodated would be unable to approach and land safely on the current J-MAX apron if the proposed development is constructed. Therefore, the current business would be unable to operate in the maintenance of aeroplanes of the type for which it currently holds contracts.

- For the reasons above, the proximity of units 5-9 (inclusive) to the aircraft apron at J-MAX would adversely impact on the business operating from there, effectively rendering it unable to function as an aircraft service, maintenance and storage facility. The proposal remains in contravention of rights granted to Mr. Hargreaves in the lease of 125 years entered into with Blackpool Airport in 2001. Therefore, the application should be refused.

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 (FLP):

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC2	Employment Opportunities
EC4	Blackpool Airport Enterprise Zone
INF1	Service Accessibility and Infrastructure
T3	Blackpool Airport
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV2	Biodiversity

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

GP1 – Settlement boundary

EN1 – Sites of biological and geological importance

DH1 – Creating a distinctive St Anne’s
SS1 – Blackpool airport enterprise zone
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

Site Constraints

Within Green Belt

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(a) 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.
2. The development’s effects on the character and appearance of the area.
3. The scheme’s impact on surrounding occupiers.
4. The development’s impact on the highway network.
5. Other matters relevant to the decision, including those relating to ecology, flood risk and

aerodrome safeguarding.

Principle of development:

The land falls inside the settlement boundary of Lytham St Annes and is wholly outside the adjoining area of Green Belt which lies to the south and west. 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.

The site falls within the 'Fylde-Blackpool Periphery' Strategic Location for development identified in FLP policy DLF1 and is within the boundaries of the BAEZ. The development strategy in FLP policy DLF1 seeks to direct the majority of growth (including employment uses) towards one of four Strategic Locations to ensure a sustainable pattern of growth within the Borough. Local plan policy EC4 a. identifies the overarching objective associated with the designation of the BAEZ as being to "help create more businesses, jobs and attract international investment, with positive benefits across the wider economic area". The policy also states that, in order to improve the local economy, uses within the BAEZ should target "the energy industry, advanced manufacturing and engineering, food and drink manufacture and the digital and creative sector".

Part c. of FLP policy EC4 refers to the preparation of a masterplan for the Enterprise Zone to "determine the appropriate mix, quantum and location of development in the area, reflecting the delivery objectives of the Enterprise Zone and that of maintaining the viable long-term operation of Blackpool Airport". Blackpool Council have prepared an indicative, aspirational masterplan for the BAEZ and an outline planning application has recently been submitted to both Fylde and Blackpool Councils to establish development parameters for a first phase of development within part of the BAEZ (application reference 19/0316). It should, however, be noted that the indicative masterplan does not have any specific weight for the purposes of FLP policy EC4 c. (i.e. it is not the masterplan referred to in that policy) and, moreover, that application 19/0316 does not include this site within its boundary.

FLP policy EC2 states that the Council will take account of the following factors when assessing all development proposals for employment uses:

- The accommodation should be flexible and suitable to meet changing future employment needs, and in particular provide for the requirements of local businesses and small firms.
- The Council will seek to ensure that employment opportunities are provided and are easily accessible for local people and, where necessary, developers will be encouraged to implement relevant training programmes.

SANDP policy SS1 states that the development of ancillary commercial or leisure uses at the airport should be located outside the Green Belt unless that are overriding operational reasons. SANDP policy E4 is mentioned in the Town Council's response in support of the scheme. It is, however, noted that this policy only applies to "proposals for small scale employment uses (up to 1,000 m²)", it is not directly applicable to this development which – although delivering a series of small-medium sized units – must be considered as a whole (i.e. on the basis of the overall quantum of 2,474 m²). SANDP policy EC5 indicates that office development will be encouraged within or on the edge of the town centre and on other sites allocated for class B1 development.

The proposed development involves the creation of up to 17 small-medium size industrial units with a combined floorspace of 2,474 m². While purely indicative at this stage, the illustrative layout suggests that this will provide 16 units at 141 m² and one larger unit at 218 m². Precise details regarding the exact size and number of unit are, however, to be determined at reserved matters

stage and so the main issues with this outline application relate the principle of allowing this quantum and mix of development, along with the detailed matter of access which is applied for at this stage.

The scheme proposes that the industrial units could be occupied for a mix of B1, B2 and/or B8 purposes. These are employment uses for the purposes of FLP policy EC4 which represent an acceptable use of land within the BAEZ as a matter of principle. While the precise size of units will be the subject of a separate application for approval of reserved matters, the provision of smaller units accords with the aspiration of FLP policy EC2.

The whole of the development (including the ancillary parking and access areas) would be located on land outside the Green Belt. Accordingly, there is no conflict with the requirements of SANDP policy SS1. While any office use falling within class B1(a) would comprise a “main town centre use” for the purposes of the definition in Annex 2 of the NPPF, the siting of such uses within the EZ is provided for in FLP policy EC4 and so the sequential test mentioned in SANDP policy EC5 (and paragraph 86 of the Framework) is not applicable because a B1(a) use would accord with an up-to-date plan.

For the reasons set out above, the principle of employment development of the type and quantum proposed represents an acceptable use of land within the BAEZ in accordance with the FLP, SANDP and the NPPF.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design 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.”

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”.

Although the application is submitted in outline with access being the only detailed matter applied for, it is necessary to impose restrictions concerning the maximum height of the buildings and their locations within the site in the interests of aerodrome safeguarding, through the use of planning conditions. Accordingly, these design parameters will be established by the outline permission.

While presently comprising open land, the site is bounded by industrial units to the north and east which vary in size and scale. The use of the J-MAX building to the east as an aircraft hanger with a tall ridge and externally clad in metal sheeting distinguishes this somewhat from the smaller, predominantly brick-built industrial units to the north (though there are also a number of larger, two storey height units within that group). Adjoining land immediately to the west of the site also benefits from an extant planning permission for 271 vehicle parking spaces which, if implemented, would provide a buffer with the Green Belt beyond. Land within the Green Belt to the south of the site includes a taxiway for the airport.

The location of the site between the J-MAX unit to the east, the consented parking area to the west and an existing group of industrial units to the north, would ensure that the maximum scale and height of the units, and their siting in relation to neighbouring buildings, would assimilate comfortably with the prevailing character of surrounding land uses. In particular, the shape and southerly extent of the site would result in the development appearing as a 'rounding off' of the wider employment site at Amy Johnson Way up to the boundary with the Green Belt. In this regard, it is commonplace to find existing industrial units (and/or their perimeter fences) abutting the Green Belt boundary without any landscaping buffer to soften this. Given this established arrangement, it is not considered essential for the development to include a buffer of landscaping along the site's southern boundary with the Green Belt (though it is noted that such an opportunity would exist).

The proposal would be compatible with the scale, density, character and use of surrounding industrial development and would have no adverse effects on the character and appearance of the area.

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."

In addition, paragraph 180 a) of the Framework states that planning decisions should also ensure that 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

Paragraph 182 of the NPPF indicates that planning decisions "should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have

unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Uses surrounding the site are predominantly industrial in nature and there are no dwellings in the vicinity that would be affected by the proposed uses. Operations at the airport and those arising from surrounding businesses are inherently 'noise generating' and this sets the context for background noise levels in the area. The proposed employment development would be compatible with this suite of established uses in the area and would not give rise to any adverse impacts on neighbouring uses in terms of noise, operating hours (which it is not considered need to be restricted given the context) or any other nuisance.

An objection has been submitted on behalf of the head leaseholder and current tenant (UK Aviation Services) of J-MAX house. In essence, the objection opines that the proximity of the industrial units labelled 5-9 (inclusive) would prejudice the ability of UK Aviation Services to operate their aircraft service, maintenance and storage business from the building as the proposed units would obstruct aircraft (including helicopters and fixed wing aircraft) from accessing and manoeuvring within the concrete apron to the south of the J-MAX hanger. As the contents of the objection makes reference to legislation and other technical documents associated with the aviation industry, the LPA has sought the advice of Blackpool Airport in respect of each of the points raised. The airport's responses are summarised below as follows:

- **Touch Down and Lift Off (TLOF) area and Jet Efflux** – The proposed buildings would be subjected to high levels of jet efflux and rotor downwash. Mitigation for this would be to erect blast fencing in front of the buildings to reduce both jet efflux and downwash. The main concern with the location of the buildings would be the amount of jet exhaust gasses directed towards them and the volume and amount of noise that the occupants of the premises would be subjected to from both jet engines and helicopter rotor and engine noise due to the proximity of the buildings to the hangar apron.
- **Final Approach and Take Off (FATO) area** – The development would have no impact on the FATO as aircraft do not take off or make a final approach directly onto the apron.
- **Taxiway Strips** – The development would have no impact on the taxiway strip.
- **Australian Government Civil Aviation Safety Authority** – this organisation has no legal or regulatory authority in the UK, therefore their regulations are not valid.
- **Contravention of the lease** – After reviewing the lease it is believed that there is no contravention of the rights.

In addressing the J-MAX objection it should, firstly, be noted that as access is the only matter applied for at this stage the siting of units 5-9 in relation to the apron to the south of J-MAX is for indicative purposes only at this stage. It is, however, likely that the perimeter of the site will need to be enclosed by a boundary treatment (a 2.4m high fence is suggested on the illustrative plan) and that the shape of the site would result in buildings being located to flank the eastern boundary alongside the J-MAX apron, though that situation is not fixed at this stage, nor is there any reason why an alternative layout could not be equally acceptable. At present, however, the indicative layout places a boundary fence around 17.5m from the western edge of the apron, with the units themselves approximately 19.5m away.

Secondly, the responses provided by Blackpool Airport indicate that the only adverse impact likely to arise from the proximity of the proposed units to the J-MAX apron is with regard to the effects of

exhaust gas and noise emissions directed towards those buildings on the future occupiers of the units themselves (rather than J-MAX). The airport does, however, indicate that issues relating to jet efflux and rotor downwash could be mitigated through the erection of blast fencing between the buildings and the adjacent apron. Accordingly, if the current layout were carried through to a reserved matters application, there would be a requirement to erect a blast fence between the east-facing elevations of the units labelled 5-9 and the concrete apron to the south of J-MAX. This requirement has been imposed through a planning condition.

While Blackpool Airport have commented on circumstances relating to the terms of the lease, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and/or occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, any matters relating to the terms of the objector's lease with the airport are not material planning considerations.

Given the above responses from Blackpool Airport, it is considered that, with appropriate mitigation in place, the proposed development can be integrated effectively with the existing business at J-MAX and would not undermine or unreasonably restrict operations currently carried out at that unit. The applicant has confirmed their agreement to the imposition of a planning condition requiring the erection of blast fencing along the eastern boundary of the site where this borders the concrete apron to the south of J-MAX.

Highways:

Criteria (j) and (q) of FLP policy GD7 require that developments:

- Ensure parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- Do 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.

FLP policy T5 refers to parking standards and states that:

- Car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.

The justification to the policy at paragraph 11.61 indicates that the Council will prepare an SPD on parking standards which will set out local minimum standards to be applied to all new developments. This has not, however, been completed at present.

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.”

Blackpool Borough Council (BBC) and Lancashire County Council (LCC) entered into an agreement under section 8 of the Highways Act 1980 on 20.12.18 which transferred functions in respect of certain highways, including some within Fylde Borough, from LCC to BBC. One of these highways is Amy Johnson Way (for its full length up to the junction with Squires Gate Lane). The effect of this agreement is that BBC (rather than LCC) are now the Local Highway Authority responsible for Amy Johnson Way. Accordingly, comments from Blackpool Council Highways Service have been sought on this application and the lack of a response from LCC Highways should not represent an impediment to the decision-making process as they are not the Local Highway Authority for this part of the network.

Access to the site is proposed via the existing priority (give way) junction off Amy Johnson Way. Modifications to widen this junction, remove the existing access gate, introduce a pedestrian footway and increase the current visibility splays are proposed as part of the scheme. A 7.3m wide internal access road would branch in a north-westerly direction off the new junction to form the access road into the development. The Local Highway Authority (i.e. BBC) have confirmed that the proposed access arrangements (as amended following their initial comments) would provide a safe and suitable means of access for the development. Accordingly, the proposal would have no adverse impact on highway safety.

The application is accompanied by a Transport Statement (TS) which assesses the development’s transport impacts on the highway network and the site’s accessibility by modes of transport other than private car. With reference to the TRICS database, the TS concludes that the proposed development would generate “23 two-way vehicle trips during the weekday AM peak hour, 19 two-way vehicle trips during the weekday PM peak hour and 221 two way trips on a daily basis”. It should, however, be noted that these figures in the TS are based on the quantum of development proposed by the initial scheme, which included 5,750 m² of floorspace for aircraft hangers that have now been removed. When the traffic predicted to arise from the hangers is discounted, peak AM and PM hour vehicle trips fall to 12 and 11 vehicle movements respectively. It is considered that this modest level of additional traffic generation can be accommodated on the existing highway network without any severe residual cumulative impacts on network capacity occurring.

The illustrative layout includes the provision of 130 car parking spaces for the development. While this level of provision is indicative at this stage, it clarifies that there is sufficient space within the site to deliver a level of parking provision commensurate to the quantum of development and the uses proposed. The Local Highway Authority have no raised any objections regarding a lack of parking provision.

Other matters:

Ecology:

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

will be afforded to priority species. Similar provisions are made in SANDP policy EN1.

The site does not fall within any designated nature conservation site. The closest of these is the Ribble Estuary SPA, SSSI and Ramsar Site which lies approximately 1.2km to the west. The application is accompanied by an ecology survey. The survey concludes that the site has limited ecological value and, given its location in close proximity to the airport (and with reference to the bird control measures in place in connection with that facility), the development would have no significant effects on SPA bird species. Section 5.4 of the survey identifies opportunities for biodiversity enhancements, principally through the introduction of new landscape planting.

Natural England and GMEU have commented on the submitted ecology report. Natural England accept that the development is not likely to have any significant effects on the Ribble Estuary Ramsar site and GMEU agree that the ecological value of the existing site is low. Accordingly, the only condition recommended by GMEU is with respect to the implementation of the biodiversity enhancement measures in section 5.4 of the statement.

Despite Natural England's recognition that the development is not likely to have any significant effects on the designated nature conservation site, they recommend that the LPA undertakes a HRA to confirm this. The application site falls wholly within the BAEZ as designated on the FLP Policies Map. Accordingly, this land was screened as part of the HRA to the Local Plan when that designation was created. In this case, the bird control measures to avoid the potential for bird strikes at Blackpool Airport would prevent any use of the site by SPA bird species and, accordingly, there would be no likely significant effects on the interest features for which the SPA has been notified.

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. However, as the site is over 1 hectare in area the application is accompanied by a Flood Risk Assessment (FRA). This deals principally with the strategy for the disposal of surface water drainage.

FLP policy CL2 requires developments to include suitable arrangements for the disposal of surface water, including the use of SUDS where appropriate. This requirement is reiterated in SANDP policy SU1. The submitted FRA identifies the following principles in this respect:

- Subject to further investigation to formally rule out infiltration techniques, the surface water run-off from the proposed development will be discharged to the existing 1350mm combined sewer on Amy Johnson Way. Run-off will be restricted to 5 l/s, making use of permeable roads and parking areas where possible, with associated storage up to 2335m³ provided.
- Drainage proposals will be designed in accordance with the techniques set out within the SuDS Manual. Future maintenance of the system can be secured in perpetuity, through the use of a planning condition.
- Climate change will be accounted for by applying a 30% allowance.
- Subject to formal approval from United Utilities, a connection for foul sewers would be made to the combined sewer on Amy Johnson Way.

The surface water drainage strategy set out in the FRA demonstrates that an appropriate method for the disposal of foul and surface water from the development can be implemented at the site, subject to the imposition of appropriate planning conditions. No objections to the indicative strategy have been received from the Lead Local Flood Authority or United Utilities.

Aerodrome safeguarding:

FLP policy T3 identifies the need for consultation with Blackpool Airport on all developments within the Airport Safeguarding Zone (which is the case here). In particular, paragraph 11.47 of the reasoned justification to the policy identifies that “the safeguarded area reflects the need to restrict built development within the zone immediately surrounding the site, but also the need to restrict the height of built development in wider zones, in order to ensure safety both for aircraft crew and passengers, and for people on the ground. It also reflects the need to prevent interference to communication systems and the creation of bird hazard.”

Both Blackpool Airport and NATS objected to the original scheme which included the siting of 3 hangers within the Green Belt (and taxiway) to the south of the site. The objections were based on the proposed hangers obscuring visibility of the main runway from the ATC tower and interference with communication systems. Similar concerns were also raised with the original location of unit ‘9’ and clarification was requested as to the height of the proposed industrial units.

The objections from Blackpool Airport and NATS have been addressed through the submission of amended plans which remove the hangers from the scheme, re-locate unit 9 and provide maximum scale parameters for the eaves and ridge heights of the proposed industrial units. Both consultees have withdrawn their objections as a result of these changes, subject to the imposition of conditions to restrict building heights, requiring details of external lighting and notification of the height of construction apparatus.

Conclusions

The application relates to a *circa* 1.2 hectare parcel of land located to the eastern periphery of Blackpool Airport within the boundaries of the Blackpool Airport Enterprise Zone (BAEZ) as defined on the Fylde Local Plan to 2032 Policies Map.

The proposed development for a combination of B1, B2 and B8 employment uses accords with the development strategy in FLP policy DLF1 by directing growth towards the ‘Fylde-Blackpool Periphery’ Strategic Location for development and would deliver employment uses within the BAEZ in accordance with the objectives of FLP policy EC4 and policy SS1 of the Saint Anne’s on the Sea Neighbourhood Development Plan (SANDP). Accordingly, the principle of employment development in this location is acceptable.

The quantum of B1, B2 and B8 development proposed can be accommodated comfortably within the site and, when taking account of restrictions concerning the scale of the units, along with the need for mitigation measures to be included with any application for approval of reserved matters, the scheme would not have any prejudicial effects on the operation of the airport or existing surrounding businesses.

Appropriate modifications would be made to the existing site access from Amy Johnson Way in order to accommodate the scale and nature of additional vehicle traffic associated with the development to ensure the continued safe and efficient operation of the surrounding highway network. The development is also capable of delivering a suitable level of parking provision to serve the use. No other adverse effects would arise with respect to impacts associated with ecology, flood risk or aviation interference that would outweigh the benefits of granting permission for a development that accords with the provisions of the development plan. Therefore, the proposal is considered to represent sustainable development in compliance 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 approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the “reserved matters”) before any development takes place:- the layout, scale, appearance and landscaping of the development.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

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.

3. The development hereby permitted shall be begun not later than 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.

4. This permission relates to the following plans:

Drawing no. 500 Rev C – Location plan.

Drawing no. 1000 Rev C – Overall site layout.

Drawing no. 1001 Rev C – Site layout – SME units.

Drawing no. D2957/02 Rev A – Proposed access plan.

Drawing no. 1010 – SME Units – Block A Plan & Elevations.

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on the approved plans insofar as it relates to the site area and the means of access to the development, and shall not exceed the maximum quantum of development for each of the permitted uses.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

5. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the buildings hereby approved shall only be used for purposes falling within Classes B1, B2 and/or B8 of the of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument amending or replacing that Order).

Reason: In order that the use of the buildings remains for employment purposes to ensure that the development continues to satisfy the objectives of the site's designation as an Enterprise Zone and that the uses remain compatible with the prevailing industrial character of surrounding uses in order to safeguard the amenity of future occupiers of the buildings in accordance with the requirements of Fylde Local Plan to 2032 policies EC4 and GD7, and the National Planning Policy Framework.

6. Any application which seeks approval for the reserved matter of scale pursuant to condition 1 of this permission shall ensure that none of the buildings exceed the maximum eaves and ridge heights indicated on drawing no. 1010.

Reason: To ensure that the development does not obstruct views of the runway at Blackpool Airport from the Air Traffic Control tower or interfere with aviation communication systems in the interests of aerodrome safeguarding in accordance with the requirements of Fylde Local Plan to 2032 policy T3 and the National Planning Policy Framework.

7. Any application which seeks approval for the reserved matter of layout pursuant to condition 1 of this permission shall include a scheme to mitigate the effects of jet efflux and rotor downwash associated with the touch down, lift off and manoeuvring of aircraft within the concrete apron to the east of the site (located to the south of the adjacent 'J-MAX' building) on any buildings proposed to be located adjacent to this apron (e.g. within the area of those buildings presently labelled as units 5-9 inclusive on drawing no. 1000 Rev C). The scheme shall include the following details:

- a) The minimum separation distances to be achieved between the proposed buildings and the aircraft apron.
- b) The layout, siting, height, materials and design of any blast fencing to be erected between the proposed buildings and the aircraft apron.
- c) Any other mitigation measures required to reduce the effects of jet efflux and rotor downwash to an acceptable level.
- d) An assessment to demonstrate how the proposed mitigation measures have been devised and why they would be effective in reducing the effects of jet efflux and rotor downwash to an acceptable level.

The development shall thereafter be carried out in full accordance with the details in the duly approved scheme and the mitigation measures shall be implemented before any of the buildings hereby approved are first occupied.

Reason: In order that appropriate measures are put in place to avoid future occupiers of the proposed buildings being subjected to unacceptable levels of nuisance and disturbance arising from jet efflux and rotor downwash associated with the touch down, lift off and manoeuvring of aircraft within the concrete apron at J-MAX, to ensure that the new development can be integrated effectively with existing businesses through effective mitigation and to secure an acceptable design for any mitigation measures in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

8. None of the buildings hereby approved shall be first occupied until a scheme for the installation of any external lighting on the building(s) and the external areas of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details of the external lighting:

- a) Its position and height on the building(s) and/or site;
- b) Its spillage (illustrated through the submission of a lighting contour plan), luminance and angle of installation;
- c) Any hoods to be fixed to the lights.

- d) Any external lighting should be of a flat glass, full cut-off design, horizontally mounted to prevent light spill above the horizontal and angled away from the sight line of the Air Traffic Control tower at Blackpool Airport.

All external lighting erected on the building(s) and external areas of the site shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting installed at the site does not cause a nuisance to surrounding occupiers and to minimise the risk of lighting dazzling pilots of aircraft and causing glare for air traffic controllers at Blackpool Airport in the interests of aerodrome safeguarding in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T3, and the National Planning Policy Framework.

- 9. If any equipment used in the construction of the development (e.g. tower cranes, piling rigs etc.) will exceed the maximum height of any of the buildings hereby approved, then a scheme for the siting and operation of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior its use on site. The scheme shall include the following details:

- a) The positioning of the equipment on the site (including OSBG grid coordinates to 6 figures each of Eastings and Northings).
- b) The equipment's height above ordnance datum.
- c) The dates that the equipment will be located on site.
- d) Emergency contact numbers for the equipment operator and site manager.
- e) Confirmation that the equipment will be operated in accordance with BS 7121 and Civil Aviation Authority Advice Note 4 'Cranes & Other Construction Issues'.

The development shall thereafter be implemented in full accordance with the details in the duly approved scheme.

Reason: In order to ensure that construction operations associated with the development do not pose any unacceptable risk to aerodrome safeguarding at Blackpool Airport in accordance with the requirements of Fylde Local Plan to 2032 policy T3 and the National Planning Policy Framework.

- 10. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a scheme for the incorporation of the biodiversity enhancement measures detailed in section 5.4 of the 'Ecology Survey and Assessment' by ERAP (document reference 2018-401, dated January 2019) into the development. The biodiversity enhancement measures shall be implemented in accordance with the duly approved scheme before any of the buildings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

- 11. No above ground works shall take place until a scheme for the design and construction of the site access (the layout of which is shown on drawing no. D2957/02) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a minimum visibility splay of 4.5 metres x 43 metres in both directions at the junction of the site access with Amy Johnson Way. The site access shall be constructed in accordance with the duly approved scheme and made available for use before any of the buildings hereby approved are first occupied. 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 splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other

obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access to the site and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

12. No above ground works shall take place until a scheme for the design, construction and drainage of all new internal access roads and associated footways has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the first 35 metres of the access road into the site (measured from the junction with Amy Johnson Way) to be constructed to a standard that is capable of adoption by the Local Highway Authority and shall include details for:
- a) the removal of any existing gates within the area that is to be constructed to an adoptable standard;
 - b) the erection of any new and/or re-located access gates outside the area mentioned in (a);
 - c) engineering drawings showing the construction specification of all roads and footways;
 - d) the installation of street lighting;
 - e) alterations to areas of existing planting and/or landscaping; and
 - f) the siting of dropped kerbs and tactile paving.

All internal access roads and associated footways shall be constructed in accordance with the duly approved scheme before any of the buildings to be served by that road are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation 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.

13. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options in the Planning Practice Guidance, including evidence of an assessment of existing site conditions, and shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- a) Separate systems for the disposal of foul and surface water.
 - b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
 - c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
 - d) Measures to ensure that the post-development surface water run-off rate will not exceed the pre-development green field run-off rate.
 - e) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
 - f) Flood water exceedance routes, both on and off site.
 - g) Details of water quality controls, where applicable.
 - h) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented before any of the buildings hereby approved are first occupied, or within any other timescale first agreed in writing with the Local Planning

Authority.

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

14. None of the buildings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 13 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
- a) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
 - b) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
 - (i) on-going inspections relating to performance and asset condition assessments;
 - (ii) operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - (iii) any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 - c) means of access and easements for maintenance purposes;
 - d) A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

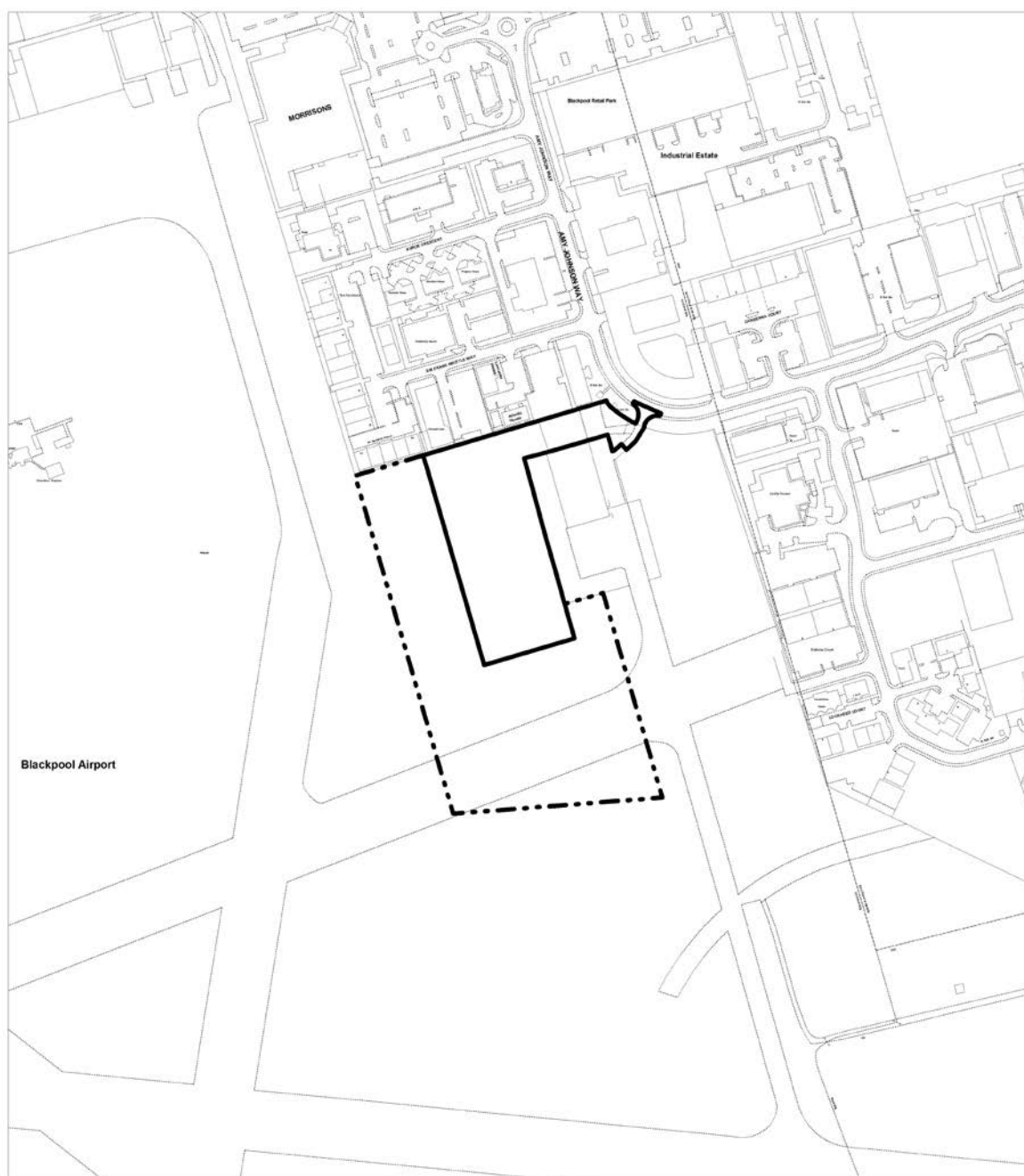
Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2, and the National Planning Policy Framework.


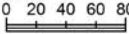
15. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of 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) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
 - h) 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. 5/18/0881	Address Land at Blackpool Airport, Southwest of Amy Johnson Way, Lytham St Annes	Grid Ref. E.3320 : N.4315	Scale 0 20 40 60 80 m 

Item Number: 3

Committee Date: 03 July 2019

Application Reference:	19/0123	Type of Application:	Full Planning Permission
Applicant:	GORST ESTATES	Agent :	CFM Consultants Ltd
Location:	LAND AT GORST FARM, LODGE LANE, ELSWICK, PRESTON, PR4 3YH		
Proposal:	ERECTION OF 3 NO DETACHED DWELLINGS WITH ASSOCIATED GARAGES, ACCESS, EXTENSION TO PEDESTRIAN FOOTWAY, ERECTION OF DOUBLE GARAGE FOR FARMHOUSE AND REINSTATEMENT OF FORMER FARMYARD AREA TO GRASSLAND		
Ward:	ELSWICK AND LITTLE ECCLESTON	Area Team:	Area Team 2
Weeks on Hand:	15	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/@53.8372275,-2.87065350m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site is an area of land fronting Lodge Lane that forms part of Gorst Farm that is a former farm premises that has been used for authorised and unauthorised commercial activities in recent years, and also has a history of residential planning proposals.

This application is a full proposal that seeks permission for the erection of three detached dwellings with detached garages and the provision of an additional garage to serve the existing farm house. The land is outside of the settlement and is designated as countryside on the Fylde Local Plan to 2032 where new residential development is only acceptable in limited circumstances. In this case it is considered that the housing delivery benefits and the limited landscape harm that the development creates weigh in favour of the scheme to a degree that allows officers to recommend that planning permission should be granted.

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 land at Gorst Farm, Lodge Lane, Elswick. In particular the application relates to an area of land to the east side of Gorst farm house on the south side of the road which measures

1.46 hectares in size and is roughly rectangular in shape.

The site is between the farm house and the existing access road to the east which currently serves the former farm buildings previously associated with Gorst Farm and a landscape bund which is situated to the south side of the farm. The application site incorporates an area of land to the rear which was formerly part of the farm operations and features four concrete silo bays and the surrounding hard surface areas. These areas have most recently been used as a depot for the storage of vehicles and building materials by 'Fox Bros' construction company, although this was unauthorised and has now ceased.

The site is within the designated countryside on the Fylde Local Plan to 2032. Surrounding land uses on the south side of Lodge Lane are agricultural with isolated dwellings. To the northern side the land directly opposite is agricultural, although the ribbon of residential development extends from the village to a point almost opposite the site.

Details of Proposal

This application is submitted in full and seeks permission for the erection of three, two storey detached dwellings each with a detached garage. A detached double garage is also proposed to the rear of the existing farm house, along with the provision of visitor parking bays and associated landscaping. The site is to be accessed from the existing farm access which is to be modified slightly.

Plots 1 and 2 are proposed to be of the same design and scale and measure 7.5 metres in overall width by 10.5 metres in length in respect of the two storey part of the dwellings, with a further 6.0 metres by 4 metres at single storey level to the rear of the properties. The dwellings have an eaves height of 5 metres with a ridge height of 8 metres, they are designed with a hipped roof bay and entrance canopy to the front elevation. They are proposed to be constructed with a render finish with a brick plinth brick banding.

The properties provide a combined kitchen/dining/family room, lounge, hall, WC and utility to the ground floor with four bedrooms, two with ensuite, plus a separate bathroom to the first floor.

The garage for Plots 1 & 2 are single garages attached to each other and measure 6.3 in overall width by 6.3 metres with a dual pitched roof with eaves at 2.2 metres and with a ridge height at 4.5 metres constructed in brick.

Plot 3 is also two storey of a regular shape measuring 11 metres by 8.2 metres with eaves at 4.8 metres and with a ridge height of 8 metres. The dwelling is of brick construction. The design of Plot 3 includes two hipped roof bays and entrance canopy to the front elevation with a further hipped bay window to the side elevation of the property. The ground floor provides a combined family/kitchen/dining area with a separate dining room, lounge and WC with three bedrooms, two of which are ensuite, and a separate bathroom to the first floor.

The garage for this plot is also a single garage measuring 3.2 metres in width by 6.3 metres in length. The garages are located to the rear of the new dwellings and are accessed from the existing road into the site that served the farm buildings.

The garage to serve the existing farm-house is a double garage which measures 6.3 metres by 6.3 metres to an eaves height of 2.2 metres and with ridge height of 4.5 metres.

Two areas to the rear of the new dwellings are proposed for visitor parking with a group of four spaces provided to the south west of the site and two spaces to the south and east. The four parking spaces to the south west of the site are in an area of hard standing and the location of the concrete silos. These are to be removed and the area improved with top soil and grasslands.

The scheme also includes works to area of land to the rear of the site that contains an existing 3 metre high bund. This is to be re-graded and reduced in height and appropriately planted, with this land to be restored to be available for agricultural use.

Relevant Planning History

Application No.	Development	Decision	Date
18/0700	OUTLINE APPLICATION FOR THREE DETACHED DWELLINGS & GARAGES, ACCESS, SCALE & LAYOUT APPLIED FOR ALL OTHER MATTERS RESERVED	Withdrawn by Applicant	25/03/2019
18/0117	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0667	Advice Issued	24/04/2018
17/0667	CONDITION 4 - REMEDIAL WORKS RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND TO FORM A STONE-SURFACED STORAGE SITE/COMPOUND ASSOCIATED WITH RAILWAY IMPROVEMENT WORKS (TEMPORARY USE SOUGHT UNTIL 31 MARCH 2018)	Granted	10/11/2017
17/0623	OUTLINE APPLICATION FOR THE ERECTION OF 3 NO. DETACHED DWELLINGS (ACCESS APPLIED ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	25/03/2019
17/0540	RETROSPECTIVE CHANGE OF USE OF LAND TO USE AS A MECHANICAL PLANT STORAGE COMPOUND INCLUDING DEMOLITION OF FORMER AGRICULTURAL BUILDING AND CREATION OF HARDSTANDING AREAS	Refused	10/11/2017
16/0576	OUTLINE APPLICATION FOR ERECTION OF 2 NO. DWELLINGS AND GARAGES FOLLOWING DEMOLITION OF EXISTING BARNs WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH OTHER MATTERS RESERVED	Granted	13/10/2016
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARNs. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Refused	11/05/2016

15/0576	OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARN. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Refused	15/10/2015
DISC/15/0018	APPLICATION TO DISCHARGE PLANNING CONDITION 3 (MATERIALS), CONDITION 6 (ARCHAEOLOGY REPORT), CONDITION 9 (BIRD BOXES) & CONDITION 14 (LANDSCAPING) OF PLANNING PERMISSION 15/0018	Advice Issued	17/09/2015
15/0018	RE-SUBMISSION OF 14/0088 - PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES	Granted	26/03/2015
14/0088	PROPOSED CONVERSION, PARTIAL DEMOLITION, EXTENSION AND SUBDIVISION OF EXISTING BARN TO FORM TWO NO. DWELLINGHOUSES, AND ERECTION OF GARAGES TO REAR	Withdrawn by Applicant	08/01/2015
13/0777	COUNTY MATTER FOR RETROSPECTIVE APPLICATION FOR THE RETENTION OF IMPORTED INERT MATERIALS, PARTIAL INFILLING OF THE POND, CREATION OF A LAKE, FORMATION OF A NEW ACCESS AND LANDSCAPING AND EXTRACTION OF SAND.	Withdrawn by Applicant	03/03/2014
11/0827	CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B8 STORAGE	Granted	01/05/2012
08/0863	CHANGE OF USE FROM DWELLING TO OFFICES, ERECTION OF REPLACEMENT DWELLING, CONVERSION OF AGRICULTURAL BUILDINGS TO 3 NO. OFFICES FOR B1 USE AND REMAINDER FOR B8 STORAGE AND DISTRIBUTION USE FOR THE SECURE STORAGE OF CARAVANS ALONG WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS IMPROVEMENTS AND LANDSCAPING (AS AMENDED)	Refused	29/10/2010
05/0795	CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO WOOD FUELLED RENEWABLE ENERGY PLANT.	Granted	16/12/2005
04/1195	RESUBMISSION OF APPLICATION 04/241 FOR NEW ACCESS.	Granted	17/01/2005
04/0241	PROPOSED NEW ACCESS	Withdrawn by Applicant	12/08/2004
97/0661	EXTENSION TO EXISTING AGRICULTURAL BUILDING	Granted	05/11/1997
90/0063	REINFORCED CONCRETE SLURRY STORE	Granted	28/03/1990

Relevant Planning Appeals History

Application No.	Development	Decision	Date
17/0540	RETROSPECTIVE CHANGE OF USE OF LAND TO USE AS A MECHANICAL PLANT STORAGE COMPOUND INCLUDING DEMOLITION OF FORMER AGRICULTURAL BUILDING AND CREATION OF HARDSTANDING AREAS	Withdrawn	09/07/2018
16/0102	RESUBMISSION OF APPLICATION 15/0576 FOR OUTLINE APPLICATION FOR ERECTION OF 5 NO. DETACHED DWELLINGS, FOLLOWING THE DEMOLITION OF EXISTING BARNs. (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Dismiss	15/12/2016

Parish/Town Council Observations

Elswick Parish Council notified on 25 March 2019 and comment:

- a) *The proposal is outside of the settlement boundary*
- b) *The original village quota for new housing was confirmed at 50 new properties – the parish has already had more than 150 approved – 3 times the recommended allowance*
- c) *Highways – the location of the site is on the cusp of a 30mph zone and this stretch of road has recently experienced several incidents of speeding and RTAs, including an over-turned vehicle*
- d) *When the new entrance was originally considered, there was a condition set that the original entrance be removed – is this yet the case?*

With these comments in mind, REFUSAL is recommended.

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit

They have been consulted and comments as follows:

“The most significant ecological consideration on this site is the presence of the highly protected species great crested newt in the pond on site and the potential of the development to cause harm to newts, both by direct impacts and through losses to aquatic and terrestrial habitats that could be used by newts.

I note that this constraint has been properly considered by the applicant and that a Great Crested Newt Mitigation Strategy has been prepared (ERAP report reference 2019-078, March 2019). The Mitigation Strategy has relied on survey information collected in 2017. Given the likely impacts on newts and the proposed comprehensive mitigation offered as part of the scheme I would accept that the survey information is sufficiently up-to-date to inform the planning application and would not insist that further survey effort is required

prior to deciding the application.

The Mitigation Strategy proposes -

- *capture and translocation of newts and subsequent exclusion of newts from the development area during works*
- *managed drain-down of the existing pond with translocation of newts*
- *creation / restoration of new ponds*
- *creation / restoration of terrestrial habitat suitable for use by newts*
- *the creation of four new hibernacula for use by newts*

I would regard these measures as satisfactory and would conclude that, providing the Strategy is implemented in full, the conservation status of great crested newts is capable of being retained if permission is granted to the development. The applicant should note that the implementation of the Strategy will require a License to be obtained from Natural England before any work commences that could cause harm to great crested newts. The License application process is separate from the planning application process but a License will not normally be granted until planning permission has been obtained.

I would recommend that if permission is granted to the development -

- *The implementation of the Great Crested Newt Mitigation Strategy should be required by means of a Condition placed on any permission granted to the scheme.*
- *A detailed Landscape Plan should be required by means of a Condition, including land to the south of the new houses proposed as habitat for newts.*
- *A long-term Habitat Management Plan should be required to be prepared and implemented by Condition to ensure the habitats at the site (outside of the private property curtilages) is managed in accordance with conservation objectives for great crested newts and for biodiversity in general.*

I would further recommend that no vegetation clearance required to facilitate the scheme takes place during the optimum time of year for bird nesting (March to August inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)."

Lancashire County Council - Highway Authority

They provided initial comments on the application with regards to the scale of visibility splays that are available. They have since confirmed that these have been resolved and so they raise no objection to the development.

Lancashire Fire & Rescue Service:

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

United Utilities:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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

Neighbour Observations

Neighbours notified:	25 March 2019
Site Notice Date:	05 April 2019
Number of Responses	2 letters received
Summary of Comments	<p>Letter of objection:</p> <p>1. not part of the village plan for housing for parish of Elswick</p> <ul style="list-style-type: none">• land is for agriculture• no urgent requirement for houses• poor entry/exit• put strain on local infrastructure <p>Letter of support:</p> <ul style="list-style-type: none">• land and buildings desperately need some development• the best and least disruptive option for residents is housing• properties can only serve to improve the look of area• will match line of properties to the north side of lane• disappointed with parish council view

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H6	Isolated New Home in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

Planning legislation requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

One of the key material considerations is the NPPF requirement that the council is able to provide for housing land equivalent to at least a 5 year supply of the council's housing target with an appropriate buffer. The Fylde Local Plan is up-to-date and so this automatically confirms that the council has a 5 year supply, albeit the Plan includes an allowance for windfall sites to maintain that supply.

Under the adopted Fylde Local Plan to 2032 the whole of this application site is outside of any settlement boundary and is allocated as Countryside under Policy GD4. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to that needed for agricultural purposes or other such uses appropriate to a rural area (criterion a refers). Other exceptions to the policy are those which comply with the criteria below:

- e) - isolated new homes in the countryside which meet the criteria set out in Policy H6;
- f) - minor infill development

It is therefore important to assess whether the proposed development complies with the above criteria and other policies of the plan.

Element e) Is the proposal for isolated new home in the countryside

A recent appeal decision (APP/F0114/W/18/3208289) has addressed the meaning of the word 'isolated' for the purposes of considering planning applications. This is relevant for paragraph 79 of NPPF19, criterion e) of Local Plan Policy GD4, and Policy H6.

The Planning Inspector in that case advised *'The meaning of the word 'isolated' was the subject of the 'Braintree' judgments and should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.'*

Whilst this application site is outside of the settlement boundary of Elswick it is immediately adjacent to the farm house at Gorst Farm and is less than 50 metres from a cluster of 10 dwellings situated to the north and opposite of this site. Therefore, in this context, the site is not considered to be 'isolated' having regard to its definition and the terms of the 'Braintree' judgment, referred to by the Inspector in the above appeal decision. Accordingly it is not considered that the tests for the dwellings to be acceptable under element e) of Policy GD4 can apply to this application.

Element f) - Is the development 'in-fill' development

There is a need to establish if the development is 'minor' and 'infill'. There is no definition of either of these in the NPPF or the Fylde Local Plan and so a case-by-case assessment is to be made although there is some guidance to this assessment in para 7.15 of the Local Plan where it states: *"Minor infill development will be of a scale and use that does not have a material impact on the rural character of the area"*. Looking at the 'minor' element it is likely that a scheme for 3 dwellings would meet that required. Taking its ordinary meaning the definition of 'infill' means *'buildings constructed to occupy the space between existing structures.'* In this context whilst the new dwellings are adjacent to the farm house it is not a plot between other structures and so the proposal does not involve infill development.

Notwithstanding this view the overriding need test for development in Policy GD4 relates to its

impact on the rural character of the area and so that is to be assessed also.

Impact on the character and appearance of the countryside

As reported the site is an area of land which is adjacent to Gorst Farm House and the access road to the east. The access was installed to provide a safe access/egress to the former farm buildings which were granted planning permission for B8 storage use under application no. 11/0827, although this permission was not implemented.

The application site is viewed against the backdrop of the concrete silos and the remainder of the buildings left from the former farm and the three metre high bund, which was created by the dumping of soil and other materials.

In more recent times the site has been used by 'Fox Bros' for storage of plant and building supplies. Members will also recall determining an application for use of part of this site by Volker Rail for the storage of materials in connection with up-grading works of the Preston to Blackpool railway line. Some evidence of the storage use remains along with the farm yard elements which combine to provide the site with a cluttered and industrial appearance rather than the open rural vista generally associated with the countryside.

Whilst this proposal would introduce built development to the area the site itself already appears developed to a degree and is alongside the farm house and a barn with planning permission for residential redevelopment. It is also almost opposite the extent of residential development that provides a ribbon of development on the northern side of Lodge Lane leading from the village. Taking these matters into consideration the introduction of dwellings of the scale, design and layout and form proposed in this application would not be so intrusive to be out of keeping with the pattern and overall form and layout of surrounding residential properties along this part of Lodge Lane.

The development would provide a 'rounding off' of the land between the farm house and the access point and subject to the provision of a high-quality landscape mitigation it is accepted that the development will not be so harmful on balance to justify a refusal of the application.

Conflict with Development Strategy

The Fylde Local Plan to 2032 is based on a development strategy that focusses the bulk of development in the Strategic Locations for Development leaving 10% to be located in the rural villages and elsewhere. The rural villages are tiered based on a sustainability assessment that was undertaken to support the drafting of the Local Plan, with Elswick being designated as a Tier 2 Smaller Rural Village. The Plan suggests that 50 dwellings should be targeted at these villages, but Elswick has seen much greater growth over the Plan period with 50 dwellings approved off Mill Lane, 56 off Beech Road, and 24 off Copp Lane. Collectively these clearly exceed the target figure, as is highlighted by the Parish Council in their representation.

This figure is however, a target and not a limit and so cannot alone justify a refusal of the application unless there is some overriding harm caused by the development. In this case the above section confirms that the visual impact is not harmful. There is also a need to consider the accessibility of the site to the services in the village, the safety and operation of the vehicle access, and the relationship to neighbours.

Accessibility to Local Services

By its allocation as a tier 2 settlement it is accepted that Elswick has some services to support new development, with these including the Church, village hall, play area, shop, public houses, etc. However, these are of little value if they could not be accessed from the site. In this case there is a footpath on the northern side of Lodge Lane that extends to a point opposite the Gorst Farm site. This scheme provides an internal footpath that runs behind the existing hedge to a location where good forward visibility is available to allow for the provision of a safe pedestrian crossing point. This allows for the provision of a continuous lit and surfaced footway to connect this site to the village services, and so makes those services suitably accessible from the site.

Access and Parking

Vehicular access to the site is to be provided by the existing access to the east which was constructed to serve the storage units. This will provide access to the rear of the individual dwellings and their garages and the new parking bays provided for residents and visitors.

LCC Highway Engineers were consulted and requested amendments to the access with Lodge Lane and required the existing hedge along the highway edge was set back behind the new footpath which is to be provided across the front of the development as part of this scheme. These changes are reflected in the revised plans.

All plots provide parking for at least 3 vehicles which is adequate for the type and location of properties. Pedestrian only access paths are to be provided to the front of the dwellings by the creation of new openings in the hedge with these linking to the new footway.

As a consequence it is considered that the proposal is acceptable and meets the requirements of Policy GD7 as the proposal will not result in a detriment to highway safety and provides the required level of parking.

Impact on neighbour amenity

As reported the new dwellings would be adjacent to the existing farm house at Gorst Farm. This property is in the same ownership of the application land and so the applicants have control over this dwelling. Currently this property has a side extension and a timber summer house to the side of the dwelling nearest to the proposed dwellings.

During the application process it has been confirmed that these additions to the farm-house dwelling are to be demolished and a fence and boundary hedge erected between the existing property and Plot no. 1. This will leave 4.8 metres between these properties with 3.4 metres between the new dwelling and the boundary. The fencing and boundary hedge will screen the ground floor windows on the proposed dwelling and any remaining windows on the farm house, those windows at first floor level serve non habitable rooms.

Plots 1 and 2 are handed versions of each other with Plot no. 2 set slightly further south. Whilst windows on the ground and first floor will face towards its neighbour both of these plots, with the exception of the kitchens, all serve non habitable rooms. Due to the slight re-positioning of the dwelling on Plot no. 2 and the boundary treatment there will be no loss of privacy to the kitchen areas in either dwelling. The garage which serve these two plots are situated alongside one another on the rear boundary and as a consequence of the arrangements of these dwellings and

their outbuildings will protect the rear garden areas from view and any loss of privacy for the occupiers.

Plot no. 3 is set at an angle to Plot no. 2 and is separated by 4.6 metres at the narrowest point widening to 6.6 metres. Again the windows on both properties are either non habitable or screened by the garage to Plot 3.

As a consequence of the scale and design of the dwellings and the layout of the plots it is considered that the development proposals ensures that amenity will not be adversely affected by neighbouring uses, both existing and proposed and will result in a high standard of amenity for occupiers with adequate outside amenity space for the needs of residents.

Accordingly the proposal is in compliance with Policy GD7 in this regard.

Ecology

The site has no statutory or non-statutory designation for nature conservation and there are no Biological Heritage Sites within 2 km of the site boundary.

The application is accompanied by a 'Great Crested Newt/Ecological Mitigation Strategy - March 2019'. Which advises that 10 ponds within 500 metres of the site were identified and assessed for habitat suitability. From the surveys one pond was found to be positive for GCN along with Smooth Newts and other amphibians (frogs and common toad). This pond is identified as Pond 1 which is located to the rear of the application site and the existing bund. The presence of GCN at Pond 1 does not preclude the development proposals. However, as the proposals will affect aquatic and terrestrial habitat, the site preparation and construction works must only be carried out under a Protected Species Mitigation (EPSM) licence. A mitigation strategy is proposed during construction phase.

Post construction the survey reports that long term the proposal will result in a positive effect to GCN and biodiversity as a result of:

- Removal of the yard and operation of large machinery which creates a hazard to GCN;
- Enhancement of Pond 1 (including the creation of a second pond);
- Creation of approximately 0.329 hectares of additional terrestrial habitat by the conversion from hard-standing); and
- Application of appropriate agricultural management that is compatible with the conservation of GCN.

The council's ecologists have been consulted and have advised that the mitigation measures proposed in the report are satisfactory and the conservation status of GCN will be retained through their implementation.

The series of actions and mitigation methods proposed in the survey will be a condition of the recommendation on this application. On this basis it is considered that the development is acceptable having regard to Policy ENV2 of the Fylde Local Plan and the aims of the NPPF.

Drainage

The site is within Flood Zone 1 on the Environment Agency maps. The application proposes that foul drainage for the new dwellings will be to the mains sewer and it will be a condition of this

application that the drainage complies with the drainage hierarchy in accordance with the NPPF and Policies CL1 and CL2 of the local plan.

Conclusions

The proposed development is not in strict compliance with Policy GD4 of the Local Plan to 2032 as the site is within land designated as countryside and proposes open market dwellings that do not comprise an infill site.

However, weighing in the balance in favour of the application is the fact that the site is considered to be in a sustainable location in that it is within easy walking distance of the centre of Elswick which is designated a smaller rural settlement in the Local Plan.

The proposed use is compatible with adjacent residential uses and due to the separation distances from the neighbouring residential properties there will be no detrimental impact to amenity of those neighbours. The scale of the new dwellings are in keeping with the surrounding properties and linear layout along Lodge Lane and the two dwellings approved in place of the existing barn building at Gorst Farm. The development will bring about environmental benefits in that the existing unsightly buildings and spoil mound will be removed and landscaped and the area enhanced with natural planting to improve the overall biodiversity and habitat areas for protected species.

The development is provided with a safe access and issues of ecology and drainage can be adequately controlled via the use of appropriate conditions. Taking the above into account, on balance, the application complies with the provisions of the NPPF and the relevant policies of the Fylde Local Plan to 2032.

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. GE/04546/001
- Proposed Site Plan - Drawing no. GE/04546/003 REV. A & GE/04546/005 REV. B
- Proposed road layout Drawing no. GE/04546/006 REV. B
- Proposed floor and elevation plans plot 1 & 2 - Drawing no. GE/04546/009
- Proposed floor and elevation plans (garage) Plots 1 & 2 - Drawing no. GE/04546/012
- Proposed floor and elevation plans Plot 3 - Drawing no. GE/04546/010
- Proposed floor and elevation plans (garage) Plot 3 - Drawing no. GE/04546/013
- Proposed floor and elevation plan farm house (garage) - Drawing no. GE/04546/011
- Proposed access plan - Drawing no. GE/04546/007

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 the commencement of development details of the materials of construction for the dwellings hereby approved and the design and materials of the windows shall be submitted to the Local Planning Authority, supported by samples where necessary and approved in writing. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the authority.

Reason: In the interests of visual amenity and character of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. No development hereby permitted shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into the existing foul /combined sewerage systems. The development shall be completed, retained and managed in accordance with the approved details.

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

5. Prior to the commencement of any development a scheme and programme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the creation of two ponds, installation of a livestock proof fence around pond habitats, details of the means of enclosures around dwellings, hard surfacing materials, refuse receptacles and storage areas, lighting and services (as applicable). Soft landscape works shall include plans and written specifications noting species, plant size, number and densities and shall include the provision of native aquatic plants to pond habitats, the use of native tree and shrub species such as Oak (*Quercus* sp.), Alder (*Alnus glutinosa*), Holly (*Ilex aquifolium*), Hazel (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*), Rowan (*Sorbus aucuparia*), Bird Cherry (*Prunus padus*) and Crab Apple (*Malus sylvestris*) which shall be submitted with an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality and in the interest of biodiversity in the area in accordance with Policies GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework

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

in accordance with the approved scheme and programme.

Reason: To enhance the quality of the development in the interests of the amenities of the locality and in the interest of biodiversity in the area in accordance with Policies GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. The development shall be undertaken in accordance with the 'Great Crested Newt / Ecological Mitigation Strategy March 2019, [ERAP (Consultant Ecologists) Ltd ref: 2019-078] as submitted with the application.

Reason: In order to avoid impacts on protected species as Great Crested Newts are protected under the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

8. Prior to commencement of development a long-term Habitat Management Plan for Great Crested Newt and their habitat shall be prepared and agreed in writing with the Local Planning Authority. The Plan shall include details of operations such as grazing the land and cutting regimes, management of tree and shrub planting, pond management (such as removal of self-seeded trees and control of Bulrush) and general site maintenance. The agreed plan shall be implemented and thereafter retained and maintained.

Reason: To ensure the habitats at the site (outside of the private property curtilages) is managed in accordance with conservation objectives for great crested newts and for biodiversity in general in accordance with Policy EN2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

9. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. 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 duly approved methodology.

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

10. Prior to first occupation of the dwellings hereby approved a 'Home Owner's Advisory Leaflet' (or similar) shall be distributed to the residents at the new properties. The leaflet will contain details of the presence of GCN, their protection and the need to avoid potentially harmful activities such as fish introduction and introduction of non-native invasive plant species to the pond.

Reason: In order to avoid impacts on protected species as GCN are protected under the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

11. That prior to the first occupation of the first dwelling hereby approved the following access works shall have been undertaken, with these works thereafter retained:
 - a) The provision of a 2 metre wide footway across the whole site frontage with Lodge Lane as shown on the site layout plan approved in condition 2 to this planning permission
 - b) The provision of a dropped kerb crossing point to connect this footway to the northern side of Lodge Lane
 - c) The provision of on-site parking to each dwelling as shown on the site layout plan approved in

condition 2 to this planning permission.

Reason: To ensure the provision of a safe pedestrian access for the occupiers of the dwellings to access the services available in Elswick and to ensure the provision of adequate on site parking as required by Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

12. No development shall take place 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:
- a) the identification of the site access for construction traffic,
 - b) the timing of the provision, and standard of construction, of the site access for construction traffic,
 - c) times of construction activity at the site,
 - d) times and routes of deliveries to the site,
 - e) the location of an area for the parking of vehicles of site operatives and visitors,
 - f) loading and unloading of plant and materials,
 - g) storage of plant and materials used in constructing the development,
 - h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - i) wheel washing facilities, including details of how, when and where the facilities are to be used
 - j) measures to control the emission of dust and dirt during construction,
 - k) measures to control the generation of noise and vibration during construction to comply with BS5228:2009
 - l) a scheme for recycling/disposing of waste resulting from demolition and construction works,

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

13. Prior to the commencement of any development hereby approved a schedule of works for the land within the site edged red to the south of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. This schedule shall be based on those elements set out on the approved site plan listed in condition 2 of this permission and shall provide details of:
- a) The existing and proposed ground levels
 - b) The provision of planting (species, density, size of specimen) to the perimeters and within the area as shown on the approved site plan
 - c) The structures that are to be removed and how the material that currently forms these structures is to be dealt with
 - d) The finished ground cover for the area
 - e) The position and design of any fencing or other means of enclosure that are to be erected
 - f) An ongoing maintenance regime for the area
 - g) Details of the responsibility for undertaking this maintenance
 - h) Measures to be introduced during these works to ensure that there are no harmful impacts on any protected or priority species or their habitats.

The works set out in this schedule shall be completed prior to the first occupation of any of the dwellings hereby approved unless an alternative timescale is agreed as part of the details approved in this condition.

Reason: To deliver a scheme of wider environmental improvements to the site to the benefit of the rural character of the area in accordance with Policy ENV1 and Policy GD4 of the Fylde Local Plan to 2032.



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Ordnance Survey (100006084).

Application No.
5/19/0123

Address
Land at Gorst Farm, Lodge Lane, Elswick

Grid Ref.
E.3427 : N.4381

Scale
0 15 30 45 60 m

Item Number: 4

Committee Date: 03 July 2019

Application Reference:	19/0139	Type of Application:	Variation of Condition
Applicant:	Homestead Consultancy Services Ltd	Agent :	Leeming Associates
Location:	LYTHAM QUAYS PHASE 1, DOCK ROAD, LYTHAM ST ANNES		
Proposal:	VARIATION OF CONDITION 15 OF RESERVED MATTERS APPROVAL 06/0073 - VARIATION SOUGHT IS TO REMOVE THE REQUIREMENT THAT THE FOOTPATH LINKING VICTORY BOULEVARD TO THE LYTHAM GREEN FOOTPATH DIRECTLY TO THE EAST OF THE BREAKERS IS RETAINED.		
Ward:	ST JOHNS	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Kieran Birch
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/@53.7369493,-2.9444101,176m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application site is a footpath, located adjacent to 'The Breakers' a development of residential apartments, that links the Lytham Quays development to the area of Public Space which was provided as part of the housing development. This footpath was subject to a condition that required footpaths within the site as shown on the approved plans to be provided and maintained for future use by the residents of the site and members of the public.

The application is to vary that condition so that this particular footpath is excluded from the requirement to be provided and maintained for use by residents of the site and members of the public. Given that the requirement to provide and maintain the footpath formed an important part of the application that was approved and ensured that it was sustainable development, its loss is considered to be unsustainable development. Access to Public Open Space is an important part of sustainable development and the closure of the path would make access to the Public Open Space less convenient and remove a key connection between residential dwellings and the Public Open Space. This would reduce opportunities for physical activity by residents and thus impact upon their health and wellbeing. Consequently the development is considered to be contrary to Policies GD7 and ENV4 of the Local Plan to 2032 and the NPPF.

Reason for Reporting to Committee

The application is for the variation of a condition to a 'major development' and in this instance is considered necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is the Lytham Quays residential site which is complete and has an extensive planning history detailed below. In all 170 dwellings in differing forms were approved by application 06/0073. The area to which this application relates is the public footpath which links the wider site to the public open space provided to the south of the site which was approved as an extension to Lytham Green. Adjacent to the path on one side are two detached dwellings on the other side 'The Breakers' apartment block.

Details of Proposal

The application as submitted is for variation of condition 15 of planning permission 06/0073. This application was for the reserved matters approval of 170 dwellings and this condition stated;

“All pedestrian links and footways within the site and linking the site with the adjoining highway network and the indicated on the approved plans shall be provided and maintained for future use by the residents of the site and members of the public.

Reason: In order to secure pedestrian access to the landscaped foreshore area and pedestrian access through the site and onto the local highway network in order to encourage the use of non car borne journeys”.

The application put forward is that this condition be varied to the following;

“All pedestrian links and footways within the site and linking the site with the adjoining highway network and the indicated on the approved plans shall be provided and maintained for future use by the residents of the site and members of the public, excluding the footpath linking Victory Boulevard to the Lytham Green footpath directly to the East of The Breakers”.

The applicants on 17/6/19 submitted a statement in support of the application. This outlines the justification for the application as follows:

- The footpath is leading to a significant loss of amenity (privacy) to residents of the Breakers and to 10 Victory Boulevard.
- Loss of amenity to other dwellings due to parking on Victory Boulevard by the public. Reduced parking capacity and increased highway safety risks.
- Shouldn't be a public right of way. Intention was for emergency access only. This is clear from width of path and surfacing and the lockable gates with signage.
- If the route was intended for public access concerns would have been raised due to loss of privacy.
- Compounded by historic decisions, including the lack of access route through the Danbro site.
- Such a pathway was accepted by the Council as significantly impacting upon the viability of the Jubilee House development.
- The Council has recently installed signage to direct pedestrians down the Breakers footpath to access the main coastal path, further compounding issues.
- Opportunities to upgrade the Council owned path have been passed up to the detriment of local residents.

Relevant Planning History

Application No.	Development	Decision	Date
06/0073	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR: RESIDENTIAL DEVELOPMENT OF 170 DWELLINGS COMPRISING OF: 116 DETACHED AND MEWS HOUSES, 42 APARTMENTS AND 12 AFFORDABLE PROPERTIES.	Approved with 106 Agreement	14/07/2006
06/0074	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR: RESIDENTIAL DEVELOPMENT OF 90 DETACHED AND MEWS PROPERTIES.	Approved with 106 Agreement	14/07/2006
05/1022	RE-SUBMISSION OF 04/314, OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 260 DWELLINGS. (60% AFFORDABLE = 156 AFFORDABLE DWELLINGS)	Withdrawn by Applicant	02/03/2006
04/0314	OUTLINE APPLICATION FOR HOUSING DEVELOPMENT COMPRISING 586 NUMBER UNITS (INCLUDING 60% AFFORDABLE) WITH MIX OF 1,2,3 & 4 BED DETACHED, SEMI AND MEWS HOUSES AND APARTMENTS (PRIVATE & SHELTERED)	Refused	31/10/2005
03/0694	MODIFICATION OF PLANNING CONDITIONS REGARDING PROVISION OF AFFORDABLE HOUSING APP. NO. 03/262	Granted	18/09/2003
03/0262	RENEWAL OF OUTLINE APP. 98/574 FOR RESIDENTIAL DEVELOPMENT INCLUDING OPEN SPACE	Granted	21/05/2003
02/0641	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF LAND (5.23ha)	Granted	05/03/2003
98/0574	OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT OF 132 NO. DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE	Refused	24/03/1999

Relevant Planning Appeals History

Application No.	Development	Decision	Date
98/0574	OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT OF 132 NO. DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE	Allowed	09/05/2000

Parish/Town Council Observations

Not applicable.

Neighbour Observations

Neighbours notified:	26 April 2019
Amended plans notified:	
Site Notice Date:	29 April 2019
Press Notice Date:	02 May 2019

Number of Responses	34
Summary of Comments	29 in objection 5 in support

Summary of comments objecting

- Increased distance to walk to Lytham Green.
- Route is key for those unable to use steps to the back of Jubilee Houses such as those with pushchairs.
- Access required throughout year when poor conditions along the shore between access steps at Danbro make walking hazardous or unavailable due to high tides.
- Access is required for recreation activities and as public use for all, especially for Lytham Quay's residents.
- With only one access point road congestion could become an issue.
- Would cause a lot of inconvenience and be a shame for local residents who frequent this path regularly whilst walking along the estuary.
- We use the footpath weekly purely for recreation purposes and respect the privacy of the apartments.
- We should be encouraging people to walk and closing the access is retrograde step.
- Removal would severely restrict access and enjoyment of a public amenity.
- Will have a disproportionate impact on people with mobility difficulties and therefore it is likely that the proposal could breach the requirements of the Equality Act. An assessment should be undertaken.
- Reducing access would spoil walks and use by fitness group.
- No valid reason why this right of way should be modified.
- Breakers residents knew they were moving next to a path and that open access was required. No change in circumstances that necessitate such a move.
- If everyone in Lytham entered applications to have the footpath past their house closed the council would be over run.
- Access was a requirement of the original planning permission. No reasons have been given in application for removal.
- Whilst Lytham Quays are now part and parcel of Lytham landscape this should not mean that the original terms for access to the river should now be amended.
- Application fails to disclose enough information to inform residents of what will happen when the restriction is removed.
- If closed people would continue to jump or climb any barriers installed.
- Letter from person acting for the 10 houses that form villas on Vanguard Wharf – object as the path is part of the development scheme and is one of the reasons they bought their houses, the steps and walkway along the marsh path are flooded 25% of the year. Some residents cannot walk that path even when dry.
- Used daily by a lot of residents. Green is for residents of the Quays to enjoy and we pay for its upkeep so to remove access to it would be unfair. When we all bought our properties we all knew it would be there.

Summary of comments supporting

- This application is necessary response to Fylde Council actions of 2018 which encouraged additional footfall via the new steps from Lytham Green, and from coastal way signage promoting this route as a shortcut. This is a significant increase in pedestrian use that was not accounted for in the original planning decision.
- The area is not a footpath but a grassed emergency access.

- The path has no PROW status and is privately owned and ought to reasonably be part of residential curtilage like the Villas.
- Overlooking and loss of privacy.
- There would be no detrimental impact on car borne journey and other footpaths satisfy the original requirement for public access.
- Path subject to nuisance by dog walkers and visitors, some of whom park by the Breakers.
- The footpath is close to the balconies of the residents of the Breakers causing noise and disturbance.
- The footpath has been abused by some residents in the villas to access rear gardens without permission, involving heavy vehicles cutting up the access pathway causing expense to the maintenance budget.
- Footpath was imposed because the prowl from the Danbro site was never implemented it seems Lytham Quays was never consulted.
- Rights of way already existing at Vanguard Wharf and to the rear of Danbro so it is an unnecessary footpath.
- My understanding is that it will not affect the rights of leaseholders to sue this route nor prejudice the required access by emergency vehicles.
- I am the Director of the Breakers RTM and as a board we strongly object to this route being open to the public.
- Application will regularise an anomalous situation where members of the public have been travelling over private property (owned by the 32 apartments in the Breakers).

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV3	Protecting Existing Open Space
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Site Constraints

Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

Principle of the Development

The proposal seeks to vary a condition so that a pedestrian access that serves the residents of the Lytham Quay's Development as well as the wider public is closed. The closing of the access would make access to the area of public open space (POS) that was proposed as an extension to Lytham Green less accessible. When approving the housing development the provision of the POS was an

important element of the scheme, and planning policies then and now require POS to be provided as part of a development. The ability to access and use the POS is also important and the closure of the footpath would make access to it much more difficult and for many residents a longer less desirable walk. Therefore, what needs to be assessed is the impact of closing the footpath and whether or not it can be considered sustainable development.

When considering proposals the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase Act (2004) require that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the Local Plan to 2032.

The policies within the Fylde Local Plan to 2032 are primarily concerned with securing public open space for new housing developments as well as protecting existing open space. Whilst the actual open space itself is not threatened here, closing the path will make access to it less convenient. Policy ENV4 is the policy that replaced policy TREC17 of the previous Development Plan and its requirements in terms of areas of amenity open space are the same. The policy states;

“safe green open space should be accessible, of high quality and normally be provided as a single central usable facility.”

The justification for the policy states, amongst other things, that the Open Space Study Update (2016) recommends that the quality of provision of existing amenity greenspace is sustained or improved, and that the potential of the coastal areas are maximised so as to provide more formal recreational opportunities. The proposed development would therefore be contrary to the aims of policy ENV4.

Policy GD7 – Achieving Good Design in Development discusses general principles of good design. Of relevance here are criteria k; *“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.”*

And criteria m; *“Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.”*

Clearly by reducing access to the area of Public Open Space the scheme is contrary to policy GD7 criteria k and its requirements of good design and that the layout of developments including pedestrian footpaths and open spaces create friendly, sustainable and inclusive connections between people and places. The removal of the access would remove that connection between people and the POS. Criteria m) requires developments to integrate green infrastructure and encourage people to use them by providing open spaces and linkages. Again this development would remove that integration and linkage thus discouraging use of the POS, thus the proposal is contrary to criteria m) of policy GD7.

The NPPF is a material consideration of note, section 2 – Achieving Sustainable Development, states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these being economic, social and environmental. Of most relevance here is the social objective which states; *“to support strong, vibrant and healthy*

communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being". Therefore the framework requires development to be sustainable and to be well designed with accessible open spaces. The proposed development would reduce access to an open space and thus be contrary to the NPPF's sustainable development objective.

Chapter 8 – Promoting healthy and safe communities states that planning decisions should aim to achieve healthy, inclusive and safe places which;

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling

Clearly the development proposed would remove a pedestrian footpath which provides the connection between residential areas and public open space. Thus allowing this application would not adhere to the aim of achieving healthy and inclusive places. Paragraph 96 states that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities." The removal of the path would reduce the opportunity for physical activity for residents and the general thus impacting upon their health and wellbeing.

It is therefore clear for the above reasons that the removal of this footpath would be contrary to both the Local Plan to 2032 and the NPPF.

Are there any material considerations that outweigh conflict with the Development Plan?

Some neighbour letters and a supporting statement have referred to the fact that there has been an increase in people using the footpath and that this is a consequence of signs installed by Fylde Council. Both refer to this impacting upon their amenity through overlooking and obstructive parking by the public and that the path was never intended for use by the public. The statement also refers to the fact that if it was intended as providing public access, significant concerns would have been raised related to overlooking and loss of privacy to the flats on the East side of The Breakers.

Having reviewed application 06/0073 and considering the approved masterplan for the site, this clearly shows the path and the area of POS hatched, with the key to this hatching stating that this path and the POS to be the "Lytham Green Extension Open Space with Full Public Access and Coastal Path". Clearly the approved plan for this development and the intention when granting this planning permission was for the open space to be for the benefit not only of the residents of the Quays site but also the wider community and that this access path was an important part of this. This is clearly the case when the condition that this application seeks to vary requires all pedestrian links and

footpaths to be provided and maintained for use by residents and members of the public. Therefore there can be no doubt that the scheme was approved with an area of POS and a path intended to be used by residents and members of the public alike in this position adjacent to the Breakers. As none of the dwellings were in situ prior to the approval of this plan residents of the whole estate bought their dwellings on the basis of this approved plan, which clearly shows access to the POS via this path. Accordingly, residents purchasing dwellings adjacent to this path should have been aware that there would be users of the footpath adjacent their property, and other residents knew they could use the path to access the POS. Therefore, whilst there may be an increase in users of this path it is being used for its intended purpose, and access to the POS for residents of the Quays and indeed the wider public is something that is supported through Local and National policy.

With regard to the issue of overlooking, as stated above, residents purchasing these properties would have known about the existence of this path. The approved plan also shows areas of landscaping adjacent to the Breakers which has not been fully planted. If this planting were to be implemented as approved then it is considered that this would assist in reducing views from the footpath to the lower windows of this property. This is considered to be a more appropriate solution than closing the path to the public.

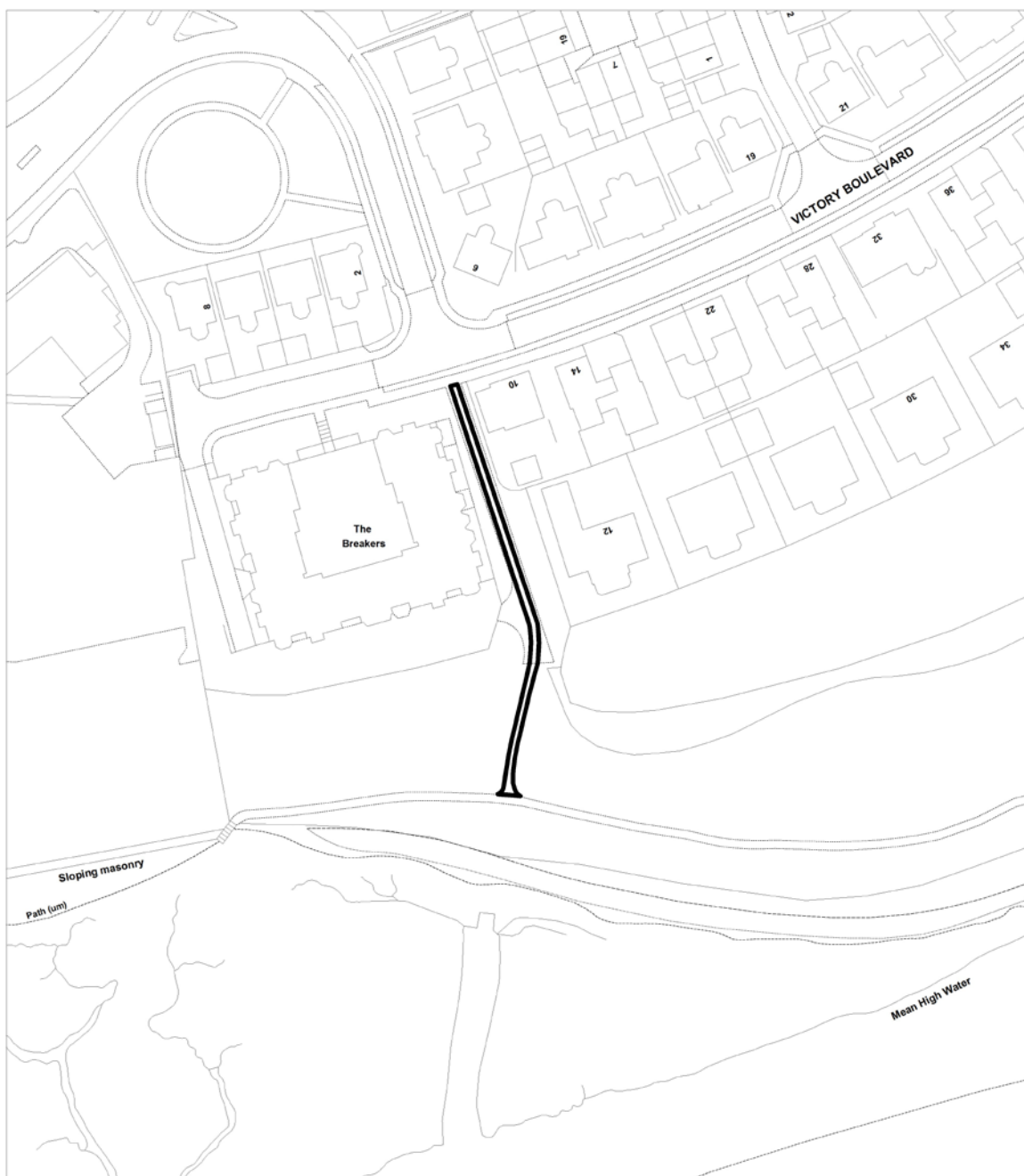
Conclusions


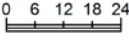
It is considered that the application to vary condition 13 of application 06/0073 so that the footpath adjacent to the Breakers is no longer provided and maintained for use by the residents of the site and members of the public does not form sustainable development. Access to Public Open Space is an important part of sustainable development and the closure of the path would make access to the POS less convenient and remove a key connection between residential dwellings and POS. Consequently the development is considered to be contrary to Policies GD7 and ENV4 of the Local Plan to 2032 and the NPPF.

Recommendation

That Planning Permission be REFUSED for the following reason:

1. The removal from use of the footpath that links Victory Boulevard and the Lytham Quay's housing development with the Lytham Green extension area of Public Open Space would result in reduced and less convenient access to Public Open Space to both residents of Lytham Quay's housing development and the general public. Given that the Public Open Space and footpath were an important element of ensuring that the housing development formed sustainable development it is considered that the removal of this footpath link and the subsequent reduced access would consequently form unsustainable development due to a reduction in pedestrian permeability. The development would be contrary to Policy ENV4 of the Local Plan to 2032 which requires open space to be accessible, and policy GD7 criteria k which requires the layout of developments including pedestrian footpaths and open space to be user friendly, sustainable and inclusive and criteria m which requires development to encourage people to use green infrastructure by providing open space and linkages to them. Furthermore the loss of the footpath would be contrary to the National Planning Policy Framework's (NPPF) sustainable development objectives, specifically the social objective which requires developments to be well designed with accessible open spaces. The loss of the footpath would also detrimentally impact on the health and wellbeing of residents as it would reduce opportunities to access open space and thus would be contrary to the NPPF requirement to promote healthy and safe communities through providing high quality open spaces and opportunities for physical activity.



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Application No. 5/19/0139	Address Lytham Quays Phase 1, Dock Road, Lytham St Annes	Grid Ref. E.3377 : N.4271	Scale 0 6 12 18 24 m 

Item Number: 5

Committee Date: 03 July 2019

Application Reference:	19/0376	Type of Application:	Householder Planning Application
Applicant:	Reynolds and Harrison	Agent :	ZV Design
Location:	HILLCREST AND CHAPELSIDE, WOODLANDS AVENUE, KIRKHAM, PRESTON, PR4 2JQ		
Proposal:	PART SINGLE / PART TWO STOREY SIDE & REAR EXTENSION AT HILLCREST, AND ERECTION OF TWO STOREY REAR EXTENSION AT CHAPELSIDE.		
Ward:	KIRKHAM NORTH	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Katie Halpin
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/@53.7836809,-2.8817277,88m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site relates to a pair of semi-detached houses located within the settlement area of Kirkham. The application relates to the erection of a joint extension across the rear of both properties at two storey, with a part single storey and part two storey extension to the side of Hillcrest. This is a revision from the scheme as originally presented to reduce the scale of that side extension, and to remove a proposed revision to the bay window of the dwelling.

The works will increase the accommodation available at the properties but they will both remain as three bedroomed houses and so are not excessively scaled for their plots or the character of the surrounding area. The proposals are considered to have an acceptable relationship to the neighbouring properties on Woodlands Avenue and Mellor Road.

The application (in its original form) is subject to an objection from Kirkham Town Council relating to the scale of the extension and the implications on parking spaces. With regards to the scale of the extension this has been reduced by the removal of the front extension element so that the side extension is the only part of the extension that is now visible in the streetscene. With regards to parking there is a reduction in spaces to Hillcrest as a consequence of the side extension that is proposed, but with a single space being retained for each property, and the accessible location of the site, it is considered that this is an acceptable level of parking.

As such the proposal is considered to comply with the requirements of Policy GD1 and Policy GD7 of the Fylde Local Plan to 2032 subject to a series of conditions including those relating to the retention of the on-site parking space, construction of the extension as a joint building project to avoid undue harm being caused to the attached properties from each part of the extension, and to require that a side facing window is obscured.

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 properties form a 2 storey, semi-detached pair of properties, located on Woodlands Avenue, Kirkham. The pair of properties are red brick to the ground floor with render at first floor and slate roofs. The properties are located within the settlement boundaries in accordance with Policy GD1 in the Fylde Local Plan to 2032, adopted 22 October 2018.

Details of Proposal

The proposal is a joint application for a 2 storey rear extension across the rear of both properties with an additional side extension to Hillcrest which is two storey to the front part (albeit this is set back from the frontage of the dwelling by 4m) and single storey behind. The 2 storey dual pitched, gable ended, rear extension projects 4.1m from the rear of the properties and is 9.5m in width across both properties.

The extensions provide increased accommodation at the properties, although both remains as 3 bedroomed houses. The materials are to be brick at ground floor with render above and a slated roof.

The plans have been revised since submission to reduce the scale of the side extension to Hillcrest, to remove the front extension to that property, and to confirm that a parking space is to be retained at each dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
19/0190	SINGLE & TWO STOREY SIDE & REAR EXTENSIONS. SINGLE STOREY PORCH & BAY WINDOW TO FRONT.	Withdrawn by Applicant	23/04/2019

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 13 May 2019 and comment:

Kirkham Town Council object to this application on the same grounds as the previous application:

- *It is over-intensive for the size of the plot.*
- *It removes off street parking in an area where pavement parking creates a hazard close to K&W Primary School where two children have recently been involved in RTA's.*

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 13 May 2019
Number of Responses: 0

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
JHE	Joint House Extensions 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 pair of semi-detached houses located in a residential area of Kirkham where similar scaled dwellings at 2 stories are the predominant land use, albeit the other dwellings on this side of Woodlands Avenue are terraced, and Kirkham and Wesham Primary School is on the opposite side of the road.

The extensions in this application are generally to the rear and so will not be visible in the streetscene. The side extension to Hillcrest will be visible, but is set back from the front elevation of the property by 4m and as there is a limited separation between that property and the neighbour to the side it will not be prominent in the streetscene and will not appear as an obvious extension of the terrace.

The Town Council raised concerns over the original scheme due to the scale of the extensions involving an over-development of the properties. It is not clear if this referred to the streetscene

impacts, but if so a front extension element to Hillcrest has since been removed and so the appearance of the buildings in the streetscene will now be largely as at present. This is further assisted by the proposed use of bricks, render and slate as materials which will reflect those used on the existing dwellings and can be secured through condition.

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

Relationship to Neighbours

With this being a joint application relating to a pair of properties the application raises two sorts of neighbour impacts: those relating to the neighbours adjacent to the application site, and those between the two properties within the site.

The off-site neighbour to the side of Hillcrest is an end terrace dwelling. The proposed side extension will reduce the separation to this property from the existing 3.5m to 1.1m. Despite this proximity the relationship remains an acceptable one with the two storey extension located alongside the gable wall to this neighbour, and the single storey element having a flat roof and a rearward projection of 4m beyond the rear elevation to it. This projection accords with the guidance in the council's SPD on House Extensions and is acceptable in this arrangement. The two storey rear extension is set well inside the boundary and also establishes an acceptable relationship to this neighbour.

A condition is needed to ensure that there are no side facing windows added to the rear or side of the first floor extension and that the flat roofed area is not used as a balcony so as to preserve the privacy of these neighbours.

The off-site neighbour to the other side is a dwelling on Mellor Road which backs onto the site. The rear extension to Chapelside will increase the depth of this property when viewed from that neighbour, but this is at a distance of 13m from the rear elevation of the dwelling and this relationship is therefore considered to be acceptable.

As part of the works the existing rear facing bedroom window is to be positioned to the side elevation facing the rear of the Mellor Road property and so with the proximity involved it is necessary for this window to be the subject of a condition that requires it to be obscurely glazed and non-opening. This is an acceptable solution given that this room is to provide the main bathroom to the dwelling so is not a habitable room that would require an opening window and natural light.

To the front of the properties is the school building and this relationship is unchanged. To the rear is the garden to a property on Mellor Road. The rear extension reduces the separation distance to this neighbour, which has its large garage and associated driveway to the immediate rear of the application site, to 8.5m. Whilst this is less than the 10m usually sought in new relationships, with the garage location it is considered that this will be sufficient to avoid any undue overlooking being suffered by this neighbour.

The rear extensions to each half of the semi-detached dwelling have a height and projection that would cause an undue loss of light and massing to the other half of the semi if they were to be constructed separately, with this harm to a degree that would require a refusal of the application. However, with the works involving similar projections to each property the relationships to each will be acceptable providing the extensions are constructed together. This is a standard solution when developments of this nature are proposed and can be secured through a condition to require the development to be implemented as a single building project.

Having undertaken these assessment it is the officer opinion that the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

Parking and Access Arrangements

The Town Council highlight their concerns over the parking arrangements in the development, particularly given the proximity of the school and the existing parking pressures in the areas. At present Chapelside is provided with a single parking space to the side and Hillcrest has a driveway to the side.

The parking arrangements to Chapelside are unchanged by the proposed development. The parking to Hillside is reduced and in the scheme that was initially submitted there was to be no on-site parking. This has been revised to indicate a single space, with a condition appropriate to ensure that this is provided and retained. With this level of parking being the same as that for the adjoining property, and more than that enjoyed by the majority of the terraced properties on Woodlands Avenue, it is considered to be an acceptable number and arrangement that complies with criteria j) and q) of Policy GD7.

Other Matters

There are no other material considerations of note to influence the decision.

Conclusion

The application relates to the erection of extensions at a dwelling in the settlement of Kirkham / Wesham. 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 Plan - Streetwise Maps drawing Dated 20/02/2019
- Proposed Site Plan - ZV Design Job No 0108 Drawing 'Site Plan' Dated May 2019
- Proposed Ground Floor Plan - ZV Design Job No 0108 Drawing 'Sheet 5' Dated June 2019
- Proposed First Floor Plan - ZV Design Job No 0108 Drawing 'Sheet 6' Dated June 2019
- Proposed Roof Plan - ZV Design Job No 0108 Drawing 'Sheet 7' Dated June 2019
- Proposed Elevations - ZV Design Job No 0108 Drawing 'Sheet 8' Dated June 2019

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 materials used in the construction of the approved development shall match those of the existing dwellinghouse in terms of type, colour, texture and scale.

Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. The first floor window to be inserted into the side facing gable of Chapelside as indicated on the approved plans listed in condition 2 of this permission shall be obscurely glazed to standard equivalent to at least level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling / extension hereby approved is first occupied, and shall be retained as such thereafter. This window shall also be non-opening at any point below a height of 1.7m when measured internally from the floor of the room it serves.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

5. Prior to the completion of the works hereby approved to the dwelling Hillcrest, the parking space to serve that dwelling shall be made available for the parking of a motor vehicle. This space shall thereafter be retained available for that purpose.

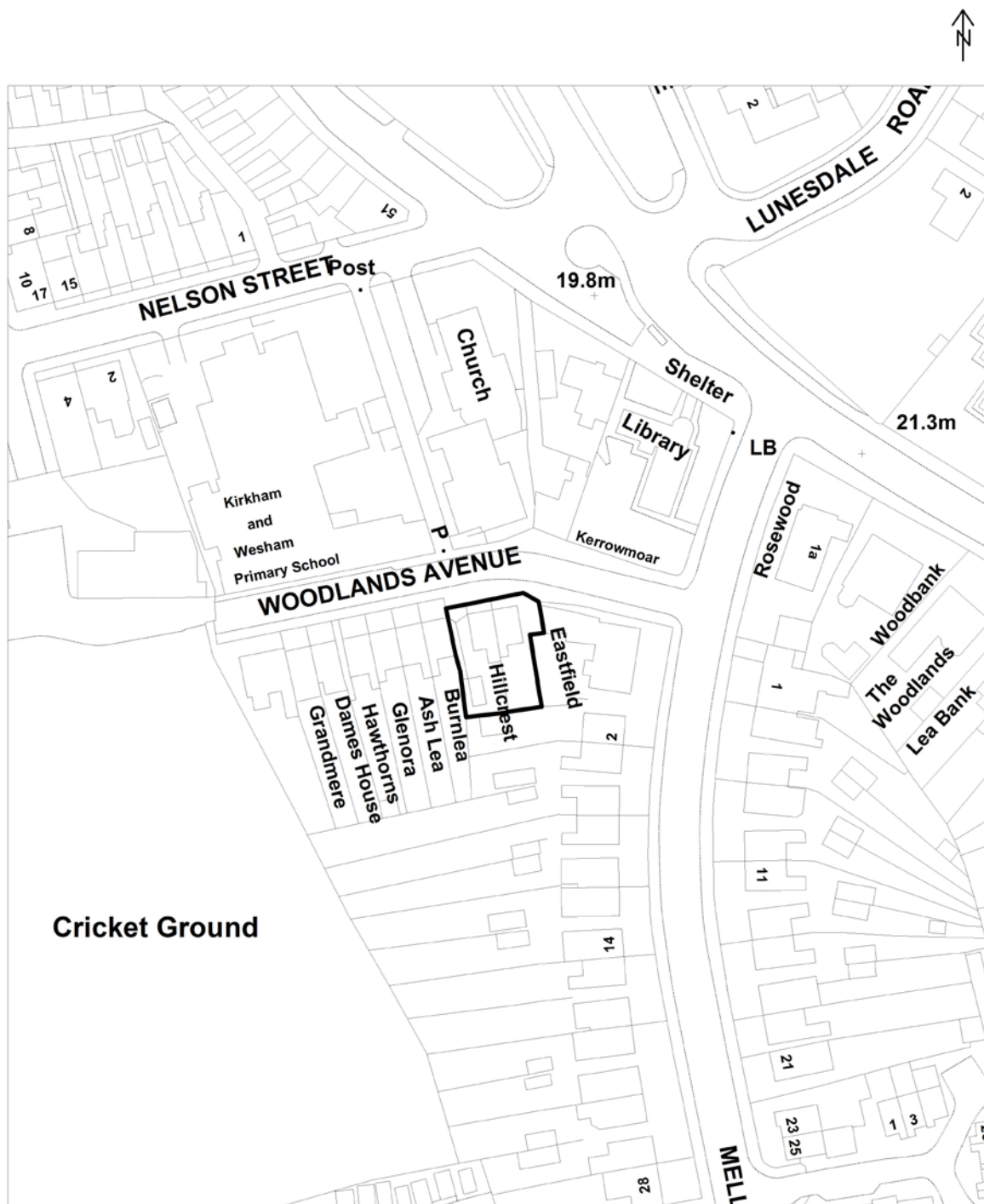
Reason: To ensure that an appropriate level of parking is provided for the property in the interests of residential amenity and highway safety as required by Policy GD7 of the Fylde Local Plan to 2032.


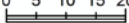
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 there shall be no access to the flat roof rear extension hereby approved to the rear/side of Hillcrest other than for maintenance of the property.

Reason: In order to prevent the use of the area as a sitting out area that would result in a loss of privacy to neighbouring occupiers in accordance with Policy GD7 of the Fylde Local Plan to 2032.

7. The extensions hereby approved shall only be constructed jointly as a single building operation.

Reason: As the extension of one property only would create unacceptable harm to the amenity of the adjoining neighbour and so be contrary to criteria c) of policy GD7 of the Fylde Local Plan.



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Application No. 5/19/0376	Address Hillcrest and Chapelside, Woodlands Avenue, Kirkham	Grid Ref. E.3419 : N.4322	Scale 0 5 10 15 20 m 

Item Number: 6

Committee Date: 03 July 2019

Application Reference:	19/0381	Type of Application:	Full Planning Permission
Applicant:	Mr Furnell	Agent :	
Location:	THE DEACON, 84 CLIFTON STREET, LYTHAM ST ANNES, FY8 5EJ		
Proposal:	INSTALLATION OF REPLACEMENT RETRACTABLE GLAZED SCREENS AND DECORATIVE DETAILING TO FRONT AND SIDES OF EXISTING ENCLOSED CANOPY		
Ward:	CLIFTON	Area Team:	Area Team 2
Weeks on Hand:	7	Case Officer:	Andrew Stell
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/@53.7367121,-2.9625365,88m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application site is The Deacon, which is a former bank premises located on the corner of Clifton Street with Clifton Square in Lytham that currently trades as a bar / restaurant. The building is located in the defined town centre area of Lytham, is within the Town Centre Conservation Area and is on the local list of buildings of historic and architectural importance.

The application relates to the glazed extension that stands on the Clifton Square elevation and is unauthorised and the subject of an enforcement notice that requires either its removal or its modification to a previously approved open-side canopy by 14 July 2019. That deadline is an extension of the originally imposed timescale following the examination of the planning merits of the extension in its current form by a planning inspector who dismissed an appeal against the serving of the enforcement notice and the council's refusal of planning permission for the extension. In reaching his decision the Inspector found that the current extension *"appears dominant and bulky when read against the more traditional building behind and detracts significantly from the open appearance of the vibrant Clifton Square."*

The current application is the second application made since the appeal decision and seeks to reduce that harm by retaining the enclosed glazing nature of the extension, but replacing the current glazing with a different form. The first such application proposed a floor-to-ceiling glazing arrangement and was refused by Committee under reference 19/0179 at the 17 April 2019 meeting of Committee for reasons relating to the harm caused by the principle of the enclosed glazing to the extension. The current application retains the existing unauthorised arrangement with enclosed glazing to all sides, and with a mid-rail to all sides, and with the upper element being designed to be retractable. The only apparent change from the current situation is with the design of the retractable element of the glazing and a proposal to add decorative features to the upper angles of the extension frame.

Given its similarity to the current situation the proposal can only be regarded as a negligible improvement over the current situation and is definitely less preferable than that which was proposed earlier this year. The proposal retains the full height glazing and so enclosed nature of the extension that is a significant contributor to the overall harm that the current structure causes. The enclosure of the area ensures that it is decorated as an internal space and so is at odds with the open square character of the area, and the reflective characteristics of the glazing and internal furnishings will obscure views of the building itself.

These impacts are harmful to such a degree that the alteration proposed in this application do not adequately address the harm that the existing structure is causing, and as such the application is recommended for refusal as being contrary to Policy GD7 relating to design and Policy ENV5 relating to heritage assets of the Fylde Local Plan to 2032. The scheme also causes conflict with paras 193 and 196 of the NPPF relating to the protection of heritage assets.

Reason for Reporting to Committee

The application relates to a site that has a high profile in Lytham and where previous decisions have been made by the Planning Committee. As such the Head of Planning and Housing considers it is appropriate that the application be determined by the Planning Committee.

Site Description and Location

This proposal relates to the former Royal Bank of Scotland building which is a corner terrace premises fronting onto Clifton Street and the pedestrianised Clifton Square. The property is an imposing two storey building, which appears to have been purposely built as a bank premises, and is constructed of red brick and slate with contrasting stone surrounds to the windows and doors and ornate brick/ stone eaves level detail. There is a glazed extension to the Clifton Square elevation that is unauthorised and the subject of an extant enforcement notice requiring its removal or modification to an open sided structure, and a series of planters have been posited to the Clifton Street elevation to enclose an area of the forecourt which is occupied by tables and chairs during trading hours.

The property is locally listed, is located centrally within the Lytham Town Centre Conservation Area, and is designated as a Secondary Shopping Frontage in the adopted Fylde Local Plan to 2032. There are 3 trees within the site frontage of the application site which, being located within the Conservation Area, are afforded protective status. The premises has been in use as a bar / restaurant since early 2018.

Details of Proposal

The application relates to the glazed extension to the Clifton Square elevation of the building, and proposes the replacement of the upper elements of the existing unauthorised glazing arrangement in two ways. Firstly, the upper glazing elements currently operate on a sliding arrangement which have a split design to create a central horizontal break to this upper element of the glazing. The supplied drawings indicate that these are to be replaced with a sliding glazing arrangement but without this mid-break, and as such the existing entirely enclosed glazing with bulky upper support and side rails are to be retained. Secondly, a series of decorative ironwork elements would be added to the top of each of the vertical supports to provide some detailing to these.

The supporting statement refers to the need for the glazing as follows: *“Without the additional glazing the canopy structure is exposed to the prevailing winds direct form the seafront, restricting the use of the existing canopy area....*

Replacing the two retractable panes with a single unit allows for a more simplistic lightweight structure, creating a less dominant appearance in the street scene with the traditional decorative brackets creating an open air canopy in the summer months.”

The applicant has referred to the financial implications for the business if the enclosed nature of the extension is not retained. However, no details of this have been provided in a form that can be considered as part of the decision on this application.

Relevant Planning History

Application No.	Development	Decision	Date
19/0179	INSTALLATION OF REVISED FULL HEIGHT GLAZING TO FRONT AND SIDES OF EXTENSION TO REPLACE EXISTING GLAZED SCREENS, BALUSTRADE AND ASSOCIATED SUPPORTS	Refused	18/04/2019
18/0284	RETROSPECTIVE APPLICATION FOR FORMATION OF CANOPY TO CLIFTON SQUARE ELEVATION WITH PERMANENTLY GLAZED ROOF AND BALUSTRADE AROUND, AND RETRACTABLE GLAZED SCREENS TO FRONT AND SIDES	Refused	31/05/2018
18/0011	RETROSPECTIVE APPLICATION FOR ERECTION OF GLAZED EXTENSION TO CLIFTON SQUARE ELEVATION WITH RETRACTABLE GLAZED SCREENS TO FRONT AND SIDES	Refused	09/02/2018
17/0971	ERECTION OF GLAZED CANOPY TO CLIFTON SQUARE ELEVATION INCLUDING BALUSTRADE AROUND AND ALTERATION OF EXISTING WINDOW OPENINGS TO ALLOW ACCESS TO EXTENSION/OUTDOOR COVERED SEATING AREA.	Granted	15/03/2018
17/0723	VARIATION OF CONDITION 2 (APPROVED PLANS) TO PLANNING PERMISSION 17/0262 TO FACILITATE MINOR MATERIAL AMENDMENT INVOLVING INCREASED PROJECTION AND WIDTH OF GLAZED CANOPY AND ASSOCIATED PLINTH	Refused	12/10/2017
17/0715	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0262 - CONDITION 3 (DETAILS OF WORK TO BUILDING), CONDITION 4 (DETAILS OF WORK TO CANOPY), CONDITION 5 (TREE PROTECTION MEASURES)	Advice Issued	29/01/2018
17/0262	RE-SUBMISSION OF APPLICATION 16/0731 FOR ERECTION OF GLAZED SINGLE STOREY EXTENSION TO CLIFTON SQUARE ELEVATION INCLUDING BALUSTRADE AROUND AND ALTERATION OF EXISTING WINDOW OPENINGS TO BI-FOLDING DOORS TO ALLOW ACCESS TO EXTENSION	Granted	15/06/2017

16/0728	CHANGE OF USE OF EXISTING BANK (CLASS A2) TO RESTAURANT (CLASS A3) WITH ANCILLARY BAR (CLASS A4)	Granted	24/11/2016
16/0731	EXTERNAL CANOPY	Refused	13/01/2017

Relevant Planning Appeals History

Application No.	Development	Decision	Date
18/0284	RETROSPECTIVE APPLICATION FOR FORMATION OF CANOPY TO CLIFTON SQUARE ELEVATION WITH PERMANENTLY GLAZED ROOF AND BALUSTRADE AROUND, AND RETRACTABLE GLAZED SCREENS TO FRONT AND SIDES	Dismiss	14/01/2019

Parish/Town Council Observations

Not in parished area.

Statutory Consultees and Observations of Other Interested Parties

Lytham St Annes Civic Society

"The application is suggesting very minor alterations to an existing structure which has been refused on appeal. The present conservatory extension is an inappropriate and bulky visual intrusion onto Clifton Square.

The argument being put forward here is largely one of commercial viability. We can only say that the original floor space of the former Royal Bank of Scotland was not large and it should never have been assumed that permission would be given for what we see now.

The proposal for retractable glazing will not alter the impact of the structure onto the Square. The height of the plinth causes the visual intrusion as well as the so called canopy. The enclosed nature of the conservatory removes any contact with the square itself.

We are very sorry to see the rather rapid deterioration and increasing clutter on Clifton Square. Dicconson Terrace, partly dating back to 1825, was an elegant group of buildings and has now become a muddle of little more than "lean to" sheds. The original buildings can hardly be seen, similar to the C20th developments along the promenade in Blackpool. "

Neighbour Observations

Neighbours notified:	14 May 2019
Site Notice Date:	16 May 2019
Press Notice Date:	6 June 2019
Number of Responses	1
Summary of Comments	<i>Unsurprisingly I continue to object to the carbuncle that is Deacon's and to make an application on the basis of modifying an existing structure is just insulting, given that what is there has not had planning permission anyway.</i>

This is (was) an elegant Edwardian building in a very attractive conservation area, and it should be restored to the original appearance, and any applications such as this should be refused.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The property is located within the settlement of Lytham St Annes as defined under Policy GD1 which is generally supportive of new development that complies with other relevant policies of the plan. It is also located within the defined town centre of Lytham under Policy EC5 which is supportive of development that is appropriate for such locations and which will enhance their vitality and viability. The property is within the Lytham Town Centre Conservation Area and is on the local list of buildings of historical and architectural interest and so the heritage implications of the development are to be assessed against Policy ENV5. It is also relevant to consider the general design obligations of Policy GD7.

Members will also be aware that the council has adopted a design guide to specifically assist with decisions on extensions and canopies in the town centres, and so the proposal is to be assessed against that document.

Planning History and Context

Historically the premises operated as a bank, and has the appearance of being constructed for that specific purpose as it occupies a prominent corner location between Clifton Street and Clifton Square and has elegant proportions and detailing to the elevations that reflect that original use. Following the closure of the bank, planning permission was granted for the change of use of the building to a bar / restaurant and the premises has traded as such for the past two years. As part of the works undertaken to implement this use a series of applications have been made relating to the formation of a canopy or an extension to the Clifton Square facing elevation. This application is a proposal relating to that element of the property.

There is a glazed extension on the property at present. This is unauthorised and has been the subject of applications that have been refused by Committee, under reference 18/0011 in February

2018 and then by officers under delegated powers when resubmitted under reference 18/0284 a month later. This application was the subject of an appeal, as was the enforcement notice that was served following the refusal of planning permission. This enforcement notice requires that the extension is either removed, or modified to reflect the design of an open-sided canopy that has been approved under reference 17/0971 at Committee in March 2018. This has the same width and projection as the existing extension but has open sides above the glass balustrades that run around the canopy at waist height. The appeals were dismissed and so the enforcement notice upheld.

The enforcement notice requires that the removal or modifications be undertaken within 6 months of it coming into force. Part of the appeal contended that this timescale was inadequate, but this argument was rejected by the Inspector who maintained this timescale in his decision and so confirms that the council could commence prosecution proceedings for the failure to comply with the requirement of the Enforcement Notice should the works not be undertaken by 14 July 2019.

The final planning history is an application under reference 19/0179 which was refused by the Planning Committee at its meeting on 17 April 2019. That application proposed a revised glazing arrangement with floor-to-ceiling 'seamless' glazing around the extension. The officer report accepts that this was less harmful than the current situation as it involved the removal of some of the more bulky elements of the supporting framework, but that this was not a sufficient improvement to outweigh the overall harm that the enclosed extension causes to the building and to the conservation area. Accordingly the application was recommended for refusal and this was accepted by Committee in their decision on the application.

Visual Impact

The council has considered the planning merits of a glazed extension to the building on five separate occasions, and has refused the applications for reasons which relate to the visual harm that the extension causes to the building, to the general streetscape, and to the conservation area. This view was supported by the Planning Inspector when he considered the merits of the enforcement notice and planning appeal in November 2018 which relates to the scheme that is on site now. His decision letter comments on this as follows:

"15. The appeal development does not look like a canopy. Instead it looks like a substantial and solid extension due to its glazed sides. Owing to its thick frame, and more enclosed appearance, it has the effect of significantly detracting from the more open and light weight appearance of most of the other canopies in the area. Furthermore, it appears dominant and bulky when read against the more traditional building behind and detracts significantly from the open appearance of the vibrant Clifton Square.

16. I acknowledge that parts of the original building can still be seen through the glazing, but this does not overcome my concerns relating to the thickness of the frame or its overall dominant appearance in the street-scene. Furthermore, enclosed front extensions are not prevalent in the CA as a whole: light weight and simple canopies are mainly seen in the locality."

The scheme under consideration here has similarities and differences from the existing structure that has been considered previously. It is similar in that:

- The extension will be the same size (floor area and height) as the existing extension,
- The extension will be entirely glazed to all elevations,
- The number of supporting vertical frame elements will remain the same
- The horizontal mid-rail will remain around all sides of the extension
- The supporting frame for the glazing will remain to the upper element and sides of each 'panel'.

- It will continue to enable the space enclosed to serve as an extension to the internal use of the building and so have the internal furniture and decorations,
- It will retain the open archway connection between the extension and the main building,

It differs in that:

- the horizontal break in the upper glazing elements of the glazing will be removed,
- A series of decorative features will be added to each upper corner of the supporting frame.

The Committee report on the preceding application accepted that the changes proposed in that application reduced the harm caused by the extension by reducing the amount of supporting framework and reducing the width of some of the elements that were retained. These benefits were not considered sufficient by officers or members to address the overall harm that the structure caused, and are not provided anyway in the current scheme.

Instead the removal of the upper mid rail and addition of the decorative features are a very minimal improvement over the current arrangement. The result will still be a glazed extension to the side of the building which will continue to function as an extension to the internal accommodation of the premises. This means that whenever the premises are lit the illumination and internal decoration of the extension will be evident, and will be at odds with its location as part of the Square. It is also the case that at all times the glazing will offer strong reflections that will restrict the views through to the original building behind.

In his recent assessment of the existing extension the Inspector highlighted how an enclosed extension is not a prevalent feature in the locality. In fact there are no other lawful extensions of this nature in the area, with the traditional canopies that exist all being lightweight in their construction and simple in their general design.

This is a point that is made in the recent Design Guide adopted by the council which has two parts: firstly it sets out the basics for where extensions can be accepted, and secondly provides guidance on the form these should take. In this case the grant of planning permission for an open canopy ensures that the first aspect is addressed, but this proposal conflicts with several elements of the second aspect but crucially the guidance that *“The structure shall retain the open character of the frontage and not result in a closed space, such that it assumes the form of a projecting conservatory”*

The current proposal offers a negligible improvement over the existing situation and is weaker than that recently refused by Committee under reference 19/0179. The fact that it retains the enclosed conservatory style to the extension means that it brings harm to the building, to the streetscene and to the conservation area as a whole. These harms are contrary to the requirements of Policy GD7 and ENV5 of the Fylde Local Plan to 2032 and the design guide adopted by the council to assess the merits of such proposals in August 2018.

Mitigating Factors

The above section of the report confirms that the proposal is contrary to the relevant policies of the up to date development plan, and as such the application should be refused unless there are other material considerations that could outweigh the public benefit of determining the application in accordance with the development plan.

Previous applications and the appeal had referred to the economic benefits of the extension to the business and so by inference to Lytham town centre as a whole. This application makes reference to this in the quoted extract from the supporting statement but no evidence is provided in a manner

that could be considered in the planning balance on this application. As such there are no other material considerations that can apply to the council's decision. If any details were provided these would need to explain the specific benefits of the extension to the commercial viability of the business compared to the trading position of the business with the lawful open canopy, especially that which was approved when the business was first opened.

In the absence of these details there is nothing to be considered in a planning balance against the conflict with the development plan.

Conclusions

This proposal is presented by the applicant as an attempt to find a compromise between the previously approved open canopy that was granted planning permission at the time that the premises opened, and the current unlawful structure that was actually erected at that time. The scheme offers only the most limited improvement over the current arrangement and as it continues to be an entirely glazed extension to the building and so continues to display the harmful impacts that this causes through the obscuration of the original features of the building and the presence of internal style decorations to the extension projecting into the open Square. These are aspects that were recently assessed by the Inspector examining the planning and enforcement appeals, and were found to be harmful in his decision. This scheme continues to cause harm to a degree that conflicts with policies ENV5 and GD7 of the Fylde Local Plan to 2032.

With regards to the NPPF, it is accepted that the harm caused is the 'less than substantial harm to the significance of a heritage asset' referenced in para 196 with this relating to the building as a locally listed building, and to the Lytham Town Centre Conservation Area. However, para 196 requires that this harm is weighed against the public benefits of the proposal and as none are present in this case then the development is also contrary to that para, and para 193 which requires that great weight is given to the conservation of such assets.

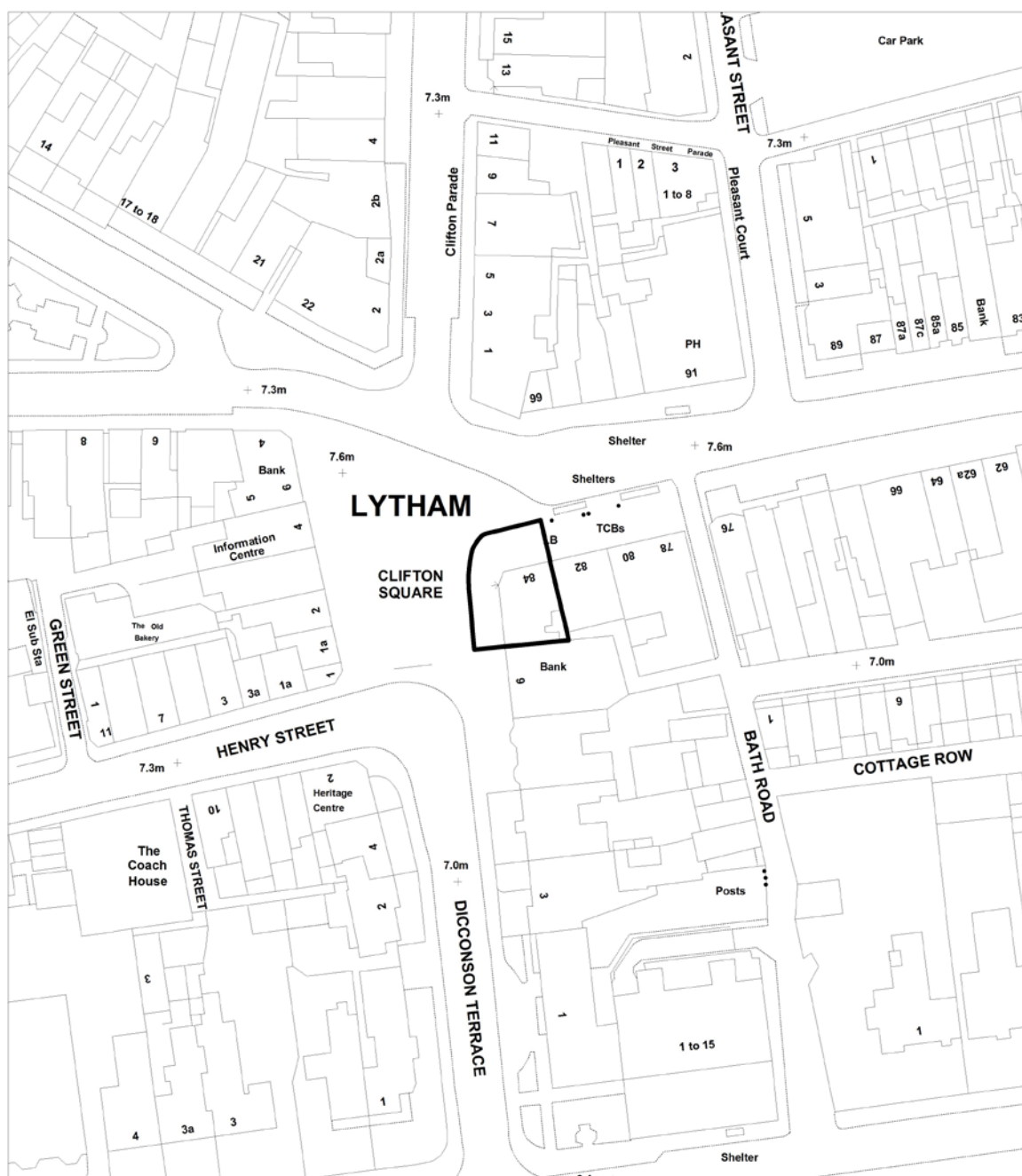
Recommendation


That Planning Permission be REFUSED for the following reasons:

1. The enclosed nature of the canopy has a design and appearance that is harmful to the building and to its contribution to its neighbouring buildings, the broader streetscene and conservation area setting. This is particularly due to:
 - The character and form of an enclosed structure would present a visual and continuous extension of the private internal space of the restaurant into the streetscene. This streetscene character is one with a generally open and accessible character and so any canopy should be viewed as an integral part of the open nature of the adjoining public realm, which is a major contributing factor to the character of this part of the Conservation Area.
 - The entirely enclosed nature of the proposed extension is uncharacteristic of traditional and more recent forms of forward extension in the area that are designed to be open fronted and sided which, unlike this proposal, have created an appropriate and accessible transition between the premises they serve and the wider public spaces
 - The form of construction, with entirely enclosed front and sides, would result in an unrefined and unsympathetically bulky appearance that is in contrast to the fine detailing of the host building, its neighbours and the Conservation Area
 - The dominating impact that the enclosed canopy has on the adjacent pedestrianised area of Clifton Square

Accordingly the proposal fails to preserve or enhance the character of the conservation area and is

detrimental to the character of the existing building contrary to Policies GD7 and ENV5 of the Fylde Local Plan to 2032, to the supporting Design Guide on Canopies and Glazed Extension to Commercial Forecourts of August 2018, and to paragraphs 193 and 196 of the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0381	Address The Deacon, 84 Clifton Street, Lytham St Annes	Grid Ref. E.3365 : N.4271	Scale 0 5 10 15 20 m

Item Number: 7

Committee Date: 03 July 2019

Application Reference:	19/0392	Type of Application:	Householder Planning Application
Applicant:	Mr & Mrs Nigam	Agent :	Keystone Design Associates Ltd
Location:	GREENHALGH HALL, GREENHALGH LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HL		
Proposal:	TWO STOREY SIDE EXTENSION WITH FIRST FLOOR JULIET BALCONY FOLLOWING DEMOLITION OF EXISTING EXTENSION, AND DETACHED GARAGE TO REAR.		
Ward:	SINGLETON AND GREENHALGH	Area Team:	Area Team 2
Weeks on Hand:	6	Case Officer:	Alan Pinder
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/@53.8159943,-2.9090312,88m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a detached two-storey dwelling that is located in a rural area of Greenhalgh and has a series of stables and other outbuildings to the rear. The site and surrounding land is designated as Countryside in the Fylde Local Plan to 2032. The proposal is to replace an existing conservatory and historic side extension with a two storey extension and a double garage to the rear.

With the property being located in the countryside area there is a need to consider if the scale of the extensions would conflict with the requirements of Policy H7 which seeks to protect the supply of smaller rural properties. In this case the existing dwelling has six bedrooms and whilst the extent of the proposed extensions would exceed the 33% limit set out in policy H7 the resulting affect would not result in the loss of a more affordable dwelling of the type that policy H7 seeks to retain within the borough. It is also the case that there is no additional footprint being developed in the extensions to the property over that covered by the existing extensions to the dwelling. As such the proposal is not considered to be in conflict with the aims of Policy H7.

The design and appearance of the extensions are considered to have an acceptable relationship to the existing dwelling and the wider streetscape of this northern side of Greenhalgh Lane, which is characterised by large detached dwellings. With these in mind it is considered that the proposal accords with Policies GD7 and H7 of the Fylde Borough Local Plan and other relevant development plan policies. Accordingly 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 property is a detached house located on the northern side of Greenhalgh Lane and belonging to a cluster of properties. The property has been previously extended with single storey side and rear extensions and a two-storey front extension. The neighbouring properties are also detached houses and the general character is one of varying sizes and appearance. To the north of the site there are private equestrian facilities associated with the property and to the north of these are agricultural fields.

Details of Proposal

Planning permission is sought for the following:

- Erection of a two storey side extension, with a single storey outrigger to its rear, all to replace an existing single storey side/rear extension. This extension would be flush with the front elevation of the main dwelling and its roof profile would also match that of the main roof, although the narrow gable projecting to the side would have a ridge approximately 600mm below the main ridge. The outrigger would have a dual pitched roof with a 4.2 metre ridge and 2.8 metre eaves. The extension would project 6.8 metres from the west facing side of the main dwelling and have an overall depth (including the outrigger) of 14.4 metres, with 5.5 metres of this projecting beyond the rear elevation of the main dwelling. The west facing side elevation of the extension consists of a Juliet balcony at first floor with a set of patio doors and bi-fold doors at ground floor.
- Erection of a single storey rear extension. This would project 3.8 metres from the rear elevation towards the east most end of the original dwelling. It would have a dual pitched roof with a 4 metre high ridge and 2.8 metre high eaves.
- The construction of a detached double garage to the rear of the property, and in close proximity to the end of the single storey outrigger. The garage would have a square footprint measuring 6 metres by 6 metres, and feature a dual pitched roof with a 4.2 metre ridge height and 2.6 metre high eaves.

This application is a resubmission of the previously refused 17/0716, 18/0044 and 18/0588 respectively.

Relevant Planning History

Application No.	Development	Decision	Date
18/0588	TWO STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING EXTENSION	Refused	27/09/2018
18/0044	TWO STOREY SIDE EXTENSION, NEW DETACHED GARAGE	Refused	12/03/2018
17/0716	TWO STOREY SIDE EXTENSION, NEW DETACHED GARAGE	Refused	14/11/2017
10/0760	PROPOSED SINGLE STOREY REAR EXTENSION, ROOF LIFT TO GROUND FLOOR OUT RIGGER, REPLACEMENT OF CONSERVATORY WITH SINGLE STOREY EXTENSION.	Granted	22/02/2011
01/0294	FRONT EXTENSION TO FORM PORCH AND	Granted	20/06/2001

00/0281	BEDROOM EXTENSION OVER RE-SITING OF SAND PADDOCK	Granted	17/05/2000
00/0112	CHANGE OF USE FROM AGRICULTURAL LAND TO SAND PADDOCK FOR PRIVATE USE	Granted	22/03/2000
97/0766	SINGLE STOREY SIDE EXTENSION TO INCLUDE CONSERVATORY	Granted	28/01/1998

Relevant Planning Appeals History

None

Parish/Town Council Observations

Greenhalgh with Thistleton Parish Council notified on 20 May 2019 and comment:

It was resolved to maintain the PC stance of recommending REFUSAL with regards to the residential dwelling space due to the size of the proposed addition BUT there were NO OBJECTIONS to the re-siting of the garage.

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified:	20 May 2019
Number of Responses:	One letter of objection
Summary of Comments:	<ul style="list-style-type: none"> • The property is already large and this extension would result in a "massive dwelling" and incompatible with the small hamlet of which it is part • It would alter the view from the road and objector's property • It would attract increased personnel with additional vehicles parked on the road which would obstruct the road.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside

Other Relevant Guidance:

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

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 in the Countryside area as defined by Policy GD4 of the Fylde Local Plan to 2032. In these areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by Policy H7 of the Plan.

Scale of Extension in Countryside

Policy H7 imposes strict restrictions on the scale and design of extensions (and replacement dwellings) compared to the original dwelling on the site with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this Policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many of these smaller rural dwellings been lost over the past 12 years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two pronged approach to assessing applications such as this, by requiring firstly that the extensions are no more than a 33% increase in the footprint of the property compared to its original scale (H7a), and secondly that appearance of the extended home respects the character of the original building and the surrounding rural area (H7b). This is the key issue with this application and has been the reason that the three most recent applications have been refused.

The scheme includes a garage, but as outbuildings are not included in the assessment of Policy H7a this assessment makes no reference to that part of the application.

With regards to the scale of the extension, the dwelling as originally constructed had a ground footprint of circa 95 square metres. Over the years various additions to the property have increased the footprint to approximately 195 square metres, which represents a 106% increase in floor area of the original dwelling. This application is largely over the footprint of that covered by these existing extensions, with a minimal 8 square metres addition that brings the overall footprint up to 203 square metres and so an increase of around 115% over that of the original dwelling. This represents an increase in the ground floor area of the original dwelling that is well in excess of the 33% limit set out in Policy H7, and hence in its strictest terms the proposal fails to accord with that policy. However, there are two factors that weigh in favour of the scheme in this case.

Firstly, the aim of the 33% limit set by H7 is to help maintain a stock of smaller, more affordable rural dwellings to enable people to remain in their local area when otherwise they may not be financially able to. The justification text for policy H7 states *"Evidence collected by the council demonstrates that fifty one percent of rural homes.....are four or more bedroomed homes. It is vital that the stock of smaller properties in the countryside is maintained, thereby providing more affordable properties and enabling people to downsize, whilst remaining in their local area"*. Thus the implication is that policy H7 seeks to retain the stock of rural homes with three or less bedrooms. This was the view taken by the Planning Inspector for a recent appeal decision (24 May 2019 against the refusal of 18/0849) who opined that extensions resulting in a ground floor increase of more than 33% would not undermine the purpose of policy H7 if the existing dwelling is already of a large size and has four or more bedrooms. In this instance the existing dwelling has six bedrooms and so already falls outside the scope of being an affordable dwelling that should be retained. Accordingly, and in line with the appeal inspector's decision, the excessive increase in ground floor area proposed by this

application is not in conflict with the aims of the scale element of policy H7.

Secondly, the extension is largely over the footprint of existing extensions to the property. Part of this area is a large conservatory that was added under planning permission granted in 1998, with the part of the rear replacing a structure that was evident on photographs of the property from the 1960s. As such the actual new area of building is limited and so the footprint increase over the existing area of development in both extent and the actual area is so similar that a refusal could not be justified.

Accordingly it is considered that in this case that whilst there is a conflict with a literal interpretation of the wording of Policy H7a, the extension does not create conflict with the justification for that aspect of the policy and so a refusal could not be reasonably justified. The Policy also has a design element and this is assessed in the following section.

Design and Appearance in Streetscene

The property is a detached house and has been previously extended with a two-storey front extension and single storey rear and side extensions. The two storey side extension would increase the width of the property by approximately a third whilst matching the existing main roof profile. Whilst this would be a notable increase to the width of the house it is not considered to be architecturally at odds with the dwelling and would not cause unacceptable harm to the appearance of the dwelling as a whole. The fenestration and materials assist with that.

It is also noted that this northern stretch of Greenhalgh Lane is characterised by a number of barn conversion dwellings, that would have a greater width than the extended dwelling, and a three storey dwelling that is of similar height but narrower in width. Within the context of this streetscape the proposed extensions are not considered to be visually intrusive or incongruous.

With regard to the detached garage this is to be of a traditional dual pitched design and would be sited to the rear of the property where its visual impact would be minimal. Accordingly in terms of design and appearance the overall proposal is considered to accord with criterion 'b' of policy H7 and criteria b), d), h) and i) of Policy GD7.

Relationship to Neighbours

The application property sits within large grounds and there is a sizeable side garden that provides ample separation between the proposed development and the neighbouring properties to either side. This combined with the favourable spatial orientation of the property to its neighbours are such that no aspect of the proposed development would unduly impact on the amenity of neighbouring occupiers. Accordingly the proposal the proposal is considered to have an acceptable relationship to its neighbours in all regards and accord 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

There are no other material considerations of note to influence the decision.

Conclusion

The application relates to the erection of extensions to a rural dwelling located within designated

countryside. The existing dwelling has six bedrooms and whilst the extent of the proposed extensions would exceed the 33% limit set out in policy H7 the resulting affect would not result in the loss of a smaller or more affordable dwelling of the type that policy H7 seeks to retain within the borough. As such the proposal does not conflict with the aims of H7. The design and appearance of the extensions relate well to both the existing dwelling and the wider streetscape of this northern side of Greenhalgh Lane, which is characterised by large detached dwellings. With these in mind it is considered that the proposal accords with Policies GD7 and H7 of the Fylde Borough Local Plan and other relevant development plan policies. 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 Plan - supplied by Mapserve, scale 1:1250 and dated 16 May 2019
- Proposed Site Plan & Garage- Drawing no. A018/105/S/02 Rev E
- Proposed Elevations & Floor Plans - Drawing no. A018/105/P/01 Rev J

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 approved 'Proposed Elevations & Floor Plans' drawing (Drawing no. A018/105/P/01 Rev J)

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. The detached garage hereby approved shall be used as a private garage only and shall not be converted to habitable accommodation and nor shall any trade or business shall be carried on, in or from the garage.

Reason: To ensure that the use of this building safeguards the residential amenity of neighbouring occupiers and the rural character of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032.



Scale 1:1250

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	3 rd July 2019	5
LOCAL LISTS OF HERITAGE ASSETS HERITAGE ZONES: KIRKHAM, WESHAM, SINGLETON, FRECKLETON			

PUBLIC ITEM

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

SUMMARY

The Council's Built Heritage Strategy was formally approved in November 2015. It contains a complete review of the nature and scope of the built heritage assets of the Borough, the appropriate legislative framework and an action plan that lists a series of projects that are to be undertaken during the life of the Strategy. An important priority was considered to be the compilation of a local list of buildings.

The locally listed assets across the nine zones in Lytham St Annes have been approved. This report seeks approval for locally listed buildings in four zones: Kirkham, Wesham, Singleton, and Freckleton.

RECOMMENDATIONS

1. That the local list of buildings as set out within Schedule 1 (Appendix 1) contained within the four zones be approved and adopted.
2. That authority be delegated to officers to consider the necessity for the introduction of Article 4 Directions, as may be relevant, to each locally listed building and thereafter, and following appropriate consultation, introduce such directions.
3. That Planning Committee nominate three members of Committee to form part of the Project Board to assist, where appropriate, in the delivery of the local listing project.

SUMMARY OF PREVIOUS DECISIONS

On **26 March 2014**, in line with the recommendation of the Policy Development Scrutiny Committee of **6 March 2014**, Cabinet resolved to:

1. Approve the consultation exercise as undertaken in respect of the [Heritage] Strategy and responses thereto be noted and the incorporation of these into the final Strategy.
2. Recommend to Cabinet that the Strategy as presented be approved and thereafter be adopted as official Council Policy.
3. Recommend to the Cabinet that the Task and Finish group to remain in operation, for a period of no more than 12 months, to oversee the initial implementation of the Strategy, Action Plan and Work Plan and the setting up of the Heritage Forum.

A series of task and finish groups were held culminating in the adoption of the Built Heritage Strategy

for Fylde 2015 – 2032 in **November 2015**.

On **20 January 2016**, the Development Management Committee was invited to appoint members to a working group, to be known as the Project Board in the delivery of the local listing of heritage assets. Following consideration of this matter the Committee RESOLVED: to appoint Cllr Richard Redcliffe, Cllr Maxine Chew and Cllr Peter Collins to the working group.

In **March 2017**, Planning Committee RESOLVED TO approve the methodology and Protocol relating to the implementation of the project, the concept of protecting and recognising Groups of High Townscape Value, the scope for conservation area review and further potential designations and the locally listing of the first 'batch' of 10 buildings.

In **September 2017** Planning Committee RESOLVED TO approve the Groups of High Townscape Value in Ansdell, the scope for conservation area review and further potential designations and the locally listing of the second batch of locally listed buildings.

In **January 2018** Planning Committee RESOLVED TO approve the locally listing of the third and final batch of locally listed buildings.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. Introduction and Background

The issue of local heritage protection has been considered at length by previous Planning Committees. However, for the newly appointed Councillors with no previous involvement, the following background is offered, which sets the context for locally listed buildings and the broader issue of Heritage Protection.

.....

The Councils Built Heritage Strategy (2015 – 2032) was adopted in November 2015 following an extensive programme of research and consultation. It involved the setting up of a task and finish group of members, which helped guide its progress. The Strategy has had the full endorsement of Historic England (HE). Local Listing is viewed by HE as an important aspect of heritage protection and the National Planning Policy Framework encourages planning authorities to recognise and designate locally important heritage assets to help facilitate their conservation and protection.

The Strategy is based around four themes, which seek to promote, protect and conserve the rich built heritage of the Borough. Attached and integral to the Strategy is the extensive Action Plan that seeks to deliver specific projects that will be undertaken during the lifetime of the Strategy. Theme 1 : Conserving the Built Heritage, specifies a number of projects which includes the compilation of a 'Local List of Buildings', and a review of Conservation Areas including the scope for boundary

reviews, new designations and the preparation of appraisals and management plans. The latter are required by statute and are an important part of the development management process.

Following the adoption of the Strategy, Committee authorised officers to commence a programme of local listing. To assist the process it was further agreed that three councillors would be appointed to form a small Project Board (Committee resolution dating from 20th January 2016). This was aimed at overseeing the process and act as a sounding body for the relevant officers, as the project proceeded. This was seen as particularly important as there is no prescribed process for the undertaking of local listing, apart from some advisory material from Historic England. The specific methodology has emerged as the project has proceeded.

The Local Plan, as now adopted, has full weight in the planning decision making process – and contains a range of policies in respect of heritage protection and enhancement (Policy ENV 5). Local listing of heritage assets is a key part of this policy.

2. Methodology Applied : Initial Selection Process

As outlined in the foregoing section, there is no prescribed method of compiling local lists of buildings. However, Historic England (HE) have produced some guidance and in-house research has revealed that a number of local authorities have produced their own lists. Having regard to the material available, the methodology being used takes into account the advice and practice available elsewhere. However, the approach being applied in Fylde is somewhat bespoke, influenced by local circumstances, as the project has emerged. The approach being undertaken, has been discussed with advisors from Historic England who are fully in support the method being used. Indeed HE are recommending to other Council's that they look closely at the Fylde approach when contemplating local listing as a model.

In compiling a methodology four significant questions arose, which can be summarised as follows:

- How buildings can be identified?
- What is the threshold for their inclusion i.e. what measure of quality is appropriate?
- What is the method for final selection?
- What are the implications of local listing?

To answer these questions a 'Protocol' was prepared and this document was approved in March 2017.

Methodology: Expert Panel

The ultimate decision as to whether a building becomes locally listed rests with the Council's Planning Committee. However, in order to ensure that the buildings recommended for local listing are suitable, the buildings are placed before a Panel which comprises of individuals who are considered to have the appropriate knowledge and skills. The buildings recommended for 'local listing' have been supported by the Panel. It should not be assumed that all buildings that are placed before the panel are automatically approved. The panel is provided with a written justification by way of a 'data sheet' with a full justification as to why the building is recommended by Fylde Officers (often nominations are made by the public or a parish council) - it should be locally listed. Considerable debate often ensues at the Panel meetings with some rejected or deferred for further information.

3. Notification to building owners and other interested parties

Following consideration by the Panel, the owners of the buildings affected are notified. This is undertaken by letter and includes an explanation of the local listing process, a question and answer sheet which identifies commonly asked questions, a data sheet explaining the significance of the building and links to the Council's web site, where further information is displayed. It is further explained that the process has an in built appeals process, that can be used in cases where Council officers cannot resolve any initial concerns of owners.

Experience to date, shows that the vast majority of owners either favour local listing or do not object to it, when the circumstances are explained (with the outgoing informative letter). Many owners value the recognition of the historic recognition of a building and even an increase in its value. In cases where there is objection, this can be in view of the often misunderstood circumstances relating to additional planning controls or, very rarely, that the local listing will encourage interest and as a result may impinge on privacy.

4. Implications of Local Listing and Article 4 Directions

At the meetings of March and September 2017, Committee authorised officers to consider the necessity of introducing Article 4 Directions to particular buildings, to bring under control potentially harmful 'permitted development'. It should be noted however, that many of the commercial buildings that have been locally listed, or those with a mixed use, do not benefit from the same extent of permitted development as, for example, dwelling houses. As a consequence, it will be appropriate to consider the potential effects of permitted development on a case by case basis. It is suggested that this issue be considered as a follow up matter, whereby the implications of permitted development can be fully considered. It was resolved at the Committee meeting in March that if officers consider Article 4 Directions of this nature to be appropriate, then this matter will be reported to Committee with the issues and implications set out for due consideration.

5. Progress to Date

The resolution of Committee was one of completing the Lytham and St Annes area given the funding support offered by the Civic Society in the first instance. This would also enable to system to the 'trialled' such that it could be rolled out across the remaining parts of the Borough. The project is now extended into the remaining areas of the Borough – The rural parishes. The methodology and processes that have been applied so far are entirely applicable to the other towns and parishes and will help to continue the steady progress made so far. This is the first tranche of rural areas to be considered namely, Freckleton, Singleton, Kirkham and Wesham.

6. Consultation with owners

Responses were received from a small proportion of owners.

Lane Ends Hotel brewery (Estates Director) queried if the architecture of Lane Ends Hotel is notable in the context of the Fylde and expressed the opinion that the historical interest was not well founded. The comments do not raise issues that the Expert Panel did not consider fully and therefore the asset remains on the proposed Local List. The building is considered to be locally significant if not nationally.

Singleton Trust has made representation in respect of Manor Farmhouse and barn, expressing the opinion that the age nor architecture is rare in Fylde. The comments do not raise issues that the Expert Panel did not consider and therefore the assets remains on the proposed Local List.

An appeal from NHS was lodged against including the former poor law institute at Wesham Park Hospital office on Derby Road and the poor law cottage home at Moor Street doctor's surgery. An appeal panel was convened, the panel considered the appeal document, visited the sites and discussed the selection criteria and reaction. The appeal papers will need to be fully considered and this item will be brought to Committee at the next opportunity.

A written objection has been received from Raval House, Freckleton; the owner initially verbally objected as he feels that the extent of the alterations have weakened the architectural and historic interest. A formal appeal has now been received, and this will now be considered by a separate appeals panel with the recommendation of that Panel reported to committee in due course.

Unfortunately there was delay in obtaining ownership contact details of three of the assets in Kirkham. When the notification period is over, these assets will be reported in a future committee report.

7. The Project Board

When the project was initiated, officers requested that a small group of Planning Committee members form a Project Board. The reason for this was that it was envisaged that as the project progressed, certain changes to the method of working, scope of the project and as a way of monitoring progress would be helpful as it would allow for working amendments to be made without constant reporting to Planning Committee. This has proved useful.

The constituted Board of three Members; It is considered that a small group should be retained and as a consequence, three councillors be nominated for inclusion. It is assumed that the Vice Chairman would wish to continue, given his experience, but Committee will make the determination.

8. Conclusion

The lists of assets before Committee is contained at Appendix 1 and totals 54 in number. The assets range from commercial buildings, dwellings, communal buildings and unusual artefacts.

Once approved by Committee, the status is confirmed and owners and interested parties notified of the final decision. It can be assumed that where buildings are contained within the list, they are placed on it either on the basis that the particular owner supports (or does not object) to the proposed listing or in a few cases, where initial representations and potential objections have been resolved. Once contained within the list, the status afforded by listing becomes a material factor in the determination of any planning application.

The local listing project has progressed well with all Lytham St Annes zones and four rural towns/parishes all but complete. It is proposed to progressively bring additional lists to Committee covering the heritage zones in the remainder of the Borough. A report in respect of conservation area review and designation will be brought forward in due course. It is envisaged that the local listing project will form a 'bound volume' for use by officers, members and the public.

IMPLICATIONS	
Finance	None
Legal	None specific outside normal planning considerations
Community Safety	None
Human Rights and Equalities	None specific
Sustainability and Environmental Impact	Project seeks to sustain the built heritage of the Borough
Health & Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
Paul Drinnan	01253 658434	20 June 2019	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Built Heritage Strategy for Fylde 2015 – 32	November 2015	Regeneration office (Town Hall) and website: http://www4.fylde.gov.uk/heritage-strategy.pdf
Built Heritage protocol	November 2015	Regeneration office (Town Hall)

Attached Documents: Appendix

1. Schedule of buildings proposed for local listing within the four zones.

Appendix 1 - 1.Schedule of buildings proposed for local listing within the four zones.

Kirkham zone LL buildings summary

ref	asset	building type	description
K2	former police station, 13 -17 Freckleton Street	dwellings (formerly veterinary premises)	Little altered mid-Victorian former police station which makes a strong positive contribution to the townscape
K3	swimming baths, Station Road	swimming pool (YMCA Rural Splash)	Attractive pre-war purpose-built public swimming baths which make a strong positive contribution to the townscape
K4	former district bank, Poulton Street	vacant bank (Natwest)	Attractive interwar bank with many original features built on the site of a late 18 th Century counting house, which makes a strong contribution to the character of the townscape
K5	The Swan, Poulton Street	pub	Substantial early Edwardian mock Tudor public house, built on the site of an earlier inn on a prominent corner location, which makes a strong contribution to the character of the townscape
K6	Wynde Milne, Dowbridge	dwelling	Early 19 th century windmill which makes a strong positive contribution to the townscape
K7	Zion burial ground, Kirkgate	burial ground	Burial ground associated with the Zion Chapel constructed in 1818 (chapel since demolished)

Wesham zone LL buildings summary

ref	asset	building type	description
W1	Kirkham and Wesham rail station	rail station buildings	Late Victorian ticket office and waiting room constructed by the Lancashire and Yorkshire Railway company
W2	Lane Ends Hotel	pub	Little altered early Edwardian public house in continuous use, which makes a strong positive contribution to the character of the townscape.
W3	Mowbreck Hall Farmhouse	dwelling	Mid Victorian farmhouse associated with the estate of Mowbreck Hall (demolished)
W4	St Josephs Catholic church & presbytery	church	Victorian Catholic church by Sinnott, Sinnott and Powell, which makes a strong positive contribution to the character of the townscape
W5	Wesham Hall	dwelling	Probably late 18 th century farm house which provides evidence of the early settlement of Wesham
W6	Royal Oak	pub	Late 19 th century beer house which makes a strong positive contribution to the character of the townscape
W7	Stanley Arms	pub	Little altered late 19 th century beer house which makes a strong positive contribution to the character of the townscape

Appendix 1 - 1.Schedule of buildings proposed for local listing within the four zones.

Singleton zone LL buildings summary

ref	asset	building type	description
S1	128-130 Mains Lane	dwellings	Originally estate cottages belonging to the Mains Hall estate. A date stone for 1880 with the initials WHB (William Fitzherbert-Brockholes) is on the east elevation.
S2	Kirkstiles, 62 Mains Lane	dwelling	Substantial inter-war Arts and Crafts style detached villa set in four acres of landscaped grounds.
S3	Milestone, Mains Lane	milestone	Locally rare early 20 th century milestone
S4	The Cottage, Old Mains Lane	dwelling	Possibly early 18 th century farmhouse which provides evidence of early townscape. Said to date from c. 1730 when nearby Skippool was a busy port.
S5	Shard Bridge Farm, Shard Road	dwelling	Large detached mid 19 th century traditional Fylde farmhouse which illustrates the early development of the area. On the site of an older farmhouse.
S6	former coach house, Bankfield House	former coachman's residence	Associated with Victorian re-build of Old Bankfield House
S7	Milestone, Pool Foot Lane	milestone	Locally rare early 20 th century milestone
S8	North Lodge, Lodge Lane	dwelling	19 th century former lodge to Singleton Hall, now a private residence. Probably built c. 1873 when Singleton Hall was constructed.
S9	Singleton Grange Farm, Grange Rd	dwelling	C. 16 th century farmhouse, now altered and extended. Formerly part of the Cockersand monastic estate
S10	Singleton Hall, Lodge Lane	apartments	Gothic style hall built for Thomas Horrocks Miller c. 1871. Originally named Singleton Park. First appears on 1893 OS map. Set in 17 acres of parkland designed by Edward Milner
S11	Singleton Lodge	hotel & restaurant	Mid 18 th century farmhouse with early c. 19 th extension now converted to a hotel and restaurant.
S12	Singleton parkland	parkland	Extensive parkland associated with Singleton Hall, designed by Edward Milner
S13	South Lodge and entrance gates	dwelling	19 th century former lodge to Singleton Hall, now a private residence. Probably built c. 1873 when Singleton Hall was constructed
S14	former school house, 27 Church Rd	dwelling	Mid 19 th century schoolhouse. Forms a group with the adjoining contemporary village school constructed by Thomas Miller to replace the the old school house next to the church

Appendix 1 - 1.Schedule of buildings proposed for local listing within the four zones.

S15	Singleton primary school	school	Gothic style mid 19 th century village school constructed by Thomas Miller to replace the the old school house next to the church
S16	Lychgate, Puzzle Wood, Church Rd	structure	Lychgate to a maze garden laid out by the Miller family opposite St Anne's Church. The lychgate is directly opposite the grade II listed lych gate to the church
S17	Mount Farmhouse, Station Rd	dwelling	Substantial and prestigious former farmhouse rebuilt by Thomas Miller soon after purchasing the estate in 1853
S18	Roads fingerpost	street furniture	Interwar cast iron finger post
S19	Mallard Hall	dwelling	Mid 19 th century gentleman's residence constructed by Thomas Miller as a country retreat for his wife
S21	Manor Farm and barn, Weeton Rd	dwelling	Substantial and prestigious former farmhouse rebuilt by Thomas Miller in 1899
S22	Miller Arms	pub	Probably early 19 th century inn and one of the oldest remaining buildings in the village

Freckleton zone

LL buildings summary

ref	asset	building type	description
Fr1	8-20 Strike Lane	dwelling	possibly associated with local bleaching and weaving shops
Fr2	Coach & Horses	pub	Late Georgian public house built to serve the trade created by the new marsh road
Fr3	Coal wharf at Freckleton Pool / Dow Brook	Industrial wharf loading area	Mid 18 th century coal wharf established following the Douglas Navigation Act 1720. A rare survival of early local industrial heritage
Fr4	Former toll house	dwelling	Late Victorian former Toll House associated with the road over Clifton, Freckleton and Newton marshes
Fr5	memorial, Holy Trinity church	memorial	Memorial to the 61 people, including 38 children, who were killed in the 1944 Freckleton air disaster
Fr6	Methodist church	church	Victorian Methodist Church which makes a strong positive contribution to the townscape
Fr7	Further Ends House	dwelling	Good local example of a large Victorian farmhouse which provides evidence of historical land use
Fr8	Hall Cross Farm	dwelling	Probably late 18 th century baffle entry farmhouse which makes a strong positive contribution to the townscape
Fr9	Hallam's Cottage	vacant dwelling	Possibly 17 th century cottage which has high archaeological potential

Appendix 1 - 1.Schedule of buildings proposed for local listing within the four zones.

Fr10	headless cross	boundary marker	Substantial stone boundary cross erected to mark the boundary of common land
Fr11	mill stone support	industrial remains	Last remnant of an early 17 th century water corn mill
Fr12	Naze House	dwelling	Possibly 16 th century house with 19 th century alterations
Fr13	Naze Villa	dwelling	Substantial mid-Victorian villa built by Threlfall Mayor, a good example of a local gentleman's residence
Fr14	old banking hall, Kirkham Rd	office	Unusually designed former bank constructed in 1913 on the site of the smithy.
Fr15	Plough hotel	pub	Little altered substantial interwar public house in a prominent corner location, which replaced an earlier inn of the same name
Fr16	Quakers wood	burial ground	Late 17 th century Quaker burial ground in rural woodland
Fr17	Ravald House	dwelling	Possibly 18 th century house which illustrates the early development of the area
Fr18	Ship Inn	pub	18 th century inn in continuous use which makes a strong positive contribution to the townscape
Fr19	former Stanley Arms, 89 Preston Old Rd	dwelling	Little altered dwellinghouse and former beerhouse constructed c. 1823 which makes a strong positive contribution to the townscape
Fr20	war memorial and gardens	Public garden with war memorial	War memorial to commemorate Freckleton men who died in the two World Wars and more recent conflicts set within landscaped gardens on the site of the former village green

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	3 rd July 2019	6
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 23 May 2019 and 21 June 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 the decision on the following appeal between 23 May 2019 and 21 June 2019. The decision notice is enclosed as an appendix to this report.

Rec No: 1

01 March 2019

18/0849

MANYVIEWS, LEA LANE, PRESTON, PR4 0RL

SINGLE STOREY SIDE EXTENSION

Householder
Appeal

Case Officer: EG

Fylde Dec. Level DEL

Appeal Decision: Allowed: 24 May 2019

Appeal Decision

Site visit made on 1 April 2019

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 24th May 2019

Appeal Ref: APP/M2325/D/19/3221121

Manyviews, Lea Lane, Preston PR4 0RL

- 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 John and Deborah Dallinger against the decision of Fylde Council.
 - The application Ref 18/0849 dated 30 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is a single storey side extension to the kitchen.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey, side extension to the kitchen at Manyviews, Lea Lane, Preston PR4 0RL in accordance with the terms of the application, Ref 18/0849, dated 30 October 2018, subject to the following conditions:
 - i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan and plan numbers JDO1 sheet 1; JDO1 sheet 2 and JDO1 sheet 3.
 - iii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development upon the availability of smaller properties in rural areas.

Procedural Matter

3. Since the submission of the appeal, an updated version of the National Planning Policy Framework (February 2019) (the Framework) has been published by the Government. This is a material consideration in planning decisions. In relation to the main issue in this appeal, Government policy has not materially changed, and it was not therefore necessary to invite any further comments from the different parties involved.

Reasons

4. Manyviews is a former police station which has been converted to its use as a detached dwellinghouse. It is a two-storey property with 4 existing bedrooms and is located in the countryside.
5. It has been extended since its use as a police station. The Council refers to planning application 04/0701 which was approved in 2004 and where the plans show the existing property at that time to be in use for residential purposes. Moreover, the Council states that Council tax was being paid at that time showing that the building was by then in residential use. The planning application was made as a householder application. The planning approval granted permission for extensions which, with other extensions since then, the Council estimates has increased the floor area of the original dwelling property from about 98 square metres to approximately 148 square metres. The appeal proposal would increase the floor area of the dwelling to about 168 square metres which the Council estimates would constitute a 71% increase on the floor area of the original property.
6. The appellant says that the property did not become a dwellinghouse until the extensions were approved and constructed in 2004 and where subsequent extensions amount to no more than 22% of the original dwelling and that the proposed extension will bring the total to about 30.9%.
7. However, I find that the evidence of the plans submitted with application 04/0701 and in respect of Council Tax is sufficiently convincing and conclude that the extensions (including that now proposed) would amount to approximately 71% of the original dwellinghouse.
8. The Fylde Local Plan 2018 (the Local Plan), policy H7 (a) states that proposals to extend an existing home in the countryside will be limited to no more than 33% calculated in relation to the ground floor area of the original home. The Council argues that the policy should be applied strictly especially in view of the fact that the policy has only recently been adopted.
9. I find that the development would add further to extensions to the original dwelling which already exceed 33%, and therefore it would not accord with the mathematical limitations of policy H7. However, the justification for policy H7 states that *"Evidence collected by the Council demonstrates that fifty one percent of completions of rural homes – excluding barn conversion, caravans and apartments – are four or more bedroomed homes (2003 – 2016). It is vital that the stock of smaller properties in the countryside is maintained, thereby providing more affordable properties and enabling people to downsize, whilst remaining in their local area"*.
10. The appeal property already has 4 bedrooms. The justification for policy H7 is for the retention of smaller properties and, by implication, those with less than 4 bedrooms and the extension would not, in this case, weaken the Councils' desire to protect the stock of smaller dwellings.

11. I therefore conclude that while the proposed development would include an extension which would add further to the 33% limit of policy H7 of the LP, it would not undermine the purpose of the policy which aims to retain the supply of smaller affordable dwellings in the rural area and in this respect I find no conflict with Policy H7 of the Local Plan .

Conditions

12. I have attached the standard time condition and a plans condition to provide certainty. I have also attached a condition concerning materials to ensure a satisfactory appearance.

Conclusion

13. For the reasons given above, and considering all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR