



Agenda

Planning Committee

Date:	Wednesday, 6 September 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Heather Speak, Ray Thomas.</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 9 August 2017 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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<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 Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2017 (as amended July 2017)
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017
- 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

06 September 2017

Item Number: 1

Committee Date: 6 September 2017

Application Reference:	17/0129	Type of Application:	Reserved Matters
Applicant:	Hallam Land Management Ltd	Agent :	Pegasus Group
Location:	LAND OPPOSITE AND BLACKFIELD END FARM, CHURCH ROAD, BRYNING WITH WARTON		
Proposal:	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS (ACCESS, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE) FOR THE ERECTION OF 333 NO. DWELLINGHOUSES AND ASSOCIATED GARAGES PURSUANT TO OUTLINE PLANNING PERMISSION 13/0674		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	30	Case Officer:	Rob Buffham
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7539898,-2.8997666,554m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application relates to a parcel of land to the north western edge of Warton.

The site has the benefit of outline planning permission (13/0674) for up to 360 dwellings. This proposal is for the remaining reserved matters of access, layout, scale, appearance and landscaping associated with that outline permission. Separate consent has previously been granted for a staggered access arrangement to the development (16/0567).

The reserved matters submission covers the whole site and provides for the construction of 333 dwellings, with a mix of 2 and 2 ½ storey properties, 1 bungalow is also provided. The Outline consent was conditioned to ensure that the reserved matters submission was consistent with the outline Illustrative Masterplan, and it is considered that the layout proposed accords with this plan. The design of the proposal with regards to scale, appearance and landscape is supported, in accordance with the requirements of the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan to 2032 (SV).

Highway comments are outstanding and will be reported to Members by late observation if received. Notwithstanding, it is recognised that their comments relate only to the internal layout of the development and that matters relating to network capacity and access have been previously assessed to be acceptable by the outline consent (13/0674) and access application (16/0567).

On this basis the proposal is considered to be acceptable, according with the requirements of the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan to 2032 (SV).

Accordingly Members of the Planning Committee are recommended to support the proposal and grant authority to the Head of Planning & Regeneration to grant planning permission once the views of the outstanding consultees have been received and considered.

Reason for Reporting to Committee

The application is a Major application and as such needs to be determined by Planning Committee given the favourable recommendation.

Site Description and Location

The application site comprises two irregular shaped parcels of land, approximately 13.2 hectares in area, wrapping around the north western edge of Warton and subdivided centrally by Church Road. The site is relatively flat agricultural land, laid to grass and forming part of a larger working farm holding. The site is bound by housing to the south and east with open fields to the north and west.

The land is predominantly located within the Countryside Area, though a small portion is designated within Green Belt, as defined by the adopted Fylde Borough Local Plan (October 2005). The site is an allocated Housing site in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

This is a reserved matters application following approval of outline planning permission 13/0674 for up to 360 dwellings. Condition 1 of the outline consent requires details of the reserved matters to be consistent with the outline Illustrative Masterplan. Consent has also been granted under a separate planning permission for a staggered access arrangement (16/0567) to the north and southern land parcels from Church Road.

The current reserved matters application has been revised since initial submission and seeks consent for a total of 333 dwellings, seeking outstanding matters relating to appearance, landscaping, layout and scale.

The application proposes a combination of housing types ranging from detached, semi-detached, mews and bungalow styled properties located within 2 development parcels to the north and south of Church Road. Vehicular access to the north and south sites is provided via two staggered points of entry direct from Church Road, as per that approved by 16/0567. Dwellings are sited to provide a back to back relationship with existing houses adjacent, and a front facing aspect to the countryside. Landscaped breaks to the countryside edge are provided within the scheme or by enhanced planting off site on land within the applicant's ownership. Houses fronting on to primary roads within the scheme, including Church Road, are set back from the road edge and are tree planted. Landscaped communal areas are provided to both areas of the site and includes the provision of two play areas for general use by residents.

The dwellings are in a mix of types within the accommodation schedule:

- 22 x 5 bedroom dwellings.

- 83 x 4 bedroom dwellings.
- 182 x 3 bedroom dwellings.
- 45 x 2 bedroom dwellings.
- 1 retained farmhouse.

The dwellings proposed are a mix of scales ranging from true bungalows to 2 1/2 storey properties. Dwellings are of traditional form, constructed of brick or render beneath a dual pitch tile roof, some have front gable detail and front porches.

Relevant Planning History

Application No.	Development	Decision	Date
16/0860	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0674 TO AMEND THE WORDING OF CONDITIONS 21 AND 22 RELATING TO SURFACE AND FOUL WATER DRAINAGE	Granted	01/02/2017
16/0567	PROPOSED FORMATION OF STAGGERED ACCESS JUNCTION TO SERVE RESIDENTIAL DEVELOPMENT AT BOTH SIDES OF CHURCH ROAD APPROVED UNDER OUTLINE APPLICATION 13/0674	Granted	20/02/2017
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Withdrawn - Appeal against non-determine	11/04/2014

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Allowed	24/09/2015

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 15 February 2017 on the initial application and offered the comments summarised below. They have also been consulted on the revised layout and their comments on that layout are included in full to assist members although the timing of their receipt means that officers have not had chance to consider them, with any further comments included in the Late Observations report:

Comments on Initial Scheme

The comments on the initial proposal are summarised as:

- It is of serious concern that this submission implies significant variation from the proposals submitted to the Appeal, and subsequently the Secretary of State, and despite consultation with the developers in progression of addressing community sustainability only minor account has been taken up in positive account. Little accord likewise seems to be taken of the emerging

Neighbourhood Plan and Local Plan.

- The retention of the Farm House, Bat flight routes and public open spaces are positives as is the outlined token gesture toward overlooking issues on existing bungalow properties but it is the view that this is far short of the mark.
- Proposed dwellings of two and a half storey will overlook neighbouring properties. There should be a far better mix of properties.
- Paragraph 6.32 of the Planning Statement states that "surplus soil" will be stored on open fields to the north of the southern section" (presumably behind the Sykes Hall Farm). So it could be visible on the approaches to the village along Bryning Lane/Church Road and down Hillock Lane. It is very important to the local community that unsightly mountains of soil are not left visible to become a mar to the visual environment similar to that retained at the Lytham St Annes, old Pontins site.

Comments on Revised Scheme

The comments on the layout under consideration are:

The Council OBJECT to the proposal and recommend refusal.

The Parish Council responded to 17/0129 on 13/03/2017 (copy included), on considering the reserved matters application they are disappointed that limited regard has been taken to any of the crucial points raised.

Bryning with Warton Parish now has a 'made' Neighbourhood Development Plan (NDP), a formal policy document – but what stance did this have during the pre-application meetings with the developer? This is the first test of the 'made' NDP and its importance and relevance in the planning process. Unfortunately, this test has been both frustrating and revealing, the Applicant in this case has not approached the custodians of the NDP prior to submitting their Reserved Matters application, yet the developer will be working in and alongside this community for the next 10 years. Millers Homes were doubtlessly aware of the NDP being made and yet there seems an absence of any encouragement to liaise with the Parish Council?

The Parish Council believe that this Reserved Matters application does not conform and is in conflict with the NDP in regards to the following NDP objectives and Policies. As outlined below.

[These (and other relevant policies) are identified where appropriate in relation to the headings used by Pegasus in their covering letter dated 1st August 2017 - and where appropriate refers to their original Design and Access Statement dated January 2017]

USES AND QUANTUM

States "67% 1-3 bed properties in line with Policy H2". BUT there are no 1 bed properties in this scheme - is this acceptable? We have previously identified the lack of sheltered housing.

LAYOUT

The Parish Council welcomes any claimed revisions/improvements but it is virtually impossible to understand what these are without a face to face meeting with Miller Home. Likewise, in Miller Homes 'Proposed Overall Site Layout' there are a number of statements that need clarification:

1. *"Lanes of street to be more organicshared spaces ... replacing footpaths with service strips"*
2. *"Footpaths reviewed and service verge indicated where possible."*
3. *"Tree lined avenue to North side of highway introduced during development."*

SCALE

The Summary table on page 6 of the January 2017 Design and Access Statement reads "with some bungalows used in sensitive locations to avoid overlooking".

In previous responses, the Parish Council has made it very clear that it's preference would be for any scheme, to include new bungalows opposite existing bungalows (eg. opposite the 12 existing bungalows top of Beech Avenue) to avoid any potential overlooking and to reflect the nature of existing, adjacent housing stock. The previous submission included three bungalows which was insufficient. The new developer has reduced this to one bungalow. Miller Homes have also included some 2 and a half (2.5) storey buildings along this boundary which is not in keeping with the current housing stock. In total there are 71 x 2.5 storey houses across the two sites - that's over a fifth of the total.

This mix is deemed inappropriate and is in conflict with NDP Objective 3 and Policy BWNE2.

LANDSCAPE AND OPEN SPACE

Pegasus say proposals align with Condition 6 of Outline Planning Permission yet this states that "The details of the reserved matter for each phase shall include a programme for the maintenance (of public open space) thereof". Where is this?

Previous submissions appear to have acknowledged and, to some degree, reflected the community's desire for green buffers between existing properties and new development - as required by NDP Objective 4 and Policy BWNE1. But the NDP also highlighted the need to use these buffers or 'green wildlife corridors' for paths around the new developments and integrating with existing green corridors and recreational areas. The current scheme will be a lost opportunity if the boundaries of both the Northern and Southern sites do not provide perimeter paths for recreational use. Especially in the case of Hillock Lane which has no current footpath and is part of the National Cycle Network Route 62 - why have Miller Homes not taken the opportunity to include a footway (or even redirect the National Cycle Way 62) inside their boundary, running parallel with Hillock Lane? It would a safer option and of benefit to both the existing and new communities. Therefore the planned approach may not conform to NPD Objectives 2 & 18

It is unclear from the plans how much of the existing hedgerow will be retained along the existing boundary. NDP Objectives 1, 7, 10. and Policy BWNE1 require the retention of hedgerow. Will it be retained on Church Road/Hillock Lane junction, i.e. around Gateway Park? Similarly, boundary around Woodland Park adjacent to Fir Grove and Beech Avenue properties?

Therefore this may not conform with NDP Objectives 1, 7, 10. and Policy BWNE1

APPEARANCE

The Design and Access Statement of January 2017 speaks of "drawing on the local vernacular" yet there is but one bungalow out of 333 properties and 75 x two and half storey properties. Some of these 2.5 storey dwellings will be on the much higher ground on the northern site which we do not believe was the Planning Inspectors intention and certainly not in keeping with the rural setting.

This is in direct conflict with NDP Objective 3 and Policy BWNE2.

ACCESS

Pedestrian/Cycle link to Hillock Lane - whilst NDP Objectives 2 & 18 specify the need for integration and enhancement, this proposed link appears to be a blind exit onto Hillock - what are

the plans for making this a safe exit?

Bus Stops - we remain unconvinced that this is a safe location on this bend of Church Road, albeit the staggered junction (as per 16/0567) has been approved. Earlier responses from LCC included the following statement:

“ There are issues to address in relation to Bus service provision/infrastructure(turnaround in site or bus stops in vicinity of site – which would need careful consideration given the blind bends in the road and limited forward visibility at certain locations”

In the absence of any LCC's risk assessment and/or Safety Audit providing reassurance to concerns the Parish Council believe the siting of these bus stops to be wholly unsafe.

OTHER OBSERVATIONS

Phasing Plan - What are the committed timescales for providing the required Method Statement and obtaining the Mitigation Licence from Natural England?

Electrical Vehicle Recharging points - nothing specific shown in plans despite FBC's 2017 Air Quality Report stating that all new developments should have some form of capability. Given that this is potentially a 10 year built-out programme, surely the development should be 'future proofed'

Lack of cycle storage - again nothing specific in plans despite AQR stating that all new developments should have adequate cycle storage and encourage cycling. Will Woodland Park and Blackfield Green have cycle racks to encourage cycling?

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No comments received.

Ministry of Defence - Safeguarding

No safeguarding objections.

Lancashire County Council - Highway Authority

No comments received.

Greater Manchester Ecology Unit

No objections.

The current layout still provides links to the open countryside and perimeters of the site.

Amphibians

The development is unlikely to have any impact on the breeding pond or the terrestrial habitat around it. It would however, result in the loss of a sizeable area of intermediate terrestrial GCN habitat. Although the impact of the development on the GCN population is likely to be low, there is a risk that GCN's could be killed or injured by the development, which would constitute an offence. Given the findings, prior to development commencing a detailed method statement would need to be prepared and a mitigation licence obtained from Natural England. An outline mitigation strategy based on that produced by Rachel Hacking in 2013 will need to be prepared to comply with

Condition 12 of Planning Permission 13/0674 to demonstrate the methods by which any impacts on GCN would be mitigated to ensure the favourable conservation status of the population would be maintained.

Water Vole

A Water Vole survey was undertaken in 2013 (Rachel Hacking, 2013), water voles were found to be absent from the survey area, however there were records of water vole within 1km of the site. An updated water vole survey was conducted in 2016 (Solum Environmental, Ref: SEO775-10_JO1WV_RC, 25th July 2016) which also confirmed the absence of this species. Based on the information provided we confirm that we are happy for Condition 11 be discharged.

Tree Protection

Based on the information provided (Tree Protection Plan, Job Ref: CW/6828-P-TP-4, 25 January 2017) we confirm that we are happy for Condition 7 be discharged. The plan should now be implemented in full.

Environment Agency

We did not request any of the conditions that the reserved matters relate to and therefore have no comments to make on this application. I note that the Planning Statement refers to a discharge of conditions application in section 1.7. The conditions this refers to include some that we requested and we will provide comments on these when consulted.

Regeneration Team (Landscape and Urban Design)

The Landscape and Urban Design officer provides detailed comments on the scheme, which follow on from their involvement with negotiations with the developer that resulted in the revised layout now under consideration being submitted. These comments are with the developer and it is expected that a revised landscaping detail will be presented to the council prior to Committee to address the points that are raised.

In summary these points highlight the importance of the treatment to the northerly edge of the development as this is to form the edge of the extended village boundary and so needs to feature a layered landscape structure with hedgerow retention, whip undercover and backcloth tree planting that would combine to create an effective urban edge to the countryside beyond. They also note the improved treatment to the main roads through the site, but make a series of detailed comments on the landscaping around individual roads and junctions, the species mix as a whole, and the position and materials of plot boundaries.

Natural England

No objection.

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Ribble & Alt Estuaries SPA & Ramsar have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out

in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Ribble Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

United Utilities - Water

As we cannot impose conditions onto reserved matters applications we will only respond if a drainage plan is submitted or we have assets crossing the site. Therefore, in this case no response was sent.

Our previous comments on DC/13/4245 will still apply to this application.

Electricity North West

The development could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

Lancashire CC Flood Risk Management Team

No objection subject to drainage conditions of the outline consent being satisfied.

Lancashire Constabulary

No objections, suggestions made to improve physical security within the development.

Neighbour Observations

Neighbours notified:	15 February 2017
Amended plans notified:	02 August 2017
Site Notice Date:	28 March 2017 & 2 August 2017 (amendment)
Press Notice Date:	23 February 2017
Number of Responses	24
Summary of Comments:	

- More bungalows needed to reflect ageing population of the Fylde.
- 2 storey development out of character with bungalows adjacent.
- Footprint of dwellings compares badly with existing dwellings, especially those on Church Road – FBC has a duty to ensure sites are not over exploited.
- Surface water run off from existing gardens to development.
- Loss of countryside view, replaced with gable end of a house.
- Amenity issues associated with close proximity of an equipped play area.

- Lack of infrastructure – schools, health centre, sewerage, water.
- Number of houses should be reduced, many other houses being built in the village are not being sold and are putting additional pressure on services.
- Poor road access for construction and new residents.
- Access proposed represents a hazard to north bound traffic.
- No provision for inter connection of the western site with on going and/ or future developments to ease congestion.
- Road surface erosion.
- More cars, increased congestion, pollution, noise, dangerous roads for families
- 20mph speed limit on Church Rd ignored.
- New bus stops on Church Road will create highway hazard.
- Existing congestion problems from BAE at peak times. Congestion prohibits access to/ from existing properties.
- Dangerous corner for vehicles, unsafe for pedestrians and cars.
- Lack/ inadequacy of parking, small size of garages electric charging.
- Poor state of pavements, narrow and unmaintained and impossible to use with a wheel chair or pram.
- No plans to use solar roof tiles.
- Cheap poorly built houses and nothing to enhance the village.
- Wrong location for housing – need to be near good rail/ road services and employment opportunities.
- Developments at Lytham Quays, Warton and Riversleigh in vacant post construction and attracter ant social behaviour. Evidence that Warton has enough properties and additional will only escalate problems.
- Amenity impact to 60 Church Road – intrusive. PD restriction to ensure no dormer extension.
- Overlooking from proposed houses to bungalows.
- Detail of landscape buffer adjacent to 60 Church Road. The plan does not identify a new fence line or retention of the hedgerow, which is required for increased privacy. Any new fence should be positioned so as to ensure retention of the hedgerow.
- No native woodland buffer to the rear of existing properties on Beech Road – just a 6 foot fence and 2 ½ storey detached house.
- Impact to wildlife.
- Concerns for maintenance of a retained hedgerow adjacent to existing properties, since this would be within ownership of new occupants. Gaps in this hedgerow does not offer a secure boundary for both children and dogs.

Relevant Planning Policy

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
BWWNP	Bryning with Warton Neighbourhood Plan

Site Constraints

Within Green Belt & Countryside Area.

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Notwithstanding, the outline application was not considered to constitute EIA development.

The site is not considered to be in a sensitive location, indeed Natural England comment concludes that a Habitat Risk Assessment is not required for the development, and, given the outline consent on the site it is considered that this current application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

The main issues pertinent to the assessment of this proposal are:

- Principle of development.
- Design and Layout.
- Impact on residential amenity.
- Highways issues.
- Ecology.

Principle of Development

The Parish Council and residents have objected to the principle of residential development on the site. They highlight that the Bryning with Warton Neighbourhood Development Plan raises concern for future housing development in the Parish, questioning the need for additional housing as well as the loss of green field land, and that housing should not be built before any additional facilities are provided.

Although the developable area of the application site falls outside the defined settlement boundary and within a Countryside Area, the principle of the development has already been established under

outline planning permission 13/0674. Accordingly, whilst the concerns for the principle of development are recognised, such matters are not to be revisited in the assessment of this current application.

Design and Layout

Policy HL2 of the FBLP supports new housing development which would be in-keeping with the character of the locality in terms of scale, space around dwellings, materials and design, and retains features such as trees and hedges. Policy HL6 requires new housing schemes to respect the character of the area and provide an attractive, safe and crime free environment for residents. This reflects criteria contained within Policy GD7 of the SV, Policy H2 also requires the mix of dwellings to provide at least 50% 1, 2 or 3 bedroom properties.

The Bryning with Warton Neighbourhood Development Plan identifies a number of design orientated objectives to ensure the Key Vision of the Plan for Warton to remain as a Village. Such objectives include:

- To accommodate development in a manner that preserves the rural character.
- Integrate new development with existing to the benefit of the community.
- For new development to respect the design and quality of existing buildings.
- For new development to have appropriate green buffers to enhance biodiversity and protect the rural character and amenity of Warton.
- For new developments to provide focal points to add variety to the street scene.
- To provide a sensitive transition between the development and rural environs.
- To provide strong gateways at key arrival points.
- To maintain the rural character of Hillock Lane.
- To provide good quality open space that connects up to provide new green routes, enhance recreation and provide better access to formal/ informal spaces.

Two Policies of the Neighbourhood Plan are of relevance. Policy BWNE2 (Protecting and Enhancing Local Character and Landscape) states that development proposals should demonstrate good design, respect local character and where possible reinforce local distinctiveness. Policy BWNE1 (Protecting and Enhancing Local Wildlife and Habitats) states that development should retain and where possible enhance biodiversity, improve access to the countryside.

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and is a key aspect of sustainable development.

Condition 1 of the approved outline requires that the reserved matters submission be consistent with the Illustrative Masterplans approved by the outline consent.

The reserved matters application proposes 333 dwellings split between two sites north and south of Church Road. The layout of both the north and south sites have similar characteristics to that of existing housing in the locality, providing for a central access road with secondary access road off shoots. Housing has a front or side facing aspect to all internal roads. Similarly, a traditional form of layout is provided through provision of a back-to-back or side-on relationship with existing housing neighbouring the site to the south and east. Development is outward facing to the new countryside edge through provision of front facing properties. Landscaped areas to the north and west of both sites reduce prominence of the built form, softening the development and assimilating it into the now semi-rural location. Property frontages will be open, having front garden areas and set back from the road edge providing a sense of greened openness to the development.

The revised proposals have increased the landscaping and set back of dwellings on the north site adjacent to Church Road and reoriented plots to ensure a front facing aspect to this main public vantage point. This also provides for an open landscaped setting to one of the main arterial routes into Warton and ensures that the development is inclusive to the existing community. The positioning of landscaping and open space on the north site has altered slightly when compared to the Illustrative Layout, though the amount of green space provided and developable area remains consistent with the outline consent. On this basis the proposed Layout is considered to reflect the Illustrative Masterplan and is therefore considered to be acceptable.

The existing locality is comprised of a range of housing styles and designs, ranging from bungalows to 2 storey dwellings. The application proposes a variety of housing types with varying designs with scale of dwellings ranging from a single true bungalow to 2.5 storey dwellings. Residents have raised concern to the provision of 2 and 2.5 storey dwellings being out of character with neighbouring bungalows on Beech Avenue and Fir Grove, although given the mix of existing dwellings in the locality the scale proposed is considered acceptable by officers.

With regard to house design, the dwellings are standard house types within the applicant's portfolio and so are not specifically designed to accord with the local vernacular. However, properties in the vicinity also present a mix of construction materials including brick, render, and tile and mix of dual/hipped roof design and new development to the east is also of standardised portfolio design. As such the design approach taken is not of great concern. The dwellings proposed are to be constructed of brick, render and tile, dual pitched roofs, some have 2 storey front gable detail and porches, and, their appearance would be consistent with character features of existing dwellings in the locality. Dwellings also provide elements of dual aspect where necessary, particularly to prominent side elevations visible in the street. Garaging is of a similar construction to dwellings with pitched roofs, of brick construction and set back from the street. Concern has been raised by the Regeneration team in relation to the random dispersion of brick types throughout the development with no rationale provided to explain the design approach. On this basis it is considered necessary to condition construction materials proposed to give a structure and legibility to the development and place that is to be created.

Landscaping within the site includes open plan garden fronted dwellings and the main access roads are tree planted. The revision provides for increased landscaping within the Church Road street scene which wraps around into the main access point, a landscaping belt continues about the countryside edge to the north site and off site tree planting is also proposed to the northern boundary of the south site. Accessible public open spaces are provided to both sites and incorporate provision of two equipped play areas. Dwellings in the vicinity of the play areas have either a front facing or dual aspect and provides for a degree of natural surveillance of the play area and open space areas. The Regeneration Team have provided detailed comment on the landscape proposals, requiring amendment to better assimilate the development into this location and can be dealt by condition.

Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features. EN4 requires provision of new trees and states development causing the loss of trees of value will be resisted. A number of existing trees and hedgerow on the site are to be felled as a result of the proposal, though it is acknowledged that these trees are in the developable area of the Illustrative Masterplan approved by the outline consent. It should be noted that the majority of peripheral hedgerows are to be retained within the scheme, although the loss of some hedgerow on Church Road has been accepted in order to support the approved access arrangement. Given the outline consent, and requirement by condition for development to be

consistent with the approved Illustrative Masterplan, their loss is considered acceptable, subject to replacement planting within the scheme. The submitted Landscape Masterplan details significant tree planting to street and landscaped areas, replacement hedgerow planting including that to Church Road, as well as off-site tree planting to northern boundary of the south site. The proposed landscaping is considered acceptable, subject to revision in line with the Regeneration Team comment.

The owner of 62 Church Road has queried the proposed boundary treatment adjacent to this property and potential dispute of maintenance of the retained hedgerow with occupants of the development. The resident refers to this hedgerow being open in places and being within ownership of the applicant. The applicant has confirmed that the retained hedgerow will form the boundary between the development and existing dwellings. Responsibility for maintenance of this hedgerow will lie with the land owner, and any dispute would be a private matter between concerned parties. Maintenance of the hedge below 1.8m could prejudice amenity of neighbours. On this basis the applicant has agreed to provide a 1.8m fence line to the development side of the hedge thereby removing reliance of the hedgerow to safeguard amenity.

On balance, the proposal is considered to be consistent with the Illustrative Masterplan where it was accepted that residential development would encroach into the countryside, but concluded that the development itself would have limited visual harm to landscape character.

Policy H2 of the SV requires new housing development of 10 units or more to provide at least 50% as 1, 2 or 3 bedroom homes. The development is to deliver 333 dwellings, and provides for 68% (227 units) smaller 2-3 bedroom properties across both the north and south sites. The mix of dwellings is therefore supported, and would contribute toward meeting the demographic needs of the borough. Residents have also raised concern to the lack of bungalows in the scheme which would provide for the needs of the elderly. Policy H2 of the SV requires at least 20% of houses on sites greater than 20 units to be designed specifically to accommodate the elderly. The policy does not require provision of bungalows, but does seek to ensure that dwellings facilitate wheel chair access. Notwithstanding, Policy H2 is an emerging policy contained within the Fylde Local Plan to 2032 and objection to the 'onerous' requirement for elderly provision has been made. Whilst the SV is a material consideration, the Inspector is yet to publish her findings of the Examination on this matter. Since the SV has unresolved objections with specific reference to policy H2 requirement for specialist elderly accommodation, relevant policies can only have moderate weight in the decision making process. Given this position, at this point in time lack of specialist accommodation for the elderly is not considered sufficient reasoning for refusal of the application.

On this basis, the proposed development would be of an acceptable scale, layout and appearance, and includes the main design principles of the Bryning with Warton Neighbourhood Plan, in accordance with the Development Plan, Neighbourhood Plan and the NPPF.

Impact on Residential Amenity.

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

Existing neighbours which could be affected by the proposal adjoin the application site to the south and east. The submitted layout drawing indicates that separation distances from proposed dwellings to adjacent neighbouring properties comply with required separation distances. A revision has been

received which has re-sited a bungalow further from the closest neighbour of 4 Fir Grove and provided for increased separation of 22m to 60 Church Road. It is considered that the proposed layout provides an acceptable level of private amenity space for future occupiers and the separation distances and relationships between the buildings would provide an acceptable standard of amenity in terms of privacy, overlooking and overbearing impacts.

Residents have raised concern to the proximity of the equipped play area located on the south site and potential disturbance from its use. There is a Woodland Park area situated to the west of Fir Grove which incorporates a play area. The play area is sited some 16m from back garden areas of nearest dwellings. Planting, including trees, will also be used to soften the visual appearance of the play area when viewed from the rear of existing properties. The play area is of sufficient distance to minimise disturbance to neighbours. Dwellings in the vicinity overlook the play area and woodland park, providing natural surveillance to discourage anti-social use.

Concern has also been raised with regards to the close proximity of a bus stop to dwellings and prospect of overlooking from those using the service. The location of the bus stops is to be determined through the discharge of condition 18 of 13/0674. Notwithstanding, the submission indicates that the south bound bus stop opposes 73-75 Church Road, having a separation distance of approximately 18m to these properties. This separation is considered sufficient to minimise overlooking from users of the bus, furthermore, opportunity for overlooking would be on an infrequent passive basis only.

Concern has also been raised to the presence of 3 storey dwellings adjacent to existing bungalows on Beech Avenue due to their impact on privacy. The housetypes adjacent to existing bungalows on Beech Avenue include provision of 7 x 2 storey dwellings with front dormers providing accommodation in the roof void. There are no rear dormers to these dwellings and so they will be viewed as 2 storey dwellings from existing dwellings on Beech Avenue. Separation is sufficient to safeguard the amenity of neighbours on Beech Avenue. Notwithstanding, to safeguard amenity it would be prudent to remove permitted development rights from proposed dwellings adjacent to Beech Avenue (plots 306-328) to ensure the Planning Authority has control over any future alterations.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for the duration of the build and is therefore acceptable. Conditions were attached to the outline consent to minimise amenity impact including submission of a Construction Method Statement to agree hours of site works, wheel wash facilities, measures to control dust/ dirt and safe routes to/ from the site for construction vehicles.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

Highways

Policy HL2 of the FBLP supports new residential development provided satisfactory access and parking arrangements are secured, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Policy TR3 requires parking to be accommodated within curtilage, specifying a minimum size for garaging and requiring parking courts to have good surveillance. Policy TR4 of the Neighbourhood Plan states that new development should make provision to link into existing networks for

pedestrians and cyclists.

Planning approval 16/0567 granted consent for the staggered vehicular access arrangement detailed in this current submission. The outline planning consent considered the impact that additional vehicles resultant from the development would have on the road network. Such matters do not therefore require consideration during assessment of this current application, which must be relative to the layout of the site only.

The proposed road layout within the application site is of standard design, providing for 6m wide main access roads, and reduced 5.5m carriageway to secondary roads. Footpath links are provided to the main access roads which link up to the existing network on Church Road. Some secondary roads have no footpath, depending on shared spaces to reduce road speeds in order to provide more green space and improve the visual appearance of the development. Turning heads are provided to the end of each dead end road. Two footpath links are provided from the north site to Church Road, and a third footpath link to Hillock Lane. The development will also connect to a footpath network within a new housing development to the south known as Riversleigh Farm.

The Parish Council have raised concerns to the lack of access to bus services 'stating the provision of a bus service was fundamental in the Planning Inspector deciding that this was a 'sustainable location having regard to.... Public transport'. This matter is dealt by the outline consent, indeed Condition 18 requires a scheme to be agreed for the provision of an hourly bus service between Lytham and Kirkham (via the application site) and should include provision of a bus turning facility within the development. The condition also requires arrangements for delivery of the service prior to occupation of the 26th dwelling for a period of at least 5 years. The applicant has sought to discharge condition 18 and the scheme submitted has made provision for two bus stops on Church Road outside the application site and a £250k contribution for bus service enhancements to provide a service between Kirkham and Warton (via Church Road). Whilst the lack of bus turning provision conflicts with Condition 18, the bus route will not terminate at the application site thereby removing the need for a turnaround area. On this basis, despite the Parish Council concern, it is considered that the requirements of Condition 18 will ensure access to a bus service in accordance with the Planning Inspector's determination.

Residents has also raised concern for the highway safety implications of the bus stop locations. Whilst the bus stops have been detailed in this submission, the highway safety assessment of their location will be undertaken through the condition discharge of condition 18 referred to in the previous paragraph.

Parking for each dwelling is a mix of garaging or driveway spaces.

Unfortunately comments from LCC Highways have not been received at the time of writing this report. It is expected that they will be submitted prior to the Committee meeting and will be reported by Late Observations. In the event that a response is not received it is recommended to delegate the authority to determine the application to the Head of Planning and Regeneration to consider the Highway response.

Ecology

Ecological matters associated to the sites development were considered during assessment of the Outline application, which required by condition mitigation for lost habitat, updated surveys for biodiversity features and method statements to safeguard trees and hedgerow during construction.

Condition 1 of the outline consent required that details of the reserved matters application shall be consistent with the submitted Illustrative Masterplan drawings. The developable areas and amount of open space on the current layout is in broad accordance with the outline submission, although the location of open space particularly to the northern site has altered. Notwithstanding this, comment from the consultant Ecologist has confirmed no objection to the proposals stating that the current layout still provides links to the open countryside and perimeters of the site. Compliance with the conditions attached to the outline consent will also ensure that updated surveys are undertaken prior to works on site commencing and implementation of any required safeguarding of protected species. In addition, Natural England advise that a Habitat Risk Assessment is not required for the development.

Flood Risk and Drainage

Flood risk and drainage matters associated to the site's development were considered during assessment of the Outline approval, which required by condition agreement of the surface water and foul drainage design and their management regime. With regards to this current application both the Lead Local Flood Authority and United Utilities have not raised objection to the proposal, subject to discharge of conditions on the outline consent.

Conclusions

The application site comprises two irregular shaped parcels of land, approximately 13.2 hectares in area, wrapping around the north western edge of Warton and subdivided centrally by Church Road. The developable area is located within the Countryside Area, as defined by the adopted Fylde Borough Local Plan (October 2005) and it is also an allocated Housing site in the submission version of the Fylde Local Plan to 2032.

The site has the benefit of outline planning consent (all matters reserved) for up to 360 dwellings (13/0674), which was granted consent on appeal.

This proposal is for 333 dwellings, with the outstanding reserved matters of the outline consent relating to access, layout, scale, appearance and landscaping associated with that outline permission applied for. Planning approval 16/0567 granted consent for the staggered vehicular access arrangement detailed in this current submission.

The principle of residential development on the site and access arrangement from Church Road have already been established under outline planning permission 13/0674 and 16/0567. Access, layout, scale, appearance and landscaping are considered acceptable, visual impact on the area is not considered sufficient to warrant refusal of the proposal and there are no other material considerations of note.

Recommendation

That the authority to determine this application be delegated to the Head of Planning & Regeneration subject to receipt and consideration of the Local Highway Authority's comments, and, that any planning permission granted be subject to any necessary revision and conditions resultant of the Local Highway Authority's comment.

The following conditions are proposed:

1. This consent relates to the following approved plans:

- Proposed Overall Site Layout drawing number CRWO/SL/01 revision A.
- Bede Housetype drawing number mh/bed/001.
- Buchan Housetype drawing number 4118013.
- Buchan Dual Aspect Housetype drawing number 411DA8013 revision A.
- Burroughs Housetype drawing number 2058013.
- Buttermere Housetype drawing number 5018013.
- Chadwick Housetype drawing number 4518013.
- Darwin Housetype drawing number 3078013 revision A.
- Darwin Dual Aspect Housetype drawing number 307DA8013.
- Fenwick Housetype drawing number 4308013.
- Hawthorne Housetype drawing number 3048013.
- Kipling Housetype drawing number 3108013.
- Malory Housetype drawing number 3208013.
- Rolland Housetype drawing number 4038013 revision A.
- Shakespeare Housetype floor plan drawing number 5048013.
- Shakespeare Housetype Elevation drawing number 5048023.
- Tolkien Housetype drawing number 3058013.
- Waingroves Housetype drawing number 3138023C.
- Wilde Housetype drawing number 3048013.
- Double detached garage drawing number 090/TDG1/001 revision A.
- Single detached garage drawing number 090/SG1/001 revision A.

Supporting Information:

- Design Statement Part 1, Part 2 and Part 3 (Hallam Land Management, January 2017).
- Planning Statement (Pegasus Group, 3rd February 2017).

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

2. Prior to commencement of the development hereby approved, Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to and approved in writing by the Local Planning Authority. The phasing plans shall include highways, pedestrian and cycle routes and green infrastructure. The development shall be implemented in accordance with the approved phasing plans.

Reason: To ensure the appropriate timing and delivery of works on site.

3. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, details of finished floor levels and external ground levels for each plot within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Policy HL2 and EP30 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

4. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, details of the external roofing and facing treatments within that phase shall be submitted to and approved by

the Local Planning Authority. Thereafter only those approved materials shall be used in the development of that phase, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

5. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, a scheme detailing the precise location, size and appearance of all boundary treatments, including the planting schedule for any hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and retained thereafter.

Reason: To provide sufficient clarity over the boundary treatments and in the interests of visual amenity, in accordance with Policy HL2 of the Fylde Borough Local Plan and GD7 of the Submission Version of the Fylde Local Plan 2032.

6. Prior to commencement of the northern site development, detailed design of the pump station and screening shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity, in accordance with Policy HL2 of the Fylde Borough Local Plan and GD7 of the Submission Version of the Fylde Local Plan 2032.

7. Notwithstanding any details shown on the approved plans, prior to commencement of the development hereby approved, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the type, species, siting and planting distances for all trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the agreed phasing period, or, first planting season after the development is substantially completed which ever is the sooner, and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with Policies HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan and GD7, ENV1 and ENV2 of the Submission Version of the Fylde Local Plan 2032.

8. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, a detailed hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide surface finishes of all hard surfaces, including roads and driveways. The development of that phase shall be implemented in accordance with the approved scheme and retained thereafter.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to enhance the character of the street scene in accordance with Policy HL2 of the adopted Fylde

9. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent and notwithstanding any denotation on the approved plans, details of the equipped play areas including the phasing of delivery, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and available for public use in accordance with the approved details and agreed timescales of delivery, and retained thereafter.

Reason: To ensure appropriate provision and delivery of equipped play with the development in accordance with Policy TREC17 of the adopted Fylde Borough Council Local Plan and GD7 of the submission version Fylde Local Plan to 2032.

10. Prior to commencement of the development hereby approved, a scheme of street lighting design shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

11. Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of public open space / amenity landscaping, and equipped play area. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that the development is implemented and maintained to a satisfactory degree into the future, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

12. Prior to the commencement of development of any phase approved by Condition 2 of this planning consent, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority for:

1. any works within or adjacent to the root protection area of trees and hedgerow to be retained on site or overhanging the site.

The AMS shall detail the root protection area (RPA) of affected trees and method of construction for any works within the RPA, in order to minimise disturbance to tree roots and preserve longevity of the tree. The development shall be constructed in accordance with the approved AMS.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

13. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

14. There shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees on the site and to ensure satisfactory landscaping of the site in the interests of visual amenity, in accordance with Policy EP12 and EP14 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

15. On site works, including any heavy vehicular movements and deliveries to/ from the site, shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and GD7 of the submission version Fylde Local Plan (2011-2032).

16. All garages within the development hereby approved shall be made available for use prior to the occupation of each associated dwelling and be retained to allow for the parking of a private car thereafter.

Reason: To ensure provision and retention of required parking within the development, in accordance with adopted Parking Standards and Policy T5 of the Submission Version of the Fylde Local Plan 2032.

17. Notwithstanding the provision of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking or re-enacting that Order, no development of the type specified in Classes A, B, C, D, E and F of Part 1 shall be carried out on Plot numbers 122-125 inclusive, and, 306-329 inclusive, unless planning permission has been granted first.

Reason: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy HL2 of the adopted Fylde Borough Local Plan.

18. The development hereby approved shall be constructed in accordance with all interface distances as annotated on drawing number CRWO/SL/01 revision A.

Reason: In order to safeguard the amenity of neighbouring properties, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0129	Address Land opposite and Blackfield End Farm, Church Road, Warton	Grid Ref. E.3407 : N.4290	Scale 0 20 40 60 80 m

Item Number: 2

Committee Date: 6 September 2017

Application Reference:	17/0140	Type of Application:	Full Planning Permission
Applicant:	Mr W Brooks	Agent :	
Location:	BROOK COTTAGE, GARSTANG ROAD, SINGLETON, POULTON LE FYLDE, FY6 7SX		
Proposal:	RE-SUBMISSION OF APPLICATION 16/0746 CHANGE OF USE OF LAND TO DOG BOARDING KENNELS AND DOG TRAINING SCHOOL, ERECTION OF KENNEL BUILDING, ERECTION OF ISOLATION KENNEL, AND FORMATION OF VISITOR PARKING AREA		
Parish:	SINGLETON AND GREENHALGH	Area Team:	Area Team 2
Weeks on Hand:	24	Case Officer:	Claire Booth
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/@53.848339,-2.9540094,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to an area of land alongside Brook Cottage which is a detached dwelling located in the countryside between the Singleton crossroads and Poulton. It seeks full planning permission to change the use of the agricultural field to the west of Brook Cottage to allow the working of dogs in the area and erect a building containing 18 kennels, a reception area, a covered exercise area, and an external exercise area to set up a new working dog training school and kennels at the site. The proposals also seek to erect two isolation kennels.

The principle of such a development in a countryside location is supported by local policies and the NPPF. The design of the proposals would not harm visual amenity nor the character of the countryside in which the site is located.

The proposal would utilise the existing access to Brook Cottage and would incorporate four on site car parking spaces to the east of Brook Cottage. This is considered to be sufficient parking provision. With this, and the lack of any objection from the Local Highway Authority, it is considered that a refusal of permission on highways or parking grounds would not be sustainable

The effect on the amenity of nearby neighbours, and also future neighbours, given the recent approval of 7 dwellings at 29 Mains Lane, has been extensively considered. Specialist information has been received relating to noise and odour and advice sought from key consultees including Environmental Protection. Planning conditions requiring noise attenuation measures to be included in the build, controlling the hours of training to daytime hours, and restricting the types of dogs boarding and trained at the kennels would minimise the impacts on residential amenity sufficient to justify support for the proposals.

It is recommended that the application be approved subject to the suggested conditions.

Reason for Reporting to Committee

The Parish Council has objected to the application, contrary to the Officer recommendation. The application must therefore be determined by Planning Committee.

Site Description and Location

The application site is known as 'Brook Cottage', Garstang Road, Singleton which lies to the north of Garstang Road East, A586, and south of the A585 Mains Lane.

The site has open fields to the west of Brook Cottage and dwellings to the east heading towards the Singleton Five Lane Ends junction, and to the north with the dwelling 'Selcourt', owned by the applicant, located to the south-west. Approval has recently been granted for 7 dwellings within the land surrounding 29 Mains Lane which borders the site to the north.

The site of Brook Cottage contains the dwelling, a storage building, a shed and a number of kennels along the shared boundary with 25 Mains Lane. The applicant's dogs currently live in these kennels.

The site is located with the countryside area of Little Singleton as designated on the Fylde Borough Local Plan, as altered (October 2005), with this designation carried forward in the submission version of the Fylde Local Plan to 2032. The land is Grade 2 agricultural land.

Details of Proposal

The application seeks full planning permission to change the use of the agricultural field to allow the working of dogs in the area and erect a building containing 18 kennels, a reception area, a covered exercise area, and an external exercise area to set up a new working dog training school and kennels at the site. The proposals also seek to erect two isolation kennels.

These kennels will be used for residential training of Gundogs to be used as shooting companions in the shooting field. Clients will leave their dogs for approximately 1-3 months during which time the applicants son and daughter in law would use the facilities on site, a training pen, retrieving lane and meadow/ field to replicate ground encountered on a typical shoot day. Dummies and various items will be used to train these dogs to hunt, find and retrieve, returning objects to the handler.

The applicants do not use or keep guns on the premises, but would use a starter pistol towards the completion of each dog's training. The nearby twice weekly clay shooting ground (approximate 2 miles south) provides adequate background sound to enhance their training.

The proposal seeks to offer boarding options for clients dogs whilst they holiday as trained Gundogs require specialist handling and maintenance of their schooling. The applicants would look to continue to breed an occasional litter from their dogs and offer canine midwifery services, with clients leaving their dogs during the latter stages of pregnancy and until puppies are weaned.

Upon completion of training, prior to the dogs being returned to owners, the owners will be expected to attend approximately three training classes which will be scheduled between 12 and 4

pm.

The main kennel building would be rectangular shaped and would have a length of 23.5m, and a width of 8.5m. The building would be clad in Juniper Green steel profile sheeting and have a dark grey colour sheeted pitched roof with a ridge height of about 3.6m. The building would be sited to the west of the bungalow against the north boundary of the site shared with 129 Mains Lane.

The isolation unit would contain two kennels be 4.6 metres by 4.0 metres. The isolation kennels would have a mono-pitch roof with a 1.0m roof overhang over the kennel doors and be of the same materials as the main kennel building.

A built up system profile steel cladding system will be used for both the roof and the walls. This comprises a 19/1000 inner sheet, 120mm rock wall insulation layer and an outer 32/1000 profile sheet. Both the walls and roofs of the two buildings would be covered with steel profile sheets with Juniper Green profile sheets to the walls and Externite Grey to the roof.

The application is also accompanied by a noise assessment, odour assessment and day to day management strategy.

Relevant Planning History

Application Site

Application No.	Development	Decision	Date
17/0133	RETROSPECTIVE APPLICATION FOR EXTENSION AND ALTERATIONS OF TIMBER OUTBUILDING TO SIDE OF DWELLING.	Granted	28/04/2017
16/0746	PROPOSED CHANGE OF USE OF LAND TO DOG BOARDING KENNELS AND DOG TRAINING SCHOOL, ERECTION OF KENNEL BUILDING, ERECTION OF ISOLATION KENNEL, AND ERECTION OF 2m HIGH FENCE TO FORM DOG TRAINING AREA	Withdrawn by Applicant	18/11/2016
15/0295	PROPOSED SINGLE STOREY SIDE & REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY.	Granted	23/06/2015
13/0266	PROPOSED CHANGE OF USE OF OUTBUILDING TO REAR AS INDEPENDENT DWELLING WITH ACCESS AND DOMESTIC CURTILAGE	Granted	31/07/2013
11/0167	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A SINGLE STOREY DETACHED DWELLING AT THE REAR OF SELCOURT - RE-SUBMISSION OF 10/0582	Refuse Certificate	02/06/2011
10/0582	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A SINGLE STOREY DETACHED DWELLING AT THE REAR OF SELCOURT.	Refuse Certificate	14/10/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
11/0167	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A SINGLE STOREY DETACHED DWELLING	Dismiss	13/03/2012

Adjoining the application site – 29 Mains Lane

Application No.	Development	Decision	Date
16/0538	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS (6 X SINGLE STOREY, 1 X 1.5 STOREY) AROUND EXISTING DWELLING WITH ACCESS, LAYOUT AND SCALE APPLIED FOR WITH APPEARANCE AND LANDSCAPING RESERVED	Allowed	29/06/2017

Parish/Town Council Observations

Singleton Parish Council notified on 21 March 2017 and comment:

"The Council objects to the proposal on grounds of increased traffic caused by entering and exiting the site on Garstang Road and adding to an already congested junction. The Parish Council is also concerned about probable noise-nuisance which will be caused to neighbours, as no matter how well it is run, there will be barking dogs at all hours."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections to the proposal.

Environmental Protection (Pollution)

No objections to the proposal, subject to noise mitigation measures being implemented.

Neighbour Observations

Neighbours notified:	21 March 2017
Site Notice Date:	23 March 2017
Number of Responses	Two responses have been received from an adjoining neighbour and their agent which raise the following concerns:
Summary of Comments	<ul style="list-style-type: none">• The proposed kennels are to be sited immediately adjacent to the garden boundary of 21 Mains Lane.• Occupier concerned that they already experience noise from dog training and intense periods of barking dogs from the site's existing kennels which are alleged to be in commercial use.• This is an inappropriate use close to residential properties and garden areas.• The use, in close proximity, would have a significantly detrimental impact upon the residential amenity of my dwelling and garden ground, together with a harmful effect on other adjacent dwellings.• The visual impact of a sizeable building containing 18 kennels, external pound, reception area and car park for 5

vehicles would have harmful impact upon the visual amenity, character and appearance of the area.

- The development would not benefit from any existing screening and therefore would have a visual impact and result in harm upon the countryside.
- Questions the reliability of the acoustic survey and the claim that gun dogs are trained not to bark. Assert that in their experience of unsupervised dogs in kennels where they not in their own, usual surroundings which in itself can cause dogs to bark uncontrollably.
- The noise and disturbance caused by the proposed kennel use, training ground use and vehicular activity associated with visitors to the car park, all adjacent to their garden, would be significant and would create an unacceptable, detrimental impact upon my residential amenity.
- States, the noise and disturbance caused by dogs barking 24/7 cannot be controlled. The fact that the building is adjacent to my garden boundary causes serious concerns.
- States the scale of the development is unacceptable and the nature of the use is not appropriate next to existing houses.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP13	Stables & equestrian centres, kennels & catteries
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP19	Protected species

Fylde Local Plan to 2032:

GD4	Development in the Countryside
ENV1	Landscape
ENV2	Biodiversity

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) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle

The application site is located on Grade 2 agricultural land. However, the land in question is not in specific agricultural use as it is in the ownership of the occupiers of a dwelling known as Brook

Cottage located to the rear of Selcourt, Garstang Road East, a property also owned by the applicant.

The proposal seeks to change the use of the land from agricultural to a sui generis use, and erect a dog boarding facility with 18 no. kennels and associated internal and external exercise areas. The building would have a floor area of approximately 200 square metres. As such, this application is assessed in relation to saved Policy SP13 and the NPPF. The NPPF refers to supporting the rural economy and diversification in the countryside (paragraph 28), and the granting of this application would contribute towards these objectives in a modest way. Policy SP13 of the Local Plan concerns itself with the development of commercial riding centres, livery stables, equestrian centres, kennels, catteries or other types of animal hotel or hospital. It contains a list of considerations which are explored in depth throughout the content of this report.

One of the principle considerations is the loss of agricultural land. Paragraph 112 of the NPPF states that the best and most versatile agricultural land should be protected from other uses. However, the proposed land use may not prevent such a use in the future and it is noted that the current class is very good quality agricultural land, which is located at the upper end of the scale of quality agricultural land. This application proposes to change the use of an area of land equating to approximately 2.68 acres this proposal would not have any significant implications for the future operation of an agricultural business or result in the significant loss of the boroughs most valuable agricultural land as the land is not currently used for agricultural purposes.

The principle of the development is considered to be acceptable. Whether the proposal complies with Policy SP13 is discussed below.

Residential amenity

Criterion 5 of Policy SP13 requires that the proposal does not harm the amenity of nearby/adjacent residential properties. Criteria g. of emerging Policy GD7 of the Fylde Local Plan to 2032 (Submission Version) also requires nearby residential amenity to be safeguarded. The Parish Council and the nearest neighbour raise concerns in relation to noise from the use of the kennels, barking dogs, the use of the starter pistol, and the negative impact this proposal would likely have on the residential amenity of those living near to the site, including future occupants of the land surrounding 29 Mains Lane to the north of the site.

The concerns raised were discussed with the Environmental Protection Officer, who also had conversations with Environmental Health colleagues in other Local Authorities to discuss the neighbour impacts that they have experienced from similar kennels which are located near to non-related dwellings. It has been demonstrated to both the Planning and Environmental Health Departments that all dogs to be housed on site are, and will be, gun dogs, and are well trained to respond to commands and are trained not to bark as this would result in a negative impact on any shoot, whilst they are working. The kennel facility is not to be used for household pets, many of which are untrained. A condition ensuring only recognised working dog breeds are trained or kennelled at the site has been researched and can legitimately be imposed to control the dog breeds that will use the facility.

The kennels will be used for residential training of Gundogs to be used as shooting companions in the shooting field. In the Operational Statement submitted with the application the applicants advise that clients will leave their dogs for approximately 1-3 months during which time the applicants will use the facilities i.e. training pen, retrieving lane and meadow to replicate ground encountered on a typical shoot day. Dummies are used to train these dogs to hunt, find and retrieve returning objects to the handler.

Noise

The issue of noise is a material planning consideration and this has been considered in depth by the Council's Environmental Health section. Initially, the Council's Environmental Health section raised objections to the proposals due to the effect the proposals could have on the amenity of nearby neighbours. Following detailed information being received on noise, odour management and mitigation against these two issues, plus visiting the site and witnessing the training of the applicants' dogs and the firing of the starter pistol, the Environmental Health section now support the proposal.

Following the allowance of the appeal to the north of the application site at 29 Mains Lane, the nearest properties will now be to the north of the site at a distance of 14.6m to the rear garden areas and 32.5m to the rear façade of the houses. Houses also exist to the north-east, east and south-east. An updated Acoustic Survey and Assessment has been submitted to assess the impacts on these properties in light of the appeal at 29 Mains Lane being allowed.

This advises that the resulting sound level, should an unusual event of all dogs barking simultaneously occur, would be 49.3dB(A). This level would be above the lowest recorded average hourly background sound level in the area during the day and evening periods. Although it is just below the guideline level for external amenity areas and for daytime internal levels it is above the guideline value for night-time levels with windows open. While it is unlikely that dogs will bark during the night-time period, once they have been put to bed for the night, their acoustic survey report considers the worse-case scenario and has consequently improve the attenuation of the building in the walls and the roof of the building to ensure that the worse-case sound level exposure at these new properties will be below the prevailing background sound level. A built up system profile steel cladding system will be used for both the roof and the walls. This comprises a 19/1000 inner sheet, 120mm rock wall insulation layer and an outer 32/1000 profile sheet. This cladding system will provide a sound reduction of 36.5dB Rw. As initially submitted, at the western end of the building the side and gable of the building would be covered with wire mesh to cover the external exercise area. Due to concerns noise would emanate from this area, the applicants agreed to surround this area with the same soundproofing as the rest of the building. The Council's Environmental Protection Officer does not object to the kennels subject to the provision of the above acoustic attenuation and that the isolation kennels will be constructed with the same attenuation. A condition is recommended accordingly to secure this.

External noise will be generated when training the dogs in the area in the area to the south of the building and within the wider field. Field dogs/ working dogs do not tend to be trained in groups with one-on-one training given. The applicants' son and daughter and law are to run the business therefore it is envisaged that no more than 2 or 3 dogs will be trained at any one time. Noise will mainly be from the whistles and verbal commands given by the trainer/ applicants. A starter pistol will be used towards the completion of each dogs training. The hours of use of the starter pistol and the training of the dogs should be kept to day time hours as it has been demonstrated to both the Planning and Environmental Health Departments by a visit to the site watching the training and working of the applicants dogs, that the use of the pistol is hardly audible against the traffic noise generated on Garstang New Road. Provided the training of the dogs and use of the pistol is within daytime hours, the use of the land for the training of working dogs would not harm the amenity of the nearby neighbours. This can be secured by condition.

It should be noted that there is provision to investigate complaints regarding noise under the Environmental Protection Act 1990 and also deal with such matters through Licensing and as such, this matter could be dealt with by the Environmental Protection team, if future complaints should

arise. Notwithstanding this, the Environmental Protection/ Health team are satisfied that noise will mainly take place within the building and this is to be soundproofed, thereby minimising the risk of noise.

Provided the training of dogs and the use of the starter pistol is restricted to daytime hours, and the buildings are sound proofed in accordance with the details submitted, it is considered that the objections on noise grounds cannot be given sufficient weight to justify the refusal of planning permission.

Odour

Potential odour emissions from the site could have an adverse environmental impact on neighbouring sensitive properties. As such an Odour Management Plan has been submitted which details that the materials used in the construction of the buildings will provide an impervious, easily cleanable surface, and drainage to the foul sewer will occur. The building is also designed to be adequately ventilated thus any odour will be dispelled.

Solid waste will consist of waste material from the dogs, soiled beds and feed containers. All are to be removed on a daily basis and will not be allowed to accumulate. Provided the solid waste is stored away from non-associated residential properties and the odour management procedures are applied the effect on amenity would be negligible. Both of these aspects will be conditioned.

Illumination

The applicants have indicated that no external lights are proposed, therefore, the amenity of existing and future neighbours should not suffer from light pollution. It is recommended that any future lighting proposed by the applicants should be properly assessed and details of their size, location and operation can be agreed by condition and enforced against if not installed in accordance with the approved details.

Subject to the imposition of the conditions recommended, and agreed by the Councils Environmental Health Officer, it is not considered that the proposals would cause unacceptable harm to the amenities of neighbours or adversely affect the character or appearance of the locality. With the above in mind, and subject to the suggested conditions, it is considered that the proposed development accords with saved Policy SP13 of the Fylde Borough Local Plan, the NPPF, and Policy GD7 of the Fylde Local Plan to 2032.

Siting of buildings

Criterion 1 of Policy SP13 requires that in the case of a new enterprise, the proposed development should be located where an existing dwelling can provide accommodation for supervision and security of the operation. Brook Cottage is included within the red edge and is owned and occupied by the applicants. This dwelling is within sight and sound of the kennels and provided the kennels are not severed from the property, the proposal complies with this criterion. A condition will be used to secure this.

Effect on the character of the countryside and visual amenity

Criterion 2 of policy SP13 requires that any new buildings are appropriately designed and use materials that respect the rural character of the area. Policies ENV1 and GD7 of the emerging Fylde Local Plan to 2032 (Submission Version) follow the same requirements. Although the new building will result in new built development on the site it is considered that they will not form an incongruous feature in the site nor have a significant harm on the character and visual amenity of

the area as the building is to be relatively low level. Whilst it was initially considered that the building should be moved closer to Brook Cottage so not to extend built form in to the open countryside, due to the approval by an Inspector of 7 dwellings within the land surrounding 29 Mains Lane, which will extend across the majority of the width of that appeal site, prevents a refusal on this ground being justified as the proposed main kennel building will be seen against the backdrop of these dwellings in the long range views possible from several points on Garstang Road East and at times of little leaf cover.

The proposed finish and colour of the external materials is considered appropriate for this rural location and hence accord with criterion 1 and 2 of Policy SP13.

Parking and Highway Safety

The Parish Council objects to the proposal on grounds of increased traffic caused by entering and exiting the site on Garstang Road and adding to an already congested junction (Five Lane Ends).

The proposal would utilise the existing access to Brook Cottage and would incorporate four on site car parking spaces to the east of Brook Cottage with the parking spaces associated with the bungalow remaining as existing. This is considered to be sufficient parking provision and would allow access and egress on to Garstang Road East in a forward gear. With this and the lack of any objection from the Local Highway Authority it is considered that a refusal of permission on highways or parking grounds would not be sustainable and hence the proposal accords with criterion 4 of saved Policy SP13 and the parking and highway safety requirements of emerging Policy GD7.

Crime and Disorder

Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues given the owners of the site reside at Brook Cottage which overlooks the proposed site. Rural crime is therefore not envisaged.

Biodiversity and Protected Species

In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. A pond exists in the north-west corner of the site. This pond is not considered to be poor species habitat and thus the proposals will not harm local biodiversity.

Conclusions

The proposals have been assessed against policies for business enterprises in the countryside and complies with local saved and emerging planning policies and the NPPF requirement to support the rural economy and diversification in the countryside. Whilst the proposals would lead to the loss of a parcel of Grade 2 agricultural land, it is considered that the loss would not be significant.

The use constitutes a rural based business enterprise that is reasonably sustainably located and would be operated and located where surveillance by the occupants of Brook Cottage is available as required by saved policy SP13.

It is also considered that traffic generation would not be likely to give rise to unreasonable harm to highway safety nor residential amenity. In respect of the latter, conditions have been recommended which will ensure there are minimal impacts on residential amenity, certainly none that are

sufficient to justify support for the scheme.

Given the proposed layout, design and appearance of buildings it is considered that there would not be harm to the character and appearance of the countryside or visual amenity.

The proposals are considered to comply with saved and emerging local planning policies with any potential issues addressed by the imposition of conditions. It is therefore recommended that the application be conditionally approved.

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 details:

Approved plans:

- Location Plan - Land Registry plan
- Proposed Site Plan, Plans and Elevations - Dwg. No. Brooks/01 Rev.A

Supporting Reports:

- Operational Statement dated 07 March 2017
- Revised Acoustic Survey and Assessment dated July 2017
- Odour Management Plan dated February 2017

Reason: To provide clarity to the permission.

3. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 28 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In the interest of visual amenity to ensure a satisfactory standard of development.

4. The walls and roofs of the buildings hereby approved shall be implemented in accordance with the mitigation measures identified within the Revised Acoustic Survey and Assessment dated July 2017 before the buildings are brought in to use. The provisions of those details stated in paragraph 2.5 and Appendix 1 of the document shall subsequently be retained thereafter.

Reason: In the interests of minimising the potential for noise nuisance from the site to occur to the detriment of the amenity of adjacent residential occupiers as required by Policy EP27 of the Fylde Borough Local Plan.

5. This permission shall not inure for the benefit of the land but shall operate for the benefit of the occupiers of Brook Cottage only. The kennels shall not be managed other than by the occupiers of that dwelling and shall in no case be used as separate commercial kennels.

Reason: To provide supervision and security of the operation in the interests of amenity.

6. A scheme for the external lighting of the buildings and site curtilage [including degree of illumination and light spillage] shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting on the site hereby approved. Only lighting that accords with the approved scheme shall be installed at the site, with any additional or altered lighting only installed following its previous approval in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity of the area and of neighbouring occupiers.

7. The only dogs permitted to be kept on the site as part of the hereby approved business of dog training, boarding and breeding shall be those within the following schedule, that is dogs which are being trained or in training as gun dogs in order to assist hunters and shooters in the finding, flushing or retrieving of game. At all times a daily log of all dogs being kept on the site shall be maintained and this shall be kept and made available to the local planning authority for inspection and copying upon request.

Hunt/Point/Retrieve Schedule

Bracco Italiano
Brittany
English Setter
German Long Haired Pointer
German Short Haired Pointer
German Wire Haired Pointer
Gordon Setter
Irish Red & White Setter
Irish Setter
Italian Spinone
Hungarian Vizsla
Hungarian Wire Haired Vizsla
Korthals Griffon
Lagotto Romagnolo
Large Munsterlander
Pointer
Slovakian Rough Haired Pointer
Weimaraner
Retriever
Retriever – Labradoodle
Retriever – Goldendoodle
Retriever – Chesapeake Bay
Retriever – Curly Coated
Retriever – Golden
Retriever – Labrador
Retriever – Nova Scotia Duck Tolling
Spaniel
Spaniel - Cocker
Spaniel – American Cocker
Spaniel – Clumber
Spaniel – English Springer
Spaniel – Field Spaniel

Spaniel – Irish Water
Spaniel - Sussex Spaniel
Spaniel – Welsh Springer
Spaniel - Sproker (Springer Spaniel x Cocker Spaniel)
Spanish Water Dog

Reason: To ensure that working dogs only are present at the site to limit the levels of noise emanating from the proposed use in the interests of the amenity of nearby occupiers and the character or appearance of the locality.

8. The training of dogs shall be limited to those boarding at the site and shall only take place between the hours of 10:00 - 17:00 on Mondays to Saturdays and 10:00 - 16:00 on Sundays and Bank Holidays. Records of all training shall be maintained and made available on request to the local planning authority.

Reason: In the interests of ensuring no noise detriment to adjacent occupiers.

9. No development approved by this permission shall be commenced until a scheme for the containment and storage of solid waste has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.

Reason: In the interests of minimising the potential for noise nuisance from the site to occur to the detriment of the amenity of adjacent residential occupiers as required by Policy EP27 of the Fylde Borough Local Plan.

10. The operation of the premises hereby approved shall be undertaken with full compliance to all aspects of the Odour Management Plan dated February 2017 submitted with the application.

Reason: In the interests of minimising the potential for odour nuisance from the site to occur to the detriment of the amenity of adjacent residential occupiers.

11. No more than 3 dogs shall take part in exercise and training activities at the site at any time.

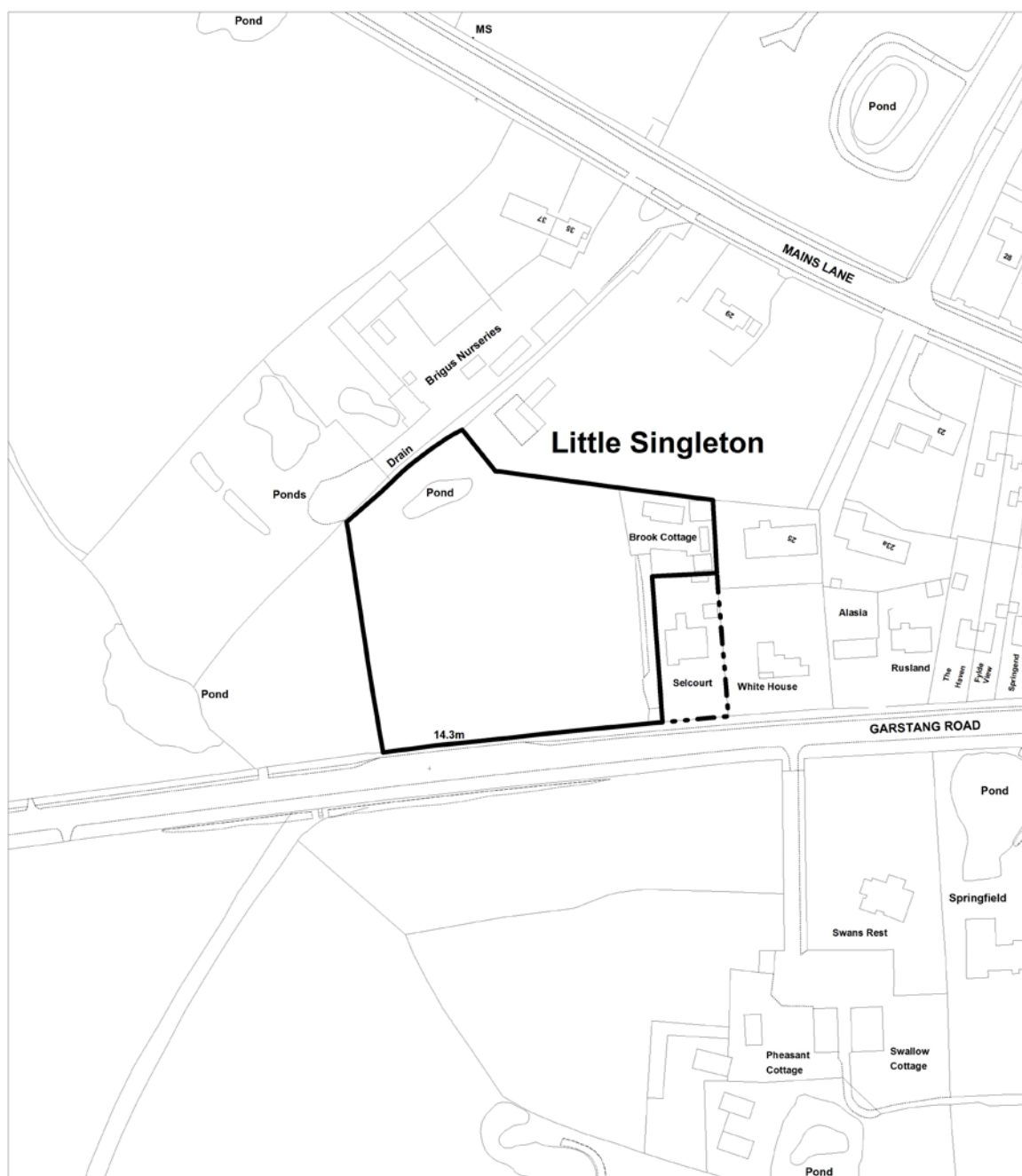
Reason: To safeguard the amenity of the area and nearby residents.

12. Before the development hereby approved is completed and brought into use, a properly designed yard gully complete with perforated sediment pan shall be provided to serve the kennel accommodation and any associated paved area and be connected to the foul drainage system.

Reason: To ensure an adequate drainage system is available at all times to serve the development and avoid pollution.

13. Before the development is first brought into use, the parking spaces identified on Dwg. No. Brooks/01 Rev.A shall have been provided, hard surfaced and made available for use within the curtilage of the site, in accordance details that shall first have been submitted to and approved by the local planning authority before development commences. The approved scheme shall once provided be permanently maintained in accordance with the approved details.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0140	Address Brook Cottage, Garstang Road, Singleton	Grid Ref. E.3372 : N.4395	Scale 0 10 20 30 40 m

Item Number: 3

Committee Date: 6 September 2017

Application Reference:	17/0472	Type of Application:	Householder Planning Application
Applicant:	Mr S Bell	Agent :	
Location:	4 GREENFIELDS CRESCENT, MEDLAR WITH WESHAM, PRESTON, PR4 3EH		
Proposal:	RETROSPECTIVE APPLICATION FOR INSTALLATION OF BI-FOLDING DOORS TO REPLACE KITCHEN WINDOW TO FRONT		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Claire Booth
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/@53.789598,-2.8936192,138m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached house located in an estate of similar properties that was constructed in the 1990s and now lies within the settlement area of Wesham.

The application is retrospective one that relates to the installation of bi-folding aluminium framed doors to the front elevation of the property, with these works requiring planning permission as the permitted development rights that would normally allow such alterations to be made were withdrawn in the granting of the planning permission for the erection of the dwellings in 1989.

Being to the front elevation the works are relatively visible on the property. However, there are many other examples of large windows and other door openings on the front of other properties in the area and so it is not considered that the works are particularly out-of-character with the established pattern of development in the area. Furthermore, they are not harmful to the appearance of the property or its contribution to the streetscene to a degree that could warrant a refusal of the application as being in conflict with the relevant adopted and emerging Local Plan policies. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

The officer recommendation is in conflict with the views expressed by Wesham Town Council.

Site Description and Location

The application property is a two storey detached dwelling located on a residential estate of similar

properties that were constructed in the early 1990s. The property has a detached double garage that projects to the front and was constructed with its kitchen to the front alongside that and so served by a high-cilled window to accommodate the sink on that front elevation.

Surrounding properties are similar in their scale and design albeit with there only being one other property on the estate of this house type. The property fronts onto an area of public open space that serves the development and contains a pond and trees.

Details of Proposal

The application is submitted retrospectively and relates to the replacement of the kitchen window in the front elevation at ground floor with a bi-folding patio door. This has an overall width of 2.5m and is in a dark green powder coated aluminium construction. The patio doors lead to the hard surfaced patio / front garden area to the property.

Relevant Planning History

The properties were constructed under planning permission 89/0198 granted on 17 May 1989 for the erection of 72 dwellings and associated open space.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 09 June 2017 and comment:

"The Council Object to the proposal. The installation is not in keeping with the streetscene."

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified:	09 June 2017
Number of Responses:	1 (from immediate neighbour)
Summary of Comments:	<i>"I live at 2 Greenfields Crescent and am pleased with the alterations and look of my neighbour's house. I think that it adds to the overall appeal of the neighbourhood and of the benefits of overlooking a duck pond in front, I have no objections to it whatsoever."</i>

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
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

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis**Principle**

The application site is located within the settlement area under Policy SP1 of the adopted Fylde Borough Local Plan, As Altered, October 2005, and Policy GD1 of the emerging Fylde Local Plan to 2032 (Submission Version). In these areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 and Policy GD7 of the aforementioned plans.

Design and Appearance in Streetscene

The only matter for consideration is the impact of the works to the property and the contribution it makes to the streetscene.

As constructed the property has a scale, appearance and materials that was typical of others on the estate where the predominant style of properties are two storey detached dwellings with attached or integral garages. Whilst there have obviously been some alterations to the dwellings in the 20 years or so since they were constructed the character of the estate remains a pleasant one, with that particularly the case in the location of this property as it fronts onto the open space area with the central pond and maturing trees.

It was with that in mind that the house owner undertook the works that have resulted in this application, which were essentially aimed at re-orientating the living accommodation of the dwelling to place the lounge area to the front of the property to take advantage of this open and south-facing aspect, and so locate the kitchen to the rear. These works included the installation of the patio doors to allow greater light into the property and connect it to the previously hard-surfaced front garden area.

When the council granted planning permission for the estate in 1989 it determined that the permitted development rights that are normally available to householders should be removed which means that these works require planning permission, hence this application. The removal of permitted development rights is to allow the council to retain control over future extensions and alterations, rather than to prevent them under any circumstances.

In this case the property was built with its kitchen window to the front elevation which gave it a slightly awkward appearance due to the height of the cill and its off-centre location compared to the bedroom window above. This has been replaced by a wider and deeper opening to serve the

lounge area that is now to the front of the property. This is also slightly awkward as it is an appearance typically found on the rear elevation, with the use of green to the frames of the doors accentuating that. The views of the Town Council reflect that.

The policy test to be applied under HL5 is whether this is appropriate in scale and design to the building and whether this is harmful to the streetscene, and under GD7 whether there is demonstrable harm to the surrounding area.

The works have not involved any alterations to enclose the front garden area and whilst it is visible in some vantage points, are not prominently so by virtue of the set-back of the property from the road and the screening offered by the large double garage to the front that masks views when entering the road. The works are similar in scale to those found on other properties where there are wide openings to front elevations that are in more prominent locations than this one.

Taking this information together it is considered that the works are not harmful to the appearance of the property, are not particularly prominent in the wider streetscene, and are not out of character with the varied nature of the front elevation treatments in that streetscene. As such the works do not conflict with the relevant policies of the adopted and emerging Local Plan in this regard. Furthermore they do not conflict with the guidance in para 60 of the NPPF which states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”

The application property is not listed, and is not located in a conservation area. It is located on an estate where there are a range of fenestration styles and general property designs, and as such the limited impact that the works here have considered to be acceptable.

Other Impacts

With the work being at ground floor level and to the front of the property that overlooks the open space there are no potential impacts on any neighbouring property.

The level of parking available to the property is unaffected with the double garage and driveway retained.

Conclusion

The application property is a detached house located in an estate of similar properties that was constructed in the 1990s and now lies within the settlement area of Wesham.

The application is retrospective one that relates to the installation of bi-folding aluminium framed doors to the front elevation of the property, with these works requiring planning permission as the permitted development rights that would normally allow such alterations to be made were withdrawn in the granting of the planning permission for the erection of the dwellings in 1989.

Being to the front elevation the works are relatively visible on the property, however, there are many other examples of large windows and other door openings on the front of other properties in the area and so it is not considered that the works are particularly out-of-character with the established pattern of development in the area. Furthermore, they are not harmful to the appearance of the property or its contribution to the streetscene to a degree that could warrant a refusal of the application as being in conflict with the relevant adopted and emerging Local Plan

policies. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED. Given the retrospective nature of the works no conditions are required.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0472	Address 4 Greenfields Crescent, Wesham	Grid Ref. E.3413 : N.4329	Scale 0 6 12 18 24 m

Item Number: 4

Committee Date: 6 September 2017

Application Reference:	17/0473	Type of Application:	Variation of Condition
Applicant:	Mr Bateson	Agent :	Savills (UK) Limited
Location:	BANK LANE CARAVAN PARK, BANK LANE, BRYNING WITH WARTON, PRESTON, PR4 1TB		
Proposal:	VARIATION OF CONDITION 1 ON PLANNING APPLICATION 5/89/0693 TO SEEK PLANNING APPROVAL FOR THE CARAVAN PARK TO REMAIN OPEN ALL YEAR ROUND.		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Rob Clewes
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/@53.7426718,-2.9055174,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a well-established caravan park located outside Warton off Bank Lane. The site contains a mixture of touring and static pitches and has evolved over the years. This application seeks the removal of the occupancy condition on a part of the site that require a shutdown period during winter months.

This request is similar to others received at numerous sites across the borough and is supported by more recent national guidance and Local Plan policy which encourages sustainable rural tourism uses. Having said that there remains a concern that the caravans could then be occupied residentially and so it is proposed to impose alternative controls to require that the caravans are not a person's main home and that the operators of the site maintain a register of their occupiers main homes that is available to the local planning authority inspection at all times. On the basis of this safeguard being maintained it is considered that the occupancy condition can be removed and so the application supported.

Reason for Reporting to Committee

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection received from Bryning with Warton Parish Council.

Site Description and Location

The application site is the Bank Lane Caravan Park located on the western side of Bank Lane in Warton. To the north and west there are agricultural fields and to the south there are residential properties and another caravan park. To the east of the site is the BAE aerodrome complex. The site itself comprises of several buildings and an area for touring caravans. The remainder of the site

comprises of static caravans for holiday use. The site is outside of the village boundary and is designated as Green Belt in the adopted and emerging Local Plans.

Details of Proposal

This application seeks permission for the removal of condition no. 1 of application no. 89/0693 which restricts occupancy of the caravans as follows:

"That no caravan on the site shall be occupied during the period between 8 January and 28 February in any year.

Reason: To ensure that the site is not occupied by owners as their permanent residential base or home as the permission only relates to ancillary leisure accommodation"

The application seeks consent for the year round use of the Caravan Park with the supporting letter stating *"It is becoming commonplace for holiday parks to remain open all year round therefore the approval of this application will allow the park to compete with other holiday parks, not just in Fylde, but throughout the United Kingdom".*

The letter goes on to state that the operators would be willing to accept a standard condition relating to holiday occupation, and suggest the following wording:

"The caravans and other forms of accommodation on the site shall be used for holiday purposes only; they shall at no time be used on a permanent residential basis.

The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority."

The supporting letter then refers to some local examples where such conditions have been imposed in recent years, the local and national policy support for tourism development and to highlight that this application will not involve any operational development.

Relevant Planning History

Application No.	Development	Decision	Date
06/0520	CHANGE OF USE FROM 20 TOURING CARAVANS TO 20 STATIC CARAVANS FOR HOLIDAY USE ONLY	Refused	01/08/2006
95/0776	CHANGE OF USE OF TOOL & MACHINE STORE (LOCATED WITHIN SHOP & OFFICE BUILDING) TO PLAY/RECREATION ROOM	Granted	03/01/1996
89/0693	MODIFY CONDITION 2 (REF 3/7/5143) TO PERMIT OCCUPANCY OF CARAVANS EXCEPT FOR FEBRUARY	Granted	31/01/1990
84/0721	AMENDMENT TO CONDITION NO. 2 (3/7/5143/1).	Refused	03/01/1985
84/0719	RENEWAL OF CONSENT: SITING OF WARDEN'S MOBILE HOME.	Granted	05/12/1984
83/0432	CHANGE OF USE - SHOP AND STORE TO SHOP AND RECREATION CLUB.	Granted	20/07/1983

83/0309	TEMPORARY SITING OF MOBILE HOME.	Granted	25/05/1983
80/0871	ERECTION OF WARDEN'S HOUSE (AMENDMENT TO PREVIOUSLY APPROVED PLAN).	Granted	15/10/1980
77/0306	PUMPING STATION AND RISING MAIN.	Granted	18/05/1977
74/0028	DETAILS OF CARAVAN SITE, WARDEN'S HOUSE, SHOP AND TOILET BLOCKS.	Granted	07/05/1975

Relevant Planning Appeals History

None

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 20 June 2017 and comment:

"Object to the proposal - The Borough Council imposed this condition believed with the intent of stopping caravan occupants residing there on a permanent basis and thus avoiding usual council rates whether deliberately or by chance. Local authorities do not have the resources to carry out the necessary routine regular checks to evidence this occurring and removal of the condition creates an opportunity for a minority to break the regulations. Over time this would become the norm and forgotten about creating an unfair position for those that live in static home sites elsewhere in the Borough."

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

Comments - No comments received

Ministry of Defence - Safeguarding

Comments - No objections

Neighbour Observations

Neighbours notified: 20 June 2017
Number of Responses None

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
TREC06	Static Caravans and Chalets
TREC10	Countryside Recreation
EP16	Development in or near SSSI's
EP20	Protection of coastline, estuaries and sand dunes

Fylde Local Plan to 2032:

GD2	Green Belt
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

This application seeks to remove a condition imposed on the site through planning permission 89/0693 which restricts the occupancy of caravans to exclude that occurring during a winter shutdown period to maintain the site as a holiday site.

Policy TREC6 of the Fylde Borough Local Plan refers to the development of static holiday caravans and holiday chalets sites, and as the site is a well-established holiday caravan site the principle of the holiday caravans here is accepted. One aspect of Policy TREC6 is aimed at restricting residential use and states that: *Where planning permission is granted for a new static caravan sites, a minimum specified six week period per year will be required when the units remain unoccupied.* That wording supports the imposition of the condition, and so its retention.

However, subsequent to the adoption of the Fylde Borough Local Plan the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance have been introduced. These take a more general approach to the sustainable growth and expansion of all types of business and enterprise in rural areas, including sustainable rural tourism and leisure developments. These are taken forward in the emerging Fylde Local Plan to 2032 with Policy EC7 referring to tourism accommodation and seeking to retain holiday caravan pitches for holiday use, although crucially without the reference to a shutdown period.

The opportunity for the holiday caravans to be occupied on a year round basis allows them to bring trade and support to local businesses in a sustainable location throughout that time. This can be done without having a detrimental impact on the green belt designations of the area or the character of the wider countryside. The improvements to the standards of caravan construction allows for winter occupation and the extended season can bring added benefits to the local economy. It should also be borne in mind that the site is an existing, established holiday site with a mix of static and touring caravans, no extension to the site area or number of caravans is proposed in this application, its physical appearance access and impact on landscape will not change from that as existing

The overriding concern with the removal of the occupancy condition in this case, as is articulated by the Parish Council, is the potential that unrestricted occupancy would become residential occupancy which would be clearly contrary to green belt and other development strategy policies. The supporting statement with the application suggests conditions that could be imposed as alternatives for that which is proposed for removal and are aimed at preventing this from occurring. The officer view is that this is a reasonable approach, and is one that is consistent with conditions imposed on a numerous new and amended planning permissions for caravan sites across the borough in recent years. These conditions are commonplace nationally and are designed to avoid inappropriate residential development in rural areas on caravan sites. As such the removal of the occupancy

condition would not be unfettered and would be replaced with conditions requiring the site owner(s) to provide details of persons sole or main place of residence and to supply and maintain an up-to-date register of these address which will be available to the local planning authority inspection at all times.

Conclusions

The application site is a well-established caravan park use for holiday purposes which seeks the removal of the occupancy condition requiring a shutdown period. The removal of this condition would not be unfettered and would be replaced with conditions requiring details of persons sole or main place of residence to be provided and to supply and maintain an up-to-date register of these address which will be available to the local planning authority inspection at all times and on this basis it is considered that the occupancy condition should be removed.

Recommendation

That condition 1 of planning permission 89/0693 be removed and replaced with 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 / consent relates to the following details:

Approved plans:

- Site Location Plan

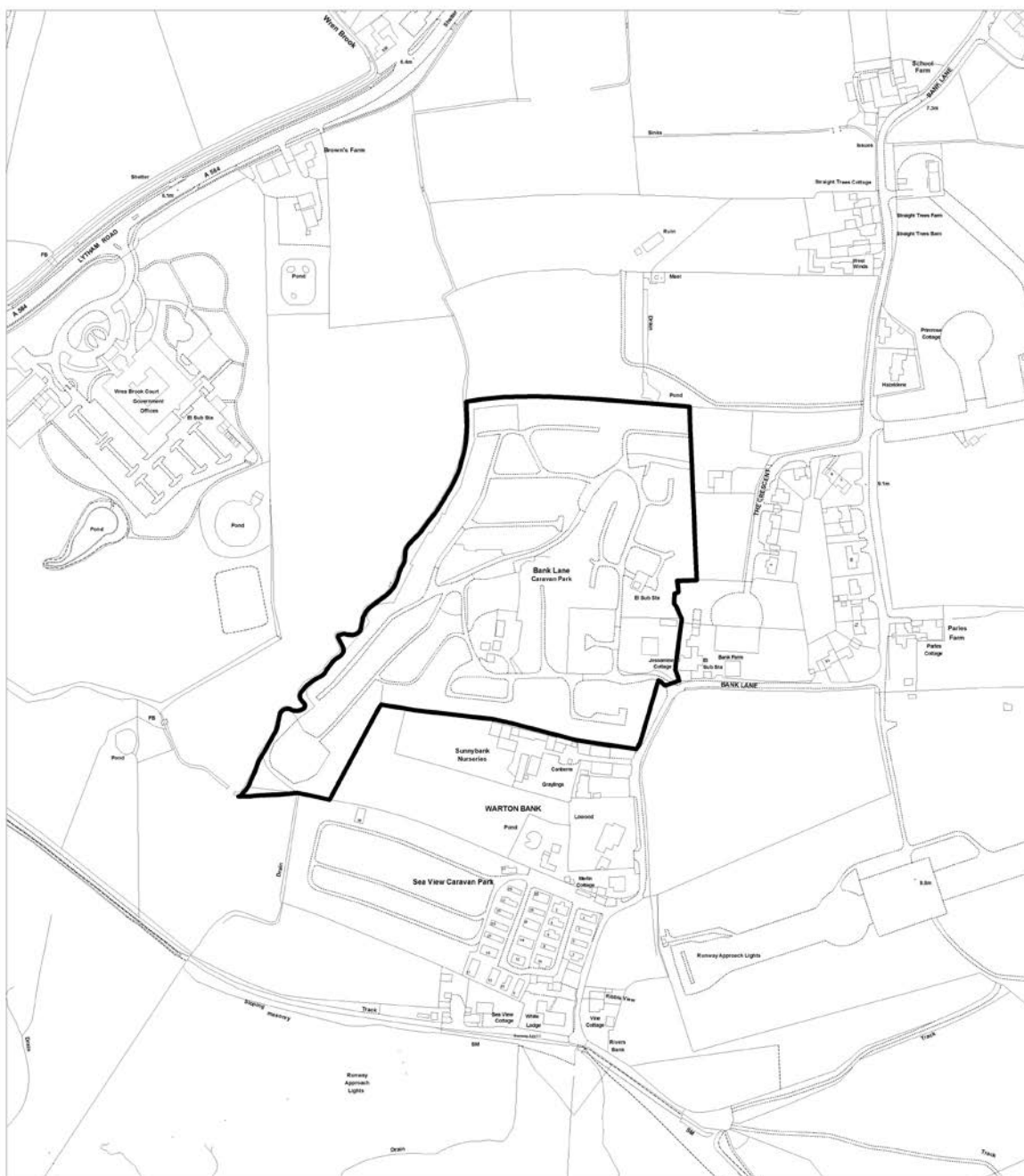
Reason: To provide clarity to the permission.

3. The owners/operators of the caravan site shall maintain an up-to-date register of the names, main address and the period of occupancy including arrival and departure dates of all owners/occupiers of individual caravans/cabins/chalets/holiday lodges etc on the site. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

4. That the caravans within the area edged red on the Site Location Plan submitted with this application shall be occupied for holiday purposes only and not as a persons' permanent, sole or main place of residence.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0473	Address Bank Lane Caravan Park, Bank Lane, Warton	Grid Ref. E.3402 : N.4278	Scale 0 20 40 60 80 m

Item Number: 5

Committee Date: 6 September 2017

Application Reference:	17/0480	Type of Application:	Full Planning Permission
Applicant:	J T Smith	Agent :	Ian Pick Associates Ltd
Location:	SWARBRICK HALL FARM, SINGLETON ROAD, WEETON WITH PREESE, PRESTON, PR4 3JJ		
Proposal:	EXTENSION OF EXISTING POULTRY REARING ENTERPRISE BY FURTHER 90,000 BIRDS THROUGH ERECTION OF 2 NO. POULTRY BUILDINGS WITH ASSOCIATED BULK BINS AND INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING PIG UNITS		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Ruth Thow
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/@53.8149074,-2.926569,1107m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is land at Swarbrick Hall Farm, off Singleton Road, Weeton. The application seeks permission for an extension of the existing poultry rearing enterprise by a further 90,000 birds through the erection of two additional poultry buildings with associated bulk feed bins and infrastructure, following demolition of the existing pig unit buildings.

The development is considered to comply with the requirements of the local plan policies in respect of the agricultural need for the development, and with the various environmental protection and conservation policies of the plan. It also complies with the aims of the NPPF which supports the growth and expansion of rural business.

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

Reason for Reporting to Committee

The application is a 'major' application in its scale, and under the terms of the Council's Scheme of Delegation such applications are to be determined at Committee where the officer recommendation is for approval.

Site Description and Location

The application site is part of Swarbrick Hall Farm, Singleton Road, Weeton. The farm business currently operates as arable and livestock enterprise with a mix of poultry and pig rearing. This application will result in the loss of the pig rearing side of business with its replacement with purely

poultry and arable crop farm.

The proposed site is set within the existing farm complex and replaces three existing buildings within a group of agricultural style buildings associated with the pig rearing side of the business, and is located between two existing poultry buildings and a grain store. The site is accessed from a private track leading off Singleton Road and serving the farm and one other property, occupied by the applicant's relatives.

The farm is within the countryside area as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of 2 no. buildings together with the associated bulk bins and infrastructure for the rearing of an additional 90,000 poultry birds, following the demolition of the existing pig units.

Each building measures 106.9 metres by 24.38 metres with an eaves height of 2.75 and having a ridge height of 5.98 metres and constructed using profiled sheeting in 'Juniper Green' to the side elevations and in 'natural grey' for the roof.

The buildings are to be sited parallel with each other and with two other buildings approved under application 16/0200, with a drainage attenuation pond located approximately to the rear of the proposed buildings. Situated between the two proposed buildings are four feed bins, and a feed blending room.

Relevant Planning History

Application No.	Development	Decision	Date
16/0670	ERECTION OF BUILDING TO HOUSE BIOMASS BOILER AS REPLACEMENT FOR EXISTING AGRICULTURAL BUILDING	Granted	26/10/2016
16/0587	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS RELATING TO PLANNING PERMISSION 16/0200 - CONDITION 4 AND 5 (DRAINAGE SCHEME), CONDITION 11 (BIODIVERSITY IMPROVEMENT REPORT)	Advice Issued	29/09/2016
16/0200	EXTENSION OF EXISTING POULTRY REARING ENTERPRISE BY FURTHER 80,000 BIRDS THROUGH ERECTION OF 2 NO. POULTRY BUILDINGS WITH ASSOCIATED BULK BINS AND INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING PIG UNITS	Granted	01/08/2016
14/0792	PROPOSED ERECTION OF AGRICULTURAL BUILDING FOR GRAINSTORE	Granted	12/01/2015
14/0312	PROPOSED ERECTION OF 2 NO AGRICULTURAL BUILDINGS FOR BROILER REARING, CONTROL ROOM, 3 NO. FEED BINS, HARDSTANDING AND EXTENDED ACCESS ROAD	Granted	05/09/2014
11/0722	PROPOSED RESUBMISSION OF APPLICATION 11/0307 - ERECTION OF WIND TURBINE	Granted	04/01/2012

11/0307	PROPOSED ERECTION OF VERTICAL AXIS WIND TURBINE WITH OVERALL HEIGHT OF 22M	Granted	08/07/2011
08/1059	ERECTION OF WIND TURBINE	Granted	13/02/2009
07/0723	RE-SUBMISSION OF 07/0037 - PROPOSED AGRICULTURAL HAY STORAGE BUILDING.	Granted	23/08/2007
07/0037	ERECTION OF 1 NO. AGRICULTURAL BUILDING FOR STOCK	Withdrawn by Applicant	22/06/2007
05/0528	ERECTION OF 1 AGRICULTURAL BUILDING	Granted	21/07/2005
05/0515	ERECTION OF 1 AGRICULTURAL BUILDING	Granted	21/07/2005
00/0835	ERECTION OF 2 NO. AGRICULTURAL BUILDINGS TO HOUSE STOCK, PHASE 2	Granted	28/02/2001
99/0238	ERECTION OF 2 NO. AGRICULTURAL BUILDINGS TO HOUSE STOCK	Granted	14/07/1999
96/0454	EXTENSION TO EXISTING BARN	Granted	17/07/1996
93/0105	ERECT ONE DUTCH BARN	Granted	24/03/1993
92/0337	AGRICULTURAL CONSULTATION FOR THE ERECTION OF A SLURRY STORE	Permitted Development	16/05/1992

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council (site in this parish) notified on 14 June 2017 and comment:

Parish Council has no objections to the application.

Greenhalgh with Thistleton Parish Council (site neighbours this parish) notified on 15 June 2017 but no comments received.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Landscape and Urban Design)

Refer to the limited landscaping information provided with the application beyond the mention in the Design and Access Statement. It would be appropriate to place a landscaping condition on any planning permission to ensure that a suitable scheme is submitted and is implemented to address the landscaping requirements of the whole site.

Lancashire County Council - Highway Authority

Confirm that they have no objection to the proposal.

Environment Agency

Explain that they have no objection in principle to the proposed development as submitted. They then refer to the need for the activities at Swarbrick Hall Poultry Unit to be regulated by the Environment Agency under the Environmental Permitting Regulations, and that the existing permit for the site has been varied to include the two further broiler houses as proposed by this planning application. They then refer to the findings of an inspection of the site which demonstrated that the farm was compliant with the permit conditions and is being operated to a very high standard.

Environmental Protection (Pollution)

There are no objections to the above proposals. The Environment Agency are responsible for the regulation of the premises under the Environmental Permitting Regulations. I have read through their report and comments as well as the submitted noise and odour assessments. I am confident in their responses and I have no further comments to make with respect to the mitigation measures in place and proposed.

The Ramblers Association

No comments received.

Natural England

Natural England has no objection regarding impacts on designated sites. They refer to the standing advice to be followed with respect to the potential for the scheme to impacts on protected species.

Lancashire CC Flood Risk Management Team

They lodged an initial objection to the application on the basis that the Flood Risk Assessment was inadequate, and so recommended refusal as this was in conflict with the requirements of the NPPF and NPPG in this regard.

A further FRA was submitted and assessed by the LLFA. They have provided further comments which withdraw their objection subject to conditions relating to a final drainage scheme being submitted and introducing sustainable drainage principles, and an agreement for the management of this scheme. They also highlight that the site will need Land Drainage consent and so encourage early engagement with the LLFA over this legislative requirement.

Neighbour Observations

Neighbours notified:	14 June 2017
Site Notice Date:	16 June 2017
Press Notice Date:	29 June 2017
Number of Responses	None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP23	Pollution of surface water
EP24	Pollution of ground water
EP26	Air pollution
EP27	Noise pollution
EP14	Landscaping of new developments
EP19	Protected species

Fylde Local Plan to 2032:

GD4	Development in the Countryside
INF1	Service Accessibility and Infrastructure
ENV1	Landscape

ENV2	Biodiversity
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. A screening opinion was requested by the applicant for a previous scheme of this scale on the site and the LPA determined that a formal Environmental Impact Assessment was required. The applicant has submitted an EIA which identifies the environmental effects of the development and where necessary the proposed mitigation measures.

It will be necessary for the council to undertake a Habitats Regulation Assessment on the application, which can be undertaken by officers in the event that Committee support the application.

Comment and Analysis

This application seeks permission for two additional buildings for the purposes of intensive broiler rearing as an expansion of the applicant's existing enterprise which was originally granted approval under application no. 14/0312 and again under 16/0200 for two additional units. The proposal is a diversification from the arable farming and pig rearing business previously undertaken at this farm.

Principle of Development

The site is located within the countryside as allocated on the Fylde Borough Local Plan, as altered (October 2005) and under GD4 in the submission version of the Local Plan to 2032. As such, these policies are 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 that justifiable agricultural buildings can be acceptable providing they are associated with the continuation of an existing operation and do not harm the character of the surrounding countryside.

The application

The application advises that the demand for British chicken is increasing year on year and the industry requires the development of strategically located new rearing sites to meet the food production of the UK consumers. The industry has been the subject of long-term growth and profitability with a significant shift in consumer demands towards chicken, hence this application and others at sites in the borough recently presented to committee.

Permission is sought in this application for two additional agricultural buildings with the associated control room and feeders for the purposes of expansion of the applicants existing intensive poultry rearing business, and a move away from the applicants pig breeding side of the business. The

earlier granted applications (under application no. 14/0312 and 16/0200) are now all established and operational.

In this application the applicant intends to demolish the remaining buildings used for pig rearing resulting in a row of four poultry buildings grouped together, with the original two buildings located to the east of the woodland.

The poultry rearing enterprise offers the applicants a 'year round' business to supplement the applicants existing potato operation and other seasonal based crops.

The site

The application site is land off Singleton Road accessed from an existing tarmac track serving a single dwelling and Swarbrick Farm. The new buildings are proposed to be sited to the west of the existing poultry buildings and the woodland. The buildings will be screened to the east side by the existing buildings and the mature woodland and partially screened to the west by the existing grainstore. The site is remote from the nearest settlement and the nearest dwelling unconnected to the farm is 400 metres.

The site has been chosen as the most appropriate location for the expansion of the business given that it occupies a position within the farmstead alongside the existing poultry buildings which assists with minimizing their impact and also for management of the business.

The buildings are to be situated on a slightly elevated site and whilst visible from the public right of way to the south they are lower in height than the adjacent grainstore and are not be so harmful in appearance that this outweighs the economic benefits that they contribute. In addition they are to be 'agricultural' in appearance with the external cladding in 'Juniper Green' to match the existing buildings and together with the existing natural screening will ultimately assimilate well into the landscape without any significantly adverse visual impact.

The need

Policy SP2/GD4 of the Fylde Borough Local Plan requires that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture. This proposal expands on the applicants existing broiler rearing business and provides a more stable 'year-round' operation than his existing livestock and arable farming enterprise.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

This proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

Access and highway issues

The development is proposed to be accessed via the existing private track from Singleton Road, serving the farm and one other property.

The proposal involves the cessation of the pig rearing and finishing enterprise and the demolition of the remaining pig buildings and their replacement with two additional poultry sheds for broiler

rearing.

The applicants, in their Environmental Statement, have advised that the amount of commercial traffic associated with the business will result in a net reduction on the previous pig rearing business. LCC Highway Engineers have not objected to the proposal and therefore the highway and transportation impacts of the development are assessed as negligible.

As such, the proposal is considered to comply with Policy SP2/GD4 of the Fylde Borough Local Plan, as altered (October 2005).

Environmental issues

The buildings are to be used for the rearing of poultry from day old chicks, to finished weight. The rearing cycle operates on an all-in / all-out system, with each cycle takes 56 days including 7 days at the end of each cycle for the cleaning and preparation of the buildings for the next cycle. The units will operate with 6.5 flocks per annum.

The application is accompanied by a 'Design, Access and Planning Statement' and an 'Environmental Statement' for the proposed poultry units within this document the Environmental Management statement advises that the proposed two units will accommodate 45,000 birds within each building, the 90,000 proposed in this application together with the existing four units results in the site having a total capacity of 270,000 birds.

All poultry units exceeding a threshold of 40,000 birds require a permit under the Industrial Emissions Directive - Integrated Pollution Prevention and Control (IPPC) which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. This further control will assist in providing enforcement should there be any nuisance or pollution issues arising from the development.

Noise

A detailed noise assessment has been prepared and accompanies this application. The only plant associated with the additional shed are the extractor fans located within the units with roof mounted terminations at 6.6 m above ground level. The noise survey has been conducted to determine the typical background noise levels at the nearest receptors to the boiler units, in this instance the Caravan Park and Fylde Fishing Lakes.

The noise survey provides the methodology to assess the impact of industrial and commercial noise affecting the receptors. It was observed that the domain underlying noise source affecting the area was road traffic on the nearby B5260 and agricultural related noise (e.g. tractor movements, livestock noise). The overall general noise environment however was considered quiet.

Full calculation of the aggregate noise (of the existing and proposed units) extract fan noise was provided in the survey. The fans are thermostatically controlled with the total number of fans operating at any one time dependent on the birds ventilation requirements, dictated by the external temperature. At the height stage (100% extract fans operating) will typically only be triggered when the external temperature is above 23 degrees, which is only expected to occur between 07:00 - 20:00 hrs, with the temperature falling during the evening and night.

The survey concludes that during the day and evening will be low at Receptor A (Primrose Bank Caravan Park) and very low at Receptor B (Fylde fishing lakes).

During the night the report concludes that the fan noise will be very low to negligible.

As a consequence it is considered that as the development is complies with Policy EP27 of the Fylde Borough Local Plan, as altered (October 2005)/INF1 of the submission version of the Local Plan to 2032 relating to noise nuisance and the aims of the NPPF Paragraph 122.

Air quality

Odour emission rates from the existing and proposed poultry houses has been assessed and quantified in the 'Dispersion Modelling Study of the Impact of Odour from Existing and Proposed Broiler Chicken Rearing House at Swarbrick Hall Farm' submitted with the application.

The report provides some general information on odour, details of the method used to estimate odour emissions from the former piggery and the existing and proposed poultry houses and the impact of emissions on local receptors.

Odours from pig and poultry housing are usually considered 'moderately offensive', therefore the Environment Agency's benchmark for moderately offensive odours is used to assess the impact of odour emissions from the proposed poultry units at potentially sensitive receptors in the surrounding area.

Emissions are variable and are small at the beginning of the flock cycle. Peak emissions are likely to occur when the housing is cleared of spent litter at the end of each rearing cycle. The time taken to perform the operation is around two hours per shed and it is normal to maintain ventilation during this process. There is discretion as to when the cleaning out takes place and in order to avoid high odour levels at nearby sensitive receptors.

Meteorological data is used in the odour report with wind speed and direction taken into account. There are some slopes and hills that would affect wind flow and dispersion of odour around Swarbrick Hall Farm and this terrain has also been considered in the report.

Should the proposed enlargement of the poultry unit at Swarbrick Hall Farm proceed, the odour report concludes that, at all nearby residences, amenity areas and commercial properties not associated with the farm, the odour exposure levels would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m3 over a one year period.

As a consequence of the above, the development is considered to comply with Policy EP26 of the Fylde Borough Local Plan, as altered (October 2005) relating to air pollution and the aims of the NPPF.

Ecology

The application site is outside of any specially designated site and Natural England have advised that the proposal is unlikely to have a significant effect on any European site, or SSSI's.

In regard to local biodiversity, priority habitats and protected species the applicants have submitted

a 'Preliminary Ecological Appraisal' dated May 2017. The site at Swarbrick Hall Farm was surveyed for its ecological interest by means of a desk study and field survey.

As a whole the survey revealed that the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development.

Recommendations which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself are provided in the report. Together with recommendations for ecological enhancements, include the erection of bird nesting boxes suitable for tree sparrows and bat roosting boxes in the woodland to the east of the site.

The recommended ecological protection and enhancements will provide ensure that there is no net loss to biodiversity and no unacceptable adverse impact on the ecosystem.

On this basis the development is considered to comply with Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policy ENV2 of the submission version of the Local Plan to 2032 and Paragraphs 118 and 119 of the NPPF.

Flood risk and surface water management

The application is accompanied by an assessment of 'flood risk and surface water management plan'. The site is located within Flood Zone 1, as such neither the 'Sequential Test' or the 'Exception Test' is applicable.

Lancashire County Council Lead Local Flood Authority initially raised concerns in respect of the surface water from the site and asked for cross sections of the drainage and further details of inlets and outlets from the development to the attenuation pond. The applicant supplied further calculations to address the concerns expressed to show that outflow from the attenuation basin can be limited to below Greenfield rates and that there is no issue with water quality as clean and foul drainage will be entirely separate. This information was been forward to the Lead Flood Authority who have withdrawn their objection on this basis.

Employment

Paragraph 28 of the NPPF *"supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development."*

The applicant currently employs three full time members of staff and one part time member. The proposed development will necessitate an additional part-time member of staff and with the diversification from pig rearing to poultry will provide 'year round' employment, rather than the 'weather dependent' arable enterprises.

It is considered that the proposal will allow an existing 'sustainable' rural business to expand to provide locally produced food which, employs local people. As such the development satisfies a 'social' role as set out in the NPPF.

The proposal will increase the supply of poultry meat, reducing the need for imports and reduce food miles and as a consequence will have a minimal impact on the environment and so satisfies the 'environmental role'. The applicant is investing £1.2m in buildings and the infrastructure which offers financial benefits into the rural economy and supports employment, satisfying the 'economic

role'.

Accordingly the proposal complies with the aims of the NPPF in regards to sustainable development and rural employment.

Other matters

There are no other matters to be taken into consideration and so the application is considered to comply with the requirements of the local plan and the NPPF.

Conclusions

The application site is land off Singleton Road and forms part of Swarbrick Hall Farm. The application seeks permission for two further poultry buildings and associated feed stores and control room as an expansion of the applicant's intensive poultry rearing enterprise.

The development is sited in an area that will result in limited views of the development due to the existing natural landscaping and adjacent buildings however, further landscape screening would be beneficial to the wider landscape and biodiversity and are a condition of this recommendation.

The application demonstrates mitigation methods and procedures for complying with the regulations for developments of this nature and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell and impacts on ecology.

The development is therefore considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4, INF1, ENV1, ENV2 and GD7 of the submission version of the Local Plan to 2032 and 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 the authority to determine the application be delegated to the Head of Planning and Housing subject to the satisfactory completion of a Habitats Regulation Assessment, as required given the scale of the development, and the amendment to the scheme or the conditions to address any issues that arise as a consequence of that. The conditions suggested are as follows:

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 consent relates to the following details:

Approved plans:

- Location Plan - drawing no. IP/JS/01

- Proposed site plan - drawing no. IP/JS/02
- Proposed floor plans and elevations - drawing no. IP/JS/03

Supporting Reports:

- Design, Access & Planning Statement - Ian Pick June 2017
- Landscape appraisal - doc ref. IPA21267LA - ACD Environmental 30.05.2017
- Flood risk and surface water management plan - doc. ref. K0711/1 Hydro-logic services (May 2017)
- Preliminary Ecological Appraisal - May 2017
- Environment Agency permit - permit number EPR/XP3330VH/V002
- Environmental statement - Ian Pick June 2017
- Plant Noise Assessment Acoustics Report - 7th April 2017
- Dispersion Modelling Study of the impact of odour (AS Modelling & Data Ltd) - 11th April 2017

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans, with any modification to this agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

Reason: In the interests of visual amenity to preserve the character of the countryside.

4. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), 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, and details of floor levels in AOD;
- b. The drainage strategy should demonstrate that the post development surface water run-off will not exceed the pre-development greenfield runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c. 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);
- d. Flood water exceedance routes, both on and off site;
- e. A timetable for implementation, including phasing as applicable;
- f. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained, and that there is no flood risk on or off the site resulting from the proposed development in accordance with policies EP23, EP24 and EP25 of the Fylde Borough Local Plan, as altered (October 2005), Policy INF1 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

5. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and so will reduce the flood risk to the development as a result of inadequate maintenance in accordance with Policies EP23, EP24 and EP25 of the Fylde Borough Local Plan, as altered (October 2005), Policy INF1 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

6. Prior to the commencement of any development on site a full scheme and programme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials (as applicable) soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The agreed scheme and programme shall thereafter be carried out in accordance with the approved programme and 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 and biodiversity of the locality in accordance with Policies SP2, EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4, GD7, ENV1 and ENV2 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

7. 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. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

8. In the event that the presence of any protected species is identified or suspected during works, works must cease and Natural England/a licenced ecologist should be contact immediately for advice, thereafter a Method Statement shall be agreed with and subsequently implemented and monitored to the satisfaction of the Local Planning Authority.

Reason: The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

9. Building demolition, vegetation clearance works or other works that may affect nesting birds will be avoided between 1 March and 31 August, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified ecologist and the result submitted to the Local Planning Authority.

Reason: The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

10. Prior to the first operation of either building hereby approved four bird nesting boxes should be erected in the woodland close to the site (the following Schwegler nest box designations: Nest Box 1B (with 32mm hole), Nest Box 2GR (with a single oval hole) or Deep Nest Box 1N are recommended as these are ideal for this species).

Reason: In order to encourage the use of the site by tree sparrow and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policy ENV2 and the aims of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

11. Prior to the first operation of either building hereby approved four bat roosting boxes of mixed designs should be erected in the woodland close to the site.

Reason: In order to encourage the use of the site by bats and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policy ENV2 and the aims of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0480	Address Swarbrick Hall Farm, Singleton Road, Weeton	Grid Ref. E.3391 : N.4358	Scale 0 25 50 75 100 m

Item Number: 6

Committee Date: 6 September 2017

Application Reference:	17/0534	Type of Application:	Variation of Condition
Applicant:	Lytham Wine Co Ltd	Agent :	
Location:	BARRIQUE, 2 & 3 MARKET HALL, MARKET SQUARE, LYTHAM ST ANNES, FY8 5LW		
Proposal:	VARIATION OF CONDITION 3 ON PLANNING PERMISSION 16/0074 TO ALLOW THE EXTERNAL AREA TO BE USED FOR THE CONSUMPTION OF FOOD AND DRINK BETWEEN THE HOURS OF 9AM AND 10PM ON ANY DAY, AND THE INTERNAL AREA BETWEEN THE HOURS OF 8AM AND 11PM SUNDAY TO THURSDAY AND 8AM TO 12PM FRIDAY AND SATURDAY.		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Rob Clewes
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/@53.737437,-2.9647259,69m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a relatively recently opened retail/drinking venue located in the town centre of the settlement of Lytham. The proposal is to extend the opening hours to 11pm Sunday to Thursday and midnight Friday and Saturday with a 10pm limit on external consumption of food and drink at the premises.

Whilst the condition was only recently imposed, the extension sought is a limited one, and has generated only isolated comments. The change would be consistent with the hours that the property can operate under its premises licence and will allow it to continue to positively contribute to the night-time economy of the town whilst not creating an undue risk of disturbance to the amenity of nearby residents.

Policy SH16 of the Fylde Borough Local Plan is aimed at restaurants and takeaways so is of relevance to this proposal requiring that such premises operate so that the amenities of nearby residents are not unduly prejudiced. It is considered that this variation will comply with Policy SH16. Policy EP27 is quoted in the reason for the condition and requires that planning conditions are used to minimise or prevent noise nuisance where necessary. It is considered that the variation sought here will continue to achieve that requirement, and so it is recommended that the application be approved.

Reason for Reporting to Committee

The application relates to the variation of a condition that was imposed by Planning Committee and is on a site that has attracted some local public interest in recent months. Accordingly the Head of

the Planning and Regeneration considers it appropriate that the application be determined by Committee.

Site Description and Location

The application property is No's 2 and 3 Market Hall which form part of the Market Hall building located in Market Square in Lytham Town Centre. The building is Grade II listed and comprises of several commercial premises including a bank premises and a clothes shop. It is situated in the Lytham Conservation area and part of the designated town centre. The building was constructed during the Victorian Period and has stone and brick elevations. To the north of the building, on Hastings Place, there are residential properties which are also Grade II listed.

Details of Proposal

The property was converted from its former use as a butchers shop to a mixed use as a wine retail/delicatessen and drinking establishment, and has traded as such since spring 2016. This application seeks to vary the operating hours that were imposed by the Planning Committee when the current use was granted in July 2016.

The current hours are controlled by condition 3 of planning permission 16/0074 and allow for the premises to be open to customers between 8am and 11pm on any day, with the use of the external area to the front of the property restricted for the consumption of food and drink to between 9am and 9pm on any day.

The application proposes that these times be varied to allow:

0800 hours and 2300 hours - Sunday to Thursday internally
0800 hours and 0000 hours - Friday and Saturday internally
0900 hours and 2200 hours - on any day externally

Relevant Planning History

Application No.	Development	Decision	Date
16/0137	ADVERTISEMENT CONSENT FOR 1 X EXTERNALLY ILLUMINATED FASCIA SIGN AND NON ILLUMINATED SIGN ON PROPOSED ENTRANCE CANOPY	Granted	20/04/2016
16/0073	LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS TO BUILDING AS PART OF CHANGE OF USE INCLUDING REPLACEMENT WINDOWS / DOORS AND VARIOUS INTERNAL ALTERATIONS	Granted	01/07/2016
16/0074	CHANGE OF USE OF EXISTING RETAIL UNIT TO MIXED USE AS BAR (CLASS A4) / RETAIL UNIT (CLASS A1). REPLACEMENT OF WINDOWS TO FRONT WITH DOORS AND REPLACEMENT WINDOW TO SIDE	Granted	01/07/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Food Safety)

No objections

Environmental Protection (Pollution)

No objections

Lytham Civic Society

We have concerns over the proliferation of late night and external bars in Lytham. This is largely because Lytham town centre is where many people live, unlike a larger town where there might be some more obvious zoning. We do not want Lytham town centre to become a no-go area at night. Late night bars change the atmosphere of a town, disturb the residents, lead to vandalism and litter. In this particular case the area is next to, or indeed part of the public park.

We like to see the town thrive, but those who actually live in it need to be able to do so in peace.

Approval of this application would add to already existing problems.

Neighbour Observations

Neighbours notified:	30 June 2017
Press Notice Date:	13 July 2017
Number of Responses	1 response received
Summary of Comments	<ul style="list-style-type: none">• Outside area is already used till 10pm in blatant disregard of planning conditions.• Notices should be displayed stating outside area will be closed at 10pm.• Condition should be added that prevents further extensions.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP27	Noise pollution

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints

Listed Building
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) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The application property is located within Lytham Town Centre where commercial activities are generally to be found, albeit there are residential properties on the opposite side of the road to the premises and it is located in the Market Square containing the listed War Memorial and in the conservation area which need to be considered in this application.

The application has been made following a variation of the premises licence at the property in April 2017 which amended the hours that licensable activities could be undertaken to allow that to occur until 23.00 hours Sunday to Thursday, and until midnight Friday and Saturday. This is beyond the hours permitted by the planning permission and so this application seeks to bring the hours of use into line. The operators have been advised that operating to the premises licence hours puts them in breach of the planning condition, but no further action has been taken at this point pending the determination of this application.

The planning permission is a recent one, and the condition that controls the hours was imposed “*In the interests of preserving the amenity of occupiers of neighbouring and nearby residential properties as required by Policy EP27 of the Fylde Borough Local Plan.*” This was a reflection of the proximity of residential neighbours to the premises, and was intended to provide a level of consistency with other town centre premises that also have close residential neighbours. It was also intended as a precautionary approach to assess how the property would operate to ensure that if it were to generate significant noise or other disturbance issues these were at least limited to avoid late-night disturbance.

In the 15 months or so that the premises has operated there have been some isolated complaints about the operation of the premises to the council’s planning and licencing teams. However, it is noted that the Environmental Protection Officer has not raised any objection to this extension of the planning hours, and that only a single neighbour comment has been received following the notification letters on this application which were sent to 33 properties around Market Square. This seems to indicate that the premises is operating in a manner that avoids undue disturbance to its neighbours, and as it has been operating to the extended hours sought in this application since April 2017 it can be accepted that these hours are appropriate. However, should future issues arise the council could use its planning, licencing or environmental protection powers to seek to address the issue depending on which provides the most effective remedy for the issue at hand.

The application is therefore recommended for approval with the 11pm weekday and midnight weekend opening of the premises, but with an earlier close to the external terrace area of 10pm on any night. The other conditions on the planning permission are unaffected by this application and assist with condition 4 requiring that doors and windows are closed after 7pm to control noise, and that refuse is appropriately managed. It is proposed that, in the event that planning permission to

extend the hours is granted, these conditions be reproduced in the decision to this application.

No physical works are proposed as a consequence of the application and it is not considered that the extended opening hours will raise any heritage implications to the conservation area or listed buildings.

Conclusions

The application relates to a relatively recently opened retain/drinking venue located in the town centre of the settlement of Lytham. The proposal is to extend the opening hours to 11pm Sunday to Thursday and midnight Friday and Saturday with a 10pm limit on external consumption of food and drink at the premises.

Whilst the condition was only recently imposed, the extension sought is a limited one, and has generated only isolated comments. The change would be consistent with the hours that the property can operate under its premises licence and will allow it to continue to positively contribute to the night-time economy of the town whilst not creating an undue risk of disturbance to the amenity of nearby residents.

Policy SH16 of the Fylde Borough Local Plan is aimed at restaurants and takeaways so is relevant to this proposal. It requires that these operate so that the amenities of nearby residents are not unduly prejudiced, and it is considered that this variation will comply with that Policy. Policy EP27 is quoted in the reason for the condition and requires that planning conditions are used to minimise or prevent noise nuisance where necessary. Criteria b of Policy GD7 of the emerging Fylde Local Plan to 2032 also requires that amenity is not adversely affected by neighbouring uses. These requirements are in accordance with the guidance in paragraph 123 of the NPPF and it is considered that the variation sought here will continue to achieve that requirement. Accordingly is recommended that the Committee support the variation sought.

Recommendation

That condition 3 be varied as follows alongside the other repeated conditions to planning permission 16/0074:

1. That the external fore court area to the front of the premises shall only be used for the consumption of food and drink between the hours of 9am and 10pm on any day, with the internal area only open for customers between the hours of 8am and 11pm on Sunday to Thursday (inclusive) and 8am to midnight on Friday and Saturday.

Reason: In the interests of preserving the amenity of occupiers of neighbouring and nearby residential properties as required by Policy SH16 of the Fylde Borough Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for mixed Class A1 (retail) and Class A4 (drinking establishment) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and for no other purpose including solely as either of the two approved uses.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy

Framework.

3. That the ground floor doors and any opening windows shall remain closed between the hours of 21.00 hours and 07.00 hours on every day of the week, except when in use to enter/exit the building.

Reason: To limit the opportunities for noise to escape from the building and so to safeguard the amenities of neighbouring residential properties.

4. That the scheme of refuse management approved under condition 5 of planning permission 16/0074 which includes details of the siting, size, design and materials of the refuse storage area for the premises shall be maintained and operated in full accordance with the approved scheme at all times thereafter.

Reason: To ensure that the handling of the refuse generated by the business is appropriately undertaken whilst preserving the visual amenity of the area, the amenity of neighbouring dwellings, and the character of the listed building and conservation area.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0534	Address Barrique, 2 & 3 Market Hall, Market Square, Lytham St Annes	Grid Ref. E.3364 : N.4272	Scale 0 5 10 15 20 m

Item Number: 7

Committee Date: 6 September 2017

Application Reference:	17/0538	Type of Application:	Listed Building Consent
Applicant:	Mr McGurrell	Agent :	
Location:	KNOWSLEY FARM, THE GREEN, WEETON WITH PREESE, PRESTON, PR4 3WB		
Proposal:	LISTED BUILDING CONSENT FOR INSERTION OF TIMBER WINDOW TO SOUTHERN GABLE AND INTERNAL ALTERATIONS TO PROPERTY TO FACILITATE CONVERSION OF ATTIC TO HABITABLE ACCOMMODATION		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	9	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/@53.8049917,-2.9356141,138m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached two-storey residential property that is located just off The Green in Weeton and is a Grade II listed building. The development proposed in this application is for the insertion of a new window to the gable elevation at second floor level. This will be a further cumulative change that have taken place at the building as it has evolved over the years since its construction in C17. It is considered that the work will reflect the changing history and use of the building over that time and will have minimal impact on the character and appearance of the listed building.

As such, the proposal accords with Policy HL5 and Policy EP4 of the Fylde Borough Local Plan, and Policy GD7 and ENV5 of the emerging Fylde Local Plan to 2032 which are the relevant policies for assessing works to listed dwellings. Accordingly the application is recommended for approval by Members.

Reason for Reporting to Committee

An objection to the proposal has been received from Weeton with Preese Parish Council. Under the council's scheme of delegation where there is a conflict of officer view to that of the Parish Council such applications are to be determined by the Planning Committee.

Site Description and Location

The application site is Knowsley Farm, The Green, Weeton. In particular the application relates to a detached, two storey dwelling under a thatched roof with painted brickwork. The dwelling is accessed from Briarwood Close and has a double garage, with painted brickwork under a slate roof,

in the front courtyard area.

The dwelling is a Grade II listed building. It is within the village settlement of Weeton as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

Details of Proposal

This application seeks Listed Building Consent for the insertion of a single window to the gable end of the property fronting 'The Green' at attic level, to facilitate the conversion of the loft space to a habitable room. The application is accompanied by an application for planning permission.

The window measures 610 mm in width by 1200 mm in height and is to be fitted with a timber frame, painted white in a 'two over three' style.

Relevant Planning History

Application No.	Development	Decision	Date
13/0053	PROPOSED FORMATION OF REPLACEMENT AGRICULTURAL ACCESS WITH ASSOCIATED SURFACING, LANDSCAPING AND GROUND LEVEL WORKS	Refused	15/05/2013
ENQ/14/0027	VARIOUS WORKS TO LISTED BUILDING - ADVICE	Raise Objections	14/02/2014
ENQ/17/0004	PROPOSED CONVERSION OF LOFT INTO TWO ROOMS AND OTHER ALTERATIONS	Raise Objections	13/02/2017
78/0915	REINSTATEMENT OF PITCHED ROOF EXTENSION - GARAGE SPACE FOR TWO CARS	Granted	08/11/1978
74/0442	ADDITIONAL BOILER HOUSE TO RUN CENTRAL HEATING.	Granted	04/09/1974

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 04 July 2017 and comment:

"Parish Council recommends refusal of the application, considering the property is a listed building to make alterations to the original property will take out the character of the building".

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

No comments received.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Neighbour Observations

Neighbours notified:	04 July 2017
Site Notice Date:	07 July 2017
Press Notice Date:	13 July 2017
Number of Responses	1 letter received
Summary of Comments	<ul style="list-style-type: none">• building links residents to the past• weight given to interior features should result in refusal of application• occupiers should not have purchased property if they wanted more space• should not just protect the look but its integrity• owners responsibility extends beyond bricks and mortar• important local landmark• should be preserved for future generations.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions
EP04	Alteration and adaptation of listed buildings

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

Listed Building
Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

This application seeks Listed Building Consent for the insertion of a single window to the gable end of the property which is Grade II listed, to facilitate the conversion of the loft space to a habitable room.

Background

The Historic England entry for this property lists it as:

"Farmhouse, dated 1673 on east wall, altered, damaged by fire, renovated, now house. Colour-washed brick, steeply pitched thatched roof trapped between crow-stepped gable parapets, with ridge chimney. Two-unit baffle-entry plan. Two storeys: former front on east side (to garden) has altered openings: 3 windows on each floor, mostly large casements with glazing bars, and at 1st floor level over the position of the original door (now blocked) a datestone inscribed WB (= William Bottiler). Set back at left end is single-storey 1673 extension (said to be servant accommodation, now kitchen). Right gable has large modern casement on each floor; rear (present front) has an inserted door to the right flanked by small windows and now with a thatched canopy, a similar window above, and in the left bay only a stairlight and a little window under the eaves.

Interior: in house part 2 ovolo-moulded beams, one with an inserted partition beneath it, both with stops concealed; in service room 2 chamfered beams, one with 2 cyma stops. History: said to have been built for Thomas Bottiler whose son William married daughter of Earl of Derby. (Reference: Watson and McClintock Traditional Houses of the Fylde p.64".

The application

The issues that are generally relevant to the consideration of all listed building consent applications and planning applications affecting a listed building are:

1. the importance of the building, its intrinsic architectural and historic interest and rarity,
2. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
3. the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and
4. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

In this instance the property is a Grade II Listed Building dated from 1673 which has undergone several alterations and an extension since first construction. These alterations also include the reversing of the front and rear elevations, alterations to openings on the east elevation (former front elevation) to provide windows, the original door opening blocked up, a single storey extension, and construction of a double garage within the front forecourt area.

In considering development of a listed building regard should be had to the importance of the building, its intrinsic architectural and historic interest and rarity, and the particular physical features of the building which justifies its inclusion in the statutory list.

Listed buildings cannot be replaced and can be affected by unsuitable alterations as they can by outright demolition. They represent a finite resource and irreplaceable asset and contribute to the quality of our built environment. The windows of a building have a significant impact on the character and appearance of a building, through their arrangement, size and detailing. They are an important element of the design of a building, give information about its origins and development over its history. Notwithstanding the above, the listing of a building should not be seen as an impediment to all future development.

This application proposes the insertion of a new window at attic level in the northern gable. The

detailed design of the window respects that in two lower windows in that it mirrors the overall depth of the existing windows frames and size of the glazing panes but is narrowed to respect the reducing proportions of the gable and is appropriately scaled for the window hierarchy. The frames are to be white painted, timber which again reflects the traditional materials and finish on the existing window frames.

As part of the works to utilize the attic space the layout of the first floor of the dwelling is to be altered and as the interior of the dwelling also forms part of the listing these changes are also to be considered.

It is proposed to open up an existing bedroom on the east side of the dwelling to locate the new staircase to access the attic room and to knock through into the remaining two bedrooms on the east side to provide access to a new central ensuite. Whilst this removes part and whole walls and alters the layout of the first floor, these walls are not original and are formed from concrete 'breeze blocks' erected following a fire which destroyed the first floor of the property.

The key to the survival and upkeep of listed buildings is to keep them in active use and in most cases the survival of such buildings can only be achieved through sympathetic schemes and appropriate re-use of buildings and may necessitate some degree of adaptation of the building. This proposal will add to the cumulative changes that have taken place over the course of the years which reflect the history and use of the building and as a consequence of the layout and nature of the upper floor and the design, scale and use of materials for the window it is considered that the proposal is a sympathetic scheme which will have minimal impact on the character and appearance of the listed building. Accordingly, the scheme is considered to comply with the requirements of Policies EP4 and ENV5 of the Local Plan.

Conclusions

The development proposed in this application is the insertion of a new window to the gable elevation of a dwelling and alterations to the first floor layout to facilitate the use of the attic as habitable rooms to a property which is a Grade II listed building. In terms of scale, design and use of materials the proposal is sympathetic to the host building and due to the internal structural works which have taken place do not result in a loss of the historic fabric of the building. As a consequence it is considered that the proposal conserves the character and appearance of the dwelling and its setting and is in accordance with Policy EP4/ENV5 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the National Planning Policy Framework. Accordingly the application is recommended for approval.

Recommendation

That Listed Building Consent 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 / consent relates to the following details:

Approved plans:

- Location Plan - drawing no. 17/0538/PL01
- Proposed floor plans - drawing no. 17/0538/PL02
- Proposed elevation plans - drawing no. 17/0538/PL03

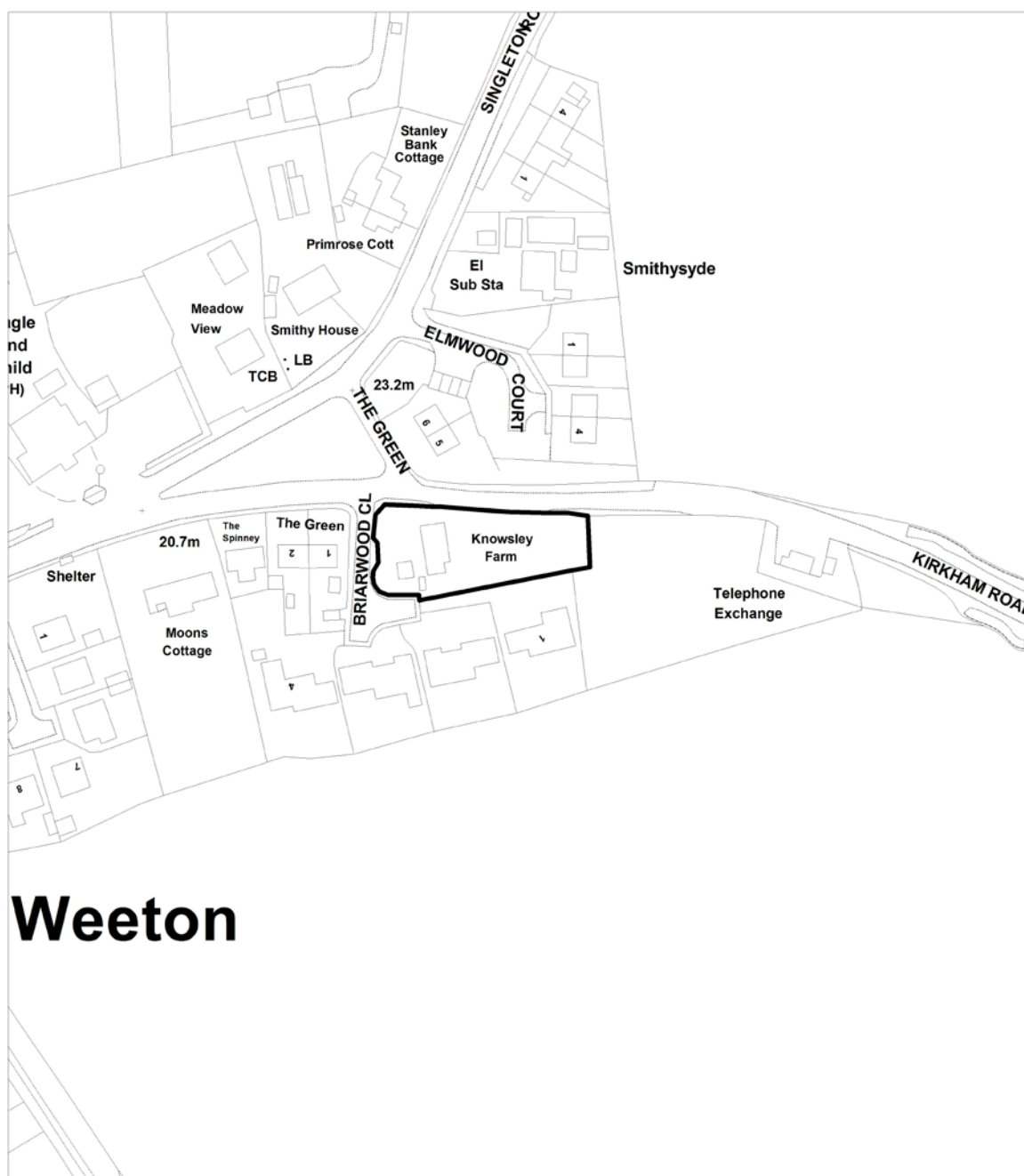
Supporting Reports:

- Heritage Statement

Reason: To provide clarity to the permission.

3. The window hereby approved shall be of a timber construction and painted or stained in a colour to match the existing window frames on the host dwelling and shall be set in reveal within its opening to match the reveal of the existing windows.

Reason: In the interests of the overall appearance of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0538	Address Knowsley Farm, The Green, Weeton	Grid Ref. E.3385 : N.4346	Scale 0 6 12 18 24 m

Item Number: 8

Committee Date: 6 September 2017

Application Reference:	17/0584	Type of Application:	Householder Planning Application
Applicant:	Mr D McGurrell	Agent :	
Location:	KNOWSLEY FARM, THE GREEN, WEETON WITH PREESE, PRESTON, PR4 3WB		
Proposal:	PROPOSED INSERTION OF TIMBER WINDOW TO SOUTHERN GABLE.		
Parish:	Weeton with Preese	Area	Area Team 1
Weeks on Hand:	9	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/@53.8049917,-2.9356141,138m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached two-storey residential property that is located just off The Green in Weeton and is a Grade II listed building. The development proposed in this application is for the insertion of a new window to the gable elevation at second floor level. This will be a further cumulative change that have taken place at the building as it has evolved over the years since its construction in C17. It is considered that the work will reflect the changing history and use of the building over that time and will have minimal impact on the character and appearance of the listed building.

As such, the proposal accords with Policy HL5 and Policy EP4 of the Fylde Borough Local Plan, and Policy GD7 and ENV5 of the emerging Fylde Local Plan to 2032 which are the relevant policies for assessing works to listed dwellings. Accordingly the application is recommended for approval by Members.

Reason for Reporting to Committee

An objection to the proposal has been received from Weeton with Preese Parish Council. Under the council's scheme of delegation where there is a conflict of officer view to that of the Parish Council such applications are to be determined by the Planning Committee.

Site Description and Location

The application site is Knowsley Farm, The Green, Weeton. In particular the application relates to a detached, two storey dwelling under a thatched roof with painted brickwork. The dwelling is accessed from Briarwood Close and has a double garage, with painted brickwork under a slate roof,

in the front courtyard area.

The dwelling is a Grade II listed building. It is within the village settlement of Weeton as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

Details of Proposal

This application seeks planning permission for the insertion of a single window to the gable end of the property which due to the orientation of the property fronts to 'The Green'. It is to be inserted at attic level and is to facilitate the conversion of the loft space to a habitable room.

The window measures 610 mm in width by 1200 mm in height and is to be fitted with a timber frame, painted white in a 'two over three' style.

As the window has a cill level lower than 1.7 metres and is proposed to be fitted with clear glazing the development requires planning approval. If it were to be fitted in obscured glazing it would be permitted development and so not require planning permission.

Relevant Planning History

Application No.	Development	Decision	Date
13/0053	PROPOSED FORMATION OF REPLACEMENT AGRICULTURAL ACCESS WITH ASSOCIATED SURFACING, LANDSCAPING AND GROUND LEVEL WORKS	Refused	15/05/2013
78/0915	REINSTATEMENT OF PITCHED ROOF EXTENSION - GARAGE SPACE FOR TWO CARS	Granted	08/11/1978
74/0442	ADDITIONAL BOILER HOUSE TO RUN CENTRAL HEATING.	Granted	04/09/1974

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 12 July 2017 and comment:

"Parish Council recommends refusal of the application, considering the property is a listed building to make alterations to the original property will take out the character of the building".

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

No comments received.

Historic England

On the basis of the information available to-date, in our view, you do not need to notify us of this application under the relevant statutory provisions.

Neighbour Observations

Neighbours notified:	12 July 2017
Site Notice Date:	19 July 2017
Press Notice Date:	27 July 2017
Number of Responses:	1 letter received
Summary of Comments:	<ul style="list-style-type: none">• building links residents to the past• weight given to interior features should result in refusal of application• occupiers should not have purchased property if they wanted more space• should not just protect the look but its integrity• owners responsibility extends beyond bricks and mortar• important local landmark• should be preserved for future generations

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions
EP04	Alteration and adaptation of listed buildings

Fylde Local Plan to 2032:

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

Other Relevant Guidance:

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

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle

The application site is located within the settlement area under Policy SP1 of the adopted Fylde Borough Local Plan, As Altered, October 2005, and Policy GD1 of the emerging Fylde Local Plan to 2032 (Submission Version). In these areas the principle of residential extensions and alterations is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5

and Policy GD7 of the aforementioned plans.

Design and Appearance in Streetscene

The property is a Grade II listed building located within the village setting and is in an area where the scale and character of dwellings is very mixed from single storey bungalow properties, some constructed during the 1960's, to more recently constructed, two storey dwellings. In respect of Knowsley Farm the property is dated from 1673 and has undergone several alterations including the reversing of the front and rear elevations so that the front elevation of this property (formerly the rear) is now to Briarwood Close with the side elevation referred to in this application facing the Green.

The listing also refers to the altered openings on the east elevation (former front elevation), to provide windows with the original door opening blocked up and refers to the building having a single storey extension. (see application no. 17/0538 for full listing).

In considering development of a listed building regard should be had to the importance of the building, its intrinsic architectural and historic interest and rarity. The particular physical features of the building which justifies its inclusion in the statutory list.

Listed buildings cannot be replaced and can be affected by unsuitable alterations as they can by outright demolition. They represent a finite resource and irreplaceable asset and contribute to the quality of our built environment. The windows of a building have a significant impact on the character and appearance of a building, through their arrangement, size and detailing. They are an important element of the design of a building, give information about its origins and development over its history. Notwithstanding the above, the listing of a building should not be seen as an impediment to all future development.

This application proposes the insertion of a new window at attic level in the northern gable. The detailed design of the window respects that in two lower windows in that it mirrors the overall depth of the existing windows frames and size of the glazing panes but is narrowed to respect the reducing proportions of the gable and is appropriately scaled for the window hierarchy. The frames are to be white painted, timber which again reflects the traditional materials and finish on the existing window frames.

The key to the survival and upkeep of listed buildings is to keep them in active use and in most cases the survival of such buildings can only be achieved through sympathetic schemes and appropriate re-use of buildings and may necessitate some degree of adaptation of the building. As has been demonstrated in this case and as reported in the listing.

It is considered that the proposed works will add to the cumulative changes that have taken place over the course of the years which reflect the history and use of the building with minimal impact on the character and appearance of the listed building. Taking the scale, design and use of sympathetic materials to the host dwelling the works are considered to comply with the requirements of criteria 1 of Policies HL5 and EP4 and Policies GD7 and ENV5 of the local plan.

Relationship to Neighbours

It is the lack of obscured glazing in this window that necessitates the application for planning permission and so this is the key assessment with this application. Due to the location of the window the views from the window will be over the front of the street and the village green area

and will not result in a loss of privacy for any neighbours.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5, and Policy GD7.

Other Matters

The proposal does not impact on the scale of development on the plot or parking provisions and so complies with those elements of Policy HL5 and GD7.

Conclusion

The development proposed in this application is for the insertion of a new window to the gable elevation of a dwelling which is a Grade II listed building. In terms of scale, design and use of materials the proposal is sympathetic to the host building and as such conserves the character and appearance of the dwelling and its setting. As such, the proposal accords with Policy HL5 / GD7 and Policy EP4/ENV5 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the National Planning Policy Framework. Accordingly the application is recommended for approval.

Recommendation

That Listed Building Consent 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 / consent relates to the following details:

Approved plans:

- Location Plan - drawing no. 17/0584/PL01
- Proposed floor plans - drawing no. 17/0584/PL02
- Proposed elevation plans - drawing no. 17/0584/PL03

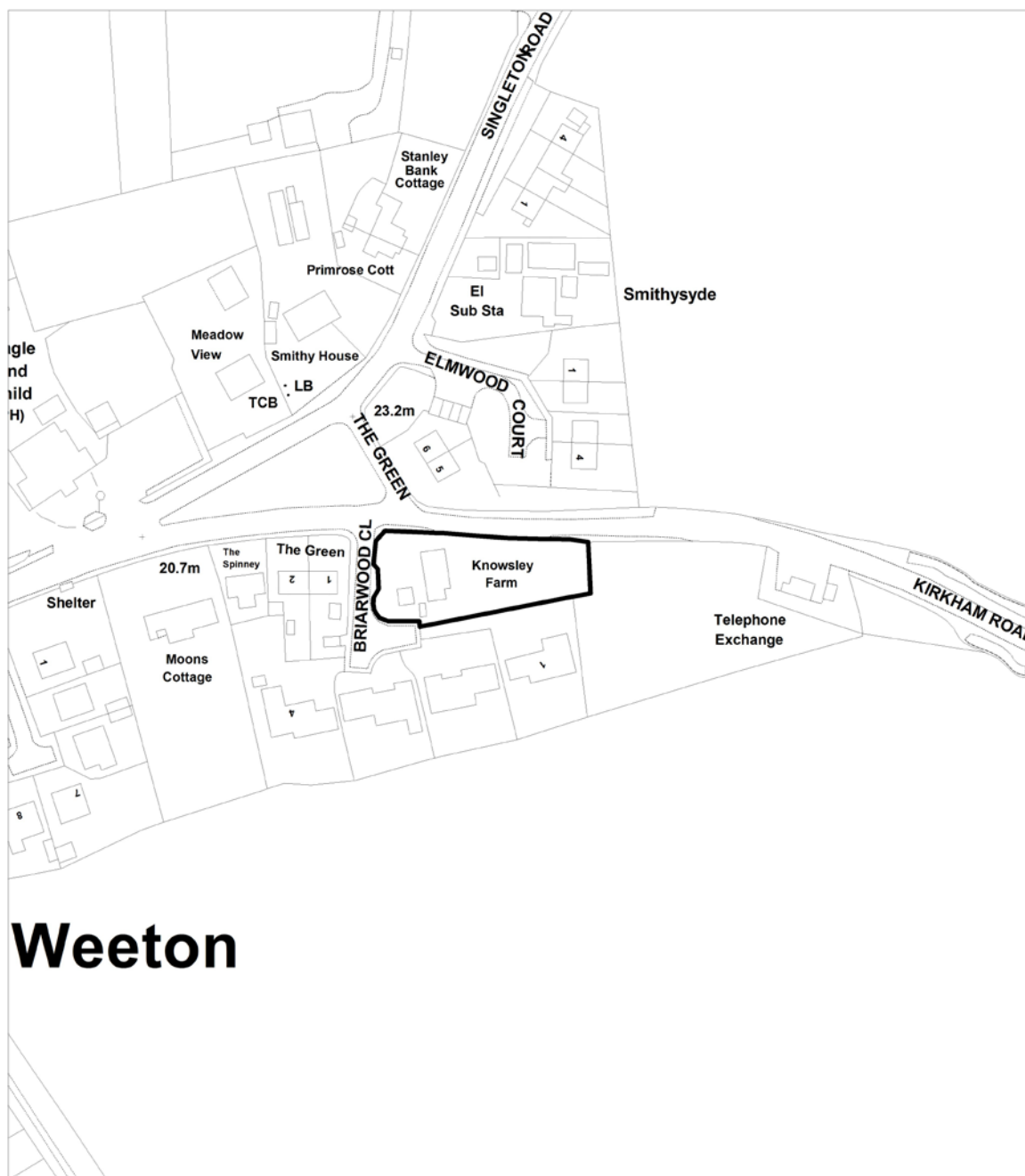
Supporting Reports:

- Heritage Statement

Reason: To provide clarity to the permission.

3. The window hereby approved shall be of a timber construction and painted or stained in a colour to match the existing window frames on the host dwelling and shall be set in reveal within its opening to match the reveal of the existing windows.

Reason: In the interests of the overall appearance of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0584	Address Knowsley Farm, The Green, Weeton	Grid Ref. E.3385 : N.4346	Scale 0 6 12 18 24 m

Item Number: 9

Committee Date: 6 September 2017

Application Reference:	17/0590	Type of Application:	Householder Planning Application
Applicant:	Mr Davis	Agent :	Mr Lea
Location:	95 KILNHOUSE LANE, LYTHAM ST ANNES, FY8 3AB		
Proposal:	PROPOSED SINGLE STOREY SIDE EXTENSION.		
Parish:	KILNHOUSE	Area Team:	Area Team 2
Weeks on Hand:	8	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/@53.7642923,-3.0177273,277m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the erection of a single storey side extension at a dwelling in the settlement of St Annes to provide an extension to its kitchen and utility room. The property is not listed or in a conservation area.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy HL5 of the Fylde Borough Local Plan, Policy GD7 of the Fylde Local Plan to 2032, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

The council has received an objection to the proposal from the Town Council, and as the officer recommendation is for approval of permission it is necessary to determine the application at Committee.

Site Description and Location

The application property is a semi-detached bungalow located on the southern side of Kilnhouse Lane. The property has a side gable ended pitched roof, and to the rear there is a single storey rear extension. At the end of the driveway in the rear garden there is a detached sectional garage. The neighbouring properties are also bungalows with extensions and dormers common in the wider area.

Details of Proposal

Planning permission is sought for the construction of a single storey side extension. The extension

would be set back 5.5 metres from the front elevation of the bungalow and project sideways almost out to the shared boundary with the neighbouring property, No.93. It would feature a dual pitched roof profile with a flat roofed element to its rear that would link into the flat roof of an existing rear utility room. The elevations are to be white render and the roof coverings would match those of the existing property.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 17 July 2017 and comment: Object to the proposal.

"Given that the property is semi-detached, we have concerns about the visual imbalance which would result from building up to the boundary wall. Plot size is too small to accommodate the size of this development."

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified:	17 July 2017
Number of Responses:	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

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

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle

The application site is located within the settlement area under Policy SP1 of the adopted Fylde Borough Local Plan, As Altered, October 2005, and Policy GD1 of the emerging Fylde Local Plan to 2032 (Submission Version). In these areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 and Policy GD7 of the aforementioned plans.

Design and Appearance in Streetscene

The proposed extension would be set 5.5 metres back from the front of the bungalow, and at this set back it would have a minimal visual impact on the appearance of the streets scene particularly given that it is single storey only and would be partially screened by the larger scale to the neighbouring dwelling. This notwithstanding the extension design reflects that of the parent dwelling and is a comparably small addition to the bungalow. Whilst the rendered elevations would not match the brick faced elevations of the bungalow the neighbouring property, No.93, is fully rendered and hence a rendered finish to the extension is not considered to be an issue. Taken overall the design and scale of the extension accord with the requirements of criteria 1 of Policy HL5, and Policy GD7.

The Town Council refer to the imbalance to the adjoining property. Whilst this adjoining neighbour does not feature a matching extension, the significant recess and single storey scale of the extension prevent any harm from being caused by this imbalance. There is no conflict with Policy DH1 of the Neighbourhood Plan in this regard, with the streetscene continuing to enjoy a pleasant character.

Relationship to Neighbours

The only neighbour potentially affected by the proposal is No.93 Kilnhouse Lane. The extension would abut almost against the shared boundary with No.93 and directly opposite two side facing windows of No.93. However both these windows are obscurely glazed with a distance of approximately 2.6 metres between them and the extension. As such it is not considered that the extension would unduly compromise the existing amenity of the occupiers of No.93. Overall the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5, and Policy GD7.

Scale of development on the plot

Whilst the extension uses some of the existing side driveway to the property there is no impact on the garden area to the rear and so the criticism of the scheme for resulting in a cramped development by the Town Council is not accepted. The proposal retains appropriate levels of amenity space and so complies with criteria 3 of Policy HL5, and Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5, and Policy GD7.

Other Matters

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

Conclusion

The application relates to the erection of a single storey side extension at a dwelling in the settlement of St Annes to provide an extension to its kitchen and utility room. The property is not listed or in a conservation area.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy HL5 of the Fylde Borough Local Plan, Policy GD7 of the Fylde Local Plan to 2032, 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 / consent relates to the following details:

Approved plans:

- Location Plan - Project No. 010031, dwg no. 0001
- Proposed Plans and Elevations - Project No. 010031, dwg no. 0003

Reason: To provide clarity to the permission.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

Reason: In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0590	Address 95 Kilnhouse Lane, Lytham St Annes	Grid Ref. E.3330 : N.4302	Scale 0 6 12 18 24 m

Item Number: 10

Committee Date: 6 September 2017

Application Reference:	17/0602	Type of Application:	Change of Use
Applicant:	Urban Arts Studio	Agent :	
Location:	UNIT 11 AND 12, WHITESIDE BUILDINGS, BACK ST ANNES ROAD WEST, LYTHAM ST ANNES, FY8 1RD		
Proposal:	RESTROSPECTIVE CHANGE OF USE FROM YOUTH CENTRE (SUI GENERIS USE) TO ARTS, MUSIC AND CUTURAL EVENTS VENUE (MIXED A3 & D2 USES)		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	6	Case Officer:	Rob Clewes
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/@53.7511851,-3.0307483,69m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a change of use of a brick building on Back St Annes Road West which is a back street that runs parallel to St Annes Square and is within the defined town centre area. The building has most recently provided the location of the LCC Youth Service who used it as a Youth Centre, with this application being submitted retrospectively for it to be used as a venue for arts, music and cultural events.

It is considered that there are similarities between the current lawful use and that sought in this application, with both being appropriate for a town centre location such as this in principle. Subject to an appropriately worded condition restricting the hours of operation, the use will not result in a detriment to vitality of the area or the amenity of residential neighbours.

Accordingly, the proposal complies with Policies SP1, SH9 and EP27 of the adopted Fylde Borough Local Plan and to policies CH1 and E1 of the St Annes on the Sea Neighbourhood Plan.

Reason for Reporting to Committee

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection received from St Annes on the Sea Town Council.

Site Description and Location

The application site is a two-storey red brick building located on the southern side of Back St Annes Rd West which is situated directly behind St Annes Rd West, the main high street through the town. The surrounding buildings are predominantly commercial with the rear elevations of buildings that are located on St Annes Rd West and Wood Street facing this building. The first floor of some of

these adjacent building contain residential flats. The site is also located within the St Annes conservation area.

Details of Proposal

The proposal is a retrospective application for the use of the building as an Arts, Music and Events Venue which also provides refreshments. The use of the building sought is therefore as a mixed use Class A3 (restaurant and café) and Class D2 (assembly and leisure). There are no external works to the building proposed.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 31 July 2017 and comment:

Object - The Town Council object to the hours of opening on Friday and Saturday until 2am in a semi-residential area and within the Town Centre Conservation Area.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Comments - No comments received

Environmental Protection (Pollution)

Comments - No objection. "A number of events have taken place under temporary event notices with no issues arising. The premises now operates under a full licence and during the application a number of conditions were attached to mitigate against any nuisance".

Neighbour Observations

Neighbours notified: 31 July 2017

Number of Responses None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
SH09	New development in town centres (general)
EP03	Development within conservation areas
EP27	Noise pollution

Fylde Local Plan to 2032:

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

EC5	Vibrant Town, District and Local Centres
EC6	Leisure, Culture and Tourism Development

Other Relevant Policy:

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

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) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues regarding the application are:

The principle of the proposal
Impact to nearby residential amenity

The principle of the proposal

Policy SP1 directs development to settlement areas. As this site is within one of the main settlements in the borough this policy is satisfied. Policy SH9 refers to town centres uses which permits Class A3 and D2 uses subject to compliance with four criteria.

This application seeks retrospective permission for use of the building as an 'Arts, Music and Events venue' which also serves refreshments. The site is within the town centre and there is a good variety of commercial uses in this area. There are no external alterations proposed to the building

It is considered that the proposed change of use would not be detrimental to area and the use would provide a further diversity of facilities for residents and have wider community benefits for the area, not least of which would be the increase in the footfall in the general area and the increase in vitality that the occupation of the premises for the proposed use would bring about.

Accordingly the proposal is considered to comply with Policies SH4 and SH9 of the local plan in this regard and Paragraph 23 of the NPPF which promotes the vitality of town centres.

Policy E1 of the St Annes Neighbourhood Plan is relevant and encourages a diversity of uses in town centre locations to as to support the vitality and viability of the centre. This policy makes specific reference to cultural facilities as being appropriate in town centres and so the mixed arts venue / café use proposed here is fully in accordance with that Policy. It is also in accordance with Policy CH1 of the Neighbourhood Plan which promotes cultural facilities in general.

Impact on nearby residential amenity

Criterion 4 of Policy SH9 and Policy EP27 of the adopted Fylde Borough Local Plan refer to neighbour amenity and noise pollution respectively. *"Development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted. Where appropriate, planning permission will be granted subject to conditions to minimise or prevent noise pollution."*

The building is located within the designated Town Centre where noise levels are generally higher, although with there being a number of nearby residential flats at upper floors of adjacent and nearby buildings the amenity of their occupiers must be considered. The Council's Environmental Protection Officer has raised no objections to the proposed use and has confirmed that there have been no complaints since the premises was brought into use, which is claimed to be April 2016 on the application form.

In regards to the operating hours the premises has been granted a licence till 2am on Friday and Saturdays and till 11pm on any other day. As the building is located within the designated town centre area and no complaints have been received regarding the use as applied for it is considered that an hour's condition matching that of the licence is both appropriate and reasonable. This hour's condition would ensure that there is a sufficient control over the use of the building. The application form refers to the premises opening until 2am on weekends and this has led to an objection from the Town Council, although the imposition of this condition will seemingly address their concerns.

Therefore subject to a condition to limit opening hours the proposal is considered acceptable and in accordance with Policy EP27 of the adopted Fylde Borough Local Plan, and also to the part of Policy E1 of the Neighbourhood Plan which requires that the amenity of adjoining neighbours is protected from undue disturbance from the operation of restaurant uses.

Parking

The premises does not benefit from any off street parking, however due to its town centre location it is considered that there will be no impact to highway safety as there is sufficient on street parking and the town centre has the benefit of dedicated parking areas.

Conservation Area

As there are no external works proposed to the building there will be no impact to the character and appearance of the building nor wider conservation area.

Conclusions

The application relates to a change of use of a brick building on Back St Annes Road West which is a back street that runs parallel to St Annes Square and is within the defined town centre area. The building has most recently provided the location of the LCC Youth Service who used it as a Youth Centre, with this application being submitted retrospectively for it to be used as a venue for arts, music and cultural events.

It is considered that there are similarities between the current lawful use and that sought in this application, with both being appropriate for a town centre location such as this in principle. Subject to an appropriately worded condition restricting the hours of operation, the use will not result in a detriment to vitality of the area or the amenity of residential neighbours.

Accordingly, the proposal complies with Policies SP1, SH9 and EP27 of the adopted Fylde Borough Local Plan and to policies CH1 and E1 of the St Annes on the Sea Neighbourhood Plan..

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

- Location Plan - by Streetwise Maps Ltd dated 11/07/2017
- Internal Layout Plan - by applicant dated June 2017

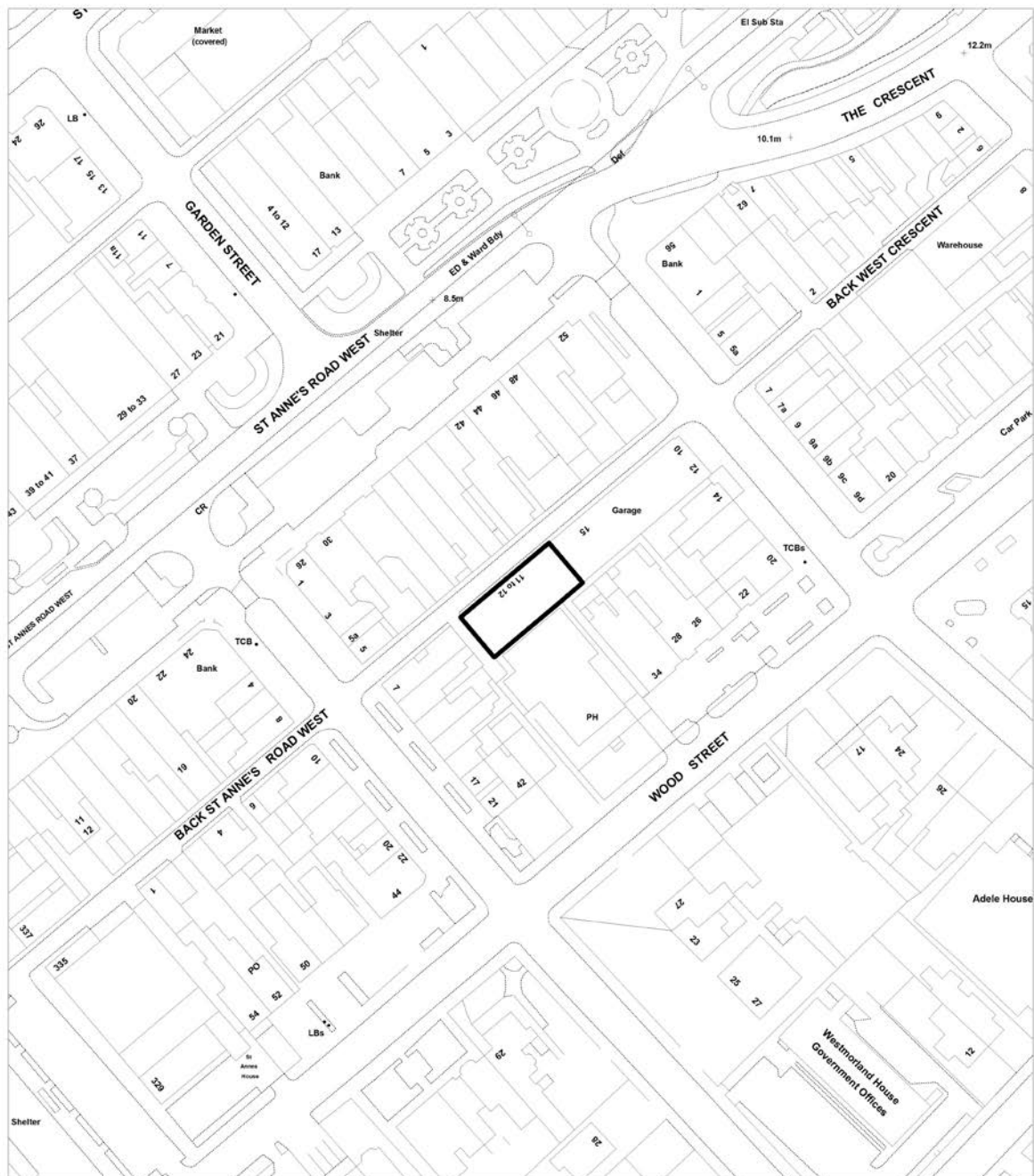
Reason: To provide clarity to the permission.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for a mixed use as an arts, music and cultural events venue (Class D2) with ancillary cafe (Class A3), and for no other purpose including solely as either of the two approved uses.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.

3. That the premises shall only operate for the uses listed in condition 2, and shall not operate for those uses outside the following times:
 - Sunday to Thursday - 08:00 - 23:00
 - Friday and Saturdays - 08:00 - 01:00 (following day) other than on no more than 10 occasions in any calendar year when the premises may operate until 02.00

Reason: To safeguard the amenities of the occupants of adjoining residential properties and to enable the Local Planning Authority to retain control over the use of the premises.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0602	Address Unit 11 and 12, Whiteside Buildings, Back St Annes Road West, Lytham St Annes	Grid Ref. E.3321 : N.4288	Scale 0 6 12 18 24 m

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	6 SEPTEMBER 2017	5
FYLDE COUNCIL TREE PRESERVATION ORDER 2017.07: 99 BALLAM ROAD, LYTHAM ST ANNES			

PUBLIC ITEM

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

SUMMARY

The Planning Committee are asked to confirm this Tree Preservation Order following consideration of the comments received during the consultation on the Order. The council's constitution requires that when an objection is received the decision whether to confirm the Order is to be made by the Planning Committee.

RECOMMENDATIONS

1. That the committee confirms the Tree Preservation Order so that it becomes permanently effective. If the Order is not confirmed within six months it 'lapses' and cannot be made to apply.

SUMMARY OF PREVIOUS DECISIONS

Not Applicable

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. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

The Town and Country Planning Act 1990 prescribes a "*General duty of planning authorities as respects trees*".

Section 197 defines a duty in respect of trees:

Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

The council is therefore obliged by statutory legislation to consider the preservation of trees in planning applications and to use planning conditions to secure new tree planting in development.

1.2 Tree Preservation Orders.

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs).

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

1.3 Changes to TPO procedures from 6th April 2012.

In 2012 the government introduced what it described as “*a consolidated and streamlined tree preservation order system.*” One of the notable changes was the removal of S201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made and no consultation is necessary.

2. Background to making the Tree Preservation Order.

2.1

The trees came to the Tree Officer's attention as a result of planning application 17/0050, which involved demolition and complete redevelopment of the private house at 99 Ballam Road into a block of apartments. The proposal involved the loss of two of the five attractive Himalayan birches, T17 and T19 as shown in the submitted drawings. T17 was to be lost for car parking - which is an avoidable loss - and T19 to make space for the wheelie bin store. Three others were indicated for retention in the scheme and would have been retained by standard planning condition. The Tree Officer felt that T17 could be retained if special measures were adopted to protect its roots.

There was an unavoidable delay in the Tree Officer consulting with the case officer and issuing a new tree preservation order. The Tree Officer was therefore not in post for much of March and early April owing firstly to family illness and then to a bereavement.

An Order was issued on 28th April 2017, citing the reason for protection of the trees as “*to secure the visual amenity of the line of Himalayan birches that bound the property where it adjoins Lilac Avenue. The trees make a strong contribution to the locality and in light of possible redevelopment of the site it is felt they should be protected.*”

2.2 Objection Period.

A statutory twenty-eight day objection period applies to new TPOs.

All persons notified of the TPO were required to make any representations or objection before Friday 26th May 2017.

2.2 Representations received.

The Tree Officer received three emails from residents of Lilac Avenue supporting the TPO. The first states “*The trees are beautiful and it would be a tragedy to lose them.*” A second email reads, “*I am very pleased to hear that the above trees are to be protected. I feel that all trees and mature shrub plantings are a very valuable asset to the “ Gateways’ of leafy Lytham.*”

3.0 Objection.

An objection from the developer's planning consultant was received on 19th May 2017. This is appended (App 2) for members to examine.

3.1 Summary of Objection.

The objection relies upon an argument that the Order is inappropriate because the trees within it do not satisfy the test for visual amenity. This, it is claimed, is because they are small in scale, and are growing along an unadopted road with limited outward visibility. The argument is underlined by quotes from current government guidance on making tree preservation orders. It is stated by the applicant's agent that the trees themselves are *"not considered special enough to warrant the high standards needed to justify a TPO"* and that their contribution to wider amenity is insignificant.

The objection also quotes Fylde Council's Landscape Architect's comments from a consultation on 7th February 2017 in which it was stated that the loss of trees along Lilac Avenue would not have a *"significant impact on the overall quality of Ballam Road."*

4. Response to the objection.

4.1 Government Guidance on amenity in TPOs.

Paragraph 007 Ref ID36-007-20140306 advises councils that amenity is not defined in law and judgment should be used when deciding to make an Order. It proceeds to advise that TPOs should be used if their removal would have a *"significant negative impact on the local environment and its enjoyment by the public."*

The guidance also states that councils should look at individual, collective and wider impact, but should also consider:

- Size and form of the trees
- Their *future potential* as an amenity

The Tree Officer considers that the Himalayan birches offer current visual amenity because they are visible to the residents of Lilac Avenue. This quality is evidenced by the written support from those residents of Lilac Avenue who emailed comments.

This property of visual amenity will increase as the trees continue to gain stature: greater height and canopy spread as they mature will enable better views. Himalayan birches may grow to over 12 metres, meaning they will be increasingly outwardly visible.

4.2 Himalayan birches as a species.

The species is very widely used in amenity plantings on account of its well-spaced branch structure, attractive foliage, which offers good Autumn colour, and particularly for the white bark. Some nurseries grow the tree in multiple stemmed form to capitalise on the white bark, which is considered attractive during Winter when colour is elsewhere lacking.

The Royal Horticultural Society has awarded the species its Award of Garden Merit and places the tree in its Pruning Group 1 – trees which naturally form a well-branched framework that requires little or no pruning.

These factors, recognised by the RHS, indicate that the species is particularly well-suited to providing amenity.

4.2 Development increasing the trees' amenity.

The proposal to create an apartment block would see a greater number of residents occupying the site of 99 Ballam Road, providing a larger audience for the trees and thereby raising their public visual amenity value so that not only are they a benefit to residents of Lilac Avenue but also to the new occupants of the block. They will form inherent landscaping that cannot quickly be achieved with replacement planting.

Ultimately the trees will screen and filter side views of the apartment block to users of Ballam Road and for residents on Lilac Avenue. They will reduce overlooking and improve residents' amenity.

The planning submission actually contains computer generated imagery showing the completed development in which the trees are featured as an attractive backdrop to the apartment block and are visible beyond a lowered hedge to Ballam Road. This indicates that the applicants themselves see the Himalayan birches as an asset to the

proposal and there is a contradiction between submitted documents to support the proposal and the developer's intentions for the trees.

4.3 Landscape Architect's comments used in the objection.

It should be noted that the Landscape Architect's comments date from 7th February 2017, a time when deciduous trees are bare of foliage. This may have reduced their visual appeal and could have led to their being underrated.

The comments by Mrs Lythgoe also only related to the proposed removal of three trees (one being a cherry, not included in the TPO), at the fore of the site rather than the entire line of Himalayan birches that the TPO has protected.

It seems these remarks may have been employed out of context to some degree. The photographs provided in appendix to this report attest to the quality of outward visual amenity.

5. Conclusion.

- It is clear that Himalayan birches are a species planted especially for their quality of visual amenity.
- The question of whether these trees satisfy a test for wider amenity is answered in the comments above and photographs at Appendix One support this.
- The applicants' submission demonstrated an intention to retain most of these trees, suggesting that they were seen as an asset to the site. Opposition to the TPO therefore seems illogical.
- The importance of the Himalayan birches will increase post-occupancy when they will contribute to privacy and visual amenity for new occupants as well as existing residents on Lilac Avenue.
- Planning Committee is therefore asked to confirm the Order without modification.
- The Tree Officer will modify the Order if development proceeds to remove T19 and will seek retention of T17 through the use of a root-protecting cellular confinement system to create a section of the parking area.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The procedure for tree preservation orders is set out in the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Under the regulations, a tree preservation order has provisional effect for six months after it is made, but then automatically lapses unless the council confirms it. The council must consider any objection before it can confirm the order.
Community Safety	None arising from this report.
Human Rights and Equalities	None arising from this report.
Sustainability and Environmental Impact	None arising from this report.
Health & Safety and Risk Management	None arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Alan Wallbank	Alan.Wallbank@fylde.gov.uk	11 th August 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Report on objection to TPO 2017. 07	11 th August 2017	Fylde Council Offices.

Attached documents

Appendix 1: site photographs taken 26th May 2017

Appendix 2: objection quoted in full.

Appendix 1: trees photographed from golf club car park Friday 26th May 2017.



Appendix 2: Objection letter in full.

Dear Alan.

Town and Country Planning (Tree Preservation) (England) Regulations 2012 99 Ballam Road / Lilac Avenue

On behalf of Mr and Mrs Havenhand and Purcell Developments, I write to formally object to the provisional Tree Preservation Order (TPO) notice which was recently issued for the 5no. Himalayan birch trees at the above address. It supports the planning application at 99 Ballam Road for a new apartment development (LPA Ref. 17/0050) and concludes that the TPO is inappropriate.

The Planning Practice Guidance (PPG) states that TPO's should only be applied to protect selected trees where it is '*expedient in the interests of amenity...*' and '*...if their removal would have a significant negative impact on the local environment and its enjoyment by the public.*' When considering whether to make any formal TPO against a tree or woodland, Councils are required to take into account their amenity value, including a consideration of: the public's visibility of the trees; and their individual, collective and wider impact (in terms of their: size and form; future amenity potential; rarity; and contribution to, and relationship with, the landscape).

The Regulation 5 Notice (dated 28th April 2017) states that a TPO is deemed necessary in order to "*...secure the visual amenity of the line of Himalayan birches that bound the property where it adjoins Lilac Avenue. The trees make a strong contribution to the locality and in light of possible redevelopment of the site it is felt they should be protected.*"

We disagree that the trees make a '*strong*' contribution and believe that the Council should exercise their judgement in deeming that the trees are not worthy for TPO protection on the following grounds:

- *Visibility* – The trees are located along Lilac Avenue, a private and un-adopted residential road, and bounded by a high boundary fence which reduces their visibility to the public. The trees are also less noticeable and relatively small in scale, particularly when considered against other larger, non-TPO, specimens along Ballam Road.
- *Individual, Collective and Wider Impact* – The particular characteristics of the trees are not considered special enough to warrant the high standards needed to justify a TPO. The trees are unremarkable, offer limited landscape benefit and contribution to the local area and street scene and their individual and collective amenity impact does not warrant specific protection. The Tree Survey Report which accompanied the planning application identified that one of the Himalayan birches is a Category C1 specimen ('low' quality), with the remaining trees classed as being Category B2 ('medium / moderate' quality). The Survey confirms that none of the TPO trees warrant a Category A 'high' classification or are deemed 'good examples of their species' or have 'particular visual importance'.
- The Council's Landscape Architect has also recently considered that the trees '*have little landscape or visual value*' and '*the loss of trees along Lilac Avenue [as a result of the planning application] would not have [a] significant impact on the overall landscape quality of Ballam Road or Lilac Avenue, their character, scale or pattern. Neither would the loss of the trees materially affect the composition of the landscape or views in this area.*' The advice of the Council's own Landscape Architect, which is given in full acknowledgement and consideration of the current redevelopment proposals awaiting determination by the Council, is clearly at odds from the Council's justification for a TPO in its Regulation 5 Statement.

Conclusion

In summary, it is considered that it is not expedient to protect these trees and their overall amenity impact and quality does not merit protection via a TPO. We therefore request that these comments are carefully considered before a decision is made by the Council prior to the review of the Order at Committee and look forward to receiving your response to this letter.

Yours sincerely
Carly Hinde
Senior Planner
carly.hinde@turley.co.uk

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	6 SEPTEMBER 2017	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 decisions between 14/7/17 and 25/8/2017.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 14 July 2017 and 25 August 2017. The decisions are attached in the following pages.

Rec No: 1 28 April 2017	16/0554	LAND WEST OF WOODLANDS CLOSE, NEWTON WITH CLIFTON OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Informal Hearing RB
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Appeal Decision: Allowed: 18 August 2017

Rec No: 2 11 May 2017	16/0968	POST OFFICE HOTEL, 18 FRECKLETON STREET, KIRKHAM, PRESTON, PR4 2SP CONVERSION OF EXISTING PUBLIC HOUSE INTO 3NO SELF CONTAINED APARTMENTS (INCLUDING DEMOLITION OF SINGLE STOREY REAR EXTENSIONS TO EXISTING BUILDING) AND ERECTION OF 3 NO. TOWN HOUSES TO SIDE	Written Representations AS
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Appeal Decision: Allowed: 11 August 2017

Rec No: 3 30 May 2017	16/0581	4a CYPRUS AVENUE, LYTHAM ST ANNES, FY8 1DY PRIOR NOTIFICATION FOR CHANGE OF USE FROM STORAGE OR DISTRIBUTION BUILDINGS (CLASS B8) AND ANY LAND WITHIN ITS CURTILAGE TO DWELLINGHOUSE (CLASS C3) UNDER SCHEDULE 2, PART 3, CLASS P OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015	Written Representations RC
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Appeal Decision: Dismiss: 28 July 2017

Rec No: 4 30 May 2017	16/0050	THE HOMESTEAD, RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BE OUTLINE APPLICATION FOR ERECTION OF 1 No. DETACHED DWELLING WITH ACCESS, SCALE AND LAYOUT APPLIED FOR AND OTHER MATTERS RESERVED	Written Representations AP
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Appeal Decision: Allowed: 28 July 2017

Rec No: 5 12 June 2017	16/0799	14 WINDSOR ROAD, ANSDELL, LYTHAM ST ANNES, FY8 1AH ERECTION OF 2 X TWO STOREY DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUNGALOW	Written Representations AP
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Appeal Decision: Dismiss: 16 August 2017

Appeal Decision

Hearing Held on 27 July 2017

Site visit made on 27 July 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 18th August 2017.

Appeal Ref: APP/M2325/W/17/3166394

Land Off Woodlands Close, Newton with Scales

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hollins Strategic Land LLP against the decision of Fylde Borough Council.
 - The application Ref 16/0554, dated 22 July 2016, was refused by notice dated 12 December 2016.
 - The development proposed is described as: "Outline application for up to 50 No dwellings (all matters reserved other than access)".
-

Decision

1. The appeal is allowed and planning permission is granted for: "Outline application for up to 50 No dwellings (all matters reserved other than access)" at Land off Woodlands Close, Newton with Scales in accordance with the terms of the application, Ref 16/0554, dated 22 July 2016, subject to the conditions attached in the schedule to this Decision.

Procedural Matters

2. The application was made in outline with all matters reserved for subsequent approval, except access. I have determined the appeal on this basis, treating the layout plan as indicative. However, I have taken account of the parameters and mitigation measures set out primarily in the appellant's Design and Access Statement, and shown on the indicative layout plan. These include the provision of open space, a landscape buffer and the retention of ecological features, as agreed by the main parties.
3. The emerging Fylde Local Plan¹ was submitted to the Secretary of State for examination in December 2016. Stage 1 and 2 Hearings have been held and the Council is in the process of a further round of consultation on a range of items. At the Appeal Hearing, the Council advised that it anticipates Stage 3 Plan Hearings will be necessary, and it is likely that the emerging Local Plan will not be adopted until 2018.
4. During the Local Plan Hearing sessions, the Council acknowledged that the 5-year housing land supply and housing trajectory would have to be amended in light of new evidence regarding delivery. The Council produced a Housing

¹ Fylde Local Plan Publication Version (June 2016)

Supply Statement² which stated that it can demonstrate a housing land supply of 5.1 years. In response, the appellant produced a rebuttal statement, which argued that the Council can only demonstrate a supply of 4.1 years. In advance of the Appeal Hearing, the Council acknowledged that the housing land supply figure of 5.1 years is subject to further public consultation, and it should only be afforded moderate weight.

5. However, during the Appeal Hearing the parties submitted an agreed updated position that the Council can only demonstrate a supply of 4.8 years. In view of this, the Council accepted that the Housing Supply Statement can only be afforded limited weight at the present time. The main parties agreed that, in the context of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), that relevant policies for the supply of housing should not be considered up-to-date and the proposal should be determined in the context of the presumption in favour of sustainable development. Furthermore, in the Statement of Common Ground (SoCG), it was agreed that paragraph 14 is engaged due to the Local Plan and its evidence base in respect of development needs being time-expired.
6. A signed and executed planning obligation by way of unilateral undertaking³ has been submitted to the satisfaction of the main parties. The unilateral undertaking, including proposed amendments in relation to highways matters, was discussed at the Appeal Hearing and interested parties had the opportunity to comment. The document was amended after the Hearing, by agreement. I am satisfied that interested parties would not be prejudiced by my consideration of the amended unilateral undertaking, as those amendments were discussed. I return to this matter below.

Main Issue

7. From all that I have seen and read, I conclude that the main issue is the effect of the development on the character and appearance of the area, in particular the setting of Newton village and the separation between Newton with Scales and Kirkham.
8. In addition, there are a series of other considerations to be taken into account.

Reasons

The Development Plan

9. The most relevant development plan policies are saved policies from the Fylde Borough Local Plan (as altered) dated October 2005. The appeal site is within the designated countryside area and the main parties agreed that the proposal would be contrary to Policy SP2, which seeks to restrict development in the countryside. It was also agreed that SP2 is a relevant policy for the supply of housing and cannot be considered up-to-date. The settlement boundaries were established several years before the Framework was published and the application of Policy SP2 is not achieving a five-year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework. Consequently, Policy SP2 carries limited weight.

² Five Year Housing Supply Statement, base dated 31 March 2017, Examination in Public Edit July 2017

³ Section 106 of the Town and Country Planning Act

10. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The appellant cited *Anita Colman v Secretary of State for Communities and Local Government* [2013] EWHC 1138 (Admin). This considered the consistency of the individual relevant development plan policies with the policies of the Framework for the purpose of deciding how much weight to give the policies. In the light of this case, the appellant argued that Policies HL2, EP10 and EP11 are not consistent with the Framework, as they do not allow for a 'cost benefit' approach.
11. Policy HL2 is partially concerned with the supply of housing, and in this respect it cannot be considered up-to-date. However, the policy also addresses the social and environment impacts of development and establishes a series of criteria against which proposals for new housing development will be assessed. It is expressed in restrictive terms and limits the ability of the decision maker to take the benefits of a particular development into account. However, the policy is consistent with the Framework insofar as it seeks to direct development towards sustainable locations, take account of the different roles and character of different areas, and ensure a good standard of amenity for existing residents. Overall, I find that Policy HL2 carries significant weight.
12. Policy EP10 seeks to protect the distinct character and important habitats of the Borough. The use of the word protected is restrictive and there is no scope to weigh any benefits against the harm. Similarly, Policy EP11 states that new development in rural areas should be sited in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire and the characteristic landscape features defined in Policy EP10. In that respect it is worded in such a way that leaves no room to accommodate harm without breaching the policy. However, the policy also seeks to secure development of a high quality design that reflects the local vernacular style, which is consistent with the design objectives of the Framework.
13. The Council argued that the spirit of Policies EP10 and EP11 is consistent with the Framework in seeking to recognise the intrinsic character and beauty of the countryside. Nevertheless, I consider that there is a degree of conflict with the Framework, due to the absence of any scope to weigh benefits against harm. This reduces the weight I attach to Policies EP10 and EP11.
14. In the decision notice, the Council also cites conflict with emerging Policies ENV1, GD7 and GD3. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
15. Policy ENV1 requires development to have regard to its visual impact within its landscape context and landscape type in which it is situated, and Policy GD7 seeks to achieve good design in development. Both policies are broadly consistent with the Framework. However, the Council advised that there are unresolved objections in relation to GD7. Although the text of all representations received in response to the emerging Local Plan consultation has been provided to me, the extent and significance of any objections to either policy is unclear and, consequently, I afford Policies ENV1 and GD7 limited weight.

16. The appeal site is within an Area of Separation (AoS), designated in the emerging Local Plan. Policy GD3 states that the AoS is designed to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in a coalescence of two distinct and separate settlements.
17. The Area of Separation Background Paper (November 2014) set criteria for the identification and assessment of land considered to be of landscape value and which contributes to the setting of settlements. It provided an assessment of 13 potential areas, of which two (including the land between Kirkham and Newton with Scales) were considered appropriate for inclusion within the AoS. The Council considered that the identification of the AoS between Kirkham and Newton with Scales attributed 'value' to the landscape in which the appeal site is located. The Council indicated that, in the context of the emerging policy, development within the AoS would be unacceptable in principle.
18. The Council considered that Policy GD3 carries moderate weight as it has been considered during the Hearing sessions into the emerging Local Plan. The policy has been amended to allow for an assessment to be made against its aims and objectives, and further amendments are required to reflect that the AoS is lower in hierarchy than Green Belt land. The revised wording is not before me and, in any event, there are significant outstanding objections to the policy. In these circumstances, I can only afford limited weight to Policy GD3.

Effects on Landscape Character

19. The appeal site extends to approximately 2.8 hectares and is greenfield land, which has been used for grazing. The site is bounded with relatively high hedgerows to the north, south and west and there is a pond towards the northern half of the site. The topography falls southwest across the site, with a moderate change in levels. The site is located within the countryside area, as defined in the adopted Local Plan, but its eastern boundary adjoins the Newton with Scales limit of development boundary. The site's western boundary is approximately one kilometre from the Kirkham limit of development boundary.
20. The northern boundary of the site adjoins the A583 Blackpool Road, where there is a bus lay-by with a brick shelter. The eastern boundary adjoins residential development, including that off Avenham Place, Highgate Close and Woodlands Close. Two storey houses are the predominant form of development although the properties on Woodlands Close are dormer bungalows. There is commercial ribbon development along the A583.
21. The proposed residential development would be accessed via Woodlands Close. The proposal is made in outline and the layout plan only indicates how development could proceed on the site. The appellant's Design and Access Statement points to a development density of 18 dwellings per hectare, centrally located public open space, and the retention of boundary vegetation particularly along the western and southern boundaries. A field pond on site is also shown as being retained and enhanced.
22. There are no landscape designations attributable to the site. The site lies within the 'Lancashire and Amounderness Plain (32)'⁴ and the 'Fylde 15d' Local Landscape Character Area⁵. The landscape character is described as gently

⁴ National Landscape Character Area (NLCA, Natural England 2014)

⁵ Lancashire Council Council's Landscape Character Assessment (December 2000)

undulating farmland, predominately used as improved pasture. Field ponds are a characteristic feature, providing important habitats. Field sizes are generally large to medium with low clipped hawthorn hedgerows and blocks of woodland. The main parties agreed that the landscape is generally a small-scale landscape, where low-lying topography and intervening vegetation limit long views and provide enclosure. There are man-made elements in the vicinity, including the A583, air traffic from Warton airfield and pylons, masts and street lighting.

23. The Council considers the site to be a valued landscape, within the meaning of paragraph 109 of the Framework, primarily because it has been identified as AoS within the emerging Local Plan. Also, it is asserted that the local landscape character of the site, and the area immediately surrounding it, is not typical of either the national or regional assessments. In particular, it was explained that the ancient field enclosures result in small, irregular shaped fields with ponds and well-maintained, high hedgerows with occasional groups of mature trees. This provides a more tranquil and intimate landscape than that described in the assessments. The local residents explained that the site is distinctive as it is a small field with established hedgerows and is not intensively farmed. The area surrounding the site is characterised by equestrian activity, public rights of way and a working farm. Newton village is well-screened and the site contributes to the setting of the village. As such, the landscape is not considered typical of the Fylde and the site is highly valued by local people.
24. The appellant rejected the assertion that the site forms part of a valued landscape and a 'box 5.1 assessment' has been submitted.⁶ The Framework does not define a valued landscape for the purposes of applying paragraph 109, and the box 5.1 assessment is not used expressly for this purpose. However, I accept that it is a useful tool in assessing landscape character. The appellant's assessment concludes that the landscape is not of high quality and does not have any features which place it out of the ordinary or above general countryside.
25. I appreciate that the landscape pattern south and west of Newton village remains largely intact. However, I note that according to the County Council's Historic Landscape Characterisation Report for Lancashire, ancient enclosure covers almost 20 percent of the County. The historic enclosure is not described in the national or local character assessments. Moreover, the appellant maintained that the significant elements of ancient enclosure landscape type have been lost and the remaining feature, the boundaries to the south and west that remain as hedgerow, would be retained. Overall, I do not find that there is sufficient evidence that the site should be considered a rare or highly significant example of an ancient enclosure.
26. The main parties agreed that, in order for a landscape to be considered as valued landscape in the context of paragraph 109, it must mean something more than the countryside in general. This is apparent from the wording of paragraph 109, and this interpretation is consistent with relevant planning appeal and High Court decisions. It is clear that the landscape around the village, including the appeal site, is valued by local residents but there is limited evidence that the site has distinguishing characteristics or that the surrounding landscape is not typical of the character assessments described

⁶ Box 5.1 on page 84 of the Guidelines for Landscape and Visual Impact Assessment (third edition) 2013 (GLVIA3)

above. I do not agree, therefore, that the landscape is valued in the context of the Framework.

27. Nevertheless, the site provides a pleasant outlook for local residents and it contributes to the setting of the village. The development would result in the loss of the greenfield site, it would have a permanent effect and would lead to a noticeable change to the local landscape. The mitigation measures would limit the adverse effects to a certain extent. The proposed development density, combined with the open space and landscape buffer would soften the appearance of the development and enable it to assimilate with the adjoining development. Moreover, due to the topography and intervening vegetation, the impact of the development on the landscape character would be restricted to the area relatively close to the site.
28. Overall, I find that the proposal would result in modest erosion to the landscape character, but the defining landscape characteristics of the wider area would not be adversely affected.

Visual Effects

29. The main parties have agreed the extent of the study area (the Zone of Visual Influence), to enable views towards the site to be assessed. The visual receptors (or people affected by the change in views) were agreed to be the residents of Newton with Scales located in properties immediately adjacent to the site and along the A583, residents of the more distant properties on the edge of Kirkham and Freckleton, users of public rights of way and users of local roads and lanes.
30. The residents of the properties on Woodlands Close, and the other properties adjacent to the site, would experience a significant degree of change to their outlook, especially those houses which directly face the site. Residents in more distant properties along Manor Drive and Lower Lane, to the north and south of the A583 respectively, would be less affected as they currently see the site either in the context of the existing development or across the A583. The views are limited due to the topography and intervening vegetation, and therefore, the change in view would be marginal.
31. Walkers and users of the public rights of way to the south and west only experience glimpsed and far reaching views of the site. Where visible, the site is viewed in the context of the intervening landscape, which is open but features man-made elements such as pylons and telegraph poles. The edge of the site is screened by the hedgerows. Overall, the development would be visible but its impact within the wider landscape would be low.
32. Users of the public right of way to the north view the site in the context of the A583 and the commercial development along the road. The built form of the village is evident. Whilst the view is relatively close range, the boundary vegetation restricts full views. Also, the site is long and narrow which would limit the extent of the built edge in views from the north. The change in view would be moderate, which would be offset to a degree by the proposed buffer strip.
33. Parrox Lane, to the south and west of the site, is a pleasant rural lane from which there are intermittent views of the site through breaks in the hedgerows. The development would be visible from Parrox Lane and there would be a

moderate change in view. The effect would be mitigated by the proposals to supplement the boundary hedgerows, but it is likely that the rooftops would be visible. This would result in a moderate change in view.

34. Further afield, users of Freckleton Road and Kirkham Lower Lane experience the site in longer distance views, and in the context of other built development and man-made features. The change in view would be marginal.
35. Overall, I find that the development would result in a moderate amount of visual harm.

Area of Separation

36. The Council is particularly concerned about the visual impact of the development when viewed from the A583, and the perception of coalescence of the settlements. There is approximately one kilometre between the limits of development of Kirkham and Newton with Scales. However, the A583 connects the settlements and there is ribbon development along the main road, which adds to the perception that the settlements are joined.
37. During the site visit I walked some distance along the road, and found that views of the site are limited. Newton village is relatively well screened and, as local residents pointed out during the Hearing, it is not apparent that there is a village there when viewed from the A583. There are glimpses of houses from the main road, although deciduous foliage restricts views in the summer months.
38. I agree with the appellant that users of the road are likely to be transient and would therefore have a low sensitivity to development. Nonetheless, Newton village is currently distinct as a separate settlement, which is reinforced by the undeveloped nature of the site and the adjoining field. Also, the site is in a place where there is undeveloped green space on both sides of the road. The site essentially forms one of two fields between the edge of the village and the ribbon development. The AoS background paper identifies that “..there is a risk of the settlements merging if the ribbon development between the two settlements is allowed to expand”. The loss of the site to development would result in an expansion of the built form towards the start of the ribbon development, and an encroachment into the AoS.
39. My attention has been drawn to a previous appeal decision in Preston where the effect of development on the emerging plan AoS designation was considered.⁷ In that case, the Inspector found that although the development would narrow the gap between settlements, there would be no risk of merger. However, the site-specific circumstances relating to the appeal before me appear to differ, particularly due to the A583 and the presence of ribbon development.
40. Whilst the mitigation would provide screening, the development would contribute to the coalescence of the settlements and would inevitably adversely affect the openness of the land between the settlements. It would result in moderate harm to the setting of Newton village, contrary to emerging Policy GD3.

⁷ APP/N2345/A/13/2208445 dated 12 June 2014

Conclusion on landscape matters

41. The development would result in a modest erosion of landscape character restricted to the area relatively close to the site, but the defining landscape characteristics of the wider area would not be adversely affected. There would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of the settlements of Newton with Scales and Kirkham, and would result in a moderate amount of harm to the setting of Newton village. Consequently, it would not comply with saved Policies HL2, EP10 and EP11, and emerging Policies ENV1 and GD7 which, amongst other things, seek to protect the distinct landscape character of the area.

Other matters

Highway safety

42. The local residents advanced a series of concerns in relation to highway safety. This included the width of the road and pavement along Woodlands Close and its ability to serve the development safely, the impact of parked cars on Woodlands Close, the visibility splay at the junction with Bryning Lane, access for emergency and refuse vehicles, queueing at the junction with the A583 and access for construction traffic. It was also contended that the A583 in this location is an accident hotspot and evidence from the Lancashire Police and Road Safety Partnership was submitted.
43. The appellant's Transport Statement⁸ states that the site has good accessibility, with pedestrian and cycle linkages to local amenities, and access to public transport. The trip generation assessment indicates that the proposal will generate 27 vehicle trips in the 'AM peak' and 25 in the 'PM peak', concluding that the development would not have an impact on the operation of the surrounding highway network.
44. The Highways Authority was satisfied that the development would not have an adverse effect on highway safety or capacity. It was observed that queuing does occur at the junction of Bryning Lane with the A583, and the Highways Authority considered that upgrading the traffic controllers on this junction would improve efficiency. The Highways Authority also stated that the proposed access arrangements would be acceptable and in accordance with the 'Manual for Streets' (2007) and local design guidance contained within 'Creating Civilised Streets' (2010). Although there is an accident record in the vicinity of the site, the Highways Authority did not consider this atypical for a road with the level of traffic carried by the A583.
45. The appellant's 'lines of visibility' indicate that the full carriageway width of Bryning Lane is visible to the south of the junction with Woodlands Close. This is consistent with what I saw on site. To the north, the line of visibility is partially obscured from the view of a driver emerging from Woodlands Close. However, this is the section of the carriageway in which vehicles would normally be travelling away from the junction, and the area within which visibility is obscured is limited. Consequently, I am satisfied that the junction of Woodlands Close with Bryning Close would not pose an impediment to the development.

⁸ 160721/SK21630/TS01(-00) July 2016 and Supplementary Note dated 7 February 2017

46. I appreciate the concerns about parking on Woodlands Close, but adequate parking within the development could be ensured at reserved matters stage. Despite existing parking levels, the road width is such that emergency vehicles and construction traffic could normally pass parked cars or vans.
47. In order to promote sustainable travel and alleviate queueing, the Highways Authority has requested off-site highway works. This includes the upgrading of the east and west bound bus stops on the A583, upgrading the traffic signals at the junction of the A583 with Bryning Lane to include a new signal controller, and pedestrian facilities. These measures would be secured via the Unilateral Undertaking.

Amenity

48. The local residents set out their concerns about the effect of the development on their living conditions. In particular, the cul-de-sac would become an estate road leading to noise and disturbance from vehicles and car headlights. Concern was also expressed about the proximity of the houses to existing development, in relation to overshadowing and privacy.
49. The development would lead to an increase in vehicles using Woodlands Close, with associated noise and disturbance. However, the predicted number of trips is such that this would not have a material adverse effect on living conditions. I accept that car headlights and/or brake lights would have an impact on the ground floor rooms of houses facing the junctions of Woodlands Close and Bryning Lane. However, I agree with the Council's assessment that this would either be restricted to certain times of the day, or would not be a frequent occurrence due to the number of vehicles involved. Therefore, the impact on living conditions would be relatively minor.
50. Other concerns about noise and disturbance during construction could be addressed through appropriate conditions.
51. The planning application was made in outline and matters of appearance and layout are reserved for later approval. The relationship between proposed and existing development would be considered as part of an application for reserved matters.
52. I have considered the arguments made about the negative effect of the development on property values in the vicinity, but there is no evidence that this would be the case. In any event, the planning system does not protect the rights of one individual over another.

Habitats

53. The local residents explained that the site is species rich. In particular a variety of bird species are regularly seen, including barn owls and pink footed geese. The residents argued that the retention of the hedgerows and other mitigation would not offset the loss of the site to development, and overall the environment would be degraded to the detriment of biodiversity.
54. The Greater Manchester Ecology Unit advised that the appellant's ecological survey⁹ is sound. This found that the site supports agriculturally improved grassland. None of the habitats within the site were considered to be species

⁹ Ecological Survey and Assessment [ERAP Ltd ref: 2015_316] dated August 2016

rich, indicative of semi-natural habitat or significant ecological value. There are a number of features of ecological value including the pond, which is part of a wider network, and hedgerows. The retention of these features was welcomed and conditions would be required to ensure the retention and protection of ecological features and species on the site. Natural England has advised that the proposal is unlikely to affect any statutorily protected sites and landscapes.

55. I have taken into account the information provided by the residents in relation to the ecological value of the site and the variety of species observed. However, the evidence from the ecologists is that the development would not have a material adverse effect on the site's ecological value. The mitigation measures could be secured by conditions and key ecological features would be retained. On this basis, I find that the proposal would minimise the impact on biodiversity.

Drainage

56. The local residents expressed concerns about drainage, including that the village is adjacent to a high flood risk area and surface water drainage is an ongoing issue.
57. The appellant's Flood Risk Assessment assessed the site to be at a low or very low risk from flooding. The Council advised that the proposal has been considered by the Lancashire County Council Flood Risk Management Team, the Environment Agency and United Utilities and no objections have been raised to the development. Conditions would be required to ensure that the development would not increase the risk of flooding elsewhere and that appropriate plans and management are put in place for any sustainable drainage system. On this basis, I am satisfied that adequate measures could be put in place to ensure that the development would not pose an unacceptable risk to flooding.

Electricity

58. The local residents stated that the existing electricity supply is unreliable and the addition of 50 houses would make the problem worse. The appellant referred to the Utility Study,¹⁰ which provided an overview of statutory infrastructure in the vicinity of the site. The report is not wholly conclusive that there would be sufficient capacity in the network to supply the development. However, this would need to be addressed by the developer. There is very limited evidence that the existing supply would be adversely affected by the development.

Other Matters

59. The site is considered to be Grade 2 agricultural land. The loss of the land to development would be contrary to Policy EP22 of the Local Plan, which seeks to protect the best and most versatile agricultural land. The Council stated that the Borough has significant amounts of Grade 2 land available and the loss of the site would not be detrimental to this provision. It was common ground that the conflict with Policy EP22 should be afforded limited weight.
60. I have considered the concerns of the Parish Council and others with respect to the impact of the development on local medical and dental facilities. However,

¹⁰ UCML Level 1 Report dated 15 January 2016

there is no evidence that existing services would not be able to accommodate the additional demand generated by the development.

61. There are three listed buildings on Grange Lane. These are some distance from the boundary of the site and the intervening development means that the setting of the listed buildings would be unaffected by the proposal. Overall, there would be no harm to the significance of the designated heritage assets.

Other Considerations

Five Year Housing Land Supply

62. The Framework is a material consideration of significant weight. It seeks to boost significantly the supply of housing and requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing.
63. As set out above, the Council accepted that it can only demonstrate a 4.8 year supply of deliverable housing sites at the present time and for the purposes of this appeal. It is common ground that the application should be determined in the context of the presumption in favour of sustainable development and paragraph 14 of the Framework is engaged.

Unilateral Undertaking

64. A signed and executed planning obligation by way of unilateral undertaking¹¹ has been submitted to the satisfaction of the main parties. The deed secures contributions towards education facilities, the provision of affordable housing and highway improvements.
65. I am satisfied that, in respect of each planning obligation in the deed, it would meet the tests of the Framework and Regulation 122 of the Community Infrastructure (CIL) Regulations, namely: (i) it is necessary to make the development acceptable in planning terms; (ii) is directly related to the development and; (iii) fairly and reasonably related in scale and kind to the development. I have also received a Statement of Compliance with the Community Infrastructure Regulations 2010, and I am satisfied that the obligations would comply with the pooling restrictions in Regulation 123 of the CIL Regulations.
66. The main parties have agreed a condition in respect of public open space. On this basis, I find that the scheme would make adequate provision for affordable housing, public open space, education facilities and transport improvements. Accordingly, I agree with the parties that the Council's third reason for refusal has been addressed.

Planning Balance

67. The development would fall outside the settlement boundary of Newton with Scales and would be in the countryside for development plan purposes. It would result in the loss of best and most versatile agricultural land, there would be a modest erosion of landscape character and there would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of the settlements of Newton with Scales and Kirkham, and have a moderate adverse effect on the setting of Newton village. Consequently, the

¹¹ Section 106 of the Town and Country Planning Act

development would be contrary to the development plan. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and housing supply Policy SP2 is considered out-of-date. The weight attached to the conflict with the policy is significantly reduced. Also, for the reasons set out above, Policies ENV10 and ENV11 have been found to be not entirely consistent with the Framework and their weight is reduced. I have also found that the policies of the emerging Local Plan carry limited weight.

68. There is a serious and significant shortfall in the housing supply. Whilst I appreciate that the emerging Local Plan is progressing, the Council anticipates Stage 3 Hearings will be required and the shortfall is likely to persist. The development would provide up to 50 additional homes, which are likely to come forward within the next five years. There is a clear need for affordable housing in the local area, and the development would secure up to 15 affordable homes. I find that the provision of housing would be a significant benefit.
69. The main parties agree that the site is in an accessible location and there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses.
70. The balancing exercise in paragraph 14 of the Framework is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, I find that the adverse impacts identified would not significantly and demonstrably outweigh the benefits.
71. My attention has been drawn to an appeal in Wrea Green,¹² where the Inspector reached a different conclusion having assessed similar issues. However, it appears that the site subject to that appeal differed in that it was open and highly prominent. Consequently, the Inspector found there would be serious harm to the setting and character of the village.

Conclusion

72. Having regard to all that I have seen and read, and taking into account all matters raised, I conclude that the appeal should be allowed.

Conditions

73. The conditions were discussed during the Hearing. I have made some minor revisions to the suggested conditions to take account of the discussions and to ensure the conditions meet the tests of the Framework.
74. I have not imposed the part of the Council's suggested condition 4 that required bungalows on plots 1, 2, 40 and 41, as I consider this should be resolved at reserved matters stage when the layout would be finalised. The remainder of that condition duplicates the requirements of the agreed amended condition 5 in the SoCG, so is not necessary.

¹² APP/M2325/A/13/2200215 dated 16 April 2014

75. In addition to the standard time limit conditions and the requirement for the submission of reserved matters (1, 2, 3), I have imposed a condition specifying the approved plans as this provides certainty (4).
76. I have imposed a condition restricting the scale of the development to two-storeys, as agreed at the Hearing, to limit the visual impact of the development (5).
77. Conditions requiring the implementation of the landscaping strategy, tree and hedgerow retention and the provision of public open space are necessary to ensure the mitigation measures are secured (6, 7, 8, 14).
78. Details of finished floor levels are required to ensure a satisfactory relationship with adjoining development and to minimise flood risk (9). I have imposed conditions to ensure the development is carried out in accordance with the Flood Risk Assessment and to control surface water drainage (10, 11, 12).
79. A construction method statement is required to protect the amenity of neighbouring occupiers and the safety of highway users (13).
80. Conditions to ensure the ecological features of the site are protected are necessary (15, 18, 19, 20, 21).
81. I have imposed conditions to restrict the hours of construction and mitigate other disturbance to protect the amenity of neighbouring residents (16, 17).
82. Finally, a condition is required to ensure the junction with Woodlands Drive is constructed in accordance with approved details and visibility splays are maintained (22).
83. I have not imposed the suggested condition requiring off-site highway works, as this matter is now part of the unilateral undertaking.

Debbie Moore

Inspector

APPEARANCES

FOR THE APPELLANT:

Sarah Reid	Kings Chambers: Instructed by M Symons
Matthew Symons	Hollins Strategic Land
Sara Boland	Influence Environmental
John Thompson	SK Transport Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Wyatt	JWPC Ltd
Eddie Graves	Fylde Borough Council
Kate Lythgoe	Fylde Borough Council

INTERESTED PERSONS:

David Thompson	Local Resident
Peter Woods	Local Resident
Neil Fox	Local Resident
Annette Sharkey	Local Resident
Peter Sharkey	Local Resident
Cllr Liz Oades	Local Councillor and Resident

DOCUMENTS SUBMITTED AT HEARING

Statement of Common Ground signed and dated 26 July 2017

Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)

Anita Coleman v SSCLG [2013] EWHC 1138 (Admin)

Email from United Utilities (Developer Services and Planning) dated 16 May 2017

Email from Lancashire County Council (Highways) dated 26 June 2017

Email from Lancashire County Council (Legal) dated 20 July 2017

Extract from Lancashire Road Safety Partnership website dated 4 July 2017

Closing Submissions of behalf of the Appellant

DOCUMENTS SUBMITTED AFTER THE HEARING BY AGREEMENT

Section 106 Unilateral Undertaking

CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Local Plan Ref LOC002; Proposed Site Access General Arrangement: Ref SK21630-001.
- 5) The scale of the development shall be no greater than two-storeys in height.
- 6) Any application for approval of the reserved matter of landscaping shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on the Indicative Layout Plan: Ref 001 Rev 03. This scheme shall include, but not be limited to, the following details:
 - a. Retention of existing trees, hedgerows and other vegetation on or overhanging the site;
 - b. Public open space, with the provision of an equipped play area;
 - c. A compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development;
 - d. Soft landscaped areas to provide an entrance to the development, linkages to the existing pond and countryside beyond;
 - e. The introduction of additional planting within the site which forms part of the internal development layout and does not fall within (a) to (c);
 - f. The type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs. Reference should be made to paragraph 5.7 of the submitted Ecology Survey and Assessment (August 2016);
 - g. Enhancement measures of the pond as per 5.6.3 and 5.6.4 of the submitted Ecology Survey and Assessment (August 2016).
- 7) The approved landscaping scheme shall be carried out during the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, shrubs or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority of the on-going maintenance of the communal areas of public open space / amenity landscaping, and equipped play areas required by

condition 6. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 10) No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the Planning Practice Guidance with evidence of an assessment of the site conditions, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly until all other options in the hierarchical approach have been discounted.

Those details shall include, as a minimum:

- a. 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, and details of floor levels as required by condition 9 above.
- b. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development green field run-off rate.
- c. 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).
- d. Flood water exceedance routes, both on and off site.
- e. A timetable for implementation, including phasing as applicable.
- f. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- g. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 11) None of the dwellings 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 10 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 approved scheme, and shall be managed and maintained as such thereafter.

- 12) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority to ensure that site drainage during the construction process does not enter the watercourse at an un-attenuated rate. The scheme shall be implemented in accordance with the approved details prior to the commencement of works on site and retained throughout construction.
- 13) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. loading and unloading of plant and materials;
 - b. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - c. wheel washing facilities;
 - d. the parking of vehicles of site operatives and visitors.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) All the trees and hedges to be retained in accordance with condition 6 shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 15) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st 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 trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.
- 16) Construction works shall take place only between 08:00 and 18:00 hours on Monday to Friday and 09:00 and 13:00 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 17) Prior to commencement of the development hereby approved, a scheme to safeguard the amenity of neighbouring residents from noise, dust and vibration during the period of construction shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be used throughout the construction process.
- 18) There shall be no on site works, including any site clearance, ground works or site set up, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must include:
 - a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 19) Prior to occupation of the development hereby approved, a 'lighting design strategy for biodiversity' for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall: (i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit

will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 20) There shall be no on site works, including any site clearance, ground works or site set up, until a Reasonable Avoidance Method Statement (RAMS) for the protection of amphibians during works on the site is submitted to and approved in writing by the local planning authority. The approved RAMS shall be implemented for the duration of all works on the site associated with the approved development.
- 21) Prior to commencement of the development hereby approved, a scheme for the provision of bat boxes and bird nesting opportunities within the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to last occupation of the development and retained thereafter.
- 22) Development shall not take place until details of the junction and visibility splay between the proposed site access and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained and the visibility splay kept free of any obstructions.

[end of conditions]

Appeal Decision

Site visit made on 5 July 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/M2325/W/17/3171250

Post Office Hotel, 18 Freckleton Street, Kirkham, Preston PR4 2SP

- 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 Andy Bradshaw against the decision of Fylde Borough Council.
 - The application Ref 16/0968, dated 1 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is demolition of single storey rear extensions to existing building, alterations & conversion of existing public house into 3no self-contained apartments & 3no new build town houses
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey rear extensions to existing building, alterations & conversion of existing public house into 3no self-contained apartments & 3no new build town houses at Post Office Hotel, 18 Freckleton Street, Kirkham, Preston PR4 2SP in accordance with the terms of the application, Ref 16/0968, dated 1 December 2016, subject to the conditions set out in the annex hereto.

Application for costs

2. An application for costs was made by Mr Andy Bradshaw against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:-
 - a) The potential effect of on-street parking on highway safety; and
 - b) its potential effect on the visual and residential amenity of the area.

Reasons

Background

4. The appeal site fronts a main street within Kirkham Town Centre, diagonally opposite the local police station and within the Kirkham Conservation Area. It comprises a semi-derelict traditional hotel or public house with a car park to one side, also derelict and unused. In short, the site detracts significantly from the otherwise pleasant street scene which has developed incrementally over time and is characterised by a mixture of largely terraced dwellings and more substantial commercial or institutional buildings.

5. Kirkham town centre is a highly sustainable location in the sense that it has many shops for day to day needs within walking distance of the houses that closely surround it and intermingle with commercial premises. It is served by buses and a nearby railway station. I have no doubt that the proposed development could conveniently be occupied by residents who cannot or choose not to, utilise private motorised transport on a day-to-day basis. Equally, it is entirely possible that at least some of those occupying the proposed dwellings would in fact choose to own vehicles of one sort or another, in which case they would need to park according to opportunities available within and around the town centre, whether on-street, where permissible, or in a car park such as, for example, the Mill Street car park a short distance away.

a) Highway safety

6. I acknowledge that there is competition for such on-street parking opportunities as are available near the site, which is unsurprising given that the town centre hosts a variety of shops and other attractions as well as traditional terraced housing. Having myself parked and walked around the centre and the adjacent streets, including those within reasonable proximity to the site, I do not consider the competition for parking spaces to be unduly intense. It is in the nature of central areas that there is such competition and there is nothing to suggest that Kirkham is unusual or particularly problematic in this respect by comparison with many such areas throughout the country. There are opportunities to park safely on-street at locations within reasonable proximity to the site. These might include parts of Marsden Street, Stanley Street, Old Row and Chapel Walks, all of which had space available at the time of my visit on a weekday morning. As with all such situations it is often a case of 'first come first served' in the event that localised demand exceeds supply, in which case most motorists will simply find a place to park a little further away. That is a fact of modern life.
7. That said, I did observe some parking on characteristically broad pavement areas of Freckleton Street in the vicinity of the site, including outside the local police station. If such behaviour is problematic or illegal it seems to me that, as anywhere else, the answer lies in appropriate management measures or enforcement activity, as the case may be.
8. In any event, local policy does not require on-site parking in each and every residential development. There are no minimum standards and the introduction to the local standards applying notes that Lancashire County Council, the relevant highway authority (HA), was one of the first to introduce maximum standards and explains that... "*Levels of car parking are set out as the maximum that may be allowed, rather than minimum levels which must be provided*".
9. I am of course aware that the Town Council has expressed concerns that, on this site, parking should be provided and that the Lancashire Constabulary has referred to incidents and complaints which suggest that parking behaviour is not necessarily ideal. But this is no substitute for systematic analysis or evidence that a highway safety problem would necessarily be caused by the development at issue. Parking competition is entirely normal, as I have noted, and there is no evidence of accidents directly attributable to this in the vicinity or HA concern that would be the case. On the contrary, I note that the HA response to the proposal (which is rooted in the Framework and the inherent

sustainability of the location), although noting that the proposal does have the potential to lead to a small increase in parking demand in the area, does not anticipate any severe highway safety impact - a conclusion borne out by a lack of recorded accidents on Freckleton Street over the most recent five year period. Certainly there is nothing to suggest, following the actual tests of the Framework at paragraph 32 that safe and suitable access to the site cannot be achieved for all people (as would likely be the case with existing terraced houses and apartments without dedicated parking) or that the residual cumulative impacts of the development would be severe. Looking at the area within a reasonable walk of the site, even bearing in mind an understandable desire for proximity of parking opportunity by those potential occupiers who might choose to own private motorised transport, I consider the effect would be relatively marginal.

10. In the light of the above, I find no evidence of significant conflict with policy HL2 of the Fylde Borough Local Plan or criterion p) of policy GD7 of the emerging local plan as drafted. Moreover, compliance with maximum parking standards cannot require 10-12 spaces on-site. The adopted parking standards currently in force clearly contemplate development without parking in accessible locations such as this, should a developer wish to market properties on that basis.

b) Amenity

11. I note that the HA response to the application says... *"while this proposal could have the potential to lead to a small increase in parking demand in the area, I consider this impact will be predominantly in relation to local amenity"*. However, as people already habitually park in the vicinity of the site and the town centre more generally, it is difficult to see how the small increment of additional parking pressure would have a significantly detrimental effect on visual and residential amenity as opposed to perhaps a little more day to day inconvenience for those who choose to own and park cars in the locality, which is not an uncommon feature of life in centrally located residential areas of this type. The considerable visual and amenity benefits of redeveloping this site as proposed in any event are more than enough to counter such concerns and should be weighed in the balance accordingly.

Other matters, planning balance and overall conclusion

12. The Council's statement confirms that it is unable to demonstrate a five year supply of deliverable housing sites and therefore, following paragraph 49 of the Framework, the 'tilted balance' embodied in the paragraph 14 definition of the presumption in favour of sustainable development is engaged.
13. Moreover, by virtue of s72 of the Planning (Listed Buildings and Conservation Areas) act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Kirkham Conservation Area. Given the harmfully negative impact of the site in its present condition, I am in no doubt that the restoration of the hotel building and the replacement of its car park with an increment of terraced houses within the street scene, consistent with its historic pattern of development, would substantially enhance both the character and the appearance of the conservation area and that is a matter to which I attach significant weight and importance.

14. In conclusion, I have found that there is no conflict with relevant policy in the development plan or within the Framework, or with relevant local parking standards. The proposal, which is in a highly sustainable location which could well be attractive to residents not wishing to be reliant upon motorised private transport, would in a modest way contribute to needed housing supply in the Fylde Borough and the national object of boosting such supply. It would substantially improve the conservation area. The social, economic and environmental effects of the proposal would therefore be positive. Against that, I have concluded that the claimed disadvantages of the proposal in highway safety and amenity terms are without demonstrable substance, notwithstanding the representations of the Lancashire Constabulary and the Town Council.
15. For the reasons I have given, it has not been demonstrated that any adverse effects of granting planning permission would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole. Nor do I consider in this instance that it would be possible to do so, given the likely marginal impact on existing parking conditions and practices within and around the Kirkham town centre as a whole. The proposed development may therefore be considered sustainable in the terms of the Framework and I therefore conclude, having considered all other matters raised, that subject to appropriate conditions, the appeal should be allowed.

Conditions

16. Subject to minor wording changes I am satisfied that, for the most part, the conditions suggested by the Council are necessary and appropriate having regard to Planning Practice Guidance. I acknowledge the concern expressed by the appellant concerning the suggested condition 11, given that a construction method statement was submitted with the application. However, although reasonably comprehensive in scope and a basis for rapid progress in the discharge of suggested condition 11, the submitted statement seems to me to lack precision in a number of respects and a method statement to be approved specifically, pursuant to that condition, is therefore a necessary requirement.
17. Given the sensitivity of the area as a heritage asset I consider a more detailed control mechanism for materials than is implicit in the drawing specification is required and that the "External Materials Mood Board" (Drawing No 13), whilst usefully indicative of intentions regarding materials, lacks comprehensive precision. Therefore the suggested condition 3 should be retained broadly as drafted whilst the mood board should be deleted from the list of approved plans. However, save for the requirements of condition 3 regarding the minutiae of new materials proposed to be introduced, I agree that the drawing No 12 adequately addresses the external works to repair, through conversion, the existing building and therefore propose to omit the suggested condition 12 accordingly.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan -drawing no. 247-09
Proposed site plan -drawing no. 247-10
Proposed elevation & floor plan (conversion) -drawing no. 247-12
Proposed elevation & floor plan (new build) -drawing no. 247-11
- 3) No development shall take place until a detailed schedule of all materials to be used on the external walls and roofs of the approved dwellings has been submitted to and approved in writing by the local planning authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where required by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the proposed ground levels across the site and the proposed finished floor Levels of the proposed dwellings. The development of the site shall be undertaken in accordance with these approved details.
- 5) No development shall take place until a scheme detailing the means of surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The works shall be implemented and maintained as necessary in accordance with the approved scheme.
- 6) No development shall take place until a scheme detailing the means of foul water drainage of the residential development area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer. The works shall be implemented and maintained as necessary in accordance with the approved scheme.
- 7) No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include means of enclosure, hard surfacing materials, and provision of refuse receptacles, lighting and services as applicable. Soft landscaping details shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The landscaping shall be implemented in accordance with the approved details and programme and all planting shall in any event be completed no later than the end of the next planting season following substantial completion of the buildings.

- 8) 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 include the replacement of any trees, shrubs or hedges that are removed, seriously damaged or which die or become, in the opinion of the local planning authority seriously diseased within the above specified period. Replacements shall be 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.
- 9) None of the town houses hereby approved shall be occupied until the conversion of the existing public house to apartments has been completed and the apartments made ready for occupation as indicated on the drawing no. 247-12 (proposed conversion plan).
- 10) Should any protected species be found during conversion works all site works shall cease until ecological advice has been sought from a suitably qualified person and a detailed method statement and programme of mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.
- 11) No development shall take place, or any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - 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 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.

* * *

Costs Decision

Site visit made on 5 July 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 11 August 2017

Costs application in relation to Appeal Ref: APP/M2325/W/17/3171250 Post Office Hotel, 18 Freckleton Street, Kirkham, Preston PR4 2SP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andy Bradshaw for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for demolition of single storey rear extensions to existing building, alterations & conversion of existing public house into 3no self-contained apartments & 3no new build town houses.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The cases of the parties have been put in writing and I have considered them taking account of the facts and circumstances of the case and the advice in Planning Practice Guidance.
3. The costs regime is primarily intended to introduce discipline into the appeal proceedings but costs can also be awarded where a local planning authority has acted unreasonably in refusing an application, or failed to adequately substantiate its refusal. The gist of the application for costs in this case is that the Council acted unreasonably in refusing the application contrary to the advice of its officers.
4. The Council is of course entitled to set aside officer recommendation and substitute its own judgement where it has good reason to do so but it has to be recognised in this context that many planning matters involve judgement by the decision maker and, although matters of aesthetics, for example, are not central to this case, my decision on the appeal does nevertheless involve a judgement, namely that such harm as may arise from increased parking pressure is of insufficient consequence to outweigh the benefits of the scheme.
5. Whilst clearly I do not ultimately share the judgement of the Council, I nevertheless consider it had sufficient reason to exercise its judgement that permission should be refused bearing in mind that not only did the Town Council prevail upon it to do so, as a consequence of its perception of parking problems, but that the Lancashire Constabulary, albeit from a policing perspective, also urged refusal. Notwithstanding the lack of objection from the highway authority, the policing perspective was nevertheless a material consideration which the Council apparently gave decisive weight to.

6. Whilst that perspective was expressed briefly and somewhat anecdotally rather than on a systematic evidential basis of the type that might be expected from the highway authority itself, the advice is nevertheless self-evidently from a respectable source and is based on valid professional concerns rather than uninformed assertion of opinion. That issues of the type raised in this case are a matter of sometimes fine judgement is apparent from various mechanisms deployed around the country to secure 'car-free' residential development, albeit no such approach has been attempted in this instance.
7. Although the officer recommendation of approval was ultimately clear enough, notwithstanding the advice of the Lancashire Constabulary, it is very evident on reading the report as a whole that the recommendation was on the balance of advantage and not necessarily clear cut. It admits the possibility of alternative judgement according to the weighting of factors and it is not possible to say that the Council simply took no account of the benefits when it reached the conclusion it did. On the contrary, its decision notice explicitly recognises the benefits in terms of housing supply, the sustainability of the location and the potential for improving the conservation area.
8. Moreover, in this context, it is relevant to bear in mind the recent judicial comment that "*planning decision-making is far from being a mechanical, or quasi-mathematical activity. It is essentially a flexible process, not rigid or formulaic. It involves, largely, an exercise of planning judgement.....*"¹ This seems to me a case in point.
9. All in all, the facts and circumstances of this case suggest to me that the Council was concerned to exercise its judgement in a responsible fashion, not necessarily in accordance with the advice of its own officers, and that concern was reflected in the refusal of planning permission leading to the appeal. As such I do not consider its behaviour in doing so to have been unreasonable.
10. Participants in the appeal process are normally expected to meet their own costs and there is no evidence of unreasonable behaviour in the appeal process itself.
11. For the above reasons I do not find that there has been unreasonable behaviour leading to unnecessary or wasted expense in the appeal process and conclude that the application for costs should be rejected accordingly.

Keith Manning

Inspector

¹ *Barwood Strategic Land II LLP v East Staffordshire Borough Council and SSCLG* [2017] EWCA Civ 893 para. 50

Appeal Decision

Site visit made on 12 July 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 28 July 2017

Appeal Ref: APP/M2325/W/17/3172860

4A Cyprus Avenue, Lytham St Annes FY8 1DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
 - The appeal is made by Mr Gordon Rowatt against the decision of Fylde Borough Council.
 - The application Ref: 16/0581, dated 1 August 2016, was refused by notice dated 3 October 2016.
 - The development proposed is prior notification for change of use from storage or distribution buildings (Class B8) and any land within its curtilage to dwellinghouse (Class C3) under Schedule 2, Part 3, Class P of the General Permitted Development Order 2015.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no description of the proposed development on the application form. Accordingly, I have taken the above description from the decision notice.
3. There is disagreement between the main parties as to whether the building is ancillary to No 4 Cyprus Avenue or comprises an independent planning unit. However, the main consideration is not the planning status of the building but rather whether the proposal would benefit from a permitted development right.
4. As I have concluded that the development falls outside the permitted development right there is no need to make a determination on the prior approval matters.

Application for Costs

5. An application for costs was made by Mr Gordon Rowatt against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class P of the GPDO.

Reasons

7. The appeal site comprises a vacant two-storey building located to the rear of No 4 Cyprus Avenue which comprises a substantial two-storey semi-detached
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dwelling that has been converted to flats. The rear of the subject building adjoins the back gardens of semi-detached dwellings on Myra Road. The appellant states that the building is not linked by ownership or in any functional way to No 4.

8. Schedule 2, Part 3, Class P of the GPDO provides that 'development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule' is permitted development subject to certain restrictions and conditions set out in paragraphs P.1 and P.2 of Class P.
9. Paragraph P.1 states that development is not permitted by Class P if, amongst other things:
 - (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
 - (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins.
10. With the application to the local planning authority for determination as to whether prior approval is required, the developer must submit a statement under the provisions of paragraph P.2(a). The statement must set out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b).
11. The application is supported by a statutory declaration stating that the building has been in continuous use for storage purposes since 2001. The appellant submits that this storage use is therefore lawful. Reference is also made to the planning history of the building, including various applications for change of use from a 'garage/store' or 'coach house' to a dwelling and the associated decisions. These are merely broad descriptive terms, however, and do not demonstrate that the building has been used continuously for storage since 2001.
12. Apart from the statutory declaration, evidence in support of the appellant's claim regarding the use of the building is limited. The appellant contends that '*the property today is used for storage of some commercial goods and office stores and also various domestic items*'. However, from what I saw at my site visit most items appeared to be domestic in nature. They included ladders, doors, bricks/pavers, a washing machine, a sink, a bed, a settee, a sideboard and plumbing items. There was little evidence of commercial goods or office stores.
13. Nevertheless, it was apparent that the building was being used for storage. However, this is only a 'snapshot' in time, and I have seen no compelling evidence to show that the building has been used solely and continuously for storage purposes since 2001 as the appellant claims. For example, there is no evidence to show that rates relevant to its claimed use have been paid on the building, and photographic evidence only amounts to two undated photographs showing storage in one part of the building.

14. Furthermore, the occupiers of Nos 3 and 5 Myra Road to the immediate rear of the appeal site state that the building has never been used for commercial storage/distribution, and whilst it may have been used for casual personal/domestic storage many years ago it has since been abandoned.
15. As such, whilst I attach some weight to the statutory declaration, I find that the other evidence submitted by the appellant is not sufficiently compelling to demonstrate that the use of the building satisfies the tests set out in paragraph 9 (above). Accordingly, I conclude that the proposed change of use of the building to a dwelling would not accord with the requirements of Schedule 2, Part 3, Class P of the GPDO.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Michael Moffoot

Inspector

Costs Decision

Site visit made on 12 July 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 28 July 2017

Costs application in relation to Appeal Ref: APP/M2325/W/17/3172860 4A Cyprus Avenue, Lytham St Annes FY8 1DY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gordon Rowatt for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal to grant approval for 'prior notification for change of use from storage or distribution buildings (Class B8) and any land within its curtilage to dwellinghouse (Class C3) under Schedule 2, Part 3, Class P of the General Permitted Development Order 2015'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The *Planning Practice Guidance* (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The costs claim is made on two grounds. On the first ground, the applicant contends that the Council did not pay regard to the submitted information or planning history when considering the use of the building the subject of the appeal.
 4. The officer's Delegated Report sets out in some detail the planning history of the site and includes reference to the supporting statement, photographs and the statutory declaration which accompanied the planning application. The report goes on to conclude that the building has no established use as a separate planning unit.
 5. In my view, the main consideration in the appeal is not the planning status of the building but rather whether the proposal would benefit from a permitted development right. In its assessment of the proposal it is clear that the Council paid due regard to the site's planning history and gave the supporting information careful consideration before concluding that the proposal did not enjoy any permitted development right and thus refused the application. The Council has not therefore acted unreasonably in this respect.
 6. On the second ground, the applicant contends that the Council misdirected itself in introducing amenity matters that are not within the scope of the legislation. However, as I have concluded that the development falls outside the permitted
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development right there is no need to make a determination on the amenity matters, and accordingly it is not necessary to consider this ground of the costs claim.

7. I therefore conclude that unreasonable behaviour resulting in unnecessary expense for the appellant, as described in the PPG, has not been demonstrated.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 24 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/M2325/W/17/3173299

The Homestead, Ribby Road, Kirkham, Lancashire PR4 2BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Justin Coyne against the decision of Fylde Borough Council.
 - The application Ref 16/0050, dated 24 January 2016, was refused by notice dated 12 October 2016.
 - The development proposed is a 4 Bedroom 2 storey Detached house.
-

Decision

1. The appeal is allowed and planning permission is granted for a 4 Bedroom 2 storey Detached house at The Homestead, Ribby Road, Kirkham, Lancashire PR4 2BE in accordance with the terms of the application, Ref 16/0050, dated 24 January 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Justin Coyne against Fylde Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved for future consideration except for access, layout and scale. Indicative plans have been submitted which have formed part of my consideration of this appeal.
4. Aside to these, illustrative plan Ref: HP/2177G PL/16/05.4 was lodged with the appeal with a view to addressing the Council's highway safety concerns. The appeal process should not be used to evolve a scheme and normally a fresh planning application should be made¹. However, despite the public interest in this scheme, the nature of the changes relate to landscaping, which is a reserved matter. Also, as my reasoning sets out be addressed by way of a planning condition. I have considered the appeal on this basis.
5. The Council's second reason for refusing planning permission relates to the lack of a bat survey. Bats are a protected species². A survey was lodged with the appeal which confirmed the site has a low potential for supporting bats. I note the Council accept the findings of this survey and no longer wishes to contest the proposal's effect on protected species. While residents' have concerns with the adequacy and impartiality of the survey, there is no substantive evidence before me to the contrary. Thus, the proposal accords with saved Policy EP19 of the Fylde Borough Local Plan As Altered (FBLP), section 2 of Policy ENV2 of

¹ The Planning Inspectorate, Procedural Guide, Annexe M, Paragraphs M.1 and M.2, 5 August 2016

² Wildlife and Countryside Act 1981 (as amended).

the emerging Fylde Council Local Plan to 2032 (FCLP) and paragraph 118 of the National Planning Policy Framework (the Framework).

6. The Council accept that they are currently unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 47 of the Framework. While the shortfall is not significant at 4.8 years, in these circumstances paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date. Although saved FBLP Policy HL2 is concerned with housing, having regard to paragraph 215 of the Framework I afford it substantial weight, given its general conformity with the Framework. The emerging FCLP is at an advanced stage. However it is still being examined in public and I am unaware of the extent of any unresolved objections. Even so, I afford it moderate weight given the general consistency of emerging Policies GD7 and H2 with the Framework.

Main Issues

7. The main issues are the effect of the proposal on: (i) the character and appearance of the area; (ii) highway safety, with regards to the proposed access arrangement on the safety of pedestrian traffic using Cherry Road to and from Kirkham Grammar School; and (iii) the living conditions of 8 to 10 Cherry Close, with regards to privacy, outlook and natural daylight.

Reasons

Character and appearance

8. The appeal site forms part of the rear garden to The Homestead which is a semi-detached dwelling that fronts Ribby Road. To the east of The Homestead is a row of five dwellings. Each of the dwellings in this row are set back from the road and have long linear rear gardens which back onto the grounds of Kirkham Grammar School. To the north and west of the site is a modern housing development containing detached dwellings in less spacious plots.
9. Paragraph 53 of the Framework explains that "*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*" I note emerging FCLP Policy H2 sets out the Council's approach to residential development on garden land. While, FCLP Policy H2 outlines the scope of the stringent caveats, this policy nor paragraph 53 of the Framework provide detailed guidance on when a proposal may or may not be acceptable. Even so, broadly in tune with paragraphs 58 and 64 of the Framework, saved FBLP Policy HL2 and emerging FCLP Policies H2 and GD7 seek development to reflect the character of the locality in terms of scale, space around buildings, materials and design.
10. The proposed dwelling would sub-divide the existing plot and therefore disrupt the long linear plot of The Homestead. While the group of six dwellings are only a small part of Ribby Road, they are separated from other housing development on Ribby Road by its junction with Blackpool Road and Kirkham Grammar School. The form of development evident in the six dwellings is a characteristic that positively contributes to the spacious verdant setting of the site. This is tempered somewhat by the adjoining modern detached dwellings and the proposed access closely mirroring that of 7 Cherry Close. Even so, the proposal would harm the character of the area given the six dwellings are set within more spacious verdant grounds compared to properties on Cherry Close.

11. The appeal site is not, however, very visible from Ribby Road, Cherry Close or the access to the school, mainly due to the established landscaping on and off the site. The appearance of the proposed dwelling is also a matter that has been reserved for future consideration. Thus, there is no reason to believe that a dwelling could not be designed to reflect either the surrounding area, while not imposing architectural styles or particular tastes. While I share concerns about a precedent being set by sub-dividing plots on Ribby Road, I am not persuaded that the proposed development could be replicated in adjoining properties due to accessibility constraints. In any event, this does not alter my concerns in respect of the proposal's effect on the character of the area which I have considered on its own planning merits following a site visit.
12. For these reasons, I conclude on this issue that the proposal would adversely affect the character of the area. The proposal would therefore be contrary to saved FBLP Policy HL2, emerging FCLP Policies H2 and GD7 and paragraphs 53, 58 and 64; which together seek development to be in keeping with the character of the locality through a high standard of design.

Highway Safety

13. Access to and from the appeal site would be gained from Cherry Close next to the flank boundary of 8 Cherry Close. The land which would be used to access the site is marginally higher than the access into Kirkham Grammar School. The school access is, I gather, well used as a pedestrian route by pupils. It is an attractive route to and from the school, which may become more popular with the construction of new dwellings and through a signalised crossing.
14. Extra vehicular movements would arise from the proposed family sized dwelling, compared to the current situation. Even so, I agree with the Council that there would not be any issues with the capacity or ability for vehicles to park and manoeuvre on the site itself.
15. Cherry Close is a cul-de-sac which does not benefit from a pedestrian footway, even though it is an adopted highway. Thus, pedestrians and vehicles must share the same surface. In addition to the school access there is a pedestrian footway which links the close to Ribby Road in front of 8 to 10 Cherry Close. Vehicles entering and leaving the appeal site would also use the shared surface on the close. Due to the width of the close and the access, vehicle speeds would not be high. Nevertheless, despite this, there is good visibility of the proposed access, especially at the point where it would join Cherry Close, from the school gates, the close and the pedestrian link from Ribby Road. Still, I grasp the concerns raised about the potential for conflict to occur between vehicles and pedestrians. However, there is no substantive evidence that the existing arrangement has led to highway safety conflicts, even if vehicles park on the close and a pedestrian footway would offer segregation.
16. Added to this, there is an existing vehicular access serving No 7 which joins the close next to the school access. Landscaping does ensure vehicles are, once on the driveway of No 7, not next to pedestrians. But pedestrians accessing or egressing the school would still be used to vehicle movements nearby. Hence, pedestrians would not be surprised by vehicles entering or leaving the appeal site near to the school access.
17. The Council have regrettably been unable to seek the views of Lancashire County Council (LCC) with regards to the illustrative plan lodged by the appellant with their appeal, but I note the consultation response of LCC provided during the planning application. Crucially, this sets out their view that

the principle of the proposed access wasn't a major concern. They did raise concerns with the potential for vehicles and pedestrians to come into contact with one another, but deemed that this could be resolved by a low fence or landscaping. The latter is used at No 7. No amended plan was lodged before the Council refused planning permission. However the illustrative plan before me shows how a low boundary fence could provide a physical barrier between the proposed access and the school access. While such details should normally be part of the development for which the application is made and planning conditions cannot be used to reserve these details for subsequent approval, the Planning Practice Guidance³ is clear that the exception is where the applicant has made it clear that the details have been submitted for illustration purposes only. Fences form part of the consideration of 'landscaping'⁴ and I consider the Council's suggested planning condition to secure further details would satisfy LCC's concerns.

18. Subject to the imposition of suitable planning conditions, I do not consider the proposed access arrangements would result in an access which is not safe and suitable. I conclude on this issue that the proposal would accord with saved FBLP Policy HL2 (criterion 9), emerging FCLP Policy GD7 (criteria o) and p)) and paragraph 32 of the Framework. These policies jointly seek development to, among other things, ensure they would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively and prioritise the needs of non-motorised users of the highway so that their safety is not prejudiced.

Living conditions

19. The detached dwellings of Nos 8 to 10 back onto the appeal site, albeit on an angle. Each property is staggered which means that their gardens have different depths. Habitable room windows are in the rear elevations of Nos 8 to 10 at ground and first floor. The rear elevations are orientated in a north-easterly direction and face a mature belt of landscaping on and off the site.
20. Representations were made to the effect that Mrs Eastham and her family's rights under Article 1 of the First Protocol to the European Convention, as incorporated by the Human Rights Act 1998 would be violated if the appeal were to be allowed. Article 1 concerns enjoyment and deprivation of possessions. Similarly Mrs Eastham considers her and her family's rights under Article 8 would be violated. This article states that everyone has a right to respect for his home and private life, his home and correspondence. These are qualified rights, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
21. Due to the landscaping on the shared boundary, when it is in leaf, there are very limited views of the appeal site from Nos 8 to 10. Nonetheless, revisions to the dwelling's scale would, as the Council recognise, improve its relationship with these dwellings. Even so, the proposed dormer bungalow would occupy most of the plot width associated with No 9, even if a residential use is compatible. The proposal would also not result in the use of the front garden of The Homestead, with each property benefitting from a rear garden.
22. Although the Council's Extending Your Home Supplementary Planning Document (SPD) applies to existing dwellings and not new dwellings, it does offer a useful toolkit in defining the Council's approach to habitable room windows and how

³ Planning Practice Guidance, Paragraph: 005 Reference ID: 21a-005-20140306

⁴ The Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 1, Section 2(1)

development should relate to them to ensure the privacy and outlook of neighbouring occupants. Habitable room windows are defined as bedrooms, kitchens, living rooms and principal dining rooms in the SPD, while rooms such as bathrooms, utility rooms, porches, garages, hall/stairs or landings and conservatories are not habitable rooms.

23. While the scale of the proposed dwelling does rise to the centre and it would be positioned close to both flank boundaries of the site, the roof plane would angle away from the rear gardens of Nos 8 to 10 where it would be markedly lower. There is also enough space between the proposed dwellings, the shared boundary and to Nos 8 to 10, so that much of the existing landscaping on and off the site is retained. This would ensure there are no unrestricted views into neighbouring gardens or the rear elevations of Nos 8 to 10 and soften the gable elevation, while the roof lights shown in either flank roof plane would not serve habitable rooms. There would also be substantial interface distances to The Homestead and its reduced rear garden. Openings in the proposed dwelling would be relatively close to the shared boundary with Nos 8 to 10. However, views from these windows towards Nos 8 to 10 would be at an oblique angle. As such, I do not consider the proposal would be overbearing. The living conditions of the occupants in Nos 8 to 10 would not therefore be adversely affected, in terms of privacy and outlook.
24. The dormer bungalow would be behind mature landscaping to the north-east of Nos 9 and 10 and to the east of No 8. Given the scale of the proposed dwelling and the landscaping, some of which lies in the rear gardens of Nos 8 to 10, I am not persuaded harm would be caused to the living conditions of Nos 8 to 10, in terms of natural daylight, accounting for its bulk, mass and layout.
25. Given the above, I do not consider arguments concerning violations to the Human Rights of Mrs Eastham and her family to be well-founded, because I have found that the proposed development would not cause unacceptable harm to the living conditions of Mrs of Mrs Eastham and her family and of other occupants who adjoin the appeal site. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol and Article 8 to the European Convention, as incorporated by the Human Rights Act 1998.
26. I conclude, on this issue, that the proposal would accord with FBLP Policy HL2 (criterion 4), emerging FCLP Policies H2 and GD7 (criteria b), c) and g)), the SPD and paragraph 17 of the Framework. These jointly seek development to, among other matters, relate well to the surrounding context so that it would not adversely affect the amenity and privacy of neighbouring properties.

Planning Balance

27. Given the Council's housing supply position, bullet point four of paragraph 14 of the Framework applies. In such cases, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
28. In economic and social terms, I attach a limited positive weight to the proposal's contribution to the economy through construction jobs. I also attach a limited positive weight to the provision of a single extra dwelling in Kirkham in a sustainable location, given the extent of the shortfall below the five-year supply of deliverable housing sites. Future occupants would also spend money

and support the facilities and services on offer locally, albeit there would be a limited contribution given the single net gain.

29. I attach a moderate negative weight to the proposal's harm to the character of the area. There would also be a neutral effect on the natural environment, in terms of bats. As facilities and services are accessible by various modes of transport, the proposal would reduce reliance on the private car and assist with moving to a low carbon economy. This attracts a very limited positive weight.

Other matter

30. I understand the land which is proposed to be used to access the appeal site was purchased by the appellant with a view to providing access to the existing rear garden of The Homestead. While points are made about conditions of the sale, I do not have copies of the documents referred to and in any event, this decision does not overturn documentation relating to the sale of land.

Conditions

31. I have had regard to the conditions which have been suggested by the Council. I have imposed a condition regarding the approved plans in the interests of certainty. Details of landscaping is a reserved matter, so I have imposed conditions for an arboricultural assessment and details of boundary treatment to form part of any reserved matters application, in the interests of character and appearance, the living conditions of neighbouring residents and highway safety.
32. I have imposed conditions to secure foul and surface water drainage schemes in the interests of flooding and to manage the effects of pollution. Given the site's size and its relationship with adjoining dwellings, in the interests of character and appearance, I have imposed a permitted development restriction, except for porches and other alterations to the roof of a dwellinghouse which would not meet the tests of reasonableness and necessity⁵. I have not imposed conditions in respect of site levels given the existing ground levels. Conditions are not necessary for a walkover survey, given the findings of the bat survey or to control the scale of the dwelling as it forms part of the development applied for.

Conclusion

33. I have found harm in relation to character. However there would not be any adverse impacts, subject to planning conditions, in terms of highway safety and living conditions. While the proposal creates a tension between the roles of sustainable development, I do not consider the harm that I have found in respect of character in the social and environmental roles leads me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits which would arise from the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore represents a sustainable form of development.
34. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

⁵ Planning Practice Guidance, Paragraph: 017 Reference ID: 21a-017-20140306

SCHEDULE OF CONDITIONS

1. Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. This permission shall be for the construction of no more than 1 residential unit and relates to the following plans and documents: Location Plan – DRWG No: LP01; Site Plan – DRWG No: SP01; Plan of Site Access – DRWG No: 01; Plan of Site Access – DRWG No: 02 and the Bat Survey and Report Ref: 13174/FO.
4. Notwithstanding the provisions Article 3, Schedule 2, Part 1 (Classes A, B, E and F) and Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development of the dwelling or curtilage relevant to those classes shall be carried out without planning permission.
5. Prior to the commencement of development a scheme for the disposal of foul for the entire site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be implemented, maintained and managed in accordance with the approved details.
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

7. Prior to the commencement of development details of all fencing, gates (including access gates) or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, with any gate adjacent the public highway designed to only open away from the highway. Any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway. The development shall be implemented in accordance with the approved details.

8. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design and construction of the site access, hereby approved has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in line with the duly approved scheme before any of the dwelling is first occupied.
9. That an arboricultural assessment for the site, to BS5837:2012 standard which, demonstrates that the development can be constructed without harming the trees within and adjacent the application site, shall be submitted as part of any reserved matters application.

Costs Decision

Site visit made on 24 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 28 July 2017

Costs application in relation to Appeal Ref: APP/M2325/W/17/3173299 The Homestead, Ribby Road, Kirkham, Lancashire PR4 2BE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Justin Coyne for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of outline planning permission for a 4 Bedroom 2 storey Detached house.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process¹.
3. In setting out their case, the applicant has referred me to the examples of unreasonable behaviour listed in the Guidance². The applicant considers that the Council has behaved unreasonably, by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; refusing planning permission on a planning ground capable of being dealt with by conditions; preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and failing to produce evidence to substantiate each reason for refusal on appeal. I have regard to the Council's response in writing and the applicant's comments.
4. Notably, the applicant does not refer to, in their claim, matters relating to the proposal's effect on the character of the area. In terms of this issue, despite elected members taking a different stance to their officers, they are not bound to accept their officer's recommendation. Added to this, the effect of the proposed development on the character of the area does require judgement, irrespective of the Council's current inability to demonstrate a five-year supply of deliverable housing sites. I did not find the Council's evidence in this regard to be vague, generalised or inaccurate, nor could their concerns be dealt with

¹ Planning Practice Guidance, Paragraph: 030 Reference ID: 16-030-20140306

² Planning Practice Guidance, Paragraph: 049 Reference ID: 16-049-20140306

- by way of planning conditions. It was not clear that development should have been permitted in this context.
5. Turning to highway matters. Central to the applicant's case is the consultation response of Lancashire County Council (LCC) who are the Highway Authority. The response by LCC was particularly clear, in that they did not consider the principle of the proposed access to be an issue. They did, nonetheless express concerns with the potential for vehicles and pedestrians to come into contact with one another. Despite this, LCC considered that this could be resolved by a low fence or landscaping. Although no such amendment was submitted before the Council determined the planning application, despite the Council's request³, LCC did explain it could be dealt with by way of a suitable planning condition.
 6. I have had regard to the Council's point that such details go to the heart of the proposed access arrangements. However landscaping matters were reserved for future consideration, even if the applicant did with their appeal submissions include an illustrative plan which showed how a low boundary fence could provide a physical barrier between the proposed access and the school access. The Guidance is clear that access details should normally form part of the development if it is applied for. The exception to this is where the applicant has made it clear that the details have been submitted for illustration purposes only⁴. However, landscaping was a matter for future consideration.
 7. Elected members are entitled to make a judgement on a development proposal before them and they are not bound by their officer's recommendations. They must, however, be able to reasonably justify their stance having regard to the development plan, unless material considerations indicate otherwise. In this context, I was not satisfied that the Council in not following LCC's or their own officers advice, provided cogent and compelling reasons to explain why they departed from the view of a statutory consultee⁵, even if the school access is well used.
 8. The Guidance⁶ explains that Councils are at risk of an award of costs if refuse planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead. Given the views of the case officer, LCC and the planning conditions suggested in the Council's Statement of Case, I am unclear as to why the Council did not address their concerns through a planning condition as I have concluded.
 9. Insofar as the living conditions of neighbouring residents are concerned, I understand the Council's point that their Extending Your Home Supplementary Planning Document (SPD) is intended to assess the effect of extensions to existing dwellings on the living conditions of neighbouring occupants. But, despite not referring to it in the officer's report or the reason for refusal, the Council conceded that it is a useful guide. I agreed with that view. So, while it does not provide a definitive benchmark for new dwellings to be assessed against, it was nonetheless material. In this regard, the applicant showed that the appeal scheme would meet or exceed the SPD. While the effects of new development are often harder to judge, given the scheme's adherence to the

³ Rebuttal to application for an award of costs, Appendix A

⁴ Planning Practice Guidance, Paragraph: 005 Reference ID: 21a-005-20140306

⁵ Shadwell Estates Ltd v Breckland DC and Another [2013] EWHC 12 (Admin), at [72]

⁶ Planning Practice Guidance, Paragraph: 049 Reference ID: 16-049-20140306

SPD, it ought to have been a useful indication. Even though the Council recognised the established landscaping on the shared boundary with dwellings on Cherry Close, I was not persuaded that a further subjective judgement was necessary given the scale of the dwelling was before the Council. In any event, the landscaping would only aid the privacy of existing and future occupants and similarly maintain the existing outlook from 8 to 10 Cherry Close.

10. Nevertheless, due to the housing supply position, a judgement was ultimately required as explained in paragraph 14 of the Framework. Thus, I do not consider the applicant's claim for a full award of their costs relating to the appeal process is justified, as I am not satisfied that the development should clearly have been permitted. However, I do consider the Council behaved unreasonably, in terms of the proposal's effect on highway safety and the living conditions of neighbouring occupants, by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; refusing planning permission on a planning ground capable of being dealt with by conditions; and failing to produce evidence to substantiate each reason for refusal on appeal. Hence, I consider that a partial award of costs, limited to highway and living conditions matters, is reasonable.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Fylde Borough Council shall pay to Mr Justin Coyne, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to matters relating to highway and living conditions; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Fylde Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a link is provided in the covering letter to guidance on how to apply for a detailed assessment by the Senior Courts Costs Office.

Andrew McGlone

INSPECTOR

Appeal Decision

Site visit made on 8 August 2017

by Katie McDonald MSc MRTPI

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

Decision date: 16 August 2017

Appeal Ref: APP/M2325/W/17/3175276

14 Windsor Road, Lytham St Annes, Lancashire FY8 1AH

- 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 Richard Barker against the decision of Fylde Borough Council.
 - The application Ref 16/0799, dated 10 October 2016, was refused by notice dated 12 January 2017.
 - The development proposed is the construction of two houses after demolition of existing bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Policy GD7 of the Fylde Council Local Plan (submission version) is referred to in the reason for refusal. The purpose of a Local Plan examination is for the Examiner to consider whether the plan is 'sound'. Accordingly, it is possible that a policy could be amended or deleted as a result of the examination or that the plan is withdrawn or found unsound. Whilst the examination may be in an advanced stage, Policy GD7 is not adopted development plan policy and I will not give it significant weight in my assessment.

Main Issue

3. The main issue is the effect of the development upon the living conditions of 2 Pembroke Road.

Reasons

4. Sited on a predominantly residential road, the property features a detached bungalow, with 2 and 4 Pembroke Road lying to the east. The proposal seeks consent to demolish the existing bungalow and erect 2 semi-detached dwellings, each having 3 bedrooms. The Council raises no issues with regard to the design and appearance of the dwellings, and I have no reason to disagree.
5. The flank wall of the eastern dwelling would be sited along most of the rear boundary of 2 Pembroke Road, a semi-detached bungalow. Along this boundary is a single storey garage serving No 2 and an approximately 2m high boundary treatment. Even when taking account of the existing structures, at an eaves height of around 5.3m, being located about 6.3m from the rear elevation of No 2, the proposal would be a tall, solid and imposing structure. This would cause

a substantial sense of dominance and enclosure when viewed from the rear windows and modest rear garden of No 2. Furthermore, the orientation of the site in relation to No 2 would exacerbate the impact, causing some loss of light.

6. Consequently, the proposal would fail to comply with Policy HL2 of the Fylde Borough Local Plan as Altered (October 2005), in so far as it seeks to ensure the amenity of neighbouring properties will not be adversely affected. Additionally, there would also be conflict with one of the core planning principles of the National Planning Policy Framework (the Framework), namely the need to secure a good standard of amenity for all existing occupants of buildings.

Other Matters

7. It is acknowledged by the Council that they are currently unable to demonstrate a five year housing land supply, as required by the objectives of paragraph 47 of the Framework. As such, the fourth bullet of paragraph 14 of the Framework is a relevant material consideration and a presumption in favour of sustainable development, applying the tilted balance of boosting housing supply, carries substantial weight. Whilst it may be a sustainable location, the adverse impact that I have identified to living conditions would significantly and demonstrably outweigh the benefit of one net dwelling to overall housing supply.
8. I have no evidence before me with regard to the poor structural condition of the appeal dwelling or that re-building is only 'viable' as 2 dwellings. As such, I have given this matter little weight.

Conclusion

9. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR