



Agenda

Planning Committee

Date:	Wednesday, 23 May 2018 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Linda Nulty, Liz Oades, Sandra Pitman, 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](#).

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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 18 April 2018 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23.	1
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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

23 May 2018

Item Number: 1

Committee Date: 23 May 2018

Application Reference:	16/0621	Type of Application:	Discharge of Conditions
Applicant:	Mill Farm Ventures	Agent :	PWA Planning
Location:	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
Proposal:	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0655 RELATING TO CONDITION 11- MAINTENANCE OF THE COMMUNAL AREAS, CONDITION 33- CAR PARK MANAGEMENT PLAN, CONDITION 34 - AFC FYLDE EVENT MANAGEMENT PLAN, CONDITION 34 - TRAFFIC MANAGEMENT PLAN AND CONDITION 46 - HOURS OF OPERATION		
Ward:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	92	Case Officer:	Andrew Stell
Reason for Delay:	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7964955,-2.890898,701m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Issued

Report Update

Introduction

This application was considered by Committee on 18 April 2018 when the decision was deferred for the following reason:

“Committee resolved to defer the decision on the application until such time that the full and formal comments of the Local Highways Authority had been received in relation to the Car Parking Management Strategy have been received and considered and were available for the Committee to inform their decision. Also to allow Wesham Town Council opportunity to comment on the revised plans.”

Since that meeting the council has received further comments from the County Highway Authority and from Kirkham Town Council which are included below. Wesham Town Council have also been asked for their further views and any that are received will be included in the Late Representations Schedule, although their most recent comments are already included in the report as normal.

An additional officer consideration section is provided in this ‘Report Update’. The original report from the April agenda is included for context and additional information for members. The recommendation remains to accept the details as was previously presented to Committee.

Lancashire County Highway Comments

“Thank you for the opportunity to provide further comment on the discharge of condition application 16/0621. *These comments are in response to the latest submitted version of the Car Park Management Strategy (CPMS), Ref. MF/TMP/Version 3.6.*

I have previously provided statutory comments to the LPA in regard to the parking requirements for AFC Fylde and this 6000 capacity Stadium and the discharge application. I consider many of the comments in this previous correspondence dated 26th August 2016 and 21st February 2017 remains relevant. I have now reviewed the latest information provided by the applicant in regard to the Car Park Management Strategy, Version 3.6 (CPMS) and the discharge of condition application for the Mill Farm site and would make the following further comments and observations.

*LCC Highways have provided extensive comments and advice at the outline application stage and in previous correspondence in regard to the Car Park Management Strategy (discharge of condition application) unfortunately even with this their [sic] remains outstanding issues not allowing me to support that presented to discharge the Car Park Management Strategy. **The latest Car Parking Management Strategy (dated April 2018) is unacceptable to LCC Highways and does not allow me to recommend discharge of the condition associated with the original Mill Farm application.***

I still disagree with the over simplistic representation of the parking requirements of the site and what was agreed with LCC in regard to the outline application as presented in the CPMS.

During the planning application stage, LCC highways were very concerned and highlighted on a number of occasions that the developers transport consultants approach to demand could be a significant underestimation (i.e. below what would result from the new stadium). The Transport Assessment, submitted with the outline application, suggested that the Saturday Peak hour AFC Fylde Football Club Traffic generation on a typical match day for the new stadium would be 151 two-way movements. The forecasts within the Transport Assessment and the trip generation presented and robustly argued by the developers transport consultant has now been found to have been a significant underestimation. The impacts on the local transport network, that can now be observed, are greatly beyond that presented in the Transport Assessment submitted with the outline application. At the time of the application it was considered an important element was the delivery and maintenance of a car park management strategy that would be suitable to satisfy demand.

*In seeking to work with the applicant during the planning process and in helping to support development in line with NPPF, LCC highways reached agreement on a way forward that would allow LCC Highways not to object to the outline application. However, in order to ensure our concerns were addressed LCC Highways secured improvements for sustainable modes and requested a robust set of planning conditions to cover a Car Park Management Plan (CPMP) and a Traffic Management Plan (TMP) to deliver the measures necessary to ensure a safe and reliable highway is maintained at all times and particularly when larger attendance events take place. **The provision of the overspill car park was included at the request of LCC as it was our stated position that this would be necessary to meet future needs of the stadium (i.e. as approved, with a 6000 capacity).***

The pragmatic approach agreed and set out by LCC Highways to support the outline application was that the use of the Car Park Management Strategy in conjunction with the Travel Plan (with targets for model split) would provide the mechanism to establish the necessary level of parking as the club developed. Parking requirements, modal split and trip generation are not mutually exclusive, which is the approach that is being presented in the submitted CPMS. It is clear that the club has been less

than successful in achieving the modal split assessed within the original Transport Assessment. It is clear that the visually observed modal split, in regard to sustainable (non C private car) trip generation for the Stadium (but also significantly for other uses on site) has led to a much greater impact on the local transport network.

An acceptable CPMS needs to be based on a realistic understanding of current and future impacts. This needs to be evidence based. The ground opened in 2016 and this is the second season the club has played home games at the stadium yet the CPMS, as presented, seeks to apply an approach that relies on and references back to assumptions presented in the original Transport Assessment, which we know is unrealistic to represent the impacts of this development. The CPMS needs to consider existing site use of all car parks, actual demand and modal split providing a true and a clear indication of the actual number of spaces available and required for supporters on a match day, which is clear and can stand up to independent scrutiny at any stage or level, rather than that proposed which is theoretical (and cannot stand up to scrutiny).

The table provided in paragraph 33 of the CPMS is described as 'providing a breakdown of the match-day parking and this is also shown by reference to a plan of the site (see appendix 2)'

Car Park	Total Spaces	Dedicated	Match-Day
A (North of Stadium)	62	20	45
B (adj 3G pitches)	130	23	107
C (rear of east stand)	60		60
D (west of Aldi)	95		95
E (Trilanco)	102		102
F (Coronation Way)	56		56
TOTAL	508		465

I consider this table to be a misrepresentation:

- There is no assessment/acknowledgment (with the exception of the two 'dedicated' elements) that not all of the spaces indicated above are available to meet the demand on match day. At all other times parking occurs to some extent on some spaces in the Table above. (e.g. the impact of the bar and restaurant etc. - the clubs own website states 'The stadium includes a cutting-edge sports bar which is fast becoming the UK's number one sports bar. Bradleys Sports Bar features over 20, 60 inch TVs and an impressive 12' x 7' video wall across five distinct areas so every type of sport can be followed by fans simultaneously, an 80-seat restaurant with roof terrace, a 40 seat café and conference & event facilities across nine rooms.'
- Paragraph 42 states that Coronation Way is coned off... 'Both sides of Coronation Way from roundabout to car Park B'. This is seen as necessary as parking on Coronation Way impacts on the safe operation of the other approved existing uses on the site and back onto the public highway.
- The Trilanco site does not provide a provision that can be tied/enforced as part of CPMS and therefore cannot be considered a permanent provision that will always be under the control of the club.

AFC Fylde Football Club continues on an upward progression towards its stated ambition of reaching the Football League, which is commendable. I understand that the club has been successful in reaching the play offs and if successful will fulfil their stated ambition. It should be noted that in season 2017-2018 the average attendance for games in the Sky Bet League Two were 4,457.

The provision as currently set out above, and based purely on a theoretical requirement derived from

parking standards and not actual trip generation and demand, does not currently meet demand for a large percentage of games (i.e. those above average attendance, where the parking provision is fully taken up). The above makes no attempt to evaluate or relate parking provision with actual demand or take into account the substantial off-site parking that takes place on the surrounding highway network (i.e. there is no account or evaluation of the impact or the numbers of football match related parking on roads such as Sanderling Way, Fleetwood Road, Moorland Avenue, Mowbreck Lane, West View and Garstang Road North). Given the statistic quoted above in regard to the potential increase in attendance (if only achieving average League two attendances, 4,457). It is clear that the current operating capacity of 4,250 (i.e. a more than doubling of current attendances would be deemed acceptable to the owners on the basis of the CPMS presented and therefore no need to provided measures that satisfy demand such as to increase parking provision).

The reference in the CPMS to Parking Standards is misrepresentative of the highway assessment and discussions with the local highway authority prior to outline approval being granted and as presented is unacceptable. While no minimum car parking standards for new development are set by the Government, in 2011 the Government abolished maximum car parking standards for development. Following this in 2014 the Government announced that new development should be built with sufficient parking that reflects local market demand. On 25th March 2015 Sir Eric pickles MP in a statement to Parliament stated that:

'This government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centre and high streets.' He referred to Paragraph 39 of the National Planning Policy Framework which states 'If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;*
- the type, mix and use of the development;*
- the availability of and opportunities for public transport;*
- local car ownership levels; and*
- an overall need to reduce the use of high-emission vehicles*

Therefore, it is imperative that the club now meets its obligation in regard to the planning conditions and provides a Car Parking Management Strategy that reflects the club's progression and the clear impact that the trip generation of the site has on the local transport network and local community.

The latest CPMS (dated March 2018) as passed to LCC is considered inadequate to address the impacts and requirements of the Mill Farm site and in particular the AFC Fylde Football Stadium. The Latest CPMS continues to make no reference to the on-site overflow car park set out at the outline approval stage (other than to state that they do not intend to deliver this element 'at any time in the near future') which was considered necessary by LCC at the outline stage.

The current CPMS fails to build on the principles set out in the initial AFC Fylde Traffic Management Plan that was submitted to LCC in April 2014 and in part allowed LCC Highways to come to the decision not to object to the application. This initial 2014 document, while by no means considered a comprehensive Plan, set out a number of initiatives and an approach in regard to higher attendance matches (irrespective of which league AFC Fylde were playing in); with greater detail presented to demonstrate that a safe and reliable highway can be maintained at all times and that motorised demand can be satisfied and in control of the club/site having, regard to modal split (i.e. for all currently permitted scenarios). Importantly it included the overflow carpark!

The 2014 TMP stated that:

“Total car park provision of the site would be 1050 car parking spaces, with 6 coach parking spaces.”

“The stadium would have the provision of an overflow car park as shown on plans recently submitted as part of the Permanent and Temporary car park application (car Parks C and D). This has never been progressed and is not even mentioned in the latest TMP or within the latest car parking location plan details provided with the latest TMP.”

One of the key reasons LCC requested the CPMS condition was to ensure that the appropriate and necessary provision was an obligation of the Football Club and not an option that could be left unaddressed with limited recourse by the LPA. I consider the CPMS has to deliver an acceptable solution based on the permitted development (6000 capacity stadium). This is fundamental. The CPMS is the mechanism by which the LPA and the LHA can ensure the development, as permitted, fulfils its obligations to deliver adequate parking that limits impact on local amenity and the local highway.

*I have set out on a number occasions that until an adequate and acceptable Car Park Management Strategy is presented and agreed with the LPA (with appropriate coherent links to the Traffic Management Plan and the AFC Fylde Event Management Plan), then LCC Highways will not recommend the discharge of the Car Park Management Strategy condition. **The information provided within the April 2018 CPMS (Ver. 3.6) is not considered acceptable to satisfy the discharge of the condition. The Car parking Management Strategy does not adequately address all uses of the site current and future (approved) with consideration for current observed demand and a realistic evaluation of future forecast requirements to ensure that a safe and reliable highway network can be maintained;***

***Therefore, I must recommend that approval is not given for the discharge of condition.** I am willing to continue to work with the football club to overcome the above outstanding issues; a further meeting may be of merit which can be minuted to record agreements reached.”*

Wesham Town Council Comments

These had not been received at the time of finalising this report and so any that are received will be reported as part of the Late Representations Schedule along with any officer comments.

Kirkham Town Council Comments

KTC have provided additional comments since the April Committee meeting, which are included in the table below along with some brief officer comments.

“Kirkham Town Council reiterate their original objections:”

Kirkham Town Council Comment	Officer Note
<i>Kirkham Town Council considered the report and object on the grounds that it does not conform with the Traffic Management Plan Lancashire Highways recommended when planning permission was granted</i>	The Parking Management Plan that has been presented is to discharge the details of the planning condition that was imposed by FBC when planning permission was granted at the request of LCC. The adequacy of this is the matter that Committee are to determine.
<i>It is based on the current capacity of the stadium</i>	The parking arrangements are designed to meet

<i>(4,250) when the development is for a 6000 capacity stadium with no future proposal of parking facilities for the extra 1,750 visitors</i>	the needs of the current 4,250 capacity, with a review requirement should that figure be increased.
<i>There is now an application for a hotel, the residents and staff of which will be using the 20 car parking spaces on match days so those spaces cannot be included in the provision for the stadium</i>	The Parking Management Plan incorporates 20 spaces for the hotel. These spaces are not included in the provision for the stadium.
<i>The 90 Aldi spaces cannot be included in the provision for the stadium as they are all full during opening hours. The store is open during match days</i>	These spaces are not included in the provision for the stadium.
<i>The B8 Warehouse 102 spaces may not be used presently during matches (unconfirmed) but the warehouse could change hands at any time in the future and visitor parking prohibited. These spaces should not be considered in the strategy</i>	<p>These spaces are included in the provision for the stadium in the Parking Management Plan. One of the review requirements is if these spaces cease to be available.</p> <p>They have been available for use, and in use, at all officer visits.</p>
<i>The original 6000 capacity stadium was planned with the intention of the taking the club up the league. Stating the capacity has a maximum of 1,930 at this time is short sighted. The self-regulating commitments for readdressing the parking strategy if triggered are not enforceable by authorities.</i>	The Parking Management Plan quotes 1,930 as the average attendance in the 2017/18 season, not a capacity. The current capacity is 4,250 and the parking provision is based on the parking ratio needs for that capacity, with a review requirement should the capacity increase.
<i>The proposed overflow car park is not considered</i>	The Parking Management Plan states that the parking ratio is currently met on-site without the need to provide any overflow parking area.
<i>However the numbers are jiggled in the Strategy it is a fact that Kirkham Town Council and Elected Members receive a constant flow of complaints around parking issues on match days. Cars park indiscriminately along the A585 grass verges from Wesham roundabout to the M55 with visitors flocking across the busy A585 in droves. It is an accident waiting to happen. Wesham Town pavements suffer end to end parking with reports of the fire station forecourt being blocked on match days. Residents report leaving the area totally or remaining in their homes during match days as mobility is so restricted by traffic</i>	<p>Officers are aware that the Town Council and Members have referred to receipt of complaints.</p> <p>Officers have not observed any indiscriminate parking on A585 verges or Fire Station forecourt at any monitoring visits. Roadside parking in the vicinity of the site does occur during matchdays.</p>

<i>It is obvious there is not enough parking provision now when according to the Management Strategy the capacity is less than 33% and the Hotel or other profitable ventures have not yet been built. The strategy should look at additional parking provision not a reduction</i>	Part of the parking provision in the Parking Management Plan is the site of a hotel which was included in the original application but has not been built. There is a review requirement should this site be developed in the future.
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Officer Comments following deferral and receipt of additional consultation replies

The comments from two of the three bodies consulted after the deferral have been received, with the third expected shortly. These raise objection to the car parking management condition aspect of this application, and are included in full above for Members' information as this was the reason for the deferral.

As they are the Local Highway Authority, Lancashire County Council are a statutory consultee on planning applications, and so had a key role to play in the assessment of the original application which granted consent for the development of the Mill Farm site. As part of that consideration they initially raised objection to the proposal, but withdrew that on submission of additional information by the applicant's consultants and the imposition of a series of conditions.

These include a requirement to submit a Car Parking Management Plan and Stadium Event Plan that are under consideration here. The Highway Authority's assessment was based on the expected demand for parking from a Stadium of the 6,000 capacity that was proposed, and sought to secure a suitable level of on-site parking to avoid undue congestion, highway safety or amenity considerations being raised. At the time it was envisaged that this would involve the provision of a large car park to the north of the site. As the site has developed since that time, the operators have been able to provide the same ratio of parking in a range of locations around the Mill Farm site which are better located and have improved access to the ground when compared to the northern overflow car park. This Plan documents the provision of this parking in these areas and includes other management and review mechanisms to allow it to be updated if required.

As is documented above, the local highway authority do not accept that the Plan meets with the requirements that they would expect in terms of the calculation of the parking capacity and so the provision of that level of parking on the site given the progress that the Club has made in the years since the original planning permission was granted. However, the site has provided and managed the parking arrangements that are incorporated into the Plan for the majority of the time since it was opened in August 2015, and the local highway authority have failed to provide any detail as to what harm has occurred as a consequence of these parking arrangements.

It is unusual for officers to propose a recommendation on a matter that goes directly against the advice of a specialist consultee on that matter, be it highways, ecology, drainage, etc. However, in this case your officers believe that the Plan now under consideration represents an effective proposal for the level, location, management, enforcement and review of the parking arrangements for the site and is in line with the core principles laid down at the time planning permission was granted. Accordingly the officer recommendation remains that the Plan be accepted as discharging the details of the conditions, irrespective of that being contrary to the views of the local highway authority.

It is also the case that this recommendation is contrary to the views expressed by Kirkham Town

Council. As town council of the neighbouring area, they are also key consultees in the process, but it seems that in this case many of their comments are based on a mis-understanding of the actual content of the Plan under consideration. Notwithstanding that, their views are a relevant consideration for Committee to assess in its determination of the application.

End of Report Update

Summary of Officer Recommendation

The application relates to the discharge of details associated with planning conditions attached to the original planning permission under which the Mill Farm development was constructed. The conditions relating to the management of the communal areas and the hours of operation of the football stadium facilities are uncontentious and it is considered that the details provided are acceptable. The other conditions covered by this application relate to the parking arrangements and the stadium associated with AFC Fylde home matches and have attracted considerable attention from local members, residents Town Councils and consultees in the time that the Club has played at the stadium. This has resulted in a series of revisions being made to the submitted information.

The Plan takes the approach that the level of on-site parking associated with the stadium should be provided based a ratio of 1 space for just under every 9 spectators which is the ratio that was used when the permission was first granted. This ratio is then applied to the current capacity of 4,250 to ensure that a minimum of 483 spaces are provided on site at all times. It then sets out where those spaces are currently located around the site, and how their use is to be managed. Details are also provided about how the off-site environment is to be managed and sets a review process in the event of significant changes around the operation of the Stadium such as some of the parking areas currently utilised not being available, the capacity increasing, or the Club achieving a promotion.

Officers have considered the content of the Plan carefully and viewed the operation of the stadium on a number of occasions. Having done that it is officer view that the parking levels proposed on site is an appropriate number, and that these are provided and appropriately managed on site. It is also officer view that the off-site management arrangements are appropriate and that the review mechanism is a viable and proportionate approach to deal with the issues associated with the condition.

The Mill Farm site provides a high quality sporting facility that will alter the character of the area north of Wesham on match days. However, these are relatively infrequent and it is considered that the parking and management arrangements proposed in the submitted Plan are now of an appropriate quality and breadth that they allow the details of the relevant conditions to be discharged.

Reason for Reporting to Committee

The discharge of details reserved by planning condition is a type of application that falls within the Approved Scheme of Delegation. However, due to the planning history on this site and the views of Wesham Town Council and Kirkham Town Council on aspects of the submission the Head of Planning and Housing has concluded that the application should be determined by the Committee.

This also reflects an earlier Committee request to be presented with a report on the parking arrangements at Mill Farm.

Site Description and Location

The application site is part of the Mil Farm development that lies north of Wesham and is accessed from Fleetwood Road. The site is a mixed use allocation in the emerging Fylde Local Plan to 2032, but was formerly Countryside in the Fylde Borough Local Plan 2005. The site was principally developed as the home of AFC Fylde, but also contains a number of other employment, leisure, retail and commercial operations. The application under consideration here relates to the Football Stadium aspect.

Details of Proposal

The application relates to the discharge of details required to satisfy four conditions that were imposed on the original hybrid planning permission for the site under reference 13/0655 that was granted in February 2015.

The conditions in question are listed below with the wording from the decision notice. The submitted information is described and assessed in the Comments section of this report.

Condition 11 relating to the Maintenance of Communal Areas

Prior to the first occupation of any building on the site or the first use of the sports provision, whichever is the sooner, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. 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.

Condition 33 relating to a Car Park Management Plan

Prior to the first occupation of any phase of the development hereby approved, a fully detailed Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory car parking management strategy is implemented for the development.

Condition 34 relating to an Event and Traffic Management Plan

Prior to the first use of the football stadium hereby approved, a fully detailed Event Management Plan (covering events at AFC Fylde Football Stadium) shall be submitted to and approved in writing by the local planning authority. The Event Management Plan shall also include a detailed Traffic Management Plan. The management of events shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there are satisfactory event management procedures in place for the development in order that reliability and safety of the local highway network are maintained and to ensure the amenity of the adjacent (new and proposed) residential areas will not be adversely

affected.

Condition 46 relating to the hours of operation of the Stadium

Prior to the first occupation of the proposed sports stadium, details of the hours of operation of the stadium and its buildings shall be submitted to and approved in writing by the Local Planning Authority. Any change from the approved scheme shall require the written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

The Parking Management Plan has been the subject of various iterations in an attempt to address concerns expressed by officers from Fylde Council and Lancashire County Council, and by local residents and Town Councils. These revisions have been the subject of consultations.

Relevant Planning History

Application No.	Development	Decision	Date
17/0690	CHANGE OF USE OF SECOND FLOOR OF MAIN STAND TO USE AS A 19 BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED ALTERATIONS TO EXTERIOR OF STAND	Application Deferred	
17/0016	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTELAND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB	Granted	28/07/2017
16/1016	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO APPROVED CAR PARKING ARRANGEMENTS.	Granted	16/03/2017
16/0397	DISCHARGE OF CONDITIONS ON APPLICATION 13/0655 FOR CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY), AND CONDITION 46 (HOURS OF OPERATION) ASSOCIATED WITH USE OF BRADLEY'S SPORTS BAR AND AROMA CAFE	Advice Issued	07/03/2017
15/0898	PROPOSED EXTENSION.OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION	Granted	20/08/2015

15/0309	BEING SUBMITTED. APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE) FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.	Approved with 106 Agreement	17/02/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Medlar with Wesham Town Council** who comment on a version of the Parking Management Plan from March 2018 as follows:

Medlar-with-Wesham Town Council met on Tuesday 20th March 2018 and discussed the Car Parking Management Plan for Mill Farm Development. The comments are:

- *The Plan is not future proofed e.g. using land that designated for a hotel and takes no account of AFC Fylde's aspirations for promotion into higher leagues*
- *Included within the plan are areas for car parking which belong to private businesses and hence outside the control of those submitting the plan*
- *The plan includes in the numbers areas which are coned off by AFC on match days i.e. Coronation Way*
- *Designating other car park areas for football supporters only will only move vehicles of other users of the development off site causing problems on nearby roads e.g. hockey club members*

- *There are only facilities for 2 Coaches. If AFC Fylde are encouraging coach travel by visiting supporters more dedicated coach parking areas are needed*
- *The lack of parking which this plan does not address causes chaos and damage in Town. This would have been partially alleviated if the original conditions were enforced*
- *The plan show 2 areas designated as car park which have not been built*

The site is close to the area of **Kirkham Town Council** and so they have been consulted on various iterations of the Parking Management Plan. Their latest comments are included at the head of this report.

The site is close to the area of **Greenhalgh with Thistleton Parish Council** and so they were consulted and commented on the original scheme as follows:

“At its last meeting, Greenhalgh with Thistleton Parish Council requested that I write to you to express concerns of both residents and Councillors over access and parking on match-days at the new AFC Fylde Stadium on the A585. Issues identified were:

- *Congestion around the roundabout causing queuing and delays on the A585 when vehicles are stopped or turned away from access to Stadium Way*
- *Lack of the car parking capacity indicated in the Master Plan submitted with the Planning Application for the site*
- *The introduction of parking charges by the Club on match-days on its own (limited) parking areas, together with the coning-off of both sides of Stadium Way forcing many to seek free car parking on residential streets with consequential disruption to the network and inconvenience to neighbours.*

The Parish Council requests that Planning Officers and staff of LCC Highways enforce the conditions made when the AFC Fylde site was approved.”

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Latest comments reported in Report Update section.

Environmental Protection (Pollution)

Raise no objection to the proposed details for the hours of operation of the stadium.

Whilst noting that it is outside of his remit, the officer express reservations over the initial operation of the Stadium given his observations that the off-site parking on residential roads and side streets was causing some obstruction of driveways and restrictions of access by large farm vehicles.

Neighbour Observations

Neighbours notified:

No Neighbours Notified but some comments received

Number of Responses

Summary of Comments

- The parking levels are inadequate
- There is a £5 charge for parking on site, and this is pushing

- parking onto to surrounding residential areas
- The parking ratio proposed is inadequate and without scientific basis. This should include surveys of those that drive to the ground and how may occupy each car to work out the parking levels needed, with this then provided free of charge to ensure it is used.
- The level of coach parking is inadequate and survey should be undertaken to establish demand for this
- Then extent of train use and walking/ cycling is surely over-estimated given that the level of paring provided is so low.

Comment and Analysis

Given the nature of the application it is appropriate to look at the details for each condition separately:

Condition 11 – Maintenance of Communal Areas

The application explains that the operators have employed a facilities team which *“will be adequate resource to ensure that grounds and landscaped areas are well presented, at all times. We have also employed a full-time landscaper who is responsible for looking after all the communal areas.”*

Whilst the submitted maintenance details are generic in nature, the confirmation that the operator is to maintain the communal areas around the site is considered to be an acceptable position given that these areas are not to be adopted by LCC or any other public body. As the majority of construction work has been completed at the site a site visit has been undertaken and it seems that the communal areas are all in a satisfactory condition where they have been completed. Should that not remain the case then the confirmation provided over the maintenance responsibility provides the clarification needed to satisfy the condition and allow any unsatisfactory elements to be pursued in future. Accordingly the details of this condition are discharged.

Condition 33 Car Parking Management Plan / Condition 34 AFC Fylde Traffic Management Plan

Background

Condition 33 requires that details of the parking management strategy across the site is provided for approval and then implemented. Condition 34 relates to the football stadium use only and requires that a parking and event management plan is submitted prior to the football stadium use commencing. The reason for this condition confirms that this is required to ensure that AFC Fylde matches are undertaken without impact on the reliability and safety of the local highway network and that the amenity of local residents is not adversely affected.

The initial submission provided was inadequate and in attempt to address that there has been significant discussions with the Club and their agents involving your officers, LCC highway officers, the Town Councils, representatives of Lancashire Constabulary, local councillors and residents. This has resulted in several revisions to the Plan with a version presented in early March 2018 and subject to consultation with the Town Councils and LCC Highway officers. They have raised some negative comments which the applicant’s agent has sought to address with a revision version of the Plan (version 3.6 of April 2018) which is the Plan that is under consideration now. This has been the subject of consultation with the Local Highway Authority (although their comments are not yet available) but not with the Town Council’s due to the timing of Committee and the clarity of their opposition to any Plan that specifically does not provide an overflow parking area to the north of the site which remains an aspect that the Plan does not provide.

The conditions were drawn up in 2014 when the phasing of the development of the site was unknown. Since that time the various non-stadium uses that were approved have largely been developed. As each have their own parking arrangements that meet their needs it is considered appropriate to assess the acceptability of these two conditions together as the main concerns expressed relate to the management of the traffic and parking associated with the AFC Fylde use of the site, and the levels and availability of parking areas across the site are inherent to the assessment of the acceptability of that.

To assist the legibility of this assessment it is broken down into a series of sections below, which reflect the areas raised by the key consultees.

Level of Parking Required

The planning permission for the Stadium approved in 2014 provided 1,050 spaces across the whole of the site to meet the needs of all elements. This provision was based on an assumption of the end uses in some areas given the outline nature of part of the application, but referred to 683 spaces being provided for the stadium. These were provided in a 130 space car park adjacent to the 5-a-side pitches, 61 were adjacent the stadium itself and 492 spaces were in an overflow parking area to the north of the site. This overflow parking area has not been provided and the operators confirm that they do not intend to provide it in the near future as they believe that the parking arrangements are acceptable and this area is not required at this time.

That level of parking provision was based on the 6,000 capacity of the stadium and so resulted in a parking ratio of 1 space per 8.8 spectators.

The Car Park Management Plan identifies that the Stadium has a licensed capacity at present of 4,250, which is well below the 6,000 capacity identified in the planning permission. This is a consequence of the stadium only accommodating spectators on 3 sides at present with the north stand not built. This is well in excess of the average attendances in recent seasons of 1,416 and 1,930, with 3,351 attending an FA Cup First Round game against Wigan earlier this season and 2,310 attending the Good Friday game against Halifax as the most recent home fixture.

The April version of the Car Park Management Plan suggests that parking levels be set utilising the 1 space per 8.8 spectators ratio as previously accepted by the highway authority and planning authority at the time that the planning permission was granted would be an appropriate method to secure the on-site parking needs of the Stadium. They then base the total number of spaces provided on the 4,250 current stadium capacity, to give a figure of 483 spaces being required on site to meet the parking needs at the same ratio as was previously accepted.

The Plan also highlights that the LCC Parking Standards provide an alternative approach and have been adopted by Fylde Council for Development Management purposes irrespective of the Structure Plan which they formed part of being revoked. The Parking Standards confirm that a 1:15 ratio should be used for sports stadiums, which would require 400 spaces on a 6,000 capacity basis or 283 on a 4,250 capacity basis.

Your officers consider that with the previous acceptance of the 1:8.8 ratio of spaces that this is an appropriate approach that allows a significant increase in parking provision over that which would apply should the LCC standards be used. It is also considered appropriate to utilise the existing 4,250 capacity of the ground but with a reassessment mechanism included should circumstances change. This is addressed later in this report.

As such it is concluded that the Car Parking Management Plan should deliver 483 spaces on site.

Level of Parking Provided

The Plan indicates the use of spaces in the following areas at present with a plan provided for reference:

Reference	Location	Total	Other Uses	Match day
A	North of Stadium	65	20 for proposed hotel	45
B	Adj 3G pitches	130		130
C	Rear of East Stand	60		60
D	West of Aldi	95		95
E	Trilanco	102		102
F	Coronation Way	56		56
Total		508		488

This meets the required level from the earlier section and so the Plan contends that the level of parking provided is sufficient.

This is an area that was disputed by the highway authority and local Town Councils in their comments on the preceding version of the Plan. The key points of dispute are presented in the table below:

Issue	Club View	Officer View
The parking at Trilanco is not guaranteed to be available	The Club explain that they have an annual arrangement with Trilanco to use the parking area	At officer visit at the game on Good Friday 2018 that area was fully utilised for parking. If approved, the key element of the Plan is to require the level of spaces to be provided, with the Club being responsible for ensuring their ability or face enforcement action for being in conflict with the condition. As such officers believe that this is an acceptable arrangement.
The parking areas on Coronation Way are not available due to the need to keep it free for access	The Club advise that parking is not permitted on the part of Coronation Way that leads from Fleetwood Road to the stadium, but is permitted to the north of that under controlled circumstances.	At the Good Friday game the whole of Coronation Way was not being used for parking, but at other games the area to the north of the stadium only was being used. Officer believe the extent of parking listed for this area is appropriate.
The use of all parking for football use will push other uses off-site	The proposed hotel use is excluded from the parking numbers on match days and has reserved spaces in Car Park A. The March version also excluded the hockey spaces but they are now to	This is an appropriate arrangement, and this areas are excluded from total parking provision. Use of the hockey pitches during match periods is restricted by planning conditions on that

	be made available for football use.	planning permission.
The level of coach parking (2 spaces) is inadequate	They advise that other off-site spaces can be made available if needed, but they don't find it necessary at present. The April version makes further reference to the arrangements for accommodating additional coach parking with these parked off site and then managed using the on-site turning areas that are designed for these vehicles	At the Good Friday game there was only the team coach and a minibus in the coach spaces, but it is possible that there will be increased coach travel to other games. The revisions to the April Plan provide confirmation that these can be accommodated and so this is considered to be a positive revision to the Plan.
There are no mechanisms to account for promotion or the development of the hotel site (Area D)	The Plan requires that the number of spaces is provided, and provides a mechanism for reassessment in the event of a promotion. It also requires that the Club provide those spaces.	The Plan does provide these mechanisms, and they are considered to be appropriate controls.
The parking plan provides parking based on 4,250 spectators, but this is irrelevant when the permission is for 6,000 and the parking should be based on that figure.	The Plan is based on the rationale of 1 space per 8.8 spectators which was the case at the time that the planning permission was granted. If the capacity increases to 6,000 then the number of spaces needed will increase	The provision of spaces on the basis of a parking standard ratio is a suitable and widely used mechanism to establish parking numbers. The use of this provides appropriate control over parking levels.
Parking associated with Aldi and the Eurogarages site should not be included	These spaces are excluded from the calculated number of spaces in the Parking Plan	The submitted plan does not include these spaces for use by spectators. At the Good Friday game these areas were not heavily parked suggesting that they were being used by their customers.
Query why the overflow parking area is not being provided	The Plan states <i>"It was always envisaged that the need for the overspill parking would be investigated and where possible, alternative arrangements would be implemented to ensure adequate parking was in place without the creation of a large overspill car park which would be used only</i>	The critical aspect of the Plan is that it provides an appropriate level of parking. Officers believe that the parking ratio proposed is an appropriate one, and as the Plan correctly identifies areas within the site where this parking level can be provided there is no justification for the provision of the overspill parking area at this time.

	<i>very infrequently. For the avoidance of doubt, it is not therefore the intention of the operators to implement the overspill car park at any time in the near future as it is the operators' view that appropriate parking levels can be provided and managed without it."</i>	The Plan includes a review mechanism and so this may require its provision should there be a future need for greater parking levels on site.
There is no recognition of parking demands for matchday staff such as those operating the bars, stewards, players, etc.	The parking assessment is for the whole operation of the stadium on matchdays and so there is no additional parking needed for these staff. The Plan explains that they are currently required to park in Car Park C which is between the stadium and Fleetwood Road	The extent of 'corporate entertainment' provision at the stadium is perhaps higher than that provided by other clubs at this level of football, and so the staff arrangements are higher, and so some account should be taken of this.

Having visited the site at various times since football matches commenced in August 2016 officers have been able to observe the operation of the parking arrangements, and are satisfied that the figures provided in the table produced earlier in this section are achieved. As such the parking levels currently provided do meet the level that officers believe is appropriate given the current operation of the stadium.

Location and Design of Parking Provision

The Parking Plan advises that car park A provides dedicated parking for season ticket holders who wish to use it with this managed through a season pass and is also used by corporate guests and other spectators. Car park C is restricted to staff and officials leaving the remainder of the parking for general spectator use.

These car parks are all located on the Mill Farm site and all are a convenient walk to the stadium, and so appropriately located to meet its parking requirements.

Car park C is unsurfaced at present, although planning permission is in place for it to be surfaced / drained / landscaped under reference 17/0016. This will be an enhancement to its appearance and usability, although from officer observations this will not make any difference to its capacity.

Car park D is also unsurfaced and is the site that is being marketed for a hotel use under the original planning permission. Should that site be developed for that use then its parking provision would obviously be lost, although the Plan refers to the intention to implement planning permission 15/0898 which is an extension to the parking area to the north of the stadium that remains undeveloped and unused at present. This is a matter that could be addressed under the review mechanism that is required for the Plan to be acceptable.

Parking Management

The Plan provides details of the on-site management which is operated by stewards employed by

the Club. They are to manage the staff and officials to car park C, release car park B and then car park A for general parking, and then when these are full to direct spectators to car park D and to car park E although this also provides spaces for the corporate guests. The general spectator parking is charged at £5 per vehicle. Disabled parking is available in car park A and along Corporation Way adjacent to the stadium.

From officer observations this parking management is effectively coordinated and provides a systematic basis for the management of the parking areas. The Plan advises that the charge to park in Car park D and E is intended to encourage car sharing or to use public transport, and whilst that may occur it is a way of assisting with the Club revenue both directly through receipts and by encouraging early arrival of supporters to the site so that they can utilise the refreshment areas available 'on site'. This is an understandable approach and is typical of the parking arrangements provided at the majority of sporting and other leisure venues, but will inevitably discourage some visitors from paying the charge and so park off-site.

The Parking Plan also refers to the management of the off-site environment, with this involving the coning-off of Fleetwood Road alongside the stadium and towards the M55 junction, and along Mowbreck Lane where it is narrower closest to Fleetwood Road in the event that a crowd of over 1,500 is expected as well as the forecourt to the Fire Station on Fleetwood Road.

The reason for the condition is to ensure highway safety and neighbour amenity are not compromised, and the officer observations are that the coning of the main roads is effective in ensuring that they remain free flowing other than at the time when there are peak arrivals to the stadium which appears to be within 30 minutes of kick-off for evening games when there is some congestion on Fleetwood Road as spectators arrive at the site. This congestion is an inevitable consequence of the volume of visitors attracted to the site rather than the quality of the Parking Plan and it is unlikely that any effective steps could be put in place to avoid this.

The use of cones appears effective in maintaining the highway safety requirements of the condition. It is less effective in preventing off-site parking and that clearly occurs in several of the residential areas around the site including the recent residential development on Sanderling Way, along Fleetwood Road and Mowbreck Lane and in the streets on the Crossing Gates development. From resident correspondence there have been incidences of supporter cars partially blocking driveways and there are clear amenity issues for residents from the supporter use of these areas for parking.

The officer view on this is that it is unavoidable that some visitors to the site will park in areas such as this as they will find it more convenient for them than using parking on-site for reasons including a desire to avoid any bottle-necks at the site exit at the end of the match, habit from visiting other grounds, or a desire to visit Wesham town centre for pre-match refreshments. Even if the parking levels on site were vastly increased it is inevitable that these areas would also be used for parking due to these factors, and whilst the amenity issues for the residents is clearly an issue for consideration it is not considered that the Parking Plan could be revised to avoid it occurring.

Other Measures

The Parking Plan makes reference to the other transport measures that can be used to access the site, with these summarised here:

- Walking- they refer to the surfaced and lit routes which allow the site to be access form Wesham and the bus / train connections to that town, including the new crossing facilities provided as part of the development of the site. They advise that the walking routes and convenience to the train station is advertised to supporters via the website and ticket

information.

- Cycling – They refer to the availability of 20 cycle spaces on site and commit to provide additional spaces should they be required.
- Bus – They highlight the improved bus stop facilities that were provided as part of the development of the site and so how this assists the accessibility of the site by this means. They also refer to the public transport contributions made at that time, and that these connections are advertised via the tickets and website.
- Car sharing – they refer to the promotion of a national football lift share scheme that is designed specifically for football fans to use to travel to games via shared lifts rather than in individual cars.
- Coach parking – They refer to the two spaces provided for this, and commit to provide additional facilities if needed, although they don't believe it is at present. The April version of the Plan expands on the operation of this method of travel which is commonly used by away supporters.
- Rail – They refer to the proximity of the station to Mill Farm and that this proximity is promoted via the tickets and website.

The inclusion of details of the sustainable travel options that are available to visitors to Mill Farm is welcomed and the comments provided are all accepted, although further clarity over the extent of cycle parking and the operation of the coach parking would be helpful.

Exceptional Events

The Plan makes reference to the potential for occasional games throughout a season where they would undertake special measures to address the parking arrangements. These are advised as being when they anticipate a large crowd (over 3,000) such as if they were to be drawn against a league club in the FA Cup or are in a key promotion game, or when games are televised and so the TV infrastructure will utilise some of car park C.

The Plan makes reference to how these would be addressed by measures such as increasing coach parking, by restricting the location of staff parking, by extending the area that is coned, by removing parking charges for those car sharing, increasing the number of parking stewards beyond the 8 normally available, etc. The recognition of these events and the potential steps listed are considered to be an appropriate element of the Plan.

Review / Enforcement

The recent success of AFC Fylde with the team progressing to the FA Cup First Round and in contention for promotion for the second successive season highlights the need for a plan of this nature to include review procedures. The March version of the Plan included reference to this, and this has been expanded and clarified in the April version by inclusion of a bi-annual review commencing in June 2020, and also when there has been a material change in the circumstances at the site, with these being:

- promotion or relegation of the football club;
- Further development of any part of the site which currently functions as a match day car park;
 - a) Changes to the availability of those areas of car parking (A – F)

An implementation of the planning permission for the north stand, or submission of a new application for the development in this area, would also trigger a review of the parking Plan. The Plan provides details of the content of a review and its timing.

This addresses previous concerns expressed by officers and is considered to be acceptable.

The Plan also needs to include a series of clear statements regarding the key milestones of the Plan such as the level of parking provided, the location of parking provision, the management of the parking, etc. These need to be aspects that can be effectively monitored and so would allow evidence of breaches to be collected and used in any enforcement action that would be necessary to ensure compliance with the Plan. The April revision provides these as follows:

- b) The club will provide at least 483 match day parking spaces within the Mill Farm site.
- c) The Club will steward the management of these to ensure they are filled in a coordinated way to avoid congestion backing onto the highway
- a) The Club will continue to operate on and off-site parking control (via the use of traffic cones) for all matches and will undertake enhanced 'coning' to include one side of Mowbreck Lane, for games where an attendance of over 1,500 spectators is anticipated.
- b) The Club will manage exceptional games in accordance with an agreed strategy to minimise congestion and off-site parking issues
- c) The Club will present a review document to FBC prior to the end of June in each even numbered year commencing in 2020 or following a material change in circumstances

These are appropriate targets that can and will be monitored and allow for enforcement action to be taken if required. As such they are an appropriate element of the Plan and address previously expressed concerns on this aspect.

Summary

Your officers believe that the April Version of the Car Park Management Plan is an effective mechanism for determining the level of parking to be provided on the Mill Farm site associated with the operation of the football stadium and of documenting the parking arrangements that are currently in place. It will also provide an appropriate review process and so enables flexibility in its content in the event that there are material changes in the parking needs or availability. It is officer view that the Parking Plan is acceptable to allow the details of the condition to be discharged.

Condition 46 – Hours of Operation of the Stadium

The application highlights the premises licences that had been granted to the various elements within the Stadium at the time of submission, and suggests that the condition should be discharged on the basis of those hours. Whilst the application does not mention the football use, it is appropriate that it should also be addressed as part of this condition, and so the hours under consideration are as follows:

- d) Football Use – This will be dictated by the football needs, but it is expected to involve games on Saturday or Sunday during day-time hours with some weekday evening games that are typically completed by 22.00, with the associated works after the game ensuring that the Stadium is cleared by 23.30 hours.
- e) Bradleys Sports Bar – This is a ground floor Class A4 drinking venue within the main stand and is licenced 11.00 – 2300 Sun-Wed and 1100 – 0100 Thur – Sat.
- Churchill's / Milano's – These are restaurants located within the stadium that operated between 0600 – 0100 depending on bookings Aromo Café – This is a café on the ground floor of the stadium that operates 0700 – 1800 on any day

The condition was imposed in the interests of residential amenity, and given the separation of the commercial facilities from residential properties and the limited evening use of the football facilities, it is considered that the hours listed here are acceptable to avoid undue disturbance to neighbouring residents. Accordingly the details are acceptable to satisfy the requirements of this condition.

Conclusions

The application relates to the discharge of details associated with planning conditions attached to the original planning permission under which the Mill Farm development was constructed. The conditions relating to the management of the communal areas and the hours of operation of the football stadium facilities are uncontentious and it is considered that the details provided are acceptable. The other conditions covered by this application relate to the parking arrangements and the stadium associated with AFC Fylde home matches and have attracted considerable attention from local members, residents Town Councils and consultees in the time that the Club has played at the stadium. This has resulted in a series of revisions being made to the submitted information.

The Plan takes the approach that the level of on-site parking associated with the stadium should be provided based a ratio of 1 space for just under every 9 spectators which is the ratio that was used when the permission was first granted. This ratio is then applied to the current capacity of 4,250 to ensure that a minimum of 483 spaces are provided on site at all times. It then sets out where those spaces are currently located around the site, and how their use is to be managed. Details are also provided about how the off-site environment is to be managed and sets a review process in the event of significant changes around the operation of the Stadium such as some of the parking areas currently utilised not being available, the capacity increasing, or the Club achieving a promotion.

Officers have considered the content of the Plan carefully and viewed the operation of the stadium on a number of occasions. Having done that it is officer view that the parking levels proposed on site is an appropriate number, and that these are provided and appropriately managed on site. It is also officer view that the off-site management arrangements are appropriate and that the review mechanism is a viable and proportionate approach to deal with the issues associated with the condition.

The Mill Farm site provides a high quality sporting facility that will alter the character of the area north of Wesham on match days. However, these are relatively infrequent and it is considered that the parking and management arrangements proposed in the submitted Plan are now of an appropriate quality and breadth that they allow the details of the relevant conditions to be discharged.

Clearly the Plan itself is of no value if it is not implemented, and whilst the Club seem to be complying with its obligations at present the condition does provide an enforceable mechanism that can be used should future monitoring of the operation of the stadium reveal that it is not being implemented.

Recommendation

That the details be accepted as sufficient to discharge the relevant parts of the conditions as listed below, and that officers continue to monitor the operation of the site to ensure compliance with the agreed details.

11. This condition relates to the maintenance of the communal areas of the site. The application proposes that these are undertaken by landscapers appointed by the landowner.

This is an appropriate arrangement for the communal area maintenance and so the details of this condition are discharged accordingly.

33. This condition relates to the submission and implementation of a Car Parking Management Plan.

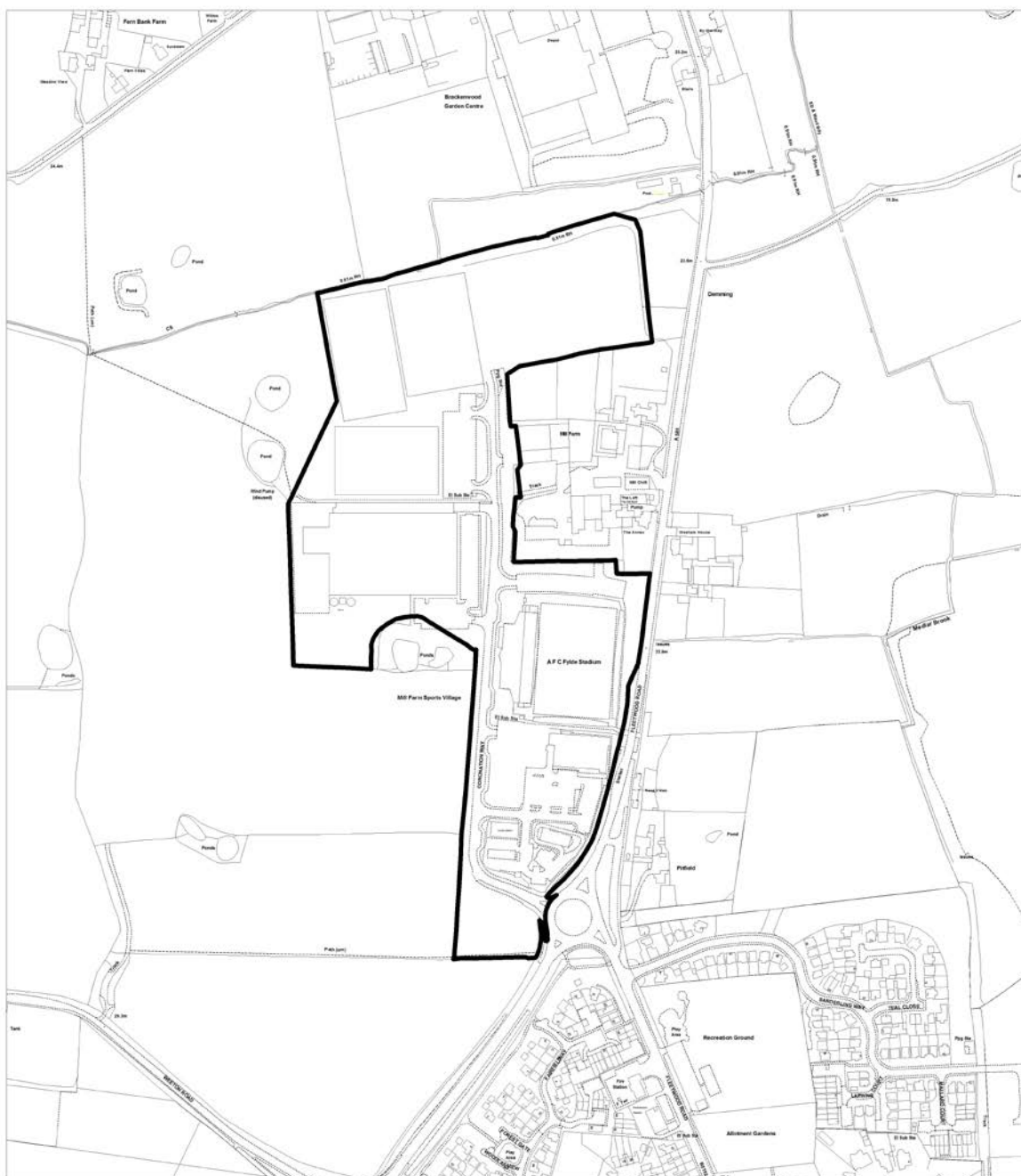
The application provides a plan which is Version 3.6 dated April 2018.

This provides an appropriate level of parking, in an appropriate location, and with an appropriate schedule of on-site and off-site management. It also provides a series of Targets / Commitments in section STR6 that are to be satisfied during the operation of the football stadium and so allows appropriate arrangements for monitoring, enforcement if necessary, and regular review.

This Car Parking Management Plan is therefore considered to satisfy the details of this condition in respect of the current circumstances that prevail at the site.

34. This condition relates to the submission and implementation of an Event and Traffic Management Plan. The details of this are provided within the documentation submitted under condition 33, and the Car Parking Management Plan is therefore considered to satisfy the details of this condition in respect of the current circumstances that prevail at the site.
46. This condition relates to the hours of operation of the Stadium, with the application submission providing details of those hours with relation to the Premises Licences that apply to the various enterprises within that part of the site.

These details are all considered to provide appropriate safeguards to the character of the area and residential amenity in that context and so the details are acceptable to allow the condition to be discharged.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/16/0621	Address Mill Farm Sports Village, Fleetwood Road, Wesham	Grid Ref. E.3414 : N.4338	Scale 0 25 50 75 100 m

Item Number: 2

Committee Date: 23 May 2018

Application Reference:	17/0690	Type of Application:	Full Planning Permission
Applicant:	Mill Farm Ventures	Agent :	PWA Planning
Location:	MILL FARM SPORTS VILLAGE, CORONATION WAY, MEDLAR WITH WESHAM		
Proposal:	CHANGE OF USE OF SECOND FLOOR OF MAIN STAND TO USE AS A 19 BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED ALTERATIONS TO EXTERIOR OF STAND		
Ward:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	39	Case Officer:	Kieran Birch
Reason for Delay:	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7964955,-2.890898,701m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Report Update

Introduction

This application was brought before members at Committee on 18 April 2018 when the decision was deferred for the following reason:

“Committee resolved to defer the decision on the application until such time that the full and formal comments of the Local Highways Authority in relation to the Revised Car Parking Management Strategy have been received and considered and are available for the Committee to inform their decision and to allow the town council an opportunity to comment on the revised plans”

This reason for deferral was the same as application 16/0621 as LCC Highways comments on this application were such that they could not support the proposal until the Car Parking Management Strategy had been approved. Since that meeting the council has received further comments from LCC Highways and from Kirkham Town Council which are reported in the Car Parking Management Strategy Report. They have also commented on this application as reported below.

An additional officer consideration section is then provided in this ‘Report Update’. The report from the April agenda is included for context and additional information for members. The recommendation remains to grant planning permission for this development as was previously presented to Committee.

Lancashire County Highway Comments

“Mill Farm Car Parking Management Strategy (CPMS

LCC Highways have provided extensive comments and advice at the outline application stage and in previous correspondence in regard to the Car Park Management Strategy (discharge of condition application) unfortunately even with this their remains outstanding issues not allowing me to support

that presented to discharge the Car Park Management Strategy. Please see LCC Highways statutory comments (dated 10/05/2018) for PA 16/0621, condition 34, for further relevant information.

PA 17/0690 – Change of Use to a 18 Bedroom Hotel at Mill Farm

The parking spaces proposed for use for the 19 bedroom hotel are currently fully used – in particular on match days by the permitted Mill Farm development.

If this application is approved, I consider these parking spaces will be occupied as you might expect by hotel users/guests seven days a week. Therefore, the outcome will be to reduce parking provision necessary to serve the stadium and all currently permitted uses on the Mill Farm site. This can therefore only exacerbate the existing parking demand issues for permitted development which is currently in use.

The condition imposed in regard to Car Park Management Plan for the Stadium application has never been discharged and adequate information has not been forthcoming to date to address the concerns of the LHA. Until agreement has been reached on the CPMS it is not possible to positively conclude the impacts of this demand on the wider site.

Therefore, I must recommend that the application is not supported at planning committee due to lack of information that will allow the LHA to conclude clearly on the impacts of the proposal.”

Officer Comments following deferral and receipt of additional consultation replies

Officer's views on the CPMS are provided in that application, with the recommendation being that regardless of the concerns raised by LCC Highways and the Town Council's that the submitted plan is acceptable and that the condition can be discharged.

Accordingly your officer's views in relation to this application remain the same. LCC state that the hotel application will exacerbate current issues, however given that officers have found the level of parking provided for the stadium on match days to be acceptable, and that the Car Parking Management Plan does not include the 20 car parking spaces proposed to be used by the hotel it is considered that the proposed use of the hotel with 20 dedicated parking spaces will not lead to an unacceptable or severe highways impact. As such the recommendation to grant planning permission is unchanged.

End of Report Update

Summary of Officer Recommendation

The application site is the Mill Farm Sports Village in Wesham and specifically the main stand of the football stadium.

The application proposes the change of use of the entire second floor of the stand to provide a 19 bedroom hotel with associated supporting accommodation in a single meeting room, a linen store and a furniture store. The rooms are arranged so 12 face to the pitch and 7 to the countryside to the west.

The application is considered acceptable as it complies with the site's emerging Local Plan policy allocation as an employment and leisure site, and also with the NPPF support of

economic development. The development will not have any unacceptable impact on residential amenity or car parking levels and so there are no issues with the application that should prevent its support.

Reason for Reporting to Committee

The application is 1160 square metres in size and as such constitutes a major application that needs to be considered by the Planning Committee under the scheme of delegation.

Site Description and Location

The application site is the Mill Farm development granted planning permission through 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium with the second floor of the main stand of this being the subject of this application. The permission included a hotel (class c1) and various other uses. The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. The site is allocated as a Countryside Area within the Fylde Borough Local Plan. Within the emerging Fylde Local Plan to 2032 the land is allocated as a mixed employment/leisure use. This application relates to the stadium part of the site which received planning permission in full albeit no specific use was identified for the second floor of the stand in that permission.

Details of Proposal

The application has been made in full and constitutes a change of use of the second floor of the main stand of the football stadium to that of a 19 bedroom hotel. Minor changes are proposed to the external appearance of the stadium to provide windows to the bedrooms. The 19 bedrooms would be accessed via the main stand main entrance and its lift and staircase. At the arrival point is a reception point which leads to a central corridor with the bedrooms accessed either side of this. The application proposes 20 designated hotel parking spaces in the existing car park that is located directly to the north of the stadium.

Relevant Planning History

Application No.	Development	Decision	Date
17/0551	APPLICATION FOR INSTALLATION OF ATM AND LAMINATE PANEL SURROUND.	Granted	04/09/2017
17/0016	CONSTRUCTION OF PERMANENT CAR PARK BETWEEN STADIUM AND FLEETWOOD ROAD (60 SPACES) AND TEMPORARY CAR PARK ON PROPOSED HOTEL AND BULKY GOODS SITE (95 SPACES) FOR AFC FYLDE FOOTBALL CLUB	Granted	28/07/2017
16/1016	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO APPROVED CAR PARKING ARRANGEMENTS.	Granted	16/03/2017
16/0397	DISCHARGE OF CONDITIONS ON APPLICATION 13/0655 FOR CONDITION 33 (CAR PARKING MANAGEMENT STRATEGY), AND CONDITION 46	Advice Issued	07/03/2017

15/0898	(HOURS OF OPERATION) ASSOCIATED WITH USE OF BRADLEY'S SPORTS BAR AND AROMA CAFE PROPOSED EXTENSION.OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	<p>FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE</p> <p>OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.</p>		

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 29 August 2017 and comment:

“The Council were concerned regarding the legality of considering this application when the conditions on original application (13/0655) have not be met. If the committee have a mind to consider this application, the Council would wish to make the following comments:

- *There are no additional car parking spaces as part of this proposal*
- *Currently car parking is insufficient and number required have not be built*
- *Parking bay shown on application have not been built*
- *What will the land originally designated for hotel what is happening to it/ what alternative use?*
- *Concerns were expressed regarding possible variations in licensing of the premises due to the residential nature of the change in use.”*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Initial comments were provided which raised concerns over the parking arrangements for this application whilst the Car Parking Management Plan for Stadium was outstanding. They were concerned that the parking needs for the Stadium would impact on the provision of spaces for this hotel.

The latest version of the Car Park Management Plan which is under consideration on this agenda incorporates the parking arrangements for both, and so the views if LCC Highways have been sought on this application again.

It is expected that these comments will be received in time to be reported to the Committee in the late observations schedule.

Neighbour Observations

Neighbours notified:	29 August 2017
Site Notice Date:	05 September 2017
Press Notice Date:	21 September 2017
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

EMP3	Business & industrial uses outside defined area
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Other Relevant Policy:

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

Site Constraints

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

Introduction

This application was previously on the 8 November 2017 agenda, but the late observations recommended that the application be deferred as a consequence of the potential conflict between the parking needs of the proposed hotel and the parking needs of the football stadium as the Car Parking Management Strategy associated with the Stadium had not been agreed.

The deferral was intended to allow time for this issue to be resolved and allow the applicant to demonstrate that the allocation of 20 parking spaces for the hotel site would not reduce the amount of parking necessary to serve the stadium. Officer are now satisfied that is the case given the recommendation to support the discharge of the condition relating to the Car Parking Management Strategy elsewhere on this agenda ad so this application is re-presented for a decision.

The mains issues when considering this proposal are;

The principle of the development
Highways and parking

Principle of the development

Application 13/0655 was the hybrid planning permission for the whole site which included the second floor of the main stand subject to this application. This area was labelled as a 'future fit-out space' on approved drawing 4884 10C and condition 15 of the permission stated that; "*Prior to the fitting out or use of the second floor of the main stand an application for the use of this area shall be submitted to and approved in writing by the local planning authority*". Subsequently application 15/0899 was submitted which approved the use of the second floor as class B1 office space. This permission has not been implemented and it is now being proposed that this area be used as a 19 bedroom hotel. As alterations are required to form windows in the elevations the application has been submitted as a full application.

The applicants have submitted a supporting statement with the application that outlines that whilst the wider site benefits from outline planning permission for a hotel (within a parcel of land to the south of the stadium and west of the ALDI supermarket as identified on drawing no. 4884_06 Rev G as approved under 13/0655), due to a lack of market interest it is unlikely that this site will come forward. This is reinforced by the fact that the site owners recently obtained full planning permission for the use of this land as car parking for the football stadium (application 17/0016), and the timescale for submission of the reserved matters expired in February 2018.

However, the impact of a 2196 sqm hotel on the site was considered as part of the original application which concluded that this non-retail use was ancillary to and dependent upon the football stadium to ensure its viability. This proposal is for 1160 sqm and as such the impact has already been considered acceptable. If a full application was made for a hotel on the site elsewhere

then the impact of anything beyond the 2196 sqm approved taking into consideration the 1160 sqm proposed by this application would need to be considered. As such the application complies with the NPPF part 2 'ensuring the vitality of town centres'. This application outlines how the 19 bedroom hotel within the stadium will mean the hotel will play an ancillary role to the football club and that it is likely that most of the hotel's custom will be derived from spectators of AFC Fylde's football matches, especially in light of the club's recent promotion to the Conference League in which games will be played against clubs from across England, with supporters of said clubs travelling longer distances to the site than has the case previously when the Club was in regional leagues.

This development therefore relates to use of space which already exists but is without a current productive use within a football stand. The proposal is an effective use of an existing space to provide a 19 bedroom hotel. In addition the Football Club as well as the football/leisure side of the site offers several commercial functions including a sports bar and restaurant. The proposal can be considered sustainable development as it results in a mixed use development on a commercially used site which will provide a source of income/economic growth to the Football Club which as stated above is something supported by the NPPF. There will also be some trade draw to nearby towns from those staying at the hotel.

Another material consideration as outlined by NPPF paragraph 216 is the emerging Fylde Local Plan to 2032 which allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed hotel use complies with the sites allocation in the emerging Local Plan. Furthermore the use is considered an appropriate one located in a football stadium as such developments often incorporate a hotel within them to broaden the range of their use and take wider advantage of the facilities they offer than has traditionally been the case. This includes at neighbouring football club Blackpool. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. The application is therefore acceptable in principle.

Highways and parking

The highways issues surrounding the application site as a whole were considered by LCC Highways at that time and a number of conditions were placed on that permission which will apply to this application, these include conditions requiring the submission of a delivery management plan, car parking being in place, a Car Parking Management Strategy and a Travel Plan being submitted. The car parking management strategy submitted is now acceptable and the details subject to another report in this agenda.

The changes proposed to parking levels on site with the allocation of 20 spaces to the hotel will not have a significant impact above what has already been assessed, and because the hotel use during match days is likely to be taken up by people who would be attending the match anyway there will be no real loss of car parking at the site. The application site plan shows a designated 20 spaces for the 19 rooms that will be made available to users of the hotel. At the time of writing the report LCC have not commented on the application nor the revised Car Parking Management Strategy but these will be made available in the late observations.

Other issues

Given that the proposal is for the change of use of part of a building that is already in situ there are

no issues in relation to drainage, ecology or residential amenity. With regard to the design and appearance of the football stand the application proposes the inclusion of additional windows / areas of glazing to the two side elevations and the front elevation of the stand. These changes are minor and complement the existing design of the stadium and will have no visual impact.

Conclusions

The application as proposed is an acceptable given the sites allocation in the emerging Local Plan and the NPPF's support of economic development. The development will not have any unacceptable impact on the Town Centre or car parking. There are therefore no issues with the application.

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:

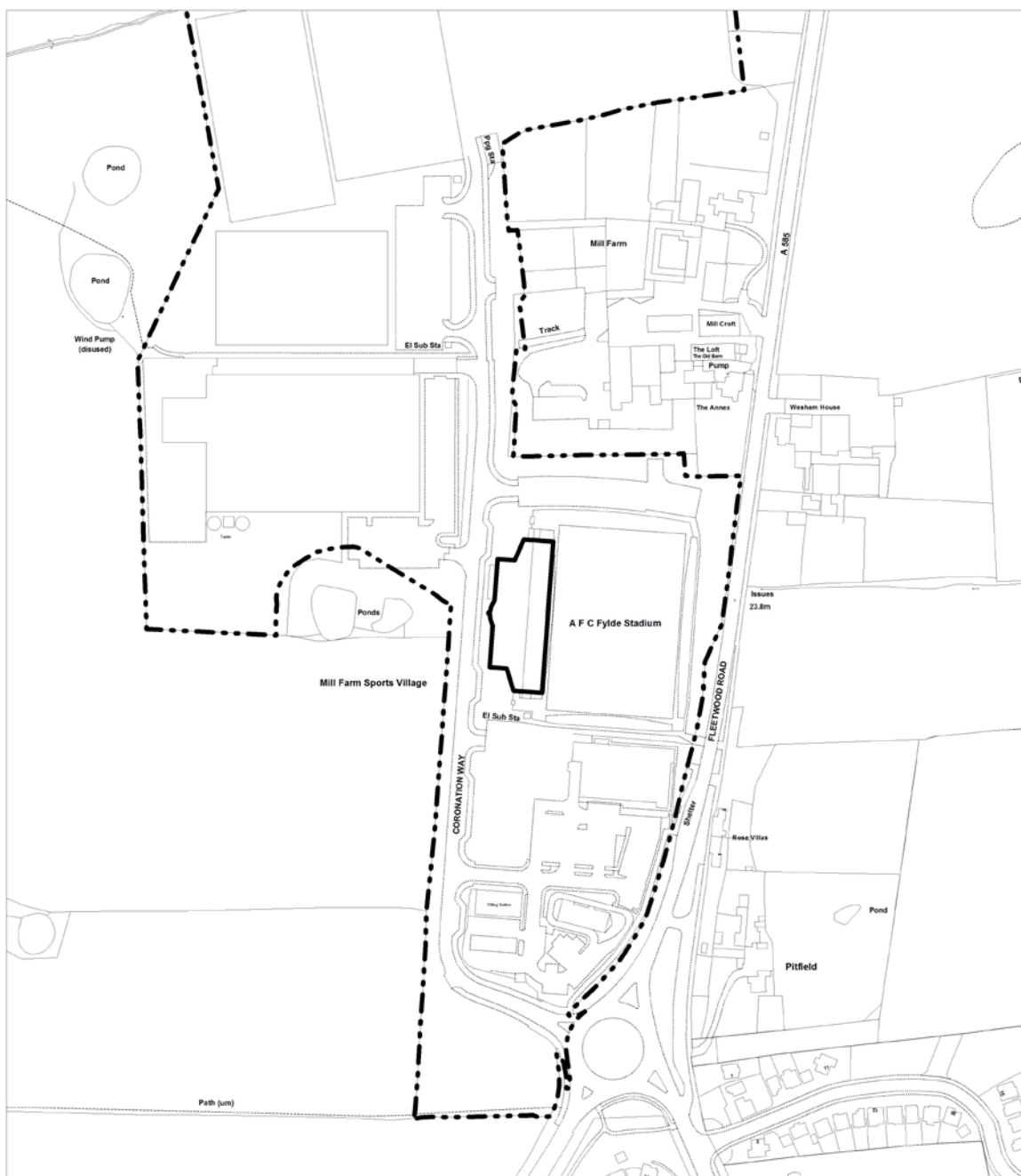
Approved plans:

- Location Plan -5949_L100
- Existing and proposed site plan - 5949_L101
- Proposed window details - 5949_L108
- Proposed second floor plan 5949_L103

Reason: To provide clarity to the permission.

3. That prior to the first use of the second floor area as a hotel the 20 parking spaces indicated on the site plan approved under condition 2 of this planning permission shall be made available for the use of patrons at the hotel. These spaces shall remain available at all times thereafter other than when there is inadequate demand from hotel guests for their use when they are to be made available to help meet the parking requirements of other activities on the wider Mill Farm site.

Reason: To ensure that an appropriate level of parking is made available for the hotel use, but that this parking is available for other site activities if needed.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/0690	Address Mill Farm Sports Village, Coronation Way, Wesham	Grid Ref. E.3414 : N.4338	Scale 0 15 30 45 60 m

Item Number: 3

Committee Date: 23 May 2018

Application Reference:	17/0762	Type of Application:	Outline Planning Permission
Applicant:	Mr Pinkus	Agent :	Firth Associates Ltd
Location:	ST ANNES HEBREW CONGREGATIONAL SYNAGOGUE, ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PJ		
Proposal:	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF REPLACEMENT SINGLE STOREY SYNAGOGUE, 3 STOREY BLOCK OF 9 APARTMENTS AND CAR PARK (ACCESS, LAYOUT, APPEARANCE AND SCALE APPLIED FOR, ALL OTHER MATTERS RESERVED)		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	36	Case Officer:	Matthew Taylor
Reason for Delay:	Held in abeyance at applicant's request		

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

<https://www.google.co.uk/maps/@53.749374,-3.0284268,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a previously developed (brownfield) site on the edge of the town centre within the settlement boundary of Lytham St Annes. The principle of development for a mix of community and residential uses in this location is in accordance with the objectives of the Development Plan and would bring benefits through the efficient use of previously developed land in a sustainable location and its contribution to the Borough's supply of housing land, including the delivery of smaller dwellings for which there is an identified need.

The existing synagogue is a non-designated heritage asset, the significance of which derives principally from its architectural, historic and communal value – attributes which are considered to range from 'moderate' to 'high' significance. Whilst the development's harm to architectural significance arising as a result of the building's demolition would be substantial, elements of the building's exterior and interior which contribute to this significance (e.g. stained glass, materials and internal fixtures and fittings) would be reused in the construction of a replacement synagogue on the site. The level of harm to historic and communal value is considered to be less than substantial due to the development's provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser value than that which it would replace. On balance, it is considered that the adverse impacts of granting permission arising from the harm to the non-designated heritage asset would not significantly and demonstrably outweigh the benefits from the mixed use development.

The proposed development, by virtue of its layout, size, scale, height, roof profile, proportions, materials and design, would harmonise with surrounding buildings and would be compatible with the varied character of the street scene. The development's siting and relationship with surrounding buildings would avoid any undue effects on the privacy and

amenity of surrounding occupiers through loss of outlook, overlooking and overshadowing, and would ensure satisfactory living conditions for future occupiers. No other adverse effects would arise with respect to highway impacts, contamination or flood risk.

Therefore, the proposal is considered to represent sustainable development in accordance with relevant adopted and emerging policies contained within the FBLP, SANDP, SLP and the NPPF.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to a detached, split-level building occupying a prominent location at the junction of Orchard Road and Richmond Road, Lytham St Annes. The building follows a square-shaped footprint with narrow strips of hardstanding to its east, south and west sides providing separation with adjacent properties. A wider forecourt flanking the building's northern (front) elevation onto Orchard Road presents a spacious, open aspect to the roadside and preserves a strong building line along the street. The site does not fall within any specific designations in the Fylde Borough Local Plan (FBLP), but is located approximately 50 metres to the southeast of the St Annes on Sea Conservation Area.

The application building is presently used as a synagogue and was constructed for this purpose between 1959 and 1964. A small, single-storey extension has been added to the south west corner of the building, but it is otherwise as originally constructed and retains its original fixtures and fittings. The principal façade facing onto Orchard Road follows a stepped parapet forming two lower level 'wings' to either side of a taller, central bay. The building is finished in a dark buff brick. Concrete dressings frame a series of tall, round-arched windows to its front and side elevations.

Surrounding buildings include a three-storey office block to the west (nos. 34-36 Orchard Road), a pair of semi-detached, three-storey dwellings to the east (nos. 44-46 Orchard Road) and a combination of three and four storey buildings to the rear on Clifton Drive South set at a lower level (by approximately 1m) to the site. A modern, four-storey building presently used as a job centre (Westmoorland House) is located to the northwest of the site on the opposite side of Orchard Road and a four storey apartment building ('The Gables') to the northeast on the opposing junction with Richmond Road is nearing completion pursuant to planning permission 16/0639.

Details of Proposal

The application seeks outline permission for the demolition of the existing synagogue and the erection of a replacement single storey synagogue (Use class D1) and a three-storey block of nine apartments (8 two-bed and 1 three-bed). Matters of access, layout, scale and external appearance are applied for at this stage, with landscaping being the only matter reserved for future consideration.

The replacement synagogue would follow a broadly rectangular footprint to the eastern end of the site measuring 26.6m in length and between 6m (front) and 9m (rear) in width. The building would occupy a staggered position set back from both the proposed apartment block to the west and no. 44 Orchard Road to the east. The building would be topped by a flat roof with protruding parapet

reaching 5.2m in height. A glazed roof lantern composed of salvaged stained glass from the existing building would protrude 1m above the parapet to the front of the building. Externally, the replacement synagogue's external walls would be finished in brickwork, with a series of vertical windows to the front and side elevations set in stone architraves and also composed of salvaged stained glass. The building's main entrance would be located on its west side.

The apartment block would be located to the western end of the site, with a 1.9m wide passageway intervening between the replacement synagogue. The apartments would flank the eastern wall of no. 36 Orchard Road with a spacing of 6.5m between the buildings afforded by an intervening access drive. The apartment block would occupy a square-shaped footprint measuring 19.2m in width and 20.4m in length, with a steep hipped roof reaching 7m to the eaves and 9.8m to ridge. The building's façade facing onto Orchard Road would be articulated by a series of facing gables of varying width and height following an undulating (protruding and recessed) rhythm balanced symmetrically to either side of a central entrance. The apartment block would be finished in a combination of brickwork, render and timber dressings below a grey slate roof.

Externally, the application includes the provision of 13 car parking spaces within the site which are to be shared between the apartments and synagogue. The existing vehicle access from Orchard Road would be retained to the northwest corner of the site and a driveway flanking the western elevation of the apartments would allow two-way vehicle movements to the rear of the building.

The application follows a similar scheme for the redevelopment of the site which proposed the erection of a larger, four storey building providing a replacement synagogue to the ground floor and 18 apartments to the upper floors (application reference 16/0060). Application 16/0060 was subsequently withdrawn. Although both applications involve the demolition of the existing building, the current scheme differs from the previous submission as follows:

- The replacement synagogue and apartment elements of the scheme have been separated to fall within separate buildings.
- The replacement synagogue flanking no. 44 Orchard Road would comprise a single storey building and the apartments would be of a three storey height as opposed to a single building with a four-storey massing.
- The apartment building would incorporate a pitched roof rather than a flat roof.
- The number of apartments has been reduced from 18 to 9.

Relevant Planning History

Application No.	Development	Decision	Date
16/0060	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF A FOUR STOREY BUILDING PROVIDING REPLACEMENT SYNAGOGUE TO GROUND FLOOR AND 18 APARTMENTS (USE CLASS C3) TO UPPER FLOORS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, LAYOUT AND SCALE APPLIED FOR)	Withdrawn by Applicant	23/05/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Annes on the Sea Town Council – Notified of the application on 12 September 2017. Support the scheme as it is “more in keeping with the street scene”.

Statutory Consultees and Observations of Other Interested Parties

Cadent Gas (on behalf of National Grid):

- There is apparatus in the vicinity of the site which may be affected by the development. Specifically, this comprises low or Medium pressure (below 2 bar) gas pipes and associated equipment.
- Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Councillor Edward Nash:

- “The revised design fits in well with the local scene and I strongly support it.”

Lancashire Archaeological Advisory Service:

- The quality of the present building has led to its inclusion in the revised 'Pevsner' guide and the rarity of Synagogues in Lancashire is noted. The objection to the building's demolition from the 20th century society is noted, as is the refusal of Historic England to list the building. The requirements of the present community as described in the Heritage Statement (O'Flaherty 2017) are also acknowledged.
- On balance, the Archaeological Advisory Service do not object to the proposed demolition, but recommend that a formal record be made of the building, to Level 3 as set out in 'Understanding Historic Buildings' (Historic England 2016) prior to its demolition. This could be secured through the imposition of an appropriate condition on any planning permission.

LCC Highways:

- No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the vicinity.
- Conditions should be attached to any permission granted relating to: (1) minimum dimensions for parking bays (2.4m x 4.8m) with 6m of manoeuvring space between them; (2) provision for vehicles to enter and exit the site in forward gear; (3) a scheme for the surfacing of car parking and manoeuvring areas.

LCC School Planning Team:

- There are a total of six primary schools located within 2 miles of the site. It is anticipated that there will be a shortfall of 2 places in these schools in 5 years' time.
- The development (assuming a mix of 8 x 2 bed and 2 x 3 bed dwellings) would generate a pupil yield of 1 place, thus increasing this shortfall to 3 places. Therefore, a financial contribution of £14,217 – equivalent to the provision of 1 additional primary school place – is sought from the development.
- There is no anticipated shortfall in the number of secondary school places available in 5 years' time and, accordingly, no contribution towards secondary school places is sought.

Lytham St Annes Civic Society:

- Although the existing synagogue is outside of the conservation area it is included on the Fylde Local List of Heritage Assets as designated in the adopted Heritage Strategy. The synagogue is referenced in 'The Buildings of England Lancashire: North' by Clare Hartwell

and Nikolaus Pevsner (1969 and 2009). The architect was A. Maxwell Caplin, who was the first Master of the Worshipful company of Constructors in 1977.

- This is a high quality and high status building. Its demolition would be a great loss to the street scene and historic environment. We are supported in this view by the C20th Society. Their detailed objections to the proposed scheme are very well and professionally argued. It is important that we protect significant C20th buildings, now that we are well into the C21st.

Twentieth Century Society:

- The Twentieth Century Society was consulted on a previous application to demolish St Anne's Synagogue last year to which we objected as we consider the building to be a non-designated heritage asset of local importance. We are pleased that in this renewed application, both the local authority and the applicant are considering it in these terms. The Twentieth Century Society wishes to maintain its objection to the demolition of the building on this basis and recommends refusal due to conflict with paragraph 135 of the NPPF.
- St Anne's is a post-war synagogue by local Jewish architect A. Maxwell Caplin, built 1959-1964. It is of pale brown brick and Byzantine in style, and particularly notable for its simple, rectangular massing. A tripartite block is flanked by a round-headed door and windows, which are filled with pastel coloured glass panels depicting biblical landscapes. Of interest is the location of the doorway at the east of the building, which resulted in a non-standard plan form where the Ark and the entrance lie on the same wall. As a result, Caplin adopted an innovative central corridor which separates the Shul from the hall and runs back from the street entrance. Internally, the synagogue has a shallow, barrel-vaulted ceiling and is softly lit by natural light from the windows and by a number of internal lighting features. Original features include leaded lights and chandeliers by a local firm, and the flowing ironwork of the Bimah which is in a Festival of Britain style.
- St Anne's Synagogue has been recently cited in the 2009 edition of Pevsner's influential 'Buildings of England' series which describes it as a 'striking composition, wholly of its day,' and draws attention to the quality of material used throughout. It is also mentioned in the recent publication 'The Synagogues of Britain and Ireland' by Sharman Kadish, which emphasises the interest of the plan form, the generosity of the space inside, and the local connections of the architect and materials.
- Heritage expert Sharman Kadish recognises at the end of the 2011 publication 'The Synagogues of Britain and Ireland' that Jewish congregations generally do not endow the physical fabric of synagogues with special significance because of an underlying 'rootlessness' in the tradition of worship that is 'eminently adaptable to a history of exile and wandering.' The congregation rather than the building itself is important, and the building fabric does not have particular value in terms of worship. St Anne's should be understood in this context.
- Twentieth century synagogues and those dating from the post-war period in particular are critically under threat nationwide. This is due to a number of reasons; dwindling congregation sizes are an ongoing issue outside central urban areas, and are one the main drivers for redevelopment. The difficulty in securing protection for modern synagogues is compounded by the fact that there is in general a lack of appreciation for recent heritage, and because due to the young age of these buildings Historic England deploys an exceptionally rigorous criteria for listing. Post-war synagogues are often more significant for their socio-historical importance than their architectural quality, and this also makes their value more difficult to quantify and to protect through listing.
- Whilst it is not of enough architectural significance to merit national listing, the Society maintains that every effort should be made to retain the building within a new use, and that a sensitive conversion should be seriously explored prior to any proposal to demolish. This

does not appear to have been considered in this case. Due to their relatively straightforward construction, Synagogues often make excellent conversions. The interiors, such as that at St Anne's tend to be plain with decoration and features that can be taken out and re-used elsewhere, and a fairly simple plan form. There are many examples in London of conversion to residential. Other examples of recently converted synagogues include the Leeds Chapeltown Synagogue which is now home to the Northern School of Contemporary Dance.

- Whilst the current congregation itself may not be supportive of retaining the synagogue, the building as a historic record and as a unique contributor to the local grain is appreciated by wider community of local people. The Civic Society in particular values the building, and brought this case to our initial attention. It has been pointed out that the building does not accord with the overall character of the nearby conservation area in style and date; however we do consider that it makes a strong, unusual and positive contribution in its own terms.
- For the above reasons, the Society objects to this application to demolish St Anne's Synagogue which will result in the total loss of a non-designated heritage asset and we urge that instead, options for conversion are seriously explored.

United Utilities:

- The site should be drained on separate systems for foul and surface water disposal. The NPPG sets out the hierarchy to be considered by developers when preparing a surface water drainage strategy. This hierarchy states a preference for surface water drainage as follows: (1) soakaways; (2) a surface water body; and (3) a sewer.
- A condition should be attached to any permission granted requiring the submission of a scheme for the disposal of surface water.

Neighbour Observations

Neighbours notified:	12 September 2017
Amended plans notified:	
Site Notice Date:	19 September 2017
Press Notice Date:	21 September 2017
Number of Responses	2
Summary of Comments	1 letter of support, 1 representation declaring no specific stance

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices have been posted on site and in the local press. Two letters of representation have been received. The points raised in the letter of support are as follows:

- The new application is much more acceptable in comparison to the previously submitted scheme and is in keeping with the area.

The author of the second letter of representation is Dr Sharman Kadish of 'Jewish Heritage Studios'. Dr Kadish's comments are repeated verbatim as follows:

- I feel that it is beyond my remit to comment upon the proposals *per se* for the following reasons:
- I have no official role as a representative of any 'Jewish Heritage Group' to which your letter is addressed. From the end of December 2016 I ceased to be Director of Jewish Heritage UK, (the organisation/charity that I founded back in 2004).
- Under my direction, the remit of Jewish Heritage UK as a building preservation organisation did not significantly extend to unlisted synagogues constructed after the Second World War. This explains why St Anne's was not mentioned in our *Synagogues At Risk? 2015* Quinquennial Report referred to in the Heritage Statement submitted with the present

application (clauses 2.5 and 3.13). St Anne's was built between 1959-1964 and not as stated in the Heritage Statement.

- Given that the synagogue (under their president Robert Pinkus) have now submitted plans to demolish and redevelop, I would like draw attention to specific items of heritage value within the existing building that would need to be salvaged. The Survey of the Jewish Built Heritage noted these items on a visit to the building back in 2006. These are:
 - **Stained Glass:** 32 separate panels of stained glass in the main prayer hall. We welcome the intention to reuse the stained glass in the new-build synagogue. However, it is unclear from the current proposals exactly how many and which panels will be re-sited or what would be done with any glass left over. We also noted some leaded coloured glass panels in the hall and *Bet Midrash* ('chapel') as well as an attractive slatted timber and glass geometric folding partition (very 1960s) in the hall that could well be reused as a feature in the new-build synagogue.
 - **Light fittings** - bronze light fittings: 14 lamps in all. These appear identical to those in a Grade II 1920s synagogue in Manchester that has been undergoing restoration. Therefore, these ought to be salvaged as potential replacements for broken fittings and shades at the synagogue in Manchester. Some other light fittings were understood to have been removed from Blackpool Synagogue to St Anne's on the merger in 2012. Blackpool is Grade II Listed and it appears that these and some other items, such as memorial tablets etc. were unscrewed and taken away without LBC. This may be a matter that should be looked into in cooperation with the synagogue and Blackpool's CO.
 - The **foundation stone** and **consecration plaque** should be re-sited in the new synagogue's foyer
 - **Pulpit:** Unusual modern design
 - **Synagogue Archives** including minute books, burial registers etc., plus framed colour wash architect's drawing of the old building, should be put in the Local Record Office or other suitable repository (I'd suggest Liverpool Archive's big Jewish collection). Back marriage registers should be sent to the Board of Deputies of British Jews in London for deposit with the Registrar General.
 - **Photography:** A full large format photographic record of the synagogue and site should be made before the interior is stripped for demolition. It would be well worth checking with HE, who have inspected the building in connection with a (failed) application to List, to establish whether they have in fact already sent one of their professional photographers to record the site for their national archive. If not, perhaps a request could be made.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. At present, the statutory adopted development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (As Altered) 2005 (the 'FBLP').

Fylde Borough Council submitted the "Fylde Council Local Plan to 2032" – the Emerging Local Plan (referred to hereafter as the 'Submission Local Plan' or 'SLP') – to the Secretary of State for examination on 9 December 2016. An Inspector appointed to undertake an independent examination into the soundness of the SLP held three sessions of examination hearings in March, June and December 2017. The Inspector confirmed that the Stage 3 hearings formally closed on 11 January 2018. Following those hearings a 'Schedule of Proposed Main Modifications for Consultation' was produced and the Council consulted on the "Fylde Local Plan to 2032 - Schedule of

Proposed Main Modifications” between 8 February and 22 March 2018. This consultation also included a number of Additional Modifications to the SLP. These do not concern the Plan’s policies or affect the soundness of SLP, but are factual updates of the supporting text. A Schedule of Proposed Policies Map modifications was also consulted on for clarity with respect to some of the main modifications. The consultation period on the modifications has now ended and the Inspector’s report is awaited to determine whether the SLP can be progressed (as altered) for adoption.

As the SLP has not yet been found sound or been formally adopted by the Council it does not form part of the statutory development plan for Fylde. Nevertheless, in accordance with the provisions of paragraph 216 of the NPPF, it is considered that the SLP should be afforded significant weight in the decision making process due to its advanced stage of preparation and the fact that the Local Plan Examination hearings and consultation on main modifications has now closed without any indication from the Inspector that the Examination in Public is to be re-opened.

Fylde Borough Local Plan (FBLP):

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
CF01	Provision of community facilities
TR10	Car park design
EP03	Development within conservation areas
EP07	Features & artefacts of local importance
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032 (SLP):

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
DLF1	Development Locations for Fylde
ENV4	Provision of New Open Space
ENV5	Historic Environment
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW2	Community Facilities
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
S1	Proposed Settlement Hierarchy

Saint Anne’s on the Sea Neighbourhood Development Plan 2016-2031 (SANDP) & Design Guide Supplementary Neighbourhood Plan Document (January 2016)

GP1 – Settlement boundary
 GP2 – Demonstrating viability
 CH1 – Community facilities

DH1 – Creating a distinctive St Anne’s
TR3 – Residential car parking
HOU1 – Housing development
HOU4 – Residential design
SU1 – Incorporate sustainable urban drainage into new development
DEL1 – Developer contributions

Other Relevant Policy:

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

Site Constraints

N/A.

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), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Policy context and main issues:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (As Altered) (2005). As the site falls within the Saint Anne’s on the Sea Neighbourhood Development Plan (SANDP) boundary, the SANDP also forms part of the adopted development plan in this case. In addition, for the reasons set out above it is also considered that significant weight should be given to the emerging policies in the SLP due to its advanced stage of preparation.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole; or
 - specific policies in [the] Framework indicate development should be restricted.

The application is submitted in outline with matters of access, layout, scale and external appearance applied for. Therefore, the proposal is being considered with respect to these matters only, with the landscaping of the site being reserved for later consideration. Having regard to the relevant national and local planning policies, the site’s designation within the adopted development plan and the nature of the development applied for, it is considered that the main issues in this case are:

- Whether the site is, as a matter of principle, a suitable location for the type of development proposed.
- Whether the existing synagogue building has sufficient significance as a non-designated heritage asset to resist its demolition and whether the adverse impacts which would arise from its loss would significantly and demonstrably outweigh the development's benefits.
- The development's impact on the character and appearance of the area.
- The development's impact on the amenity of neighbouring occupiers.
- Other material considerations relating to developer contributions, highway impacts, contamination and flood risk.

Principle of development:

Site designation and location:

The site falls within the settlement boundary of Lytham St Annes as defined on the FBLP Proposals Map and the SANDP Policies Map. This designation is also carried through to the SLP. FBLP policy SP1 and SANDP policy GP1 are supportive of new developments within the settlement boundary, particularly those which involve the re-use of previously developed land for residential development (SANDP policy HOU1 applies). In addition, SLP policies S1 and DLF1 seek to direct developments towards the most sustainable locations – with St Annes sitting at the top of the hierarchy as a Key Service Centre. The proposed development includes a mix of community (the replacement synagogue) and residential (a block of 9 apartments) elements.

Criterion (7) of FBLP policy HL2 states that housing will be permitted where a site is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities. Policy HL2 also includes a preference for residential development on previously developed (brownfield) sites.

The application site is located on the edge (but outside the defined boundary) of the town centre within the settlement boundary of St Annes and constitutes previously developed land for the purposes of the definition in Annex 2 of the NPPF. The site is readily accessible to a range of shops, services, employment opportunities and public transport within St Annes town centre. Both of the proposed uses are appropriate in this location and added benefits would arise through the efficient use of previously developed land. Accordingly, the principle of development is in compliance with the objectives of FBLP policy SP1, SANDP policy GP1 and SLP policies S1 and DLF1.

SLP policy H2, with reference to the Fylde Coast Strategic Housing Market Assessment, identifies a specific need for smaller (1, 2 and 3 bed) dwellings within the Borough. The apartments would include a mix of 8 two-bed and 1 three-bed dwellings. Although policy H2 only sets a specific requirement for the delivery of smaller dwellings in respect of developments involving 10 or more houses, the delivery of smaller residential units as part of this development would make a valuable contribution towards meeting the Borough's identified need for smaller housing units.

Provision of community facilities:

As the proposal includes the demolition of an existing place of worship, it involves the loss of an existing community facility in conflict with the objectives of SANDP policies GP2 and CH1, and SLP policy HW2, all of which indicate a resistance to the loss of community facilities unless it can be demonstrated that the facility's continued operation is no longer viable or needed, or can be relocated in an area that is equally accessible by the community. This approach is supported by

paragraph 70 of the NPPF which requires planning decisions to “guard against the unnecessary loss of valued facilities and services”.

Whilst the demolition of the existing place of worship would result in the loss of a community asset, this would be offset by the provision of a new synagogue on the same site as part of a mixed use development. Paragraph 5.1 of the applicant’s heritage statement confirms that “the motivation for redevelopment stems from the current building being much too large for the Jewish congregation and the need for a more manageable facility”. The preservation of the existing community use on the site – albeit on smaller scale to account for a reduced congregation – would avoid any fundamental conflict with the objectives of SANDP policies GP2 and CH1, SLP policy HW2 and paragraph 70 of the NPPF.

With respect to the replacement synagogue, its siting within the settlement boundary and the accessibility of its location is in accordance with the provisions of FBLP policy CF1 (1) which requires that such developments are located within a settlement, except where necessary to provide a service to a rural area and SANDP policy CH1 which indicates that adequate alternative provision should be made in an equally accessible location for the community.

Loss of the synagogue:

Background and assessment of significance:

Representations have been received from the Lancashire Archaeological Advisory Service, the Twentieth Century Society and Lytham St Annes Civic Society, all of which make reference to the building’s architectural and historic interest. These representations conclude that the existing synagogue should be treated as a non-designated heritage asset for the purposes of paragraph 135 of the NPPF, with the latter two organisations opining that permission should be refused for the building’s demolition. These representations also refer to the building’s inclusion in Pevsner’s ‘The Buildings of England series: Lancashire, North’ (edited by Hartwell, 2009) as follows:

- *“SYNAGOGUE, Orchard Road. 1959, by A. Maxwell Caplin. A striking composition, wholly of its day, in a sort of stripped Byzantine style with flat roofs. Very pale brown brick. Blocky tripartite end to the road, where a taller centre containing a very large round-arched window is flanked by bays with lesser windows. N side with a regimented line of similar windows, entrance on the S side. The rear has a group of five stepped windows. Big barrel-arched roof. Instead of a ladies’ gallery there is simply an openwork screen. – ARK (where the Torah scrolls are kept) flanked by curved walls clad in pink marble. – BIMAH (from which the Torah is read) with open ironwork in the same flowing Festival of Britain sort of design as elsewhere. – STAINED GLASS. Colourful panels showing biblical landscapes, etc. set in palest pastel glazing.”*

The synagogue is a candidate for local listing in accordance with the Council’s ongoing strategy for the identification of non-designated heritage assets and is described – under site reference S10 – in that strategy as follows:

- *“Byzantine style post-war synagogue by Jewish architect A Maxwell Caplan of Southport which adopts a non-standard plan form. Constructed from brick (very pale brown for show, red elsewhere) with concrete dressings. The rectangular schul and synagogue are separated by a shared entrance corridor, with the Ark on the same wall as the entrance.”*

The building’s inclusion on the local list is, however, currently unconfirmed due to an ongoing (and,

as yet, undetermined) appeal by the applicant against this local listing. The Planning Committee were due to consider the applicant's appeal at their meeting of 18 April following an independent assessment by an appeals panel on 21 March. However, due to an administrative error in forwarding the applicant's grounds of appeal to the panel, they did not have sight of this documentation prior to making their recommendation and the item was subsequently removed from the April Planning Committee agenda. Notwithstanding that they did not have sight of the applicant's grounds of appeal, the panel did undertake an independent assessment of the building's significance and, with reference to the relevant local listing selection criteria (age, architectural merit, historic interest, rarity and landmark quality), concluded that it should be included on the local list by advising as follows:

- I. "The synagogue meets several of the selection criteria for inclusion on the Local List, although the entry could be enhanced to slightly better elucidate the historic interest, and we feel that setting is not a factor which contributes strongly to its interest."

Prior to the Council's preparation of the local list, an application for statutory listing of the synagogue was made to Historic England in January 2016. By letter dated 25 February 2016, Historic England indicated that the "Secretary of State for Culture, Media and Sport has decided not to add St Anne's Synagogue to the List at this time." Whilst Historic England have determined that the building is not worthy of statutory listing, the report attached to their letter provides a detailed description and assessment of the building. The Salient points of that report are cited below:

"HISTORY AND DETAILS

The synagogue was designed by a little-known Jewish architect named Maxwell Caplan of Southport, and is built of brick (very pale brown for show, red elsewhere) with concrete dressings. The rectangular schul and synagogue are separated by a shared entrance corridor, with the Ark on the same wall as the entrance.

The blocky tripartite front elevation faces east with parapets and a taller centre bay containing a tall, round-arched window with very wide two-tone concrete dressings, flanked by projecting bays with lesser similar windows. To the left the arched entrance to the schul has a three-stepped brick surround – the schul conceals the south side of the synagogue. The rear elevation has a shallow gable with five stepped lancets with concrete arched heads, and two very shallow buttresses. The north elevation is a regimented line of similar windows and buttresses. Internally the ceiling is barrel-vaulted, running down into the window heads. Instead of a ladies' gallery there is simply a raised area behind the men's seating, fronted by an openwork screen in flowing Festival of Britain sort of design. The Ark is flanked by curved walls clad in pink marble, and the Bimah has similar ironwork. Most windows contain coloured glass panels showing biblical landscapes, etc. set in palest pastel glazing. The chandeliers are reportedly identical with those found at Manchester's Higher Crumpsall Synagogue, built at the end of the 1920s.

ASSESSMENT

The St Anne's synagogue can be compared with earlier examples of a similar style, eg Greenbank Drive, Liverpool (National Heritage List for England reference 1298791, Grade II), Sunderland (1387275, Grade II) or Chapeltown, Leeds (125639, Grade II). Based on the information provided and with reference to Historic England's Selection Guide for Places of Worship (2011), the Hebrew Congregational Synagogue is not recommended for listing for the following principal reasons:*

- *Date: although it is noted that the synagogue might be the only one in Lancashire of this date, and one of only a small number nationally dating from the 1950s, it dates to a recent period where particularly careful selectivity is required;*

- *Design: despite a robust composition, the design is conservative and plain and does not display the quality and design interest required for a building of this period.*

*Although the Hebrew Congregational Synagogue in St Anne's is not considered to meet the criteria for inclusion on the List, **its local significance has been recognised through the planning process and this assessment against criteria for national interest should not be taken to undermine this local significance [emphasis added].***"

The fact that the building is not presently confirmed as being included on the Council's local list of heritage assets does not, in itself, preclude it from having sufficient value to warrant its classification as a non-designated heritage asset. Indeed, the representations received from the Lancashire Archaeology Advisory Service, the Twentieth Century Society, the Lytham St Annes Civic Society, the independent local listing appeals panel, Historic England and the commentary from Dr Sharman Kadish serve to reinforce this. For the avoidance of doubt, the Local Planning Authority is of the view that the building is a "non-designated heritage asset" and, accordingly, the assessment below is made in the context of the provisions in the NPPF which relate to non-designated heritage assets – most notably paragraph 135. It is noted that the applicant's supporting heritage statement makes the same conclusion.

The site is located *circa* 50m from the St Annes on Sea Conservation Area, the closest boundary of which follows the corridor of Wood Street running at right angles to Orchard Road to the west. The main vistas of the conservation area follow a southwest – northeast trajectory at right angles to Orchard Road, with the boundary terminating at the junction with Wood Street. Owing to the presence of intervening buildings between this junction and the site, combined with the synagogue's flat façade and lower height in relation to adjacent buildings on either side, there is limited inter-visibility between the site and the conservation area. As a result, it is not considered that the proposed development would have any notable impact on the character, appearance or setting of the conservation area and, accordingly, would not affect the significance of any designated heritage asset.

Policy context:

"Heritage assets" are defined in Annex 2 of the NPPF as follows:

- "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."

Paragraphs 128 and 129 of the NPPF state that:

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 of the NPPF stipulates that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 135 of the NPPF indicates that:

- “The effect of an application on the significance of a **non-designated heritage asset** should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset [emphasis added].”

Criterion (6) of FBLP policy HL2 requires applications for residential development to take into account the archaeological and historic features within sites and to have regard to other policies of the Development Plan which draw attention to these matters.

FBLP policy EP7 states that the removal of local features of quality or craftsmanship will be avoided.

With respect to heritage assets, SANDP policy DH1 indicates that development proposals must respect the special interest of non-designated heritage assets, including buildings on the local list. The removal of historic features will be resisted.

In addition, SLP policy ENV5 requires that proposals for development conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde’s designated and undesignated heritage assets. With regard to “locally important heritage assets” (those which are not subject to any statutory protection), the policy indicates that “development which would remove, harm or undermine the significance of a locally important heritage asset, or its contribution to the character of the area, will only be permitted in exceptional circumstances, where robust evidence can demonstrate that the public benefits of the development would clearly outweigh the harm. Where the loss of a locally listed asset is permitted, the following will be required:

- Survey and recording of the asset which may include archaeological investigation, which should be deposited with the local Historic Environment Record.
- The replacement building must be of a suitable quality and design and contribute to enhancing local character and identity.
- The salvage and reuse of materials and special features on site or nearby.”

Impact assessment:

The application proposes a mixed-use scheme for residential (9 apartments) and community (replacement synagogue) development following the demolition of the existing synagogue.

For the reasons set out above, the synagogue is a non-designated heritage asset. Nevertheless, footnote 9 to the second bullet point in paragraph 14 of the NPPF makes clear that development should only be restricted where policies relate to “**designated** heritage assets” (emphasis added). The same level of protection is not afforded to non-designated heritage assets where, instead,

paragraph 135 makes clear that “in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

As the application involves the complete demolition of the existing building, the scale of harm to the asset would be substantial. This harm must, however, be weighed against the significance of the heritage asset and against the tilted balance in the first bullet point to paragraph 14 of the NPPF which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The applicant has provided a heritage statement in support of the application which complies with the requirements set out in paragraph 128 of the NPPF. This includes an analysis of the existing building’s significance and an assessment of the development’s impact. Following an assessment of the building’s evidential, historical, communal and aesthetic value, paragraph 3.23 of the statement opines that “the building’s heritage value stems largely from its historic connections with the St Annes Jewish congregation (illustrative historic value) and the imposing nature of its main façade (aesthetic value).” With reference to these principal values, the statement concludes, at paragraph 5.3, as follows:

“The primary heritage values of the Synagogue are historical, communal and aesthetic in nature. Historically, there are very strong illustrative connections with the activities of the St Annes congregation dating back to their first adoption of the site in 1940. This illustrative historic value is aligned very closely to communal value, which is again intrinsically related to the St Annes congregation for whom the site has provided their main social and religious focus. In terms of aesthetic value, this is principally derived from the building’s prominent main façade, with its Byzantine influences and simple yet imposing volumetric composition. In a contextual sense, the building has an uncompromising design which borrows nothing from the character of the locale and which appears too large for the plot in which it sits.”

With respect to aesthetic value, the heritage statement opines that this relates “almost solely to its façade, the sides and rear being comparatively plain and generally out of view” (paragraph 3.16). The statement also recognises the value of interior features including the “barrel vaulted ceiling and attractive stained glass”, though it suggests that the interior of the building “lies outside the scope of general planning controls”.

With respect to the impact arising from the loss of the building, paragraph 5.4 of the heritage statement concludes as follows:

“In this case the proposals would appear at first sight to result in total loss of the heritage asset and such a loss will doubtless be a concern to those who value the building’s architectural qualities. However, that the heritage values and significances of the site are as much related to historic use and communal value as they are the perceived architectural qualities of the building is crucial to the case, since it demonstrates that the proposals will not in fact result in total loss of heritage value. Indeed the proposals conserve the historic and communal values of the site by sustaining the St Annes congregation in a new, fit for purpose Synagogue building. They also provide a sustainable future for the site and offer an opportunity to construct new buildings which better compliment and harmonise with the historic setting of the site.”

The heritage statement also makes reference to the conservation of elements of the building’s “tangible heritage value” through the proposed “incorporation of stained glass from the existing

building into the new synagogue". The submitted Design and Access Statement goes further than this, with section 6 referring also to the use of materials salvaged from the existing building on the exterior of the replacement synagogue.

Paragraph 3.23 of the heritage statement suggests that the existing building possesses "limited heritage value" and makes reference to "Historic England's refusal to formally list the building because of a lack of architectural interest" in support of this assertion (paragraph 4.11). Instead, the heritage statement opines that the conservation of heritage value at the site relies primarily on "sustain[ing] the St Annes congregation's connections with the Orchard Road site" (paragraph 3.27) which would be achieved through the provision of a new place of worship.

Representations from the Twentieth Century Society (TCS) disagree with the heritage statement with respect to the level of architectural significance which the building possesses. In particular, the TCS refer to interest added by the location of a doorway on the east of the building resulting in "a non-standard plan form" and the "strong, unusual and positive contribution" the building makes in its own terms. The TCS also points to the rarity of post-war synagogues due to these being "critically under threat nationwide". With respect to historic/communal value the TCS, with reference to a publication by Dr Sharman Kadish, opine that "Jewish congregations generally do not endow the physical fabric of synagogues with special significance because of an underlying 'rootlessness' in the tradition of worship that is 'eminently adaptable to a history of exile and wandering.' The congregation rather than the building itself is important, and the building fabric does not have particular value in terms of worship." Accordingly, the TCS assert that "whilst the current congregation itself may not be supportive of retaining the synagogue, the building as a historic record and as a unique contributor to the local grain is appreciated by wider community of local people." Reference is also made to the building's inclusion in the 2009 edit to the Pevsner guide. The TCS are also critical of the applicant's failure to explore alternative uses for the existing building and opine that avenues to secure the building's conversion should be explored and exhausted before any demolition is considered.

Lancashire Archaeological Advisory Service acknowledge the significance of the building as put forward by the TCS but also recognise the constraints associated with maintaining this given the declining congregation. On balance, the archaeologist does not object to the building's demolition but, instead, recommends a programme of building recording.

The representations from Dr Sharman Kadish provide a helpful catalogue of the building's internal fixtures and fittings of significance which should be preserved and re-located within the replacement building if demolition is permitted. These include stained glass windows, light fittings, the foundation stone and consecration plaque, the pulpit, synagogue archives and photography.

The demolition of the existing building would result in the total loss of the building's architectural significance. Although the heritage statement suggests that the synagogue's aesthetic value is limited to the main façade onto Orchard Road, this underplays the importance of the doorway on the east of the building and its contribution to the unique internal building layout as noted by the TCS. The heritage statement also underestimates the importance of the building's interior and the fixtures and fittings mentioned in the representation from Dr Sharman Kadish. While these may not be protected in the same way as a statutorily listed building, they nonetheless make an important contribution to the building's significance. The heritage statement refers to a "lack of architectural interest" as the main reason for Historic England's decision not to list the building. This is, however, an oversimplification. As cited above, Historic England's decision was based primary on the relatively recent period of construction and a "conservative and plain design". Moreover, the response from Historic England makes clear that the building's failure to satisfy the criteria for national listed should

not undermine its local significance. Therefore, it is considered that the “limited architectural interest” referred to in the heritage statement represents an underestimation of the building’s significance in this regard. Instead, a weighting of ‘moderate’ architectural interest would be more appropriate in acknowledgement of the building’s unique and striking design, albeit that this is in a simple, plain style which is somewhat at odds with the local vernacular.

In spite of the heritage statement’s underestimation of the building’s architectural interest, it is accepted that its historical/communal value is likely to be of greater (‘high’) significance, particularly as the existing building replaced the former St Annes Mission Chapel which had stood on the site since *circa* 1900 and was first occupied by a Jewish congregation in 1940 before being replaced by the existing building *circa* 1959. Accordingly, there are strong connections between the community at this site which would be preserved through the provision of a replacement synagogue and the re-use of the existing building’s external materials and internal fixtures and fittings. It is, however, also the case that this connection is linked to the religious architecture of the building which makes it instantly distinguishable from the surrounding buildings.

The TCS consider that the applicant should explore alternative uses for the building, including its potential conversion to residential use. The applicant’s architect has provided a statement and sketches showing a design concept for potential conversion to deliver apartments within the western part of the building and the replacement synagogue in the eastern section. This would, however, require the addition of numerous additional windows to all elevations, alterations to the size and shape of existing openings and the appearance of internal floors crossing retained arched windows in order to create separate levels. The entrance door and corridor connecting the two elements of the building would also need to be demolished to provide separation between the uses, along with a significant portion of the rearward building in order to provide car parking. While the sketch concept drawing provided by the architect is by no means a comprehensive investigation of all possible alternatives (including those involving non-residential uses), it is apparent that the building does not lend itself easily to conversion for residential use and that, even if this were progressed, there would be a need to undertake a series of unsympathetic alternations in order to provide satisfactory living conditions for future occupiers. In any case, unlike the circumstances set out in paragraph 133 of the NPPF which requires ‘substantial harm’ to designated heritage assets to be justified through a sequential approach that includes investigation of alternative uses, there is no equivalent requirement in the Framework for non-designated heritage assets.

Conclusion and planning balance:

The existing synagogue is a non-designated heritage asset. The significance of the building derives principally from its architectural, historic and communal value – attributes which are considered to range from ‘moderate’ to ‘high’ significance. Whilst the development’s harm to architectural significance arising as a result of the building’s demolition would be substantial, elements of the building’s exterior and interior which contribute to this significance (e.g. stained glass, materials and internal fixtures and fittings) would be reused in the construction of a replacement synagogue on the site. The level of harm to historic and communal value is considered to be less than substantial due to the development’s provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser value than that which it would replace.

The adverse impact which would arise from the loss of the building must also be balanced against the benefits the scheme would deliver. In this case, the development would make a contribution to boosting the supply of housing on a brownfield site within the settlement boundary which occupies an accessible location in close proximity to a range of shops and services in the town centre. It would

also deliver a mix of smaller house types for which the Fylde Coast SHMA identifies a specific need. This element of the scheme is wholly in accordance with the aims and objectives of both adopted and emerging local planning policy which seeks to direct development to the most sustainable locations. Although the Council's latest Housing Land Supply Statement (base dated 30 September 2017) indicates that it is able to demonstrate a supply of housing equivalent to 5.1 years using the 'Sedgefield' approach and 6.3 years using the 'Liverpool' approach, the existence of a five year supply of housing is not, in itself, a reason to refuse applications for residential development, nor does it diminish the importance of delivering new housing to boost the overall supply in locations which are supported by policies in the development plan. Accordingly, the delivery of new housing in a location which accords with the development strategy set out in the existing and emerging local plan is a benefit of the scheme which must attract significant weight.

The mixed use development would also provide for a replacement place of worship on the same site following the demolition of the existing building. In the context of the synagogue's diminishing congregation, the applicant contends that the smaller, modern replacement building would offer more manageable fit-for-purpose accommodation in comparison the existing building. While that may be the case in practical and logistical terms, it is also the case that the replacement building delivered by the scheme would result in an overall reduction in the level of provision for community uses offered at the site in comparison to the existing situation. Accordingly, while the retention of the existing use on the site represents a positive aspect of the scheme in terms of compliance with the relevant local development plan policies and preserving historic/communal value, as it does not offer a level of provision above and beyond that already available on the site the overall impact would be a neutral one which weighs neither in favour or against the scheme.

On balance, and having particular regard to the provisions of paragraphs 135 and 14 of the NPPF, it is considered that the adverse impacts of granting permission arising from the harm to the non-designated heritage asset would not significantly and demonstrably outweigh the benefits from the mixed use development in the overall planning balance.

Impact on character and appearance:

Criterion (2) of FBLP policy HL2 states that applications for housing will be permitted where they are:

- In keeping with the character of the locality in terms of scale, space around buildings, materials and design.

Criterion (3) of FBLP policy CF1 indicates that developments involving community facilities will be permitted where:

- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area.

SANDP policy DH1 requires development to be of a high quality design which is "appropriate and sympathetic to the character of the town and its neighbourhoods". The policy refers to the St Anne's Design Guide SPD and indicates that "development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards."

SLP policy GD7 requires that development proposals facilitate good design in accordance with 13 guiding principles. Criteria (a), (c), (e), (g), (h) and (j) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Conserving and enhancing the built and historic environment.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, are of a high quality and respect the character of the site and local area.”

Paragraph 58 of the NPPF encourages good design by stipulating that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The application includes two distinct elements: (1) a three storey, pitch-roofed apartment block to the western end of the site; and (2) a replacement synagogue within a flanking flat-roofed, single storey building to the east.

The apartment block would incorporate a square-shaped footprint which, in a similar fashion to the western section of the existing synagogue, would follow the established building line on Orchard Road. The apartment block would preserve the existing spacing with no. 36 Orchard Road to the west and its ridgeline would be lower than the adjacent property to replicate the roof height of no. 44 to the east. The building’s façade would be organised in five ‘bays’ articulated by individual facing gables with steep-sided pediments equidistantly spaced to either side of a central entrance to present a balanced, symmetrical appearance to Orchard Road. A minor undulation to these facing gables would present a stepped appearance to the elevation.

The building’s scale and massing would not appear excessive when seen alongside the semi-detached, three-storey properties to either side and the use of facing gables with steep pitched roofs along with the vertical emphasis added by the depth of window openings to the façade represents a modern interpretation of surrounding building design which would harmonise with its surroundings. While the building’s side elevations would present a more functional appearance with rows of smaller windows, openings would be arranged in a regimented pattern to reflect the character of surrounding buildings and these elevations would be substantially screened by existing properties to both sides in order that focus is drawn to the principal façade. The combination of materials to the apartment’s external walls would ensure a contemporary design and draw

distinction between staggered and protruding features to the main façade without clashing with the palate of materials in the area.

The replacement synagogue would follow a rectangular layout incorporating a stepped, L-shaped footprint in close proximity to the site's eastern and southern boundaries. The building would, on a much smaller scale, echo the tripartite style to the western portion of the existing synagogue by presenting a taller, central parapet flanked by lower, recessed sections to either side. Windows would be set in narrow, vertical openings with stone architraves to replicate those of the existing synagogue (including the re-use of stained glass) and would follow a regimented pattern ensuring a strong sense of rhythm to all elevations.

The replacement synagogue would occupy a staggered position set back from the front walls of the proposed apartment building to the west and no. 44 Orchard Road to the east. Although its flat-roofed design and single storey height would be different from that of surrounding buildings, its staggered siting, reduced scale and flat roof would act in combination to ensure that it appears as a subservient feature in the street scene and one which is closely related to the adjacent apartment building. Certainly, its appearance would be more subdued in comparison to the existing synagogue and in a street scene which includes buildings of varied scale, height, roof profile and design, the single storey building would not appear as an incongruous addition.

The proposed development, by virtue of its layout, size, scale, height, roof profile, proportions, materials and design, would harmonise with surrounding buildings and would be compatible with the varied character of the street scene.

Impact on residential amenity:

Criterion (4) of FBLP policy HL2 states that applications for housing will be permitted where they:

- Would not adversely affect the amenity and privacy of neighbouring properties.

Criterion (2) of FBLP policy CF1 indicates that developments involving community facilities will be permitted where:

- The development is appropriately located having regard to adjacent and nearby land uses and would not prejudice residential amenity.

SLP policy GD7 requires that development proposals facilitate good design in accordance with 13 guiding principles. Criterion (b) of the policy requires development to ensure that "amenity will not be adversely affected by neighbouring uses, both existing and proposed".

In addition, the fourth bullet point to paragraph 17 of the NPPF identifies one of the core planning principles of the planning system is to:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The three storey apartment building would flank the eastern wall of no. 36 Orchard Road, with a spacing of *circa* 6.5m achieved between the two buildings. At present, no. 36 comprises an office block, part of which appears to be vacant. There is, however, an extant planning permission on the site for the demolition of nos. 34-36 Orchard Road and the erection of a four storey block of 14 apartments (application 15/0176). Habitable room windows are proposed in the opposing sides of both proposed apartment buildings, which would result in an interface distance between habitable rooms in both buildings of approximately 6.5m. Although this degree of spacing would not normally be acceptable in terms of providing suitable living conditions for future occupiers, it is recognised

that side-facing habitable room windows over short distances between buildings are not uncommon in the area (e.g. between other houses on Orchard Road to the east). Moreover, the outlook from windows (principally bedrooms) proposed in the western elevation would also include oblique views past (to the front and rear) no. 36 Orchard Road (even if 15/0176 were to be implemented). Accordingly, the outlook from the proposed side-facing windows would not be so restricted as to result in unacceptable living conditions for future occupiers.

To its east side, the apartment block would flank the western wall of the replacement synagogue over a distance of some 1.9m. This degree of spacing would rise to approximately 12m with respect to the dwelling at no. 44 Orchard Road. Although views from side-facing bedroom windows in the ground floor on the east side of the apartment block would be restricted by the flanking elevation of the replacement synagogue, the building's single storey height and flat-roofed design would avoid an unacceptable sense of enclosure to these openings. Views from the building's upper floors would be available beyond the roof of the replacement synagogue, with the separation distance of 12m to no. 36 Orchard Road ensuring no adverse effects on this property through overlooking.

The replacement synagogue would flank the western (side) elevation of no. 44 Orchard Road, with a minimum separation of 2.7m achieved between the two buildings. Number 44 has habitable room windows in its western elevation facing towards the site and several windows are proposed in the opposing (east) side of the replacement synagogue. It is noted that the degree of spacing proposed between the replacement synagogue and the side of no. 44 Orchard Road is equal to or greater than that presently available with the existing building and that the current building also contains a row in windows in its east side facing no. 44. In addition, the replacement synagogue would be 1-2m lower than the current building. Accordingly, this element of the proposal would have no greater impact on the adjoining occupiers in comparison to the current scenario and would not unduly affect the privacy and amenity of adjoining occupiers by reason of its size, scale, height, massing or design.

The new apartment building would increase the level of separation with properties to the rear on Clifton Drive South (set at a slightly lower level) by approximately 7m in comparison to the rear wall of the existing building. While the replacement synagogue would be equally as close to 307-313 Clifton Drive South, its reduced height and massing in comparison to the existing building would reduce any sense of enclosure to the rear of those properties.

Other matters:

Developer contributions:

The application, when originally submitted, comprised a residential development of 10 apartments. Subsequent amendments to the scheme have reduced the number of apartments to 9. LCC's School Planning Team have indicated that a financial contribution towards the provision of 1 additional primary school place should be secured as part of the development (albeit that this was calculated on the basis of a 10, rather than 9, dwelling scheme). The number of dwellings proposed falls below the threshold (10 or more dwellings) for contributions towards affordable housing and public open space set out in SLP policies H4 and ENV4.

Paragraph 031 of the 'Planning Obligations' chapter to the NPPG was inserted on 19 May 2016. The guidance in paragraph 031 follows an order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out within a Written Ministerial Statement dated 28 November 2014. This policy states that "there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development." These circumstances are stated as follows:

- Developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000 square metres.
- Developments of 5 units or less in “rural areas” as defined in section 157(1) of the Housing Act 1985 (which includes National Parks and Areas of Outstanding Natural Beauty). Contributions from schemes of between 6 and 10 units in rural areas should only be in the form of cash payments which are commuted until after completion of the units.
- Development consisting only of the construction of a residential annex or extension to an existing home.

The site is not in a “rural area” for the purposes of the definition above and the number of dwellings falls below the 11 unit threshold identified in the first bullet point. Accordingly, it is not possible to secure the requested financial contribution from the School Planning Team in this case as the threshold where such contributions could be sought set out in the NPPG is not exceeded. It is also the case that the education contribution from LCC would not have been requested in respect of the revised scheme for 9 dwellings had the application been submitted in that form in the first instance.

Highways:

Access to the site would be gained via the existing crossing from Orchard Road to the northwest corner of the site. A total of 13 car parking spaces would be provided within the site and would be shared between the apartments and the synagogue. The site occupies a prominent location on the edge of the town centre and is readily accessible by modes of transport other than private car. When considered in combination with the building’s accessible location, the 13 car parking spaces proposed are considered to be sufficient to serve both uses. It is also noted that the existing synagogue functions without any dedicated off-street parking for the congregation and that the Local Highway Authority have raised no objections to the application on the grounds of highway capacity or road safety.

Contamination:

As the site is previously developed land and has been occupied by buildings since at least *circa* 1900, this legacy affords the possibility of land contamination from historical uses. Accordingly, a condition has been imposed requiring a site investigation in respect of contamination before any development (which, for clarity, includes any works of demolition) takes place.

Flood risk:

The site falls within flood zone 1 as defined on the Environment Agency’s flood map (land having a less than 1 in 1,000 annual probability of river or sea flooding) and as it is under 1 hectare in area there is no requirement for a flood risk assessment. United Utilities have been consulted on the application and have not raised any objections subject to the imposition of conditions regarding foul and surface water drainage. Accordingly, the development would not be at an unacceptable risk of flooding and would not increase flood risk elsewhere.

Conclusions

The application relates to a previously developed (brownfield) site on the edge of the town centre within the settlement boundary of Lytham St Annes. The principle of development for a mix of community and residential uses in this location is in accordance with the objectives of the Development Plan and would bring benefits through the efficient use of previously developed land

in a sustainable location and its contribution to the Borough's supply of housing land, including the delivery of smaller dwellings for which there is an identified need.

The existing synagogue is a non-designated heritage asset, the significance of which derives principally from its architectural, historic and communal value – attributes which are considered to range from 'moderate' to 'high' significance. Whilst the development's harm to architectural significance arising as a result of the building's demolition would be substantial, elements of the building's exterior and interior which contribute to this significance (e.g. stained glass, materials and internal fixtures and fittings) would be reused in the construction of a replacement synagogue on the site. The level of harm to historic and communal value is considered to be less than substantial due to the development's provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser value than that which it would replace. On balance, it is considered that the adverse impacts of granting permission arising from the harm to the non-designated heritage asset would not significantly and demonstrably outweigh the benefits from the mixed use development.

The proposed development, by virtue of its layout, size, scale, height, roof profile, proportions, materials and design, would harmonise with surrounding buildings and would be compatible with the varied character of the street scene. The development's siting and relationship with surrounding buildings would avoid any undue effects on the privacy and amenity of surrounding occupiers through loss of outlook, overlooking and overshadowing, and would ensure satisfactory living conditions for future occupiers. No other adverse effects would arise with respect to highway impacts, contamination or flood risk.

Therefore, the proposal is considered to represent sustainable development in accordance with relevant adopted and emerging policies contained within the FBLP, SANDP, SLP and the NPPF.

Recommendation

That Planning Permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

1. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the "reserved matters") before any development takes place:- the landscaping of the development.

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

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

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

3. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. This permission relates to the following plans:

Drawing no. SYN/1/001 – Location plan.
Drawing no. SYN/1/010 – Proposed site plan.
Drawing no. SYN/1/011 Rev A – Proposed roof plan.
Drawing no. SYN/1/012 – Proposed site plan.
Drawing no. SYN/1/110 – Proposed ground floor plan.
Drawing no. SYN/1/111 – Proposed first floor plan.
Drawing no. SYN/1/112 Rev A – Proposed second floor plan.
Drawing no. SYN/3/310 Rev A – Proposed elevations.
Drawing no. SYN/3/311 Rev A – Proposed street view.
Drawing no. SYN/3/312 Rev A – Proposed elevations.
Drawing no. SYN/3/313 Rev A – Proposed elevations.
Drawing no. SYN/3/314 Rev A – Proposed elevations.

Any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the scale, layout and external appearance of the development and the means of access to it.

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

5. None of the apartments hereby approved shall be first occupied until the replacement synagogue building has been substantially completed and made available for use as a place of worship.

Reason: To ensure that the apartments and replacement synagogue are brought forward simultaneously as a comprehensive redevelopment of the site, in order that suitable alternative provision for community facilities is made to compensate for the loss of the existing synagogue, to preserve elements of the historic and communal value of the existing building's significance by ensuring the continued provision of a place of worship on the site and to prevent the apartments being constructed independently of the replacement synagogue without alternative community provision first having been made in accordance with the requirements of policies GP2, CH1 and DH1 of the Saint Anne's on the Sea Neighbourhood Development Plan 2016-2031, SLP policies HW2 and ENV5, and the National Planning Policy Framework.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies CF1 and HL2, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 4 of this permission, no above ground works shall take place until details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall

include their design, materials (including architraves, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before each associated building hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies CF1 and HL2, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.

8. No above ground works shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
- a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
 - c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any above ground works take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

9. No development shall take place until a Written Scheme of Investigation (WSI) setting out a programme and timetable of historic building recording for the existing synagogue has been submitted to and approved in writing by the local planning authority. The WSI shall include:
- a) A phased programme and methodology of site investigation and recording which meets the requirements of a level 3 record as set out in the publication 'Understanding Historic Buildings' by Historic England (2016) and includes:
 - b) a desk-based building assessment.
 - (i) historic building recording, including a full large format photographic record of the synagogue and site before the interior is stripped for demolition.
 - a) A programme for post investigation assessment to include:
 - analysis of the site investigation records.
 - production of a final report on the building's historical interest.
 - b) Provision for publication and dissemination of the analysis and report.
 - Provision for archive deposition of the report and records of the site investigation.
 - Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To record and advance understanding of the heritage asset to be lost and to make information concerning the building's significance as a heritage asset publicly accessible in accordance with the requirements of Fylde Council Local Plan to 2032 (Submission Version) policy ENV5 and the National Planning Policy Framework.

10. Notwithstanding the requirements of condition 9 of this permission, no development shall take place until a scheme for salvaging the following materials, features, fixtures and fittings of the existing synagogue building and for their reuse on the replacement building(s) or, where appropriate, deposition with a suitable repository has been submitted to and approved in writing by the Local Planning Authority:

External:

- a) The exterior brickwork.
- b) Exterior doorways.
- c) The stained glass windows (32 separate panels of stained glass in the main prayer hall).

Internal:

- a) Bronze light fittings (14 in total).
- b) The foundation stone and consecration plaque.
- c) The pulpit.
- d) Synagogue archives (including minute books, burial registers etc.)
- e) A framed, colour wash architect's drawing of the old building.
- f) Back marriage registers.

The scheme shall include details of where the salvaged items are to be stored during the construction period, the precise areas of the replacement building(s) where they are to be reused and, where appropriate, where they are to be archived, and a timetable for implementation. The development shall thereafter be carried out in full accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure the proportionate conservation and, where appropriate, reuse of the building's features of architectural, historic and communal value which contribute to its significance as a heritage asset in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP7, Fylde Council Local Plan to 2032 (Submission Version) policy ENV5 and the National Planning Policy Framework.

11. No above ground works shall take place until a scheme for the design and construction (including surface treatment and ground markings) of the vehicle parking and manoeuvring areas shown on drawing no. SYN/1/010 has been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and manoeuvring areas shall thereafter be constructed, marked out and made available for use in accordance with the duly approved scheme before any of the buildings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: In order that suitable provision is made for vehicle parking and manoeuvring and to ensure that appropriate turning space is provided to allow vehicles to enter and exit the site in forward gear in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies CF1 and HL2, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.

12. Within three months of development first taking place, a scheme for the provision of a bin store for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of the siting, size, design and materials of the bin store. The bin

store shall be constructed in accordance with the duly approved scheme and made available for use before any of the buildings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of the amenity of future occupiers and to ensure the appropriate siting and design of any refuse storage facilities within the site in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies CF1 and HL2, Fylde Council Local Plan to 2032 (Submission Version) policy GD7 and the National Planning Policy Framework.

13. No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- a) separate systems for the disposal of foul and surface water;
 - b) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, with provision to ensure that the post-development discharge rate does not exceed the pre-development rate, including an appropriate allowance for climate change;
 - c) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
 - d) details of how the scheme will be maintained and managed after completion.

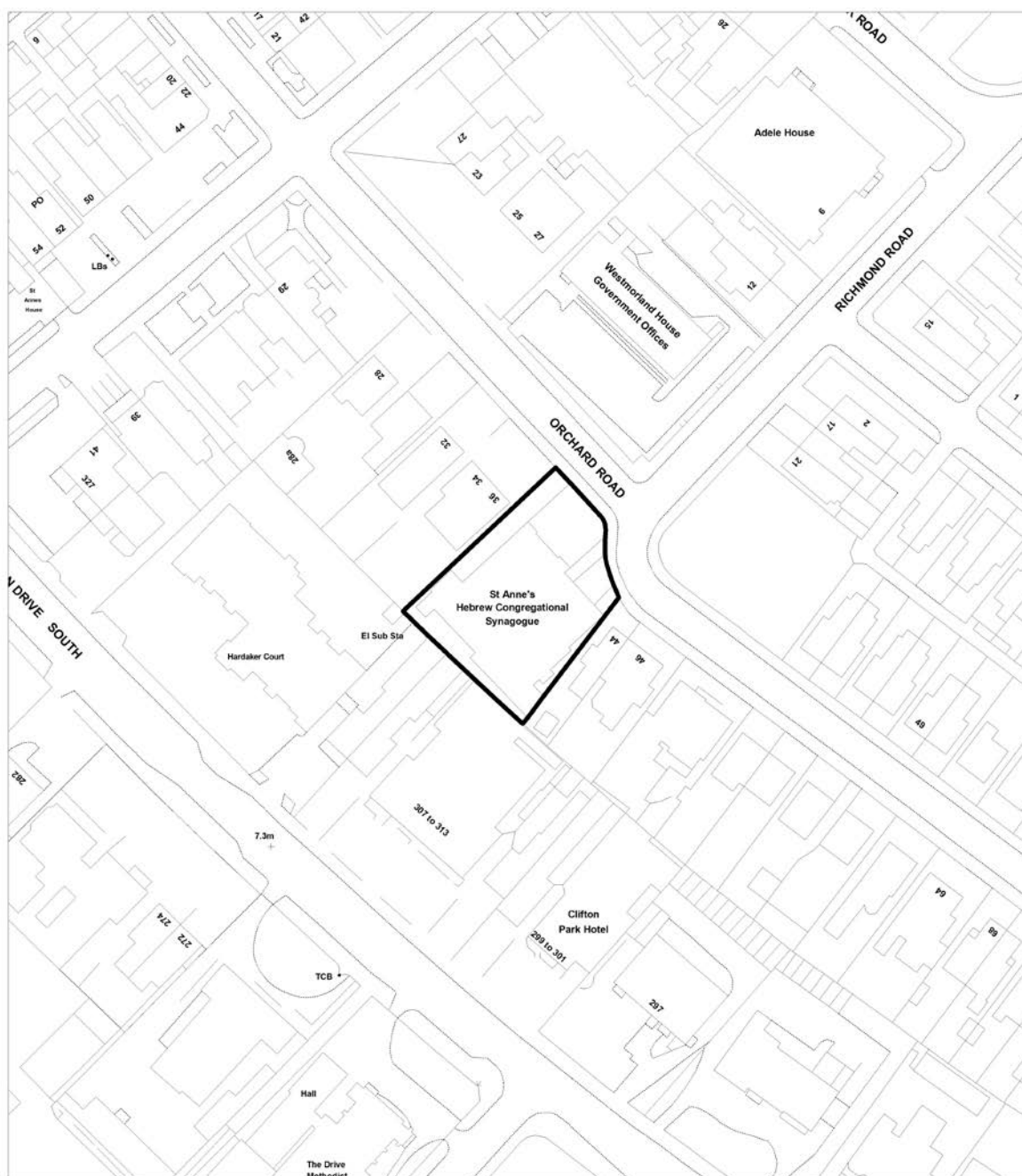
The scheme shall be implemented in accordance with the duly approved details before any of the buildings hereby approved are first occupied, and shall be maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policies EP25 and EP30, policies CL1 and CL2 of the Fylde Council Local Plan to 2032 (Submission Version) and the National Planning Policy Framework.

14. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives, contractors and other visitors within the site (off the public highway);
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) measures to control the emission of dust and dirt during construction;
 - e) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP27, policy CL1 of the Fylde Council Local Plan to 2032 (Submission Version) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/0762	Address St Annes Hebrew Congregational Synagogue, Orchard Road, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

Item Number: 4

Committee Date: 23 May 2018

Application Reference:	17/0968	Type of Application:	Full Planning Permission
Applicant:	Abbey Homes (NW) Ltd	Agent :	Pce Designs Ltd
Location:	FORMER PIGGERIES, POOLSIDE, FRECKLETON		
Proposal:	ERECTION OF 3 DETACHED RESIDENTIAL DWELLINGS		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	24	Case Officer:	Rob Clewes
Reason for Delay:	Delays in consultation replies		

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

<https://www.google.co.uk/maps/@53.7513712,-2.8578206,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a former piggery on Poolside in Freckleton and is adjacent to Freckleton Pool / Dow Brook. The site has previously had planning permissions for the erection of three dwellings which was first allowed on appeal and then revised through permissions from the council. These have recently expired without being implemented, and this application seeks a new consent for the erection of three detached dwellings.

The dwellings are within the defined settlement, and so are an acceptable land use in principle and are located within an acceptable distance to local services.

They are sited upstream of the flood defence gate although part of the site is within an area of higher flood risk, this is considered to be acceptable to the relevant drainage authorities. The properties are considered to have an acceptable visual impact when viewed from the public footpaths that run alongside the site and from further afield viewpoints. Matters such as impact to ecology, highway safety and neighbour amenity have also been assessed and it is considered that these matters are acceptable or can be appropriately addressed via conditions.

Accordingly the proposal is sustainable development and so is recommended for approval.

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 Freckleton Parish Council.

Site Description and Location

The application site is a roughly triangular wedge of land extending to around 0.2 Ha situated within

the settlement boundary of Freckleton. The site is located on the eastern side of the unmade track known as Poolside, Freckleton. It was previously occupied by former piggery buildings, all of which have been removed.

It is bordered to the north and east by Freckleton Pool/Dow Brook, to the south by flood control embankments, and a gated access way thereto, and to the west by Poolside, which has a range of sheds, outbuildings and garages on its western side at this level, most attaching to residential properties situated at the higher level of Bunker Street beyond. Two of these buildings are also in the ownership of the applicant.

The return of the adjacent flood control embankments to the south marks the northern boundary of the Ribble Estuary European Heritage Site and the eastern boundary of the safeguarded area for Warton aerodrome.

Details of Proposal

The application seeks full planning permission for the erection of 3 dwellings on the site. The dwellings are all two storey and offer four bedrooms with two having integral double garages attached to the front of the property and the other having a detached double garage to the side. Their appearance is reflective of the local vernacular with a brick construction and slated / tiled roof.

The landscaping arrangements are typical for a small scale residential development such as this with shrubs proposed for the frontage of the site to Poolside and flexibility given to the limited rear garden aspect beyond a small patio area to each dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
14/0882	SUBSTITUTION OF HOUSE TYPE TO PLOT 3 FROM PREVIOUSLY APPROVED RESERVED MATTERS APPLICATION 13/0643	Granted	02/02/2015
13/0643	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE AND LANDSCAPING FOR ERECTION OF 3 DWELLINGS AND GARAGES ASSOCIATED WITH OUTLINE PLANNING PERMISSION 09/0709	Granted	25/11/2014
09/0709	OUTLINE APPLICATION FOR THE ERECTION OF THREE, TWO STOREY DWELLINGS AND ONE DOUBLE GARAGE INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE (AS AMENDED)	Refused	18/02/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
09/0709	OUTLINE APPLICATION FOR THE ERECTION OF THREE, TWO STOREY DWELLINGS AND ONE DOUBLE GARAGE INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE (AS AMENDED)	Allowed	09/11/2010

Parish/Town Council Observations

Freckleton Parish Council notified on 06 December 2017 and comment:

The Parish Council object to this application as they believe this area is known as Freckleton Pool which is a designated river and is a protected river. As such the environment agency state that, no trees, shrubs should be planted, nor fences, buildings. Pipelines or any other structure within 16 meters (as it is tidal) of the top of the bank/retaining wall of the main river water course.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections

Ministry of Defence - Safeguarding

No comments received

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed erection of 3 detached properties and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

It is requested the passing places are signed as Passing Places to discourage parking and encourage the safe use of the bays and the safety of all highway users on the single track road of Poolside.

Natural England

The highlight that the application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. They also refer to the close proximity to the Ribble & Alt Estuaries Special Protection Area (SPA). The site is also listed as Ribble & Alt Estuaries Ramsar site¹ and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI). The site is also in close proximity to Newton Marsh SSSI.

Their consultation letter requests further information to fully assess the impacts of the proposal:

- a) *Details regarding any external lighting to be put in place during both construction and operation*
- b) *Measures to protect the adjacent watercourse during construction.*

Regeneration Team (Landscape and Urban Design)

Comments - The new houses would extend development beyond the existing track and their style would be out of character with the majority of existing buildings located alongside the estuary, which are mostly historic farmhouses, cottages and boatyard buildings. The new houses would also have a significant impact on views from the east of Freckleton which currently enjoy uninterrupted views across the River Ribble.

The proposed landscape plan submitted with the application is not satisfactory. Should the application be considered worthy of approval, a revised plan should be submitted

which considers the local environment and its proximity to the RAMSAR site of the Ribble Estuary.

United Utilities

No objections and offer standard advice on drainage

Lancashire CC Flood Risk Management Team

No objections

Environment Agency

No objections to revised FRA subject to conditions

Greater Manchester Ecology Unit

No significant ecological constraints have been identified as part of the update ecological assessment. Issues relating to proximity to a BHS, SSSI, nesting birds, giant hogweed and ecological mitigation are resolvable via condition and or informative.

Neighbour Observations

Neighbours notified:	06 December 2017
Amended plans notified:	13 December 2017
Site Notice Date:	08 January 2018
Number of Responses	1 response received
Summary of Comments	Plan seems to cover more land than is available Proposal will increase the risk of flooding Plan only shows one and a half houses Parking provision is not clear

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP23	Pollution of surface water
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
ENV1	Landscape
ENV2	Biodiversity
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

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

The main issues regarding this application are:

- The Principle of the Development
- Design and Impact to the Character of the area
- Impact to Neighbouring Amenity
- Flood Risk Matters
- Access and Highway Safety
- Ecology

The Principle of the Development

The site is located within the settlement boundary of Freckleton where the principle of residential development is accepted under Fylde Borough Local Plan (FBLP) Policy SP1 and Policy GD1 of the emerging Fylde Local Plan (FLP32) to 2032. Policy HL2 of the FBLP and H2 of the FLP32 provide the development management criteria for housing proposal and seek to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

The site is classed as previously development land, and is not of high environmental value. It is located near to public transport routes and is a 7 minute walk from the village centre which provides a range of community facilities, local shops and services. In addition the proposed residential use is compatible with the adjacent land uses to the west and north which are predominantly residential. This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in maintaining a five year housing supply.

Notwithstanding the above the principle of residential development on the site was established via the allowed appeal ref: 09/0709 and the subsequent reserved matters application ref: 13/0643. Whilst these are now time expired, the lack of any change of local planning policy, the allocation of the site within the settlement and the lack of any material changes to the area since those decisions it is considered that the principle of the development must remain acceptable.

Design and Impact to the Character of the area

The Council's Landscape Officer raised concerns over the appearance of the dwellings and the resulting impact of the development on the character of the area.

The proposed dwellings are of the same style and appearance to that of those approved via permission ref: 13/0643. They are sited close to Poolside which is a gravel surfaced track that serves

as the access to a small number of commercial and residential properties some distance to the south, and provides a rear entrance to properties on Bunker Street. These Bunker Street properties are at a higher level and as a consequence there are no other properties that are seen in the same aspect as the proposed dwellings, although one of the existing dwellings does have a two storey garage/office immediately opposite.

The proposed dwellings follow a traditional brick and grey slate/tile construction with stone headers, sills and quoins. This form of dwelling and materials are commonly found in the area and are considered to be acceptable in the context of this site. The adjacent garage / office building is rendered, but this makes it prominent in the largely rural aspect of the site and the materials proposed in this application are considered to provide a softer appearance to the site that typifies the brick farmhouse style found elsewhere in the vicinity.

In terms of wider views Poolside runs along Freckleton Pool and there are varying types of building that can be seen ranging from dwellings to boat houses and other commercial buildings. The proposed dwellings will result in further built development but this would not create an unacceptable impact to the landscape character of the area. Any impact would also be mitigated further by the back drop of the dwellings fronting Bunker Street which are situated on higher ground.

Impact to Neighbouring Amenity

The proposed dwellings are situated on the eastern side of Poolside immediately adjacent the brook. There will be no impact to the amenity of the nearest neighbouring properties, on Bunker Street as they are on higher ground and therefore there will be no overbearing, loss of light or privacy to these properties. The dwelling on plot 2 is immediately to the rear of the two storey garage/office and contains two bathrooms and a bedroom to the front elevation at a separation of 15m from this structure. With this being only an outbuilding to the dwelling located at the foot of its garden it is not considered that any privacy issues arise as a consequence of this relationship.

The relationship between the proposed dwellings is also considered acceptable with good spacing between the units allowing for suitable levels of amenity and privacy.

Flood Risk Matters

The site partially lies within Flood Zones 2 and 3 and as residential development is deemed "more vulnerable" the Local Planning Authority must be satisfied that the development would be safe from flooding. The application site is within the settlement boundary of Freckleton and it is considered that there are no other suitable sites that lie in or outside the settlement boundary that would accommodate this development without encountering other policy issues. Furthermore the applicant has submitted a robust Flood Risk Assessment which has demonstrated that the development can be safe from flooding for its lifetime. This report has been accepted by the Environment Agency and therefore subject to appropriately worded conditions the development is considered acceptable with regards to flood risk matters. These conditions relate to matters such as the levels of the buildings, the maintenance of access to the brook, and the use of flood resilient measures in the dwellings.

Access and Highway Safety

The dwellings are served by their own individual accesses off Poolside with off street parking provided by way of parking areas and garaging. The revised plans have addressed the minor concerns raised by LCC Highways with regards to turning areas and therefore there are no objections to the scheme in terms of highway safety.

Ecology

The proposed development is 600m north of the Ribble Estuary SSSI with direct, hydrological connectivity and immediately to the north of the Freckleton Naze Biological Heritage Site. It is also just over a kilometre west of Newton Marsh SSSI. The scale of the development is such that it does not trigger the SSSI impact zone criteria for either SSSI. Natural England raised concern over the impact the development could have both during and after construction to these protected sites.

The applicant has submitted an ecology report outlining the potential impact of the development to protected species. The Councils ecological consultant acknowledges that the direct hydrological linkage via Dow Brook to the Ribble Estuary does present a risk of negative impacts on the SSSI both during and post development through increase in pollutants. However they considered that the negative impacts can be avoided through implementation of an agreed construction and environmental management plan and appropriately worded conditions.

Conclusions

The application site is a former piggery on Poolside in Freckleton and is adjacent to Freckleton Pool / Dow Brook. The site has previous planning permissions for the erection of three dwellings. This application seeks a new consent for the erection of three detached dwellings. The dwellings are within the settlement, and therefore within an acceptable distance to local services.

Officers have considered the visual impact of the dwellings carefully and the visual impact it has when viewed from the public footpaths that run alongside the site and from further afield viewpoints. The assessment made is that the visual impact will be an acceptable one.

Matters such as impact to ecology, highway safety and flood risk have also been assessed and it is considered that these matters can be appropriately addressed via conditions.

Accordingly the proposal is sustainable development and so is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years 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 - 1000
- Proposed Layout - 1 of 7
- Proposed Elevations - 2 of 7
- Proposed Levels - 3 of 7
- Proposed Detached Garage Elevations and Plan - 4 of 7
- Proposed Elevations - 5 of 7
- Proposed Landscaping - 6 of 7
- Proposed Landscaping - PCE-Jones-July-13-landscaping plot 3

Supporting Reports:

- Design and Access Statement
- Ecological Survey (Prepared by Quants environmental)
- Flood Risk Assessment and Drainage Strategy - Issue 1 C-0819 (Prepared by Hamilton Technical Services)

Reason: To provide clarity to the permission.

3. Notwithstanding any denotation on the approved plans samples of all the external materials to be used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority 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: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

4. Prior to the commencement of development a scheme for the disposal of foul and surface water 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 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. The development shall be implemented, maintained and managed in accordance with the approved details.

Reason: In order to ensure adequate and proper drainage of the site.

5. The access, turning and parking areas shall be carried out in accordance with the approved details shown on submitted plan ref: *PCE-Jones-July-13-Landscaping Plot 3 and 6 of 7* prior to the first occupation of any of the residential units, with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area as required by Policy HL2 of the Fylde Borough Local Plan.

6. The finished ground floor level of the dwellings hereby permitted shall be set at a minimum height of 6.70 metres AOD.

Reason: To accord with the requirements of the submitted Flood Risk Assessment.

7. Notwithstanding any denotation on the approved plans details of all boundary treatments (including the cycle store and bin store), including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development and to ensure there is no adverse impact to the adjacent railway network.

8. No development shall take place, until a Construction Method Statement has been submitted to,

and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the identification of the site access for construction traffic
- b) times of construction activity at the site
- c) times and routes of deliveries to the site
- d) the parking of vehicles of site operatives and visitors
- e) loading and unloading of plant and materials
- f) storage of plant and materials used in constructing the development
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- h) wheel washing facilities
- i) measures to control the emission of dust and dirt during construction
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works
- k) nature/type of machinery to be used in both construction and demolition
- l) the location of any scaffolding, materials, plant or machinery used for the development that is to be within the EA 8m easement. and how the Brook will be protected from accidental spillages and dust/debris during construction.

Reason: To maintain the safe operation of the pedestrian and highway network in the area limiting the impact on adjacent uses given the proximity to residential properties and the Brook.

9. That no works shall commence or be undertaken between the months of March and July inclusive, until a walkover survey of the site and its boundary hedges has been undertaken to establish the presence of any breeding birds and the results submitted to the Local Planning Authority. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting sites shall be submitted to the Local Planning Authority for approval and implemented throughout the construction of the dwelling.

Reason: To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwelling

10. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, hard surfacing materials, minor artifacts and street furniture, refuse receptacles, lighting and services as applicable. Soft landscape works shall include plans and written specifications noting species, plant size, number and densities, provision of a high ecological riparian habitat strip on average 8m wide along the Dow Brook, Provision of bird nesting opportunities and an implementation programme.

The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality.

11. The whole of the landscape works, as approved in condition 13, shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above

specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current arboricultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

12. That prior to the first occupation of any plot, the boundaries to any plot which is positioned within the Environment Agency's 8m wide easement shall have been defined by the erection of timber fencing which shall be of a post and rail design and set in sockets to allow its removal for access as only. Such fencing shall then be retained at all times thereafter and shall form the only method of defining boundaries in this easement area.

Reason: To provide security between properties whilst reflecting the need to respect the flood storage role that this land serves and to allow access for maintenance of this main river as required by the Environment Agency.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and reenacting that Order with or without modification, no structure shall be erected within the 8 metre easement, as delineated on drawing C-0819-01 (dated 27 February 2018) in the approved FRA (Ref: C-0819, Issue 1; dated 26 February 2018).

Reason: To prevent the increase in flood risk by ensuring full access to Dow Brook and the Environment Agency flood defence is retained in order to carry out essential maintenance.

14. The proposed development must proceed in strict accordance with the FRA (Ref: C-0819, Issue 1; dated 26 February 2018) and all mitigation measures identified. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA to be agreed in writing by the Local Planning Authority.

Reason: In the interests of flood prevention.

15. Prior to operation a 'lighting design strategy' for any external lighting shall be submitted to and approved in writing by the LPA. The strategy shall:

- a. show how and where the external lighting will be installed and;
- b. demonstrated clearly that any impacts on birds from the SPA utilising Freckleton Marsh are negligible.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason: To ensure satisfactory impact to protected species.

16. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F and Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

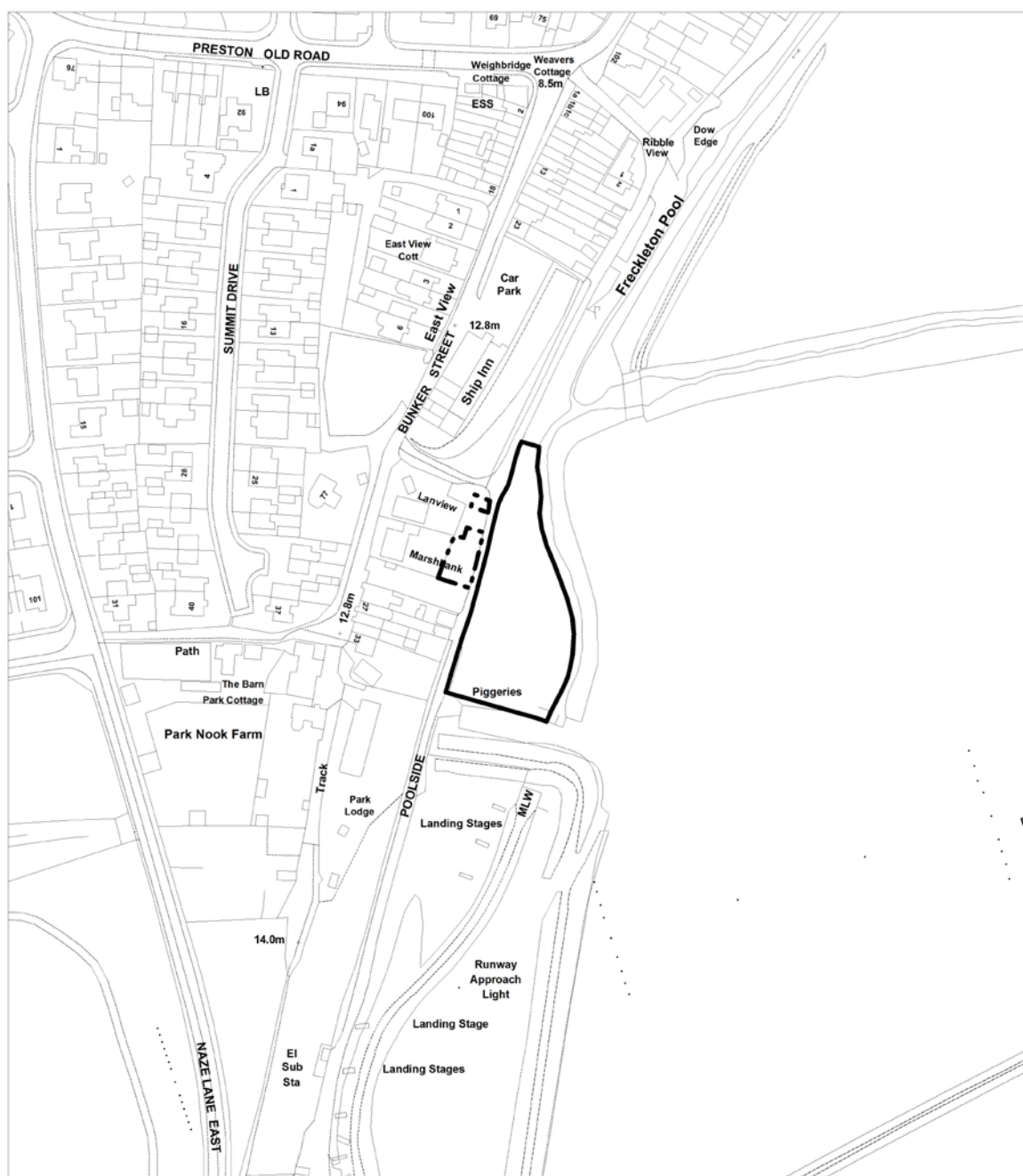
Part 1 - Development within the Curtilage of a Dwellinghouse

CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding

Part 2 - Minor Operations

Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/0968	Address Former Piggeries, Poolside, Freckleton	Grid Ref. E.3434 : N.4286	Scale 0 10 20 30 40 m

Item Number: 5

Committee Date: 23 May 2018

Application Reference:	17/1006	Type of Application:	Full Planning Permission
Applicant:	RCA Developments Ltd.	Agent :	Croft Goode Limited
Location:	FORMER RAILWAY PLATFORM / LAND OFF BACK GLEN ELDON ROAD AND ST ANNES ROAD EAST, LYTHAM ST ANNES, FY8 2		
Proposal:	ERECTION OF ONE THREE STOREY BUILDING (NO.6 UNITS) AND ONE TWO STOREY BUILDING (NO.4 UNITS) PROVIDING A TOTAL OF 10 FLATS, WITH ACCESS FROM BACK GLEN ELDON STREET AND ST ANNES ROAD EAST WITH PARKING AND LANDSCAPING		
Ward:	ASHTON	Area Team:	Area Team 2
Weeks on Hand:	24	Case Officer:	Rob Clewes
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/@53.753072,-3.0299966,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a rectangular area of the unused railway platform on the northern side of the railway line opposite St Annes Station. It is located within the settlement area of St Annes between Glen Eldon Road and St Annes Road East and is to be accessed from St Annes Road East and Back Glen Eldon Road.

The application is for full planning permission for the erection of 2 blocks of residential units comprising of a two-storey block of 4 flats and a three storey block of 6 flats. All the proposed units are for market housing and consist of 1 bed properties. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to each other, or to off-site neighbours, both residential and commercial.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6/H2 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

Site Description and Location

The application site is part of the existing old railway platform on the northern side of the railway line located within the settlement boundary of St Annes. The site lies immediately adjacent to the railway line and spans across the platform between St Annes Road East and Glen Eldon Road. The site does not consist of any built development and due to the length of time it has remained unused

has begun to be overgrown with vegetation.

The neighbouring buildings on St Annes Road East and Glen Eldon Road are predominantly residential properties, with some being guest houses, of generally traditional Edwardian/Victorian appearance and style. The immediately adjacent properties on St Annes Road East are three storey buildings and on Back Glen Eldon Road there is a vehicle repair garage. To the north the platform continues and this stretch of platform has recently been given consent to be converted to a parking area to serve the adjacent medical centre.

On the opposite side of the railway is St Annes train station and the public access platform. Adjacent to this to the north is the Sainsburys supermarket which is a large red brick building.

Details of Proposal

The original submitted proposal was for 11 units split into two blocks of 6 units and 5 units. After discussions with the agent seeking amendments to issues identified the scheme was reduced to 10 units. The description below is of the revised scheme. The submitted proposal is for the erection 10 residential units comprising of 2 blocks of 10 x 1-bed apartments, 6 in block A and 4 in block B.

Block A is a three-storey block positioned at the southern end of the site. To the north and south of the block there are parking spaces, a cycle store, bin store and soft and hard landscaping. The roof is dual-pitched with side gables and the elevations consist of varying styles of facing brick.

Block B is a two-storey block positioned at the northern end of the site. To the north is a separate piece of the old platform which does not form part of the application site and to the south of the block there are parking spaces, a cycle store, bin store and soft and hard landscaping. The roof is dual-pitched with side gables and the elevations consist of varying styles of facing brick.

The application proposes two access points to the site, one off Back Glen Eldon Road and the other off St Annes Road East. Both lead onto the internal turning area and parking areas.

Relevant Planning History

Application No.	Development	Decision	Date
13/0727	PROPOSED ERECTION OF 4 BUNGALOWS AND A DETACHED HOUSE	Granted	01/08/2014
03/0769	PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 2 APARTMENT BLOCKS AND 2 HOUSES, 8 DWELLINGS IN TOTAL.	Refused	07/01/2004
00/0502	CHANGE OF USE TO CAR PARKING, ERECTION OF ATTENDANTS CABIN AND SECURITY BARRIER GATE	Granted	01/11/2000

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 08 December 2017 and comment:

No objection to the development in principle as it would remove an eyesore and contribute to the housing supply.

The Town Council has concerns about:

- a) Foul and surface water treatment (NP Policies). SUI SUDS.
- b) Access via Back Glen Eldon – This is a service road. Is it a suitable means of access to permit appropriate traffic circulation?
- c) The Town Council would prefer both buildings to have a similar design with a hip roof over the central section.
- d) There are errors in the plans which list major roads incorrectly i.e. St. Andrews Road mislabelled as St. Anne's Road East and Durham / Glen Eldon similarly.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

I am satisfied that the improvements will add positively to the scheme which I sincerely hope will be implemented after this side of the railway has looked such a mess for such a long time. The revised elevations now meet with my personal approval. It will be important to get the right choice of materials in this location and achieve the 'contrast' in the elevations that I suggested and that Neil from CG has highlighted. You may wish to condition this. I would also draw your attention to the issue of the demarcating fence between the site and the railway and the possible requirements of Network Rail. They are not known for their aesthetic specifications in such cases and I think we also need to condition this spec. which will support Croft Goode and the client who, I am sure, will want an attractive style.

In summary, I consider that this will turn out to be an appropriate and attractive development and offer significant enhancements to this part of the town centre. Furthermore it will enhance the setting of this part of the St Annes on Sea Conservation Area from where the site will be a prominent enclosing feature.

Lancashire County Council - Highway Authority

Confirm a lack of objection to the proposal as it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The key aspects of their consultation response are summarised as:

- Comment that the proposed development is in a sustainable location and due to the size of the development it will not generate significant amounts of vehicular movement. They estimate 60 two way vehicular movements a day with an estimated am and pm peak flow of 6 two way vehicle movements
- Confirm that there has not been any reported incidents near the access along either Back Glen Eldon Road or St Annes Road East. They report a low number of accidents in the wider area
- The turning arrangements for both plots A and B are acceptable and all residents; refuse vehicle and fire appliances can access and egress both sites in a forward gear.
- The revision to allow pedestrian access from St Anne's Road East is welcomed as it is on the main desire line for pedestrians to access the shops; trains and bus stops.
- Provision of cycle parking within the scheme should be conditioned, along with cycle runner to the stairs leading from St Annes Road East to The Crescent to facilitate cycle use

- The internal area will not be suitable for adoption, but the car parking and manoeuvring area shown on 17-2257-PN001 rev B "Proposed Site Layout" conforms to current guidelines; recommendations and the philosophy of the Manual for Streets and Creating Civilised Streets.

Network Rail

Raise no objection to the development, but highlight that there are particular safety and potential trespass implications of undertaking development adjacent to railway land. These are advisory notes and would need to be passed to the developer.

Environmental Protection (Pollution)

No objections subject to appropriate conditions regarding acoustic mitigation.

Neighbour Observations

Neighbours notified:	08 December 2017
Amended plans notified:	14 March 2018
Site Notice Date:	25 January 2018
Press Notice Date:	14 December 2017
Number of Responses	10 responses received
Summary of Comments	<ul style="list-style-type: none"> a) Proposal interferes with future plans for the re-instatement of platform. b) Emerging Local Plan outlines ambition to create a tram/rail interchange on the South Fylde Line. c) Occupiers of proposed units will suffer from noise and vibration from the railway. d) Increase in on-street parking. e) Impact to highway safety. f) Conflict with neighbouring uses. g) Already an oversupply of flats in St Annes. h) Impact to the ecology on the site. i) Out of character with the area. j) Cannot be constructed safely next to railway. k) How will it be constructed? l) Parking provision is not adequate. m) Encroachment in to the Conservation Area. n) Contamination issues. o) Bungalows have already been agreed to be built on the site. p) Flats not needed. q) Previous applications refused. r) Impact on neighbouring businesses. s) Can the platform be listed as an asset of community value?

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP03	Development within conservation areas
EP14	Landscaping of new developments

EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
T5	Parking Standards
ENV4	Provision of New Open Space
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

- The principle of the development
- Design and impact to the street scene/conservation area
- Impact to neighbouring amenity
- Relationship to Commercial Neighbours and Railway
- Access/Impact to highway safety

The principle of the development

The site is located within the settlement boundary of St Annes where the principle of residential development is accepted under Fylde Borough Local Plan (FBLP) Policy SP1 and Policy GD1 of the emerging Fylde Local Plan (FLP32) to 2032. Policy HL2 of the FBLP and H2 of the FLP32 provide the development management criteria for housing proposal and seek to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

The site is classed as previously development land, and is not of high environmental value. It is located near to public transport routes and community facilities such as a Medical Centre (average 2 minute walk) and local shops and services (average 5 minute walk to the Town Centre). In addition the proposed residential use is compatible with the adjacent land uses on St Annes Road East and Glen Eldon Road which are predominantly residential. This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in achieving a five year housing supply.

Design and impact to the street scene/Conservation Area

The proposed development comprises of two elements, block A to the southern end of the site and block B to the northern end of the site. Although outside of a conservation area the site is immediately adjacent the St Annes Road East Conservation Area and as a result the blocks of flats will have an impact on the character and setting of this conservation area. This impact will be heightened further by the open views from the south on the southern side of the railway.

The design of the blocks are generally reflective of the traditional style and appearance of the surrounding buildings but with a contemporary feel giving them an element of individuality. They are to be primarily of brick construction with a tiled pitched roof which is considered appropriate for the area. Its foot print and general size/massing will not appear overly dominant within the site. The buildings are comparable in height to the adjacent properties meaning that they will not appear incongruous within the street scene. In light of this it is considered that the blocks of flats are not considered so large or domineering that it would create an incongruous feature within the site or within the setting of the wider area.

The proposal would be “side-on” to the adjacent railway and views of the development would be achievable from various viewpoints, most notably from the southern railway platform and from the bridge over the railway which lies within the conservation area. Although the proposal would result in a significantly different outlook from these vantage points it is nevertheless considered acceptable due to the development providing a far superior appearance when viewed from the railway side and bridge than is currently available. When weighed against the improved appearance towards the railway, on balance, the orientation and appearance of the scheme is acceptable.

Both hard and soft landscaping is also proposed as part of the development and this is considered important to the resultant appearance of the site. It is considered that an appropriately worded condition can be attached to any permission ensuring an appropriate landscaping scheme is agreed.

The design approach has been supported by the regeneration team and taking their views into account along with the appropriate design it is considered that the proposal will have a positive impact to the immediate surrounding area by reason of tidying up an unused derelict site. In terms of the impact to the adjacent conservation area the proposal will not have a detrimental impact to its character for the reasons explained above.

Taking this into account it is considered that the design and style of the development is considered acceptable and complies with Policies HL2, HL6, EP3 and EP14 of the adopted Fylde Borough Local Plan and Policies H2, GD7 and ENV5 of the submission version of the Fylde Local Plan to 2032.

Impact to neighbouring amenity

The nearest neighbouring residential properties are to the northeast of either block, on St Annes Road East and Glen Eldon Road. Block B which is immediately adjacent No.2 Glen Eldon Road (No.2) will create some additional impact in terms of overbearing and loss of light. However this impact will primarily be on the side elevation of No.2 which does not contain any primary windows. The front elevation of Block B projects marginally beyond the rear elevation of No.2 and as such there will be some overbearing however it is considered that the degree of openness that remains is sufficient to ensure adequate amenity. In addition the rear yard of No.2 will suffer some additional loss of light due to this orientation/relationship, but this will only be during the later hours of the day and therefore considered acceptable. The other properties on Glen Eldon Road have a separation distance from the proposal that is considered sufficient for there to be no detrimental impact.

Block A is immediately adjacent No.1 St Annes Road East (No.1) which is a three-storey building that has primary windows in the side elevation of the rearward projecting out-rigger. The rear elevation of Block A projects marginally beyond the rear elevation of No.1 meaning that there will be some impact to the out-rigger. However the main side elevation of No.1 does not contain any primary windows and the majority of the impact is on this elevation. Although the majority of the impact is on the side elevation of the main part of the building on No.1, as identified above there will be some impact to the reward out-rigger. The orientation of the proposal is such that whilst there will be some overbearing, it is nevertheless considered that the degree of openness and light remaining is sufficient to ensure adequate amenity. Also the rear yard will suffer some additional loss of light due to this orientation/relationship, but this will only be during the earlier hours with the property receiving unrestricted light throughout the afternoon and evening, which is therefore considered acceptable. The other properties on St Annes Road East have a separation distance from the proposal that is considered sufficient for there to be no detrimental impact. In addition the rear yard of No.1 is primarily used as a parking area and not a residential amenity space meaning less weight is afforded to its protection.

Taking the above into account it is considered that the proposal complies with Policy HL2 of the adopted Fylde Borough Local Plan and Policy GD7 of the submission version of the Fylde Local Plan to 2032.

Relationship to Commercial Neighbours and Railway

The application site is adjacent an existing commercial property which currently operates as a garage and sits immediately adjacent the existing operational Blackpool South railway line, therefore there is the potential for noise disturbance from the operation of the adjacent and land uses. Despite this however, the council's Environmental Protection Officer has raised no objection to the scheme provided that the units meet a prescribed acoustic standard. It is considered that an appropriate worded condition can be attached to any permission to ensure the necessary levels of acoustic insulation are achieved. This will enable the development to comply with the requirement of Policy EP27 of the Fylde Borough Local Plan which addresses noise disturbance.

Access/Impact to highway safety

The proposed development is to be accessed from two points, Back Glen Eldon Road and St Annes Road East. The access off St Annes Road East is to serve Block A with the access off Back Glen Eldon Road is to serve Block B and also visitors to either Block.

Lancashire County Council Highways raise no objection to the revised layout. The proposed provision of off street parking and turning areas are acceptable as the site can provide a safe and suitable access to each street.

The development proposes 1 off street parking spaces per unit with an additional 4 visitor spaces totalling 14 spaces in total which is considered an acceptable level of provision given the scale of the development and its accessible location. In addition to the off street parking spaces the flats also benefit from a cycle store which will contribute to promoting sustainable modes of transport.

The change of use of the site from an unused platform to residential will result in the creation of trip movements to and from the site, but this is not a matter that creates concern due to the highly accessibly and sustainable location of the application site meaning that occupiers are likely to walk to services within the town.

There are no highway safety implications from the development which is in accordance with criterion 9 of Policy HL2 of the Fylde Borough Local Plan subject to conditions to ensure that the

development is appropriately implemented and parking areas provided.

Drainage

The Local Lead Flood Authority have raised objection to the scheme as the applicant has not demonstrated why higher priority discharge points for the runoff destination of surface water are not practicable. Notwithstanding this, the site is currently entirely hard surfaced with the complete coverage by hardstanding meaning there is little surface water drainage. In contrast the proposed development will increase the permeable areas within the site through the introduction of soft landscaped areas and formal amenity areas. This will provide areas for natural water runoff and percolation and so it is considered that subject to appropriately worded conditions should be imposed to secure an appropriate surface water drainage scheme. United Utilities have raised no objection to the scheme and have requested standard foul and surface water drainage conditions and these will form part of the officer recommendation.

Contributions

The proposal was originally for 11 units which would have required contributions towards Affordable Housing and Education as well as Public Open Space. However the revised plans which were requested to address design considerations with the original scheme resulted in the number of units being reduced to 10 and so in accordance with the guidance set out in the NPPG the revised plans do not trigger the need for the provision of Affordable Housing, Education contributions nor any other obligations.

Neighbourhood Plan

As the application site lies within St Annes, the St Annes Neighbourhood Plan is part of the development plan. The Neighbourhood Plan contains several policies that are relevant to this application in particular Policies DH1, DH2 and HOU1. These relate to matters including the quality of design in new development, preserving and enhancing conservation areas, enhancing the appearance of 'Gateway' locations and delivering housing in appropriate and sustainable locations and with adequate parking arrangements. .

It is considered that the proposed redevelopment of this part of the railway platform complies with these Neighbourhood Plan Policies and is therefore acceptable against the provisions of the Neighbourhood Plan.

Other Matters

The representation received raised issue such as method of construction, conflict with ambition for re-instatement of a rail service to the platform and impact to nearby businesses.

The method of physical construction is a matter for the developer to ensure is carried out in an appropriate manner. However in terms of how the construction is managed and operated is a planning consideration. Due to the location and constraints of the site it is considered that a construction management plan is required to ensure that disruption and noise are kept to a minimum.

Concern has also been raised over the impact to neighbouring and nearby businesses. Whilst there may be some disruption during construction this is not a material planning consideration and therefore does not carry any weight in this assessment.

With regards to the potential future uses of the platform, the matter of its re-instatement has been raised. Having discussed the issue with the relevant Council officer it is considered that whilst there may be an ambition to improve the South Fylde Line there are no specific plans or schemes in

place that indicate a defined use of this stretch of platform. At this moment in time any discussed scheme is purely an ambition, therefore this issue carries little weight in the assessment.

Conclusions

The application site is a rectangular area of the unused railway platform on the northern side of the railway line. It is located within the settlement area of St Annes between Glen Eldon Road and St Annes Road East and is to be accessed from St Annes Road East and Back Glen Eldon Road.

The application is for full planning permission for the erection of 2 blocks of residential units comprising of a two-storey block of 4 flats and a three storey block of 6 flats. All the proposed units are for market housing and consist of 1 bed properties. They are arranged in an appropriate layout within the development when viewed from off site, and create no concerns over their relationship to each other or off-site neighbours, both residential and commercial.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6/H2 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

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 consent relates to the following details:

Approved plans:

- a) Location Plan - 17-2257-EX001 Rev A
- b) Proposed Site Layout - 17-2257-PN001 Rev B
- c) Proposed Building A Plans and Elevations - 17-2257-PN101 Rev B
- d) Proposed Building B Plans & Elevations - 16-2231-PN102 Rev D

Supporting Reports:

- a) Design and Access Statement - 17-2257-PN901 (Prepared by Croft Goode Architects)
- b) Contaminated Land Phase One Desk Study (Prepared by Martin Environmental Solutions. Dated October 2017)
- c) Environmental Report - GS-4338606 (Prepared by Groundsure Location Intelligence)
- d) Ecological Advice Note: Land off Back Glen Eldon Road, Lytham St Annes - BOW20/297 (Prepared by bowland ecology)

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

3. Notwithstanding any denotation on the approved plans samples of all the external materials to be

used in the construction of the development, hereby approved, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development as required by Policy HL2 of the Fylde Borough Local Plan.

4. Prior to the commencement of development a scheme for the disposal of foul and surface water 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 and shall drain away from the railway line. 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. The development shall be implemented, maintained and managed in accordance with the approved details.

Reason: In order to ensure adequate and proper drainage of the site.

5. The access, turning and parking areas shall be carried out in accordance with the approved details shown on submitted plan ref: 17-2257-PN001 Rev B prior to the first occupation of any of the residential units, with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area as required by Policy HL2 of the Fylde Borough Local Plan.

6. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.

Reason: To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

7. Notwithstanding any denotation on the approved plans details of all boundary treatments (including the cycle store and bin store), including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. The boundary treatment running parallel with the railway line shall be trespass proof. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development and to ensure there is no adverse impact to the adjacent railway network.

8. The recommendations outlined on page 16 of the submitted "*Contaminated Land Phase One Desk Study*" prepared by Martin Environmental Solutions (dated October 2017) shall be implemented in full. Should contamination be found on the site works shall cease and the Local Planning Authority shall be notified in writing. A new remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the recommencement of works on site.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

9. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered

to throughout the construction period. The Statement shall provide for:

- a) the identification of the site access for construction traffic
- b) times of construction activity at the site
- c) times and routes of deliveries to the site
- d) the parking of vehicles of site operatives and visitors
- e) loading and unloading of plant and materials
- f) storage of plant and materials used in constructing the development
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- h) wheel washing facilities
- i) measures to control the emission of dust and dirt during construction
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works
- k) nature/type of machinery to be used in both construction and demolition
- l) the location of any scaffolding used for the development that is to be within 10m of the boundary with the railway network

Reason: To maintain the safe operation of the pedestrian and highway network in the area limiting the impact on adjacent uses given the proximity to residential properties and the equestrian use.

10. No works shall be undertaken until a walkover survey of the site has taken place in order to establish the presence of protected species and the results submitted in writing to the local planning authority. Should the presence of any protected species be identified, a mitigation and phasing scheme for demolition and construction work in the vicinity of their nesting sites shall be submitted to and approved in writing by the local planning authority and implemented throughout the construction of the dwelling.

Reason: To ensure adequate protection to protected species.

11. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, hard surfacing materials, minor artifacts and street furniture, refuse receptacles, lighting and services as applicable. Soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality.

12. The whole of the landscape works, as approved in condition 13, shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over

the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

13. Prior to the commencement of development details of acoustic mitigation for the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the units shall comply with the following:

Specific Environment	Critical Health Effect(s)	L _{Aeq} [dB]	L _{AFmax} [dB]
Outdoor living area	daytime and evening	50	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	-
Inside bedrooms	night-time (23.00 –07.00)	30	45
<i>Inside bedrooms *</i>	<i>Sleep disturbance, evenings (19.00-23.00)</i>		<i>45*</i>
Outside bedrooms	Sleep disturbance, window open (outdoor values), night-time (23.00 –07.00)	45	60
<i>Outside bedrooms*</i>	<i>Sleep disturbance, window open (outdoor values), evenings (19.00-23.00)</i>		<i>60*</i>

The mitigation measures shall be implemented in full prior to the first occupation of the units.

Reason: To ensure a satisfactory level of amenity for the occupiers of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/1006	Address Former Railway Platform/Land off Back Glen Eldon Rd & St Annes Rd E, Lytham St Annes	Grid Ref. E.3322 : N.4290	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 23 May 2018

Application Reference:	17/1018	Type of Application:	Full Planning Permission
Applicant:	Mr Mayman	Agent :	PINDER DAWSON ASSOCIATES
Location:	57-69 POULTON STREET, KIRKHAM, PRESTON, PR4 2AJ		
Proposal:	DEMOLITION OF EXISTING COACH HOUSE AND ERECTION OF 2NO. SEMI-DETACHED DWELLINGHOUSES		
Ward:	KIRKHAM SOUTH	Area Team:	Area Team 1
Weeks on Hand:	23	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7817411,-2.8739538,88m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application proposes the demolition of an existing two storey building that fronts onto directly onto Marsden Street at the rear of 57-69 Poulton Street, and its replacement with a pair of 2 storey semi-detached dwellings with a combined footprint similar to the demolished building. The proposal has been assessed against the relevant policies of both the adopted Fylde Borough Local Plan and the emerging Fylde Local Plan to 2032 and as it will bring a beneficial use to this underutilised brownfield site in a highly accessible settlement location it is considered an appropriate and acceptable form of development.

Reason for Reporting to Committee

The officer's recommendation for approval conflicts with the views of Kirkham Town Council and so the Scheme of Officer Delegation requires that the application is determined by Committee.

Site Description and Location

The application site is a red brick two storey former coach house (formerly No.33 Marsden Street) that was converted to use as a garage in 1960 and incorporated into the curtilage of No.57-69 Poulton Street, which currently operates as Mayman's household goods retail shop. The building appears to be in a poor state of repair and vacant. The site is just within the southern boundary of Kirkham Town Centre and is neighboured to the front and each side by residential properties.

Details of Proposal

Planning permission is sought for the demolition of the existing coach house and the construction of two 2 storey two bedroomed semi-detached dwellings. The new dwellings would be located broadly on the same footprint as the demolished building, although pushed slightly rearward by

approximately 1 metre. The pair of dwellings would have a depth of 10.4 metres, a combined width of 10 metres and an 8.2 metre high ridge. The front elevations would feature small canopies above each main entrance and the rear roof slopes would each feature a single central dormer. Both dwellings would front directly onto Marsden Street and have 4 metre long private yard areas to the rear. No off street parking provision is proposed by the application.

Relevant Planning History

Application No.	Development	Decision	Date
15/0126	PROPOSED TWO STOREY REAR EXTENSION	Granted	24/04/2015
92/0821	PROPOSED STORE ROOM EXTENSION	Granted	27/01/1993

Relevant Planning Appeals History

None

Parish/Town Council Observations

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

- a) *Parking for the houses would reduce the existing parking spaces on this site available to shops and businesses. Many residential developments have been passed on the back of public parking spaces reducing the number of spaces available to shoppers which is detrimental to the town.*
- b) *The building would prohibit HGV deliveries to the back of the shops which would then mean deliveries would take place on Poulton Street causing traffic and safety issues.*
- c) *The existing businesses would lose the bank of existing rubbish skips as the recycling lorries would no longer be able to access them.*
- d) *The site is used as a meeting point for all the fire exits leading onto the area from the shops and businesses.*

N.B. Due to the nature of the town council's comments they have been asked to confirm they are referring to the correct site and not to the open parking area located to the side which does not form part of the application site. The town council have responded and reiterate their original comments on the application

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They confirm that the development “will not have a detrimental impact on highway safety or capacity in the immediate vicinity of the site, although the planning department is advised to consider the impact on highway amenity”.

The reason for this comment is based on the absence of any parking provision within the development, and they highlight that the Joint Lancashire Structure Plan Parking Standards (which Fylde BC have adopted) suggest that a development of this nature should provide 2 off road car parking spaces for each three bedroomed property.

They advise on this further that “From observations and discussions with our traffic section, on-road parking around this area of Kirkham and surrounding roads are at a premium and any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents.”

However, if the council is to support the scheme they request conditions relating to traffic management during construction, the reinstatement of the footway across the site frontage.

United Utilities

No objections raised

Neighbour Observations

Neighbours notified: 12 December 2017
Number of Responses None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
SH09	New development in town centres (general)

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

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

The key issues for consideration against this application are contained within Policy HL2 of the Fylde Borough Local Plan, as altered, October 2005. Policy GD7 of the emerging submitted local plan (to 2032) is also a consideration.

Principle of development

The application site is located within a predominantly residential area of Kirkham Town Centre and hence the proposed development is acceptable in principle. The site is a brownfield site in a highly accessible location and so there is strong NPPF support for its residential redevelopment.

Design, scale and appearance

The proposed dwellings reflect the design and appearance of those dwellings that comprise the long terrace of properties on the opposite side of Marsden Street and respects the established building line of the northern side of the street. As such the proposal raises no concerns in respect of design, appearance or the character of the wider streetscape.

Neighbour amenity

The siting of the proposed dwellings relative to nearby existing dwellings is such that adequate separation is maintained to ensure that neighbour amenity is not unduly impacted on.

Access and parking

The application does not propose any provision for off street parking. County highways have raised no objections to the proposal in terms of impacts on the safe use of the highway network but have opined that each dwelling should be provided with off street parking space to alleviate any additional pressure for on-street parking. However this notwithstanding the site is in a highly accessible town centre location with good access to all essential community facilities and good availability of public transport access points that provide accessibility into nearby main settlements (e.g. Lytham St Annes, Blackpool, Fleetwood, and Preston).

Whilst the availability of on street parking is limited within this locale the site's high level of accessibility accords with the sustainability aims of local and national planning policies and would encourage future occupiers to utilise more sustainable means of transport rather than foster a continued reliance on the use of private motor vehicles. As such it is not considered that the lack of off street parking would provide sufficient justification for the refusal of permission.

Kirkham Town Council have objected to the application on several highway related grounds and these are reproduced here along with officer thoughts.

- a) *Reduced on street parking for shoppers* - This point is addressed in the preceding paragraph above
- b) *HGV deliveries would be prevented to rear of shops* - The proposed development would not close off any delivery access points to the rear of Poulton Street shops and waiting restrictions are already in force along the stretch of Marsden Street onto which the site fronts. Hence it is not considered that shop deliveries would be any more affected than now.
- c) *Loss of rubbish skips* - The proposed development would not impact on existing access arrangements to rubbish skips located to the rear of Poulton Street shops.
- d) *Loss of fire exit meeting point* - The application site is enclosed as does not form part of the rear fire exit meeting area for the shops and businesses along Poulton Street

Other matters

The proposed dwellings would utilise the existing surface and foul water drainage systems.

Conclusions

This application proposes the demolition of an existing two storey building that front onto directly onto Marsden Street at the rear of 57-69 Poulton Street, and its replacement with two 2 storey semi-detached dwellings with a combined footprint similar to the demolished building. The proposal has been assessed against the relevant policies of both the adopted Fylde Borough Local Plan and the emerging local plan (to 2032) and is considered an appropriate and acceptable form of development for this location.

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, and Proposed Plans & Elevations - Dwg no. 0490/17, dated August 2017 and received by the local planning authority on 11 April 2018.

Supporting Reports:

- Design and Access Statement

Reason: To provide clarity to the permission.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

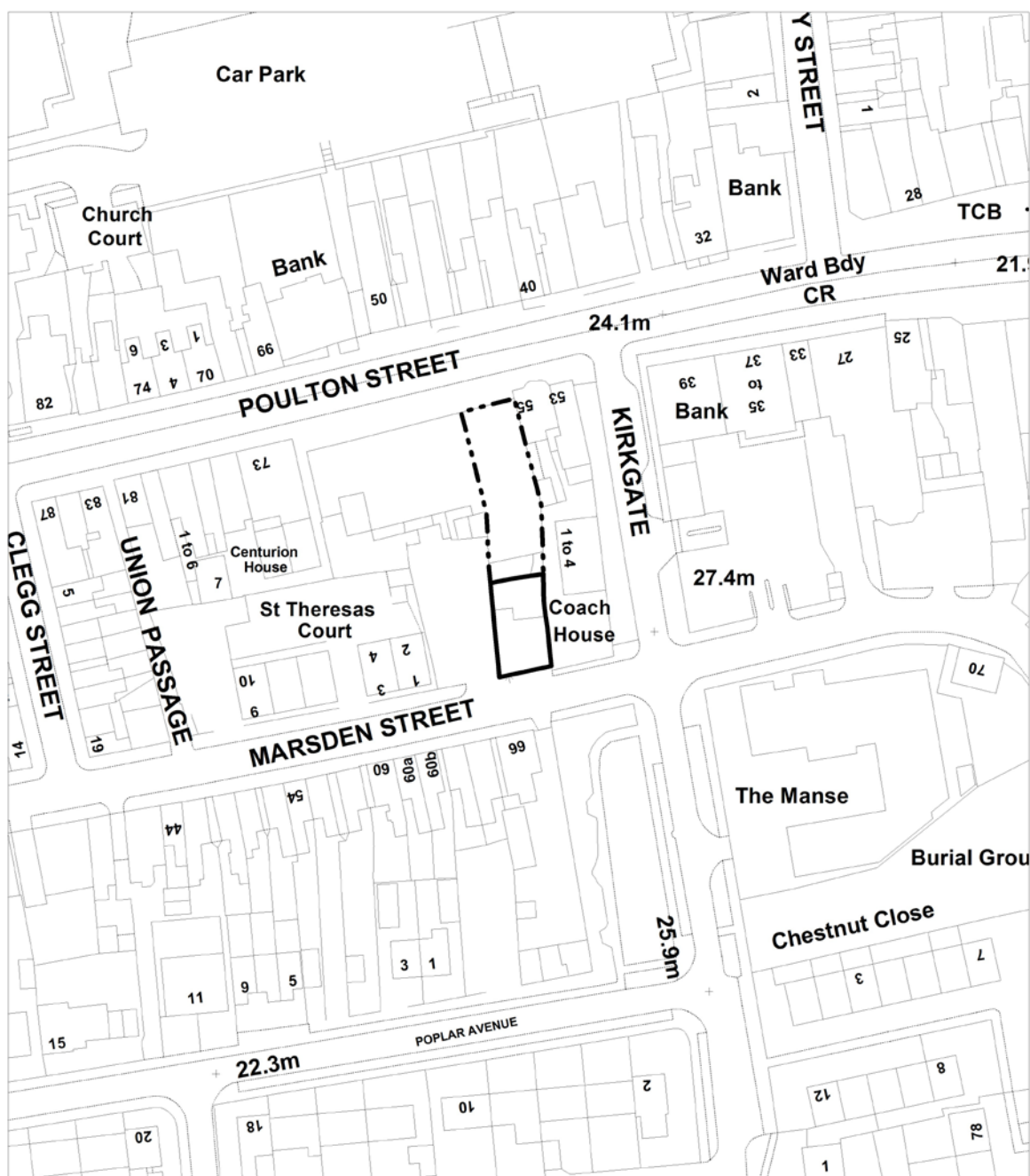
4. Prior to the commencement of development a scheme for the construction and phasing of footpath reinstatement across the whole site frontage to Marsden Street shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the agreed phasing.

Reason: In order to provide a suitable highway condition for pedestrians passing the site in accordance with Policy GD7 of the Fylde Local Plan to 2032.

5. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority. The TMA shall include and specify the provisions to be made for the following::

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing facilities;
- e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/17/1018	Address 57-69 Poulton Street, Kirkham	Grid Ref. E.3425 : N.4320	Scale 0 5 10 15 20 m

Item Number: 7

Committee Date: 23 May 2018

Application Reference:	18/0043	Type of Application:	Full Planning Permission
Applicant:	JK Beardsworth Limited	Agent :	MCK Associates Limited
Location:	HIGH MEADOWS, LOWER LANE, FRECKLETON, PRESTON, PR4 1TS		
Proposal:	ERECTION OF 11 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, PARKING, GARDENS, LANDSCAPING AND FENCING.		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	18	Case Officer:	Kieran Birch
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7677877,-2.865917,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This application is for full planning permission for the erection of 11 residential units on a 0.4ha site located on the west side of Lower Lane, Freckleton on land allocated as Greenbelt in the Fylde Borough Local Plan and Submission Version Fylde Local Plan to 2032. The site is directly adjacent to and would be surrounded by existing residential development to the north, east and west.

The erection of buildings on Greenbelt land is contrary to the NPPF with an exception through paragraph 89 being infill sites for housing, which this scheme is considered to constitute. Furthermore the site is allocated for housing in the Fylde Local Plan to 2032 through policy SL5 and as such it is considered that the principle of the development is acceptable.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development has minimal impact on the character of the greenbelt and the development would not have a detrimental impact on the amenities of the area to an extent that would justify refusal of planning permission. The ecological issues have been considered and found to be acceptable. The highways impact of the development are acceptable, LCC have confirmed they have no objections, and that the site will have a safe access and an acceptable impact on network capacity. As such it is considered that the proposal delivers a sustainable form of development and it is recommended that the application be supported by Committee.

Reason for Reporting to Committee

The application is for a Major development and as it is recommended for approval needs to be

determined by Committee.

Site Description and Location

The application site is an existing agricultural field located on the west side of Lower Lane. To the north and west of the site is the existing Lower Lane housing estate with the boundaries formed by hedgerows with intermittent trees. The dwellings on the estate are two storey, constructed in brick, with a mix of terraces, semi-detached and detached house types. The dwellings nearest the site directly north are newer infill dwellings (application 07/0959) orientated to obliquely face the northern boundary at an approximate 45°-angle. To the south of the site are open fields with no marked boundary and to the east the dwelling known as High Meadows. High Meadows is a large individually designed bungalow with number of outbuildings. The site itself is 0.4ha, is relatively level, grassed with no ecological features of note. It is currently accessed via a field gate off Lower Lane.

Details of Proposal

The application as submitted is a full application for the erection of 11 dwellings with access proposed from Lower Lane into a simple cul-de-sac arrangement with turning head. The dwellings are arranged so that two dwellings front Lower Lane, with their parking to the rear off the new estate road. Five dwellings are located fronting the estate road with their rear elevations facing the northern boundary, with three dwellings backing on to the playground to the west and one to the field to the south. The existing boundary treatment to the north and west is to be retained, with a new soft boundary proposed to the south in the form of a hedgerow with intermittent tree planting. There are six different house types proposed;

- House type A – Detached with 4 bedrooms (1 dwelling)
- House type C – Detached with 4 bedrooms (3 dwellings)
- House type D – Detached with 4 bedrooms (3 dwellings)
- House type F – Semi-detached with 2 bedrooms (2 dwellings)
- House type G - Detached with 3 bedrooms (1 dwelling)
- House type Bu – Bungalow with 2 bedrooms (1 dwelling).

The properties will be constructed predominately from facing brick, though some dwellings include an element of render. The dwellings have hipped roofs and a mix of grey and red roof tiles. The dwellings typically have front gables, design features include overhanging eaves and projecting soffits, canopies over front doors and ground floor bay windows. It is proposed that 30% of the dwellings will be affordable units. No formal public open space is proposed however the applicants have agreed to make a contribution to the maintenance of the adjacent play area.

Relevant Planning History

Application No.	Development	Decision	Date
98/0637	GENERAL PURPOSE STORAGE BUILDING FOR AGRICULTURAL IMPLEMENTS	Refused	02/12/1998

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 18 January 2018 and comment:

Freckleton PC are unanimously against this application due to the plot being on designated Green Belt land. Also the council believe the access to be inadequate as Lower Lane is very narrow.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

With reference to the above application, BAE Systems has no objection to this proposal.

Ministry of Defence - Safeguarding

No objections.

Lancashire County Council - Highway Authority

Originally objected on the grounds that the proposed development would have an adverse impact on highway safety due to concerns over the design of the proposed access, the width of Lower Lane and the absence of streetlighting.

The plans were subsequently revised and LCC now confirm that they have no objections as the development will not have an impact on highways safety or capacity, and will not have a severe impact on highway safety in the vicinity of the site provided street lighting and changes to the speed limit are implemented. They advise that the development will generate an estimated 72 two way vehicle movements a day, and that this will not have a severe impact on highway capacity. With regard to highway safety they state that an acceptable speed survey has been carried out and that appropriate site lines can be achieved. They also state that the submitted drawing showing refuse vehicle tracking is acceptable. They require the access, off site works – street lighting and speed limit alterations to be constructed under a s278 agreement. LCC state they fully support the proposed 2m footpath for the full frontage of the site with Lower Lane to the north of the new site access. They have no objections subject to conditions.

Regeneration Team (Trees and Landscaping)

No trees are within the development platform. Some offsite trees exist – Leylandii in group format and a willow that is beyond the redline - but are not impacted by the proposal. If screening to the adjacent playground and the four houses on Gannet Way that face into the site is required then the existing hedge must either be restored with new planting and management or else be replaced with some buffer planting, because it's currently in very poor condition. It doesn't serve to screen or separate the site from either feature. Similarly, the suggested line of trees to the 'new' southern boundary seems a little tenuous and it might be better to ask that they create a buffer strip if they can acquire a few metres of land.

In terms of landscape planting – the council favours trees with greater landscape visibility and longer lifespans, so at this early stage can we steer the applicants away from the usual selection of rowans, cherries and birch and perhaps ask that they look at spaces for oak, beech, sweet chestnut, lime, maples and London plane etc.

Greater Manchester Ecology Unit

As you are aware the information submitted with the application includes an ecology

assessment. This assessment has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The survey found the site to be of limited ecological interest.

It does not appear as if any scrub will be lost from the site but if so this work should be undertaken outside of the bird breeding season and we would advise that the following condition be attached to any permission:

No removal of or works to any hedgerows or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

The report also makes recommendations for biodiversity enhancements for the site (paragraph 5.6 and 5.9), in line with the requirements of the National Planning Policy Framework. We would therefore advise that these be required by condition, should permission be granted.

Lancashire CC Flood Risk Management Team

No comments received.

Planning Policy Team

Emerging Fylde Local Plan to 2032

The Fylde Local Plan to 2032 (Publication Version) was submitted for examination on 9th December 2016. Three stages of Examination hearings have taken place during 2017 and no further hearings are anticipated. Consultation on proposed modifications to the plan is currently being undertaken (between 8th February 2018 to 22nd March 2018). The weight to be given to individual policies of the emerging plan is dependent upon whether there have been any challenges to those policies at Examination, and if so, whether these remain unresolved.

The site is allocated for housing in the emerging Local Plan under Policy SL5. No representation was made to the consultation on the plan relating to the allocation of this site under this policy. Consideration of sites included in Policy SL5 has been subject to Examination, and no modification, information or further justification has been requested by the Inspector, or raised as an issue by anyone during Examination hearings. Accordingly, it would be appropriate to give the allocation for housing of the site under this policy significant weight in decision-making.

The site is identified as green belt on the draft Local Plan Policies Map. Policy GD2 of the emerging plan states that national guidance for development in the Green Belt will be applied. A proposed modification to the plan amends this to state national policy rather than guidance. A representations to the plan put forward that the green belt around Freckleton be reviewed in consideration of making that settlement a strategic location for development. However, the Council did not accept this and Policy GD2 has since been subject to Examination: the Council has not been asked by the Inspector to consider reviewing this policy other than in respect of the proposed modification above. Accordingly, it would be appropriate to give this policy, as modified, significant weight in

decision-making.

Policy H4 of the emerging plan requires the provision of 30% of net dwelling units to be affordable housing, on sites of 10 or more dwellings. Where the Council considers that these would best be provided off-site, this can be agreed with the applicant. The decision-maker will need to be satisfied that the required level of affordable housing provision will be secured.

The emerging plan includes a wide range of policies which provide general criteria in respect of issues which apply to a wide range of applications. The most important of these is Policy GD7 Design, which sets out the principles which development should follow. This policy has been subject to Examination, and modification has only been necessary in relation to one criterion; the policy, as modified, is considered to carry significant weight in decision-making. The decision-maker will need to be satisfied that the proposed development complies with the criteria of this policy.

The National Planning Policy Framework (the Framework)

Paragraph 89 of the Framework sets out circumstances where the construction of new buildings in the green belt is not inappropriate. These include limited infilling in villages. The proposed site is such a piece of infilling, which would provide for the rounding off of the developed area more effectively, within the confines of the existing limits of development. The proposed site therefore accords with the green belt policies of the Framework.

Summary

The proposed site is allocated for housing under the emerging plan, and with no representations to the allocation, nor matters raised at Examination, this carries significant weight in support of the acceptability of the proposed development in principle. Development of the site is acceptable in relation to the Green Belt policy in the Framework. The decision-maker will need to be satisfied that the proposed development complies with emerging policy GD7 and adopted policy HL2 in respect of design. Although the proposed development is contrary to a literal interpretation of adopted policy SP3, it accords with the objectives of the policy, and policy SP3 is not in conformity with the Framework. It is for the decision maker to factor in any other material considerations and to determine the weight to be attached to these material considerations as part of the planning balance. I hope that this information is of assistance. If you require any further clarification, please do not hesitate to contact me.

United Utilities - Water

No objections. Request condition relating to foul and surface water.

Neighbour Observations

Neighbours notified:	18 January 2018
Amended plans notified:	06 February 2018
Site Notice Date:	19 January 2018
Press Notice Date:	25 January 2018
Number of Responses	One
Summary of Comments	Objects; <ul style="list-style-type: none">• Narrow lane in bad state of repair and more traffic will make worse. Damage to my land by people using as passing place.

- Worried about urban sprawl.
- Worried about safety from increase in residency.
- Open aspects of Lower Lane lend themselves to agriculture.
- Disruption to services including phone line, water pressure, electricity etc.
- Noise pollution from construction and residents.
- Southern entrance to Lower Lane is narrow and a dangerous junction. Increase in traffic will increase likelihood of accidents.

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
HL01	New residential development
HL06	Design of residential estates
EP11	Building design & landscape character
EP14	Landscaping of new developments

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
ENV1	Landscape
GD2	Green Belt
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
INF2	Developer Contributions

Other Relevant Policy:

NPPF: National Planning Policy Framework

Section 9 - Protecting Green Belt Land

Paragraph 79 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 A local planning authority should regard the construction of new buildings as

inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

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

The main issues that need to be considered when determining this application are;

- The principle of the development
- Impact on the character of the area
- Design/layout
- Highways
- Ecology
- Residential Amenity

The principle of the development

The application site is located in the greenbelt in the both the Adopted Local Plan and the Local Plan to 2032. Greenbelt policy SP3 of the Fylde Borough Local Plan (As Altered: October 2005) states that

planning permission will not be given except in very special circumstances for the erection of new buildings, other than for certain purposes (which do not include residential use). Other forms of development will not be permitted unless they maintain the openness of the green belt (and) do not conflict with the purposes of including land within it and do not injure the visual amenities of the green belt.

This application involves the erection of buildings without demonstrating very special circumstances and so is on the face of it contrary to SP3. However the purpose of the policy is to maintain the openness of the green belt, to protect its visual amenity and not to conflict with the purposes of including land within it, therefore it needs to be considered if the proposed development would maintain these aims. Furthermore SP3 is not in complete accordance with the guidance in the NPPF, as it does not provide for development that is not inappropriate in the green belt as detailed above. Of relevance to this application is that paragraph 89 of the framework allows for the construction of new buildings in the Greenbelt including 'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan'. Paragraph 79 outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl and that the essential character of Green Belts are their openness and permanence, with paragraph 80 defining the purpose of green belts to be to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Paragraph 88 states that substantial weight is to be given to any harm to the Green Belt. Therefore a key issue of assessing this application is to consider whether the development of the site can be considered to be an infill and whether or not there is harm to the greenbelt.

The council believes that the Fylde Local Plan to 2032 is fully in compliance with the NPPF as it was written post-NPPF. Whilst yet to be adopted the plan has now undergone its examination in public, with the Inspectors report soon to be issued. The Inspector will need to take into account the consultation responses to the proposed main modifications for consultation before finally concluding whether or not a change along the lines of the modifications is required to make the Plan sound. The Plan would then be able to proceed to adoption.

The proposed main modifications for consultation included an Objectively Assessed housing Need (OAN) figure of 415 dwellings per annum for the plan period. The Fylde Local Plan to 2032 includes sufficient allocations, commitments and allowances to provide for this OAN. As outlined in the policy officer's response this site is allocated for housing in the emerging Local Plan under Policy SL5. No representation was made to the consultation on the plan relating to the allocation of this site under this policy. Consideration of sites included in Policy SL5 has been subject to Examination, and no modification, information or further justification has been requested by the Inspector, or raised as an issue by anyone during Examination hearings. Accordingly, it would be appropriate to give the allocation for housing of the site under this policy significant weight in decision-making. The Local Plan to 2032 retains the sites greenbelt allocation under policy GD2, which simply states that the NPPF guidance for development in the Green belt will be applied.

Impact on the character of the area/Greenbelt

The development of the application site effectively infills a gap between existing built development, which would provide for the rounding off of the developed area more effectively, within the confines of the existing limits of development. The proposed site therefore accords with the green belt policies of the Framework. The most significant view of the site will be from the east but with the adjacent site already existing it would be viewed as having a consistent boundary in line with the

adjacent developments. The site is open with boundary trees and hedgerows proposed to be retained and also planted to form the site boundary to the south and also within the site itself. The provision and the retention of these features will assist in integrating this development into the setting of the adjoining development. It is not considered the development will have a significant or unacceptable visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features. As such it is not considered the development of the site would prejudice the fundamental aims and purpose of NPPF green belt policy.

Principle of the development – conclusions

The proposal is for the erection of 11 dwellings in an area allocated as Greenbelt in the Fylde Borough Local Plan and the Fylde Local Plan to 2032. The NPPF paragraph 89 allows for the construction of new buildings in the Greenbelt including limited infilling of which this development is considered to constitute and as such is in accordance with this allowed criteria of development. Due to the infill nature of the development there is no visual impact or harm and as such the development of the site cannot be said to contradict the fundamental aim and purpose of greenbelts. Furthermore the site is allocated for residential development in the Fylde Local Plan to 2032 under policy SL5, which is a policy that has not been asked for any modifications of further justification by the Local Plan Inspector, or raised as an issue by any party at the hearing, and as such this allocation can be given significant weight. It is therefore considered the principle of the development is acceptable.

Design/Layout

The proposal is a full application and therefore the design of the dwellings and their layout are to be assessed. A mix of house types are proposed and are as detailed in the descriptions of proposal section. Firstly when considering the layout it is constrained by the size and rectangular shape of the site and the need to provide the access from Lower Lane. The layout is considered to be appropriate in that the two dwellings at the entrance to the site front the highway and the other dwellings back onto the existing development. The development includes a bungalow whose rear aspect faces the southern boundary as well as a side facing elevation. Whilst front facing elevations would be preferable this is not possible due to the constrained nature of the site, and due to its infill nature it will have little visual impact in this location. Furthermore landscaping in the form of a hedgerow and trees are proposed to be planted along this boundary which will soften the impact. This is considered appropriate and also permitted development rights for outbuildings and fences in the rear gardens of these dwellings should be removed so that the Council can control their appearance.

The mix of house types around the site is acceptable with the design following a ‘theme’ which gives a consistency to their appearance and quality that is also acceptable. The dwellings typically have front gables and are constructed in red/brown brick with pitched tiled roofs. Design features include overhanging eaves and ground floor bay windows. The overall design of the dwellings is considered acceptable, with their design and scale acceptable considering the sites context and location. Officers enquired with regard to whether a footpath link to the adjacent playground could be provided and in their submitted statement the applicants state this was rejected due to design safety grounds. However it is not considered that the lack of a link warrants a reasons for refusal of the application and indeed it is only a short walk around the estate from the application site for residents of the new dwellings. As such it is considered the proposed layout forms and acceptable residential development as envisaged in general design policies – adopted Policies HL2, HL6 & EP14, draft Policy GD7, and the principles in NPPF Chapter 7.

Residential Amenity

Policy HL2 of the FBLP and Policy GD7 of the Fylde Local Plan to 2032 supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. With regard to the described layout above as it has been submitted as a full application the impact on neighbours can be fully assessed as part of the consideration of the application. There are no dwellings to the south of the site and directly to the west is a playground with the dwellings beyond it such a distance to not be impacted upon by the proposed development. To the east of the site is High Meadows, the side elevation of plot 10 is 21m from its side elevation and the side elevation of the bungalow is 27m from its rear elevation. At such distances there will be no unacceptable impact on light or any overlooking created.

The dwellings on the north side of the estate road back on to the dwellings to the north. The rear elevations of numbers 5 and 6 are 21m from plots 5 and 6, an appropriate rear to rear elevation relationship. Numbers 10 to 16 Lower Lane obliquely face the northern boundary at an approximate 45°-angle, and are approximately 14m from the proposed rear elevations of plots 7, 8 and 9. As these are obliquely sited the rear elevations face the side elevations of these dwellings and as such there will not be unacceptable overlooking or loss of privacy. Furthermore there is a row of trees that form the boundary here that will obscure views between the dwellings. Relationships between the dwellings located on the site itself are acceptable.

The development will therefore not create any unacceptable overlooking or loss of light to existing or proposed dwellings.

Highways

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

- a) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- b) safe and suitable access to the site can be achieved for all people; and
- c) Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. The application as originally presented initially raised an objection from LCC Highways which is detailed above in the consultee's section. This resulted in amended access and refuse vehicle tracking plans being submitted. The access plans showing a proposed footway and 2.4 x 52m splay to the north and 2.4 x 42m splay to the south. LCC Highways have subsequently commented that they have no objections and that the proposed 11 dwellings will not have a detrimental or severe impact on highway safety or capacity in the immediate vicinity of the site. This is provided that the new site access, and associated off-site works for the new street lighting and changes to the speed limit orders, which will need to be constructed under a section 278 agreement of the 1980 Highways Act. With regard to the parking levels proposed LCC have raised no concerns and state that whilst the layout accords with manual for streets guidance it would not meet the standards expected for the estate road to be adopted by

Lancashire County Council as Highway Authority. Due to the location and scale of development contributions are not being sought for this application but LCC state they are of the opinion that the proposed footpath and improved street lighting will aid will encourage walking and as such the site will be less car dependant and as such gives people a real choice about how they travel. As such there are no unresolved highways issues with the application subject to the imposition of suitable conditions.

Ecology

The application has been submitted with an ecological assessment which has been assessed by the Council's consultants GMEU. The submitted assessment found that the site consists of improved grassland surrounded by scattered scrub, trees and hedgerow. It states that the loss of the 0.4ha of improved grassland will result in a negligible ecological impact as this habitat is of little ecological value and does not support any protected species. The site does not support any habitat for amphibians in the terrestrial phase of their life cycle and no impacts are envisaged. GMEU state that the assessment has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The survey found the site to be of limited ecological interest. They state that it does not appear that any scrub (vegetation) will be lost from the site but if so they state this should be undertaken outside of bird breeding season. The submitted report also makes recommendations for biodiversity enhancements for the site including that the scrub boundaries are retained and enhanced by supplementary planting and that bat and bird habitats are installed into the fabric of the building during construction. Therefore with such conditions the impact of the development with regard to ecology is acceptable.

Drainage

The application is located in Flood Zone 1, which is an area where vulnerable developments such as dwellings is permissible. The application has been submitted with a drainage strategy which outlines the current site conditions, considers the proposals for development and proposes a drainage strategy and maintenance. The site comprises mostly undeveloped grazing land (0.4ha) with a layer of topsoil of variable depth (200-300mm) overlying a deep layer of subsoil with a high clay content. Percolation tests of the site have proven that infiltration techniques for surface water disposal are unlikely to be successful. The strategy outlines that the development will be served by separate foul and surface water drainage systems. The foul water will be discharged into the existing adopted foul sewer in land east of Lower Lane and surface water will be discharged into the existing drainage ditch that runs southwards along the eastern side of Lower Lane. The roads and drains serving the development will subsequently be retained in private ownership. A management company will be employed to carry out future maintenance and repairs across the site.

The strategy outlines that development of the site will have the effect of increasing the speed at which the water enters the existing ditch system and as such it is necessary to introduce a controlled rate of discharge and the installation of suitable attenuation features within the main drainage system. It is proposed that this be limited to greenfield run-off rates, with a 30% allowance for climate change. A surface water drainage scheme has been designed with these principals in mind, employing a "Hydro-brake" within the final manhole chamber on the site, discharging through a 150mm Diameter outlet to the final discharge point, to restrict outflows to a maximum of 5.0 l/s in all storm events up to a 1 in 100 year event. It is proposed to accommodate extreme flows in an attenuation tank south of the proposed access to the site. On completion of the development the drainage systems will be put under the charge of a suitably qualified maintenance company along with the access road and communal areas of the site. An annual charge will be levied on each property to provide the funding for the management company, who will then be responsible for the

on-going maintenance and repair of the assets.

United Utilities and the Lead Local Flood Authority (LLFA) have been consulted on the application. The LLFA have made no comments. United Utilities have no objections to the development, they request a condition stating that foul and surface water be drained on separate system, that details of the surface water drainage system be submitted for approval and also details of a management and maintenance plan for that system be submitted. There are therefore no flooding or drainage issues with the application that could warrant a reason for refusal of this application.

Other issues

Housing mix and Affordable units

Policy H2 of that emerging Plan requires that all developments of 10 dwellings or more to provide 50% 1-3 bedroom dwellings and 33% 1-2 bedroom in rural areas. Policy H4 of the Local Plan to 2032 also confirms that all residential schemes of 10 or more dwellings should provide for 30% of the total dwellings for affordable purposes and secured through that policy and Policy INF2. The provision of affordable housing is an accepted element of residential development and is underpinned by para 50 of the NPPF. For this site therefore with the proposal being for 11 dwellings 3 need to be affordable dwellings, and 5 properties of which are 1 to 3 beds.

The applicants and your officers have had dialogue with regard to this policy requirement as clearly with the proposal being for 11 dwellings the impact of the policy with regard to viability is greater than if the development of larger sites. It also needs to be considered that if the scheme were for 9 dwellings then there would be no requirement to provide smaller properties or affordable housing. That said it has been agreed that the scheme will provide three affordable units, which complies with policy H4 and that the development will provide seven four bedroom units, with four three bedrooms or less (36%). Whilst this is less than the 50% required when considering the benefit of the affordable housing, the street lighting and lowering the speed limit costs as well as the contribution to the offsite public open space on balance it is considered acceptable. On site affordable housing is the preferred delivery route in the emerging Local Plan and given that the adjacent properties are affordable it is considered that these dwellings will be attractive to a Registered Provider.

Public Open Space

Policy TREC17 of the adopted Local Plan states that within housing developments that amenity open space will be provided with the amount subject to the number of bedrooms in each dwellings. For this development this amounts to 392m². That policy also says that when the standards would require the provision of open space of less than 0.2ha or where for other reasons it is agreed between the developer and the Council that the open space would be better provided off site payment of a commuted sum will be sought to help provide additional or improved open space nearby that would serve the occupants of the new development. Given the proximity of the existing park on the Lower Lane estate it is considered that a legal agreement contributing £11,000 is appropriate and that will go towards the maintenance of that space for the occupiers of the dwellings. Within the publication version of the plan to 2032 Policy ENV4 – Provision of new open space has the same amenity space requirements as the Adopted Local Plan with the same opportunity for commuted sums towards off site provision.

Agricultural Land

The loss of this small area of agricultural land has been considered and accepted through the Local Plan process which allocated it for housing. Furthermore the Council have accepted the loss of Grade 3a land for residential development elsewhere in the Borough (Appeal ref. APP/M2325/W/16/3144925) due to the large amount of Grade 2 and Grade 3 agricultural land remaining in the Borough. Therefore the loss of this agricultural land cannot form a reason for refusing the application.

Conclusions

The principle of the development of the site is acceptable given its compliance with NPPF paragraph 89, bullet point 5 as an exception site for infill for housing in a village that will support local housing needs, including affordable housing. This support is demonstrated by the Council's proposed allocation of the site for housing in its emerging Local Plan, Policy SL5, allocation HS38. It demonstrates that the site is suitable for housing development in the Green Belt as an infill site, that it is sustainably located and that it will support defined local housing needs to meet the exception criteria. The development will not create any harm to the landscape, and the proposed layout and design of the dwellings meet Local policy criteria and do not prejudice the amenity of any neighbouring dwellings. There are no technical issues with regard to highways, drainage or ecology and as such the proposal is recommended for approval.

Recommendation

That in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the Secretary of State is informed that the Local Planning Authority is minded to approve the application. Subject to the Secretary of State not calling the application in it be subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 30% (three) of the proposed dwellings to be affordable properties
- a financial contribution of up to £11,000 towards enhancing off site public open space provision ,

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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 - 17-130 L-001
- Site layout plan 17-130 S-001 Rev A
- Enclosures plan - 17-130 S-002 Rev A
- Materials plan - 17-130 S-003 Rev A
- House type A - 17-0130

- House type Bungalow 17-0130
- House type C brickwork and render 17-130
- House type D brickwork and render 17-0130
- House type F 17-130
- House type G 17-130
- Proposed garages - 17-130 G-001
- Brick Wall detail S-W01
- Enclosures details 17-0130 S-004
- Site access plan - A106755-P001 REV C

Supporting Reports:

- Design and Access Statement
- Planning Statement
- Drainage Strategy
- Ecological Appraisal
- Transport Statement

Reason: To provide clarity to the permission.

3. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall materials and cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any development. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development to comply with Policy HL2 of the Fylde Borough Local Plan.

4. No development shall take place until details of a Construction Management Plan for the highway construction of the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with (LCC) Highways, and be adhered to throughout the construction period. The Plan shall provide for:-
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials used in the construction of the development;
 - c) Storage of such plant and materials;
 - d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used.
 - e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
 - f) Routes to be used by vehicles carrying plant and materials to and from the site;
 - g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: In the interest of highway safety; to reduce the impact of development on the surrounding highway; to ensure a satisfactory appearance and safety of the highways infrastructure serving the approved development; and safeguarding the visual amenities of the locality.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. The off-site highway works to include:
- a. A new street lighting system from lighting column 9 Lower Lane to a point south of the existing access to "High Meadow"
 - b. Changes to the existing speed limits to the new street lighting column at the south of "High Meadow"
 - c. The 2m and 1.4m wide footpath provision as shown on drawing A106775P001 rev C "Proposed Site Access".

The approved schemes shall be implemented in full prior to first occupation of any of the dwellings hereby approved.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, and that these works are then implemented to provide safe access arrangements that accord with Policy HL2 of the Fylde Borough Local Plan.

6. Prior to the commencement of any development on site full details of the proposed construction of the internal access road, including its materials and the phasing of construction and completion, together with the proposed arrangements for the future ownership, management and maintenance of the access road has been submitted to and approved by the local planning authority. The access road shall thereafter be constructed and maintained in accordance with the approved details unless an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established, the details of which have been provided to the Local Planning Authority.

Reason: To ensure the access road is appropriately constructed and maintained.

7. No trees, hedgerow or scrub shall be removed from the site unless otherwise agreed in writing with the Local Planning Authority. If any removal is approved no tree felling, vegetation clearance works or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

8. No works shall commence until full details of bat and bird roosting opportunities to be installed within the re-developed site have been submitted and approved in writing by Fylde Borough Council. Approved details shall be implemented in full in accordance with a phasing schedule that is approved as part of the submitted details for this condition.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

9. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels,

means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

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

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

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National 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.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

13. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

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

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development

14. The garages shown within the development hereby approved shall be used as a private garage and for the purpose ancillary to the use of the existing dwellinghouse within its curtilage only, and not for any trade or business under any circumstances.

Reason: To safeguard the amenities of the neighbourhood.

15. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, and F of the Town and Country Planning (General Permitted Development)(England) Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna]

Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.



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Application No. 5/18/0043	Address High Meadows, Lower Lane, Freckleton	Grid Ref. E.3428 : N.4305	Scale 0 10 20 30 40 m

Item Number: 8

Committee Date: 23 May 2018

Application Reference:	18/0068	Type of Application:	Full Planning Permission
Applicant:	Mr R Fryars	Agent :	J Wareing and Son Ltd
Location:	SUMMERER FARM, WEETON ROAD, SINGLETON, POULTON-LE-FYLDE, FY6 8NQ		
Proposal:	ERECTION OF AGRICULTURAL BUILDING TO HOUSE CATTLE.		
Ward:	SINGLETON AND GREENHALGH	Area Team:	Area Team 2
Weeks on Hand:	17	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/@53.829971,-2.9440373,1401m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is Summerer Farm, which is a farming enterprise that operates from a site located in the countryside outside Singleton Village. The proposal relates to the erection of a new building to provide additional livestock housing in connection with the dairy enterprise operated by the applicant and his family at this site.

The application is for a building to provide additional facilities for livestock housing for young beef and dairy stock to help the enterprise meet modern standards.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the emerging Fylde Local Plan to 2032 in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

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

Reason for Reporting to Committee

The application is on the agenda as the proposal is major development and under the council's scheme of delegation such applications are to be determined by the Planning Committee.

Site Description and Location

The application site is Summerer Farm, Weeton Road, Singleton. The farm operates as a dairy enterprise which is situated to the west side of Weeton Road which is surrounded by open fields immediately bordering the site with Weeton Army Camp situated to the south side of the site.

The site is within the countryside 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 permission for a new building for the purposes of cattle housing. The building measures 58.1 metres in length by 30.78 metres in width and is designed with an eaves height of 3.35 metres and with a ridge of 6.96 metres to be constructed in 'Yorkshire Boarding' and blockwork to the gable end elevations, with open side elevations and under a 'Grey' fibre cement roof sheeting.

The building is to be situated to the south side of the existing cattle buildings forming part of this complex.

Relevant Planning History

Application No.	Development	Decision	Date
17/0582	APPLICATION FOR PRIOR APPROVAL FOR PROPOSED TELECOMMUNICATIONS DEVELOPMENT OF A 24M HIGH LATTICE MAST WITH 3 X ANTENNAS AND 2 X DISHES WITH ANCILLIARY EQUIPMENT	Permission not required	06/09/2017
16/0964	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS/GATEWAY AND HARDSTANDING AREA	Granted	17/02/2017
15/0304	PROPOSED CONSTRUCTION OF ROOF OVER EXISTING SILAGE STORE	Granted	01/07/2015
09/0357	NEW AGRICULTURAL BUILDING	Granted	04/08/2009

Relevant Planning Appeals History

None

Parish/Town Council Observations

Singleton Parish Council notified on 26 January 2018 and comment:

The Parish Council has no specific observations to make on the proposal but would like to see the planting of trees encouraged to soften the impact on the surrounding area.

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified:	26 January 2018
Site Notice Date:	31 January 2018
Number of Responses	None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character

Fylde Local Plan to 2032:

GD4	Development in the Countryside
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

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

This application seeks permission to erect a new portal framed livestock building to provide improved and extended accommodation for livestock at the site which operates as a dairy farm.

Policies

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the Fylde Local Plan to 2032 are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

The need and principle of development

Policies SP2/GD4 are relevant to this application given its countryside location. These are generally restrictive policies that look to preserve the rural nature of the borough. One of the exceptions to this restriction, is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at 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.

Summerer Farm is owned Mr Fryars whose family have farmed here for several generations. The main farming enterprise is the keeping of dairy cattle for milk production with an additional smaller herd of 'dry cows' and 'young stock' the building proposed is to house the dry cows and young stock.

The erection of this building will assist the applicant with the timeliness of his milk production, improve animal welfare and will improve the management and handling of animal waste thus improving the safety and welfare of his stock and that of his and his family members.

DEFRA require that all stock-keepers have access to easy to use and efficient handling pens so that the animals can be routinely managed, practice good hygiene, reduce animal stress and prevent the spread of disease to other animals.

Space allowance for cattle housed in groups is worked out in terms of:

- a) the whole environment
- b) the age, sex, live weight and behavioural needs of the stock
- c) the size of the group; and
- d) whether any of the animals have horns

Calf pens must be large enough to allow calves to groom themselves, lie down and stretch their limbs and rise without any difficulty and must also allow visual and tactile contact with animals in adjoining pens/hutches. From 8 weeks of age, calves must be group housed (unless an animal is kept in isolation).

Air space is as crucial as floor area, pneumonia is common in housed animals and the disease can often be avoided if the buildings are well designed, with good ventilation, not overcrowded and mixing of different aged animals is avoided.

Accommodation should also be provided to house sick or injured animals in isolation.

In view of the above it is considered that the proposal is essentially required for the purposes of agriculture, justified in principle and complies with the requirements of Policy SP2/GD4 of the local plan in regard to need.

Impact on visual amenity

The proposed site is to the south side of the existing buildings and is of the same length, albeit narrower in width than the existing cattle buildings.

The buildings are typical agricultural styled buildings consistent with the rural vernacular and whilst this is a large building it would be viewed against the backdrop of the existing buildings and wider farm complex. It is set well back from the highway and its impact is lessened by the presence of the buildings associated with Weeton Camp and woodland to the south and west sides of the farm and so views of the building will be distant views and less obtrusive in the rural landscape.

It is considered that the siting is acceptable and overall will not result in a detriment to the visual amenity of the countryside.

Impact on neighbours

Due to the siting of the buildings there are no immediate neighbours likely to be affected by the proposed development by way of loss of light or loss of privacy. Some increase in odour may be experienced but given the general direction of the prevailing wind direction and distance to neighbours this would not be so significant to result in a refusal of the application.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

Access and highway issues

No new accesses are proposed as part of this application with transportation of the animals to the building utilising the existing entrance/exit to the farm.

The applicant advised that traffic movements are not anticipated to increase as a result of this development.

The proposal is therefore considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

Other matters

Animal waste, is a matter regulated by the Environment Agency. Paragraph 122 of the NPPF advises that *"Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities"*.

Waste (slurry) management is another consideration. By permitting large buildings which allow the animals more room to move around undercover reduces the need for them to walk on outside yards during the housed part of the year and reduces the opportunity to produce manure on yards which when mixed with rainfall has to be stored and spread on the fields when the weather conditions allow.

It is considered that waste material would be better managed in a larger building which in any case is an issue that is appropriately managed by the Environment Agency and therefore does not need to be addressed in detail in this application.

The Parish Council have suggested tree planting to soften the impact of the building however, given its location and surrounding features it is considered that the building would not be overly obtrusive in the landscape and tree planting may restrict the operation of the farming activities.

Conclusions

The application proposes a building for the purposes of agriculture of a typical scale and design as seen on countless farms throughout the borough.

The development is sited in an area that will result in some views of the development however the

scale and appearance of the building(s) is considered to be acceptable and consistent with the visual appearance of other buildings on this site and those on numerous farms in the Fylde countryside and will not alter the overall character of the countryside. The proposal is not in such a prominent location or in such close proximity to neighbouring residential properties as to warrant a refusal of the scheme.

The development represents sustainable growth and expansion of an existing agricultural business in compliance with the policies of the current local plan and the submission version of the local plan 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 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.

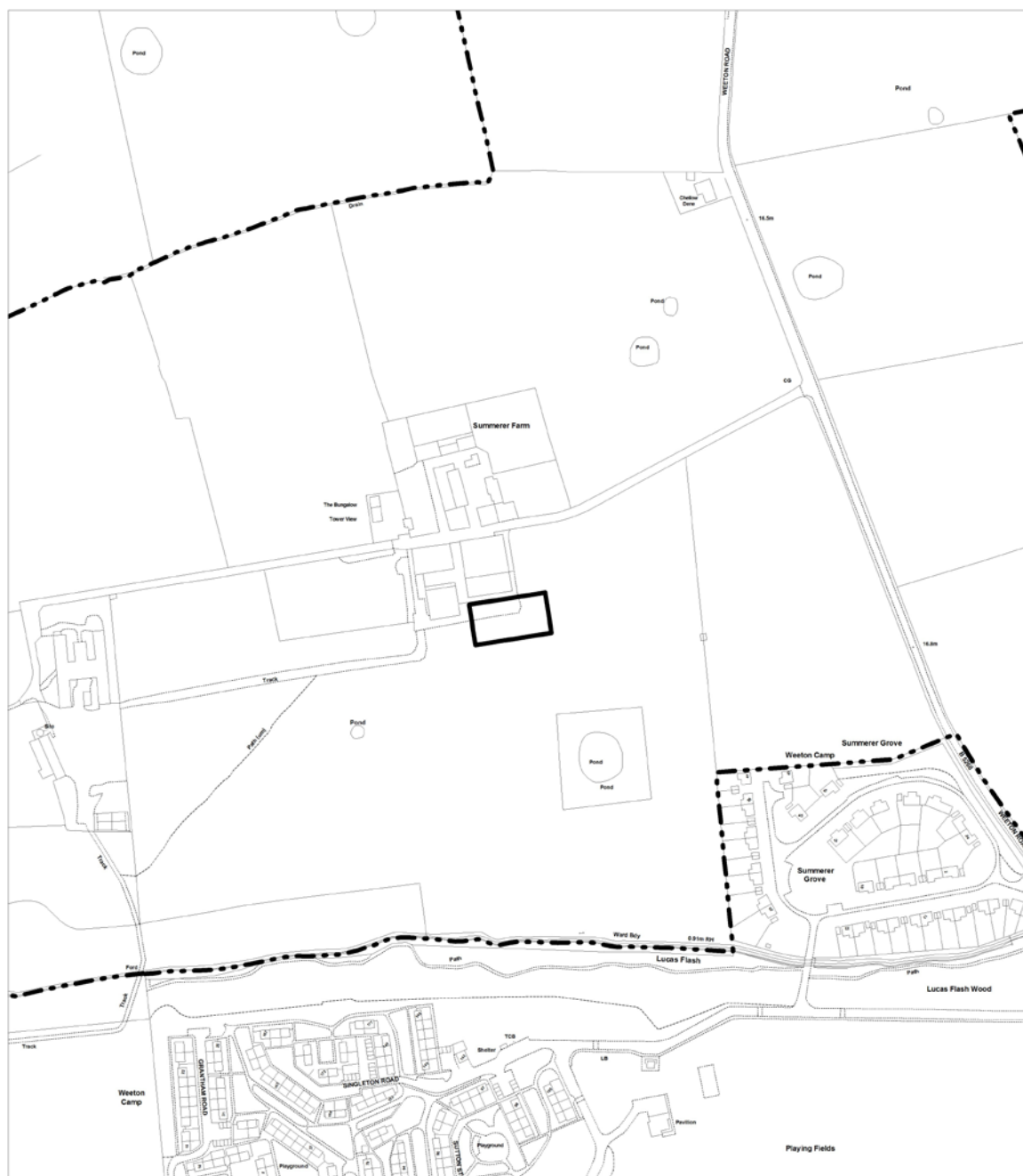
2. This consent relates to the following details:

- a) Location Plan - 'Bing Maps'
- b) Proposed floor and elevation plans - drawing no. P6104-01
- c) Design and access statement - Jonathan Lace (January 2018)

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; 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 preserving the visual amenity of this Countryside area as required by Policy SP2 and EP11 of the Fylde Borough Local Plan



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Application No. 5/18/0068	Address Summerer Farm, Weeton Road, Singleton	Grid Ref. E.3382 : N.4371	Scale 0 20 40 60 80 m

Item Number: 9

Committee Date: 23 May 2018

Application Reference:	18/0081	Type of Application:	Householder Planning Application
Applicant:	Mr o'Connor	Agent :	ASL
Location:	2 MARGATE ROAD, LYTHAM ST ANNES, FY8 3EG		
Proposal:	PROPOSED REPLACEMENT DORMERS TO SIDE ELEVATIONS		
Ward:	KILNHOUSE	Area Team:	Kieran Birch
Weeks on Hand:	16	Case Officer:	Alan Pinder
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/@53.7604906,-3.0226706,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Planning permission is sought for the formation of a dormer into each of the side facing roof slopes of No.2 Margate Road. But for the use of clear glazing in one of the dormers the whole development could be carried out as permitted development under Part 1 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. However, as the scheme does include clear glazing then it requires planning permission and so hence this application has been made.

The construction of the dormers of this size and appearance as permitted development is a realistic fall-back position in respect of the scale and appearance of the development. The clear glazed dormer window is at a cill height that ensures it will not cause unacceptable overlooking of neighbouring dwellings. With these facts in mind it is considered that the proposal is acceptable and so is recommended for approval.

Reason for Reporting to Committee

The Head of Planning and Housing has agreed to a request for Committee consideration from a ward councillor (Cllr Karen Henshaw).

Site Description and Location

The application site is a detached bungalow dwelling located within a residential area of Lytham St Annes that is characterised by bungalows of similar appearance and scale, many of which feature dormers within their roof slopes.

Details of Proposal

Planning permission is sought for two side facing dormers; one in each side roof slope. These dormers would replace existing smaller monopitch roofed dormers with larger dormers that have a gabled roof design with ridges level with the main roof ridge, and set almost centrally within each roof slope. The north facing dormer would serve a bathroom and feature an obscurely glazed window, and the south facing dormer would serve a bedroom, featuring clear glazing and an 'escape' window in the rear facing dormer cheek. Both dormers would be finished in anthracite grey cladding to match the appearance of the main roof slopes. Rooflights are also proposed at ridge height in both roof slopes.

The above proposal is an amendment to the scheme originally submitted. The amendments are:

- Colour finish of dormers now altered to be a better match to that of the main roof
- Escape window relocated to the rear facing cheek of the southern dormer
- Number of rooflights reduced from four to three

Relevant Planning History

Application No.	Development	Decision	Date
18/0327	CERTIFICATE OF LAWFULNESS (PROPOSED DEVELOPMENT) FOR CONSTRUCTION OF DORMER EXTENSIONS TO ROOFSpace ON NORTH AND SOUTH FACING SIDE ELEVATIONS OF DWELLINGHOUSE INCLUDING INSERTION OF ROOF LIGHTS		
18/0042	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT FOR CONSTRUCTION OF 2 NO. SIDE FACING DORMERS, INSERTION OF ROOF WINDOWS AND RE-ROOFING	Refuse Certificate	26/01/2018

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 31 January 2018 and comment: *No specific observations*

Statutory Consultees and Observations of Other Interested Parties

Neighbour Observations

Neighbours notified:	31 January 2018
Amended plans notified:	25 April 2018
Number of Responses:	Three initial objections. Two objections following reconsultation
Summary of Comments:	c) The dormers are too large and will be out of character with the property, neighbouring properties, and the wider street scene of Margate Road

- d) The north facing dormer will appear oppressive and overbearing when viewed from the dining room of No.8 Folkestone Road

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 dormers would be substantially larger than the two existing side dormers which they are to replace and hence would be visually prominent additions within the roof slopes and at odds with other dormers typically found on the majority of bungalows located along Margate Road. The scale and design of the dormers has prompted three neighbour responses to the application, all of which object to the size of the dormers.

Notwithstanding the above, the application property has retained its householder permitted development rights. Part 1 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (hereafter referred to as the GPDO) allows the construction of dormers without the need to obtain formal consent, subject to the dormers according with the exemptions and conditions set out in Class B. These are listed below and the proposed dormers assessed against them as follows:

Exemptions in Para B.1		Assessment of Proposed Dormers
A	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)	Not applicable.
B	any part of the dwelling house would, as a result of the works, exceed the height of the highest part of the existing roof	The top of the proposed dormers would be level with the ridge of the main roof and so accord with this
C	any part of the dwelling house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;	The proposed dormers are to be located in the side facing roof slopes, which do not form part of the principle elevation. Hence they accord with this
D	the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	The total volume created by the proposed dormers would increase the cubic content of the original roof space by approximately 32 cubic metres. This aspect is therefore complied with.
E	it would consist of or include: (i) the construction or provision of a veranda, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	The proposal does not include the provision or installation of any balcony, veranda, platform, or chimney, flue, soil or vent pipe. Hence the proposed dormers accord with this
F	the dwelling house is on article 2(3) land.	The property is not in a Conservation Area or any of the other types of land under this designation and so this aspect is complied with.
Conditions in Para B.2		Assessment
A	the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	The submitted drawings indicate that the external materials for the proposed dormers would have a similar appearance to that of the main roof covering. This condition is therefore complied with.
B	the enlargement must be constructed so that: (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension: (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement	The drawings indicate the two dormers would not interrupt the eaves of the original roof. As such the eaves will be maintained and this condition is complied with.

	extends beyond the outside face of any external wall of the original dwellinghouse;	
C	any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be: (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	The north facing dormer would form a bathroom area and the submitted drawings indicate this dormer would feature an obscurely glazed window. However the south facing dormer would feature clear glazed windows, as it would form a bedroom. As such this dormer fails to accord with the permitted development criteria and hence the reason why planning permission is required.

From the above it can be seen that but for the clear glazing in the south facing dormer the whole proposal could be constructed as permitted development under Part 1 Class B of the GPDO, and in any event the north facing dormer could be constructed as permitted development. This fall-back position is a material consideration in the determination of this application if there is a realistic proposition of the development being constructed should planning permission be refused. The applicant has indicated in an email, dated 08 March 2018, that the dormers would be amended to accord with the GPDO should permission in their proposed form be refused. Given this realistic fall back situation it is considered that whilst the scale and design of the dormers would be at odds with the general vernacular of Margate Road this would not form a valid reason for refusal. The overall acceptability of the dormers therefore depends on whether any unacceptable impacts on neighbour amenity would otherwise result.

Application 18/0327 has recently been submitted which seeks to confirm this fallback position with an identical scheme to that proposed under this application other than including obscurely glazed windows to both dormers.

Relationship to Neighbours

The only properties potentially affected by the application are those neighbouring the application property to either side; namely No.8 Folkestone Road and No.4 Margate Road. The north facing dormer would face towards the rear elevation of No.8 and the occupiers of No.8 have objected to the proposal on the grounds that this dormer would be oppressive and overbearing when viewed from their dining room. The separation distance between the dormer and No.8 would be approximately 11 metres, and whilst the dormer would be larger than the existing dormer which it is to replace it is not of such a size or close proximity that it could justifiably be considered to be unacceptably overbearing or oppressive structure given that it would be kept well within the existing roof slope of its parent dwelling. There would also be no overlooking issues due to the use of obscure glazing in its sole window and its opening part being 1.7 metres above the internal floor level. A condition requiring this window to be retained as obscure would be attached to the permission if approved.

With regard to No.4 Margate Road, the proposed south facing dormer would face towards the side of No.4 which features two first floor windows; one of which serves a stairwell and the other serves a small study. The window in the proposed dormer would be of similar size to that of the existing dormer but approximately 1 metre closer to No.4. However the lowest part of the window would be set at 1.7 metres above the internal floor level and as such it is considered that any potential for overlooking of No.4 would be minimal, and no greater than already exists from the existing side

dormer.

Finally, the proposed south facing dormer would feature a small clear glazed window in its cheek, facing rearwards of the property. This window would look out over the rear garden area of the application property. The narrow angle of view towards the rear garden of No.4, together with the presence of No.4's intervening detached garage would prevent any unacceptable overlooking of the rear of No.4. This 'cheek' window would also face towards the far end of the rear garden of No.4 Folkestone Road but the combination of the approximately 20 metres separation distance together with the bulk of the roof of the application property would both ensure that loss of privacy to No.4 Folkestone would not be an issue.

Overall and on balance the proposal is considered to have an acceptable relationship to its neighbours in all regards and to accord with criterion 2 of Policy HL5, and Policy GD7.

Scale of development on the plot

The proposal retains appropriate levels of amenity space and so complies with criterion 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 construction of two dormers at a dwelling in the settlement of Lytham St Annes. But for the use of clear glazing in the south facing dormer, both dormers could be constructed as permitted development under Part 1 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The use of clear glazing in the southern dormer is not considered to introduce any unacceptable neighbour amenity issues and hence given that dormers of the same scale and design could otherwise be constructed as permitted development it is considered that this proposal is acceptable and 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:

- e) Location Plan, and Proposed Plans & Elevations - Dwg no. 17.130.02 Rev P2
- f) Proposed section drawing - Dwg No. AJP1, received by the LPA on 08 May 2018.

Reason: To provide clarity to the permission.

3. The materials of construction and/or finish in respect of the dormers hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

To ensure visual harmony in respect of the overall development.

4. Notwithstanding any denotation on the approved drawings the window in the approved northern dormer facing onto No.8 Folkestone Road shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

Item Number: 10

Committee Date: 23 May 2018

Application Reference:	18/0206	Type of Application:	Full Planning Permission
Applicant:	Mr Coombes	Agent :	WBD
Location:	82 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH		
Proposal:	CHANGE OF USE FROM FORMER OPTICIANS (CLASS A1) TO PRIVATE HIRE OFFICE (SUI GENERIS) FOR PRIVATE TAXIS AND CHAUFFEUR ADMIN OFFICE, INCLUDING A SINGLE STOREY REAR EXTENSION		
Ward:	KIRKHAM NORTH	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7823965,-2.875123,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to a vacant retail shop located on Poulton Street within Kirkham Town Centre. The proposal is that this be used as a private taxi hire office. The application premises has been marketed for retail use since June 2017 without any takers. This application would bring the premises back into commercial use and does not propose any alterations to the existing shop front. Whilst the proposed use would be as a taxi hire office this is for private hire taxi use and thus there is no requirement for any taxi rank or specific requirement to use Mill Street public car park. The proposal is considered to accord with the aims of the relevant policies of both the adopted and emerging local plans and the application is recommended for approval.

Reason for Reporting to Committee

The town council's objection to the application is at odds with the officer's recommendation for approval.

Site Description and Location

The application site is a vacant A1 retail unit located on the north side of Poulton Street within a primary shopping frontage of Kirkham Town centre and close to the road access to Morrisons supermarket. The premises forms one of several commercial properties located within a terrace of buildings. To the rear of the site lies Mill Street public car park.

Details of Proposal

Planning permission is sought for a change of use of the premises from A1 Retail to use as a private

hire taxi booking office with customer waiting area (sui generis). The proposal also includes the construction of a single storey 'lean to' extension to the side of an existing rear outrigger. No other external alterations are proposed by the application.

The proposed hours of opening are 0800 hours to 1800 hours on every day of the week.

Relevant Planning History

Application No.	Development	Decision	Date
15/0860	PRIOR NOTIFICATION FOR CHANGE OF USE FROM RETAIL (CLASS A1) TO RESTAURANT (CLASS A3) UNDER SCHEDULE 2, PART 3, CLASS C OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015	Refused	12/02/2016
14/0029	ADVERTISEMENT CONSENT FOR ONE STATIC SIGN	Withdrawn by Applicant	23/01/2014
09/0211	ADVERTISEMENT CONSENT TO DISPLAY 1 X OVERHEAD ILLUMINATED FASCIA PANEL 1 X ILLUMINATED HALIFAX PROJECTING SIGN (PART RETROSPECTIVE)	Split Decision	12/06/2009
08/0732	1 x overhead illuminated fascia panel with internally illuminated Halifax logo centralised. 1 x illuminated Halifax projecting sign -retrospective	Refused	06/11/2008
07/0928	RESUBMISSION OF APPLICATION 07/0196 FOR CHANGE OF USE TO 2 NO. 1 BED FLATS	Approved with 106 Agreement	09/07/2009
07/0196	CHANGE OF USE TO 2 NO. 1 BED FLATS AND ERECTION OF EXTERNAL ACCESS STAIRWAY	Refused	25/04/2007
89/0623	ILLUMINATED PROJECTING SIGN	Granted	01/11/1989
87/0825	ILLUMINATED PROJECTING SIGN	Granted	27/01/1988
78/0803	CHANGE OF USE OF WESTERLY SHOP INTO BUILDING SOCIETY OFFICE	Granted	27/09/1978
79/0160	INTERNAL AND EXTERNAL ALTERATIONS - DETAILS RELATING TO CHANGE OF USE OF SHOP INTO BUILDING SOCIETY OFFICE	Granted	04/04/1979
79/0258	CHANGE OF USE OF EASTERLY RETAIL SHOP INTO ESTATE AGENTS OFFICE	Refused	25/04/1979

Relevant Planning Appeals History

Application No.	Development	Decision	Date
79/0258	CHANGE OF USE OF EASTERLY RETAIL SHOP INTO ESTATE AGENTS OFFICE	Allowed	03/06/1980

Parish/Town Council Observations

Kirkham Town Council notified on 16 March 2018 and comment:

“Kirkham Town Council object to this application as Kirkham has received a number of Town Centre developments where Officers have relied on the use of the Town Centre Car parks. The Car Parks are for the use of shoppers and visitors. This 24 hour operation is not appropriate in an area with neighbouring residential units. If it is proposed that the taxis are parking out at Weeton Road and

not in the area around the office then Council queries why the office is not based on Weeton Road."

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified:	16 March 2018
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
SH01	Primary shopping frontage (Kirkham)
SH09	New development in town centres (general)

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
NPPG:	National Planning Practice Guidance

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 of the development

The application site is located within a primary shopping frontage of Kirkham Town Centre. Policy SH1 of the adopted Local Plan relates to the Kirkham town centre primary shopping frontages and prohibits development that would result in the loss of an A1 retail premises. As such this proposed change of use to a 'taxi' office is in conflict with SH1 as this is a *sui generis* rather than a Class A1 use. However the adopted Local Plan is dated and whilst A1 retail is preferred it is the case that in this instance the premises has been vacant since March 2017 and marketed since June 2017 without any persons committing to continuing the retail use.

The property is in relatively poor condition both internally and externally, and bringing the property back into a use other than retail would benefit the visual amenity and vitality of the town centre. The council's emerging local plan is in the late stages of examination and policy EC5 of that plan provides up to date policy on town centre development. EC5 provides support for changes of use on primary shopping frontages away from A1 retail to other uses subject to the new use retaining a

pedestrian level shop front, and having operational hours that are in general accordance with traditional opening times of 09.00 to 18.00 hours. The proposed taxi office use will retain the existing shop front and the hours of opening will be 08.00 to 18.00 hours. Accordingly the proposal accords with the aims of Policy EC5, which has to be given significant weight in the decision on the application.

Overall given the long term vacancy of the premises, its relatively poor condition, and compliance of the proposal with the primary shopping frontage criteria of policy EC5 it is considered that the change of use is acceptable at this town centre location.

Residential amenity

Whilst this is a town centre location many of the ground floor commercial premises along this length of Poulton Street have residential flats at first and second floor levels, and hence residential amenity is a material consideration. The proposed operating hours of the private hire taxi business are not excessively early or late and hence would cause no harm to nearby residents by way of noise. No other aspects of the proposal are considered to have potential to affect residential amenity.

Appearance within the street scene

The existing shop front is to be retained and hence the existing street scene of Poulton Street would be unaffected other than the positive impacts that the property being occupied would bring. The rear of the premises is visible from the Mill Street public car park to the rear however the proposed small 'lean to' rear extension is not out of keeping with the character of this rear terrace of buildings and would have no great visual impact when viewed from this public area.

Other matters

The Town Council raised initial concerns as a consequence of the description of the proposal included the creation of a new taxi rank. This was caused by an incorrect description of the proposal being provided by the applicant's agent. The description was subsequently changed to reflect the actual proposed use as a private hire taxi office only, the cars of which are not permitted to use a taxi rank. When not in use all cars would be based either at the driver's homes, the firm's main base at Blackpool airport, or the firms garaging facility at Bradkirk Business Park on Weeton Road.

The Town Council have also objected on the grounds that the 24 hour operation would harm the amenity of nearby residents. It should be noted however that the application does not propose a 24 hour operation but rather proposes to operate only between the hours of 8.00am to 6.00pm each day. A condition to that affect would be attached to the permission if approved.

Conclusions

The proposed change of use of this A1 retail premises to use as offices and waiting area associated with a private hire business has been assessed against the relevant policies of both the adopted Fylde Borough Local Plan and the emerging Fylde Local Plan to 2032 and is considered to be acceptable at this town centre location.

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:

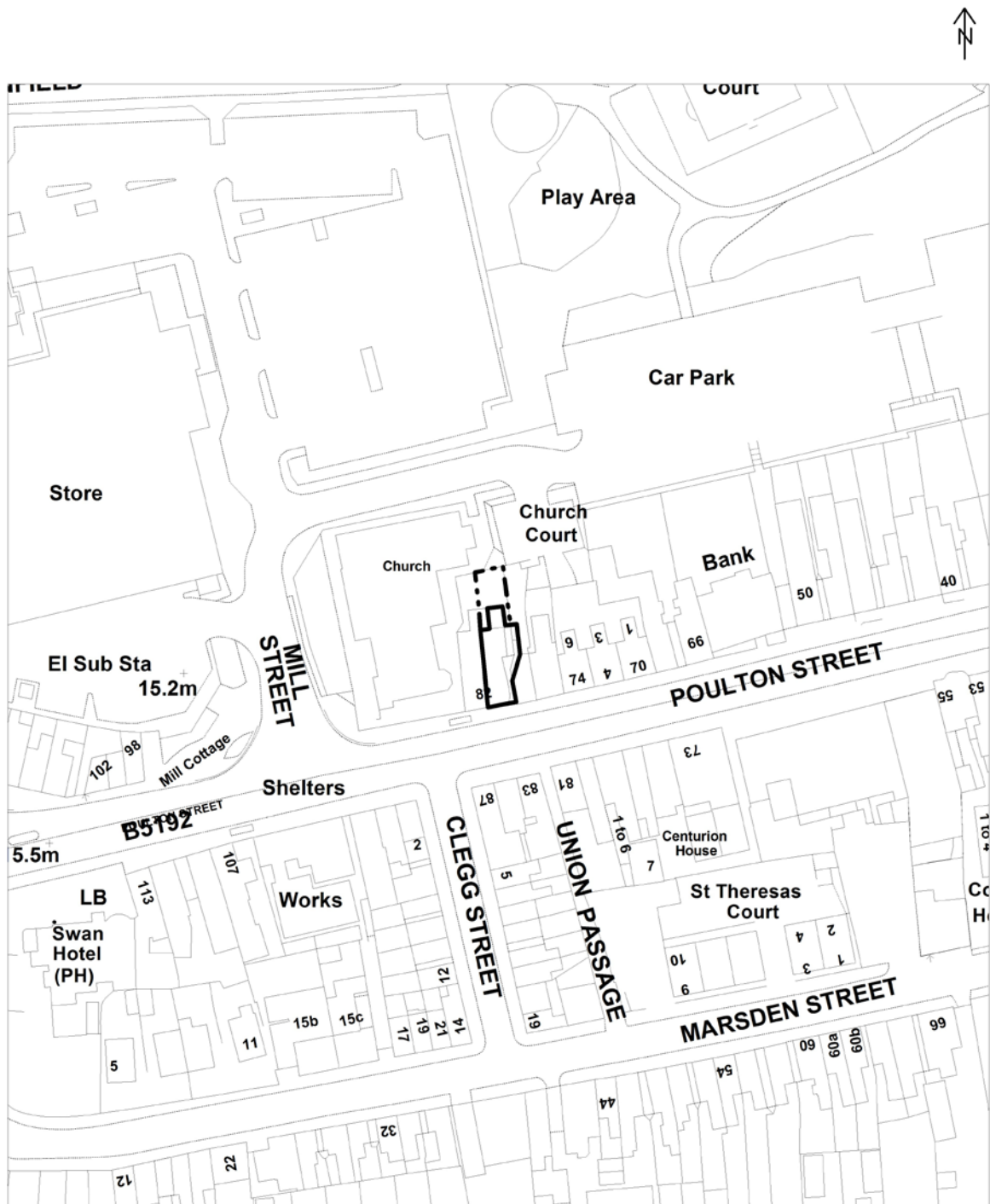
Approved plans:

g) Location Plan and Proposed Plans & Elevations - Dwg no. 101, dated 23 January 2018

Reason: To provide clarity to the permission.

3. The premises shall be used as offices in connection with a private taxi hire business only and shall only be open to visiting members of the public between 0800 hours and 1800 hours daily.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0206	Address 82 Poulton Street, Kirkham	Grid Ref. E.3424 : N.4321	Scale 0 5 10 15 20 m

Item Number: 11

Committee Date: 23 May 2018

Application Reference: 18/0240		Type of Application: Variation of Condition
Applicant:	BDW TRADING LTD TRADING AS BARRATT HOMES MANCHESTER	Agent :
Location:	FORMER GEC MARCONI SITE, MILL LANE, BRYNING WITH WARTON	
Proposal:	MINOR MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 15/0706 FOR SUBSTITUTION OF HOUSE TYPES ON 8 PLOTS (NOS. 84, 85, 94, 95, 102, 103, 149 AND 150)	
Ward:		Area Team: Area Team 1
Weeks on Hand: 7		Case Officer: Matthew Taylor
Reason for Delay:	Not applicable	

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

<https://www.google.co.uk/maps/@53.7485121,-2.8818856,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application follows outline planning permission 12/0550 and reserved matters approval 15/0706 relating to 34 plots forming part of a wider residential development of 254 dwellings on the former GEC Marconi site – the ‘Highgate Park’ development. The current application seeks a Minor Material Amendment to reserved matters approval 15/0706 for a substitution of house types on 8 plots located to the southern end of the site.

The proposed substitutions would replace three different house types approved as part of application 15/0706 with alternative house types of a similar size, scale and appearance arranged in a layout and with landscaping which is substantially in accordance with the previous approval. The replacement house types differ from those previously approved by virtue of their elevational detailing (principally associated with fenestration arrangements) and roof height (with all the replacement dwellings having ridge heights which are lower than those permitted under the extant approval).

The proposed substitutions would reflect the style and design of other houses within the Highgate Park development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The changes to the scheme arising as a result of the proposal would result in a development which is not substantially different to that approved under application 15/0706, and would have no materially greater effects in comparison to the extant permission. Therefore, the proposal is in accordance with the relevant policies of the FBLP, the BWNP, the SLP and the NPPF.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to the former GEC Marconi site which occupies an irregularly-shaped parcel of land spanning some 7.82 hectares between Mill Lane and Thunderbolt Avenue, Warton. The site has an extant planning permission for a residential development of 254 dwellings pursuant to outline planning permission 12/0550 and two separate reserved matters approvals – 13/0786 and 15/0706. At present, around 125 dwellings have been constructed pursuant to these permissions, principally to the northern and western areas of the site. The new development is known as 'Highgate Park'. Highway improvements at the junction of the main spine road into the estate (Thunderbolt Avenue) with the A584 (Lytham Road) have also been implemented.

Surrounding uses include bungalows and a Tesco Express store on Lytham Road to the north; two storey dwellings on Post Lane to the northwest and on Mill Lane to the west; a fitness centre adjacent to where the site narrows in the southwest corner; and buildings of varying height associated with the BAE site to the south. Thunderbolt Avenue intervenes between the site and row of bungalows set at a lower level on Rydal Avenue to the east. A group of static, single-storey lodges fall within Lamaleach Park to the southeast.

Details of Proposal

The application seeks permission for a Minor Material Amendment (MMA) to reserved matters approval 15/0706 for the substitution of house types on 8 plots located to the southern end of the site. The scope of these substitutions are summarised in Table 1 below:

Approved House Type (15/0706)	Proposed House Type (substitution)	Number of affected plots
Barwick (3 bed)	Folkestone (3 bed)	2
Fawley (4 bed)	Hawley (4 bed)	4
Helmsley (4 bed)	Queensville (4 bed)	2
		Total plots = 8

Table 1 – Summary of house type

substitutions.

As shown in Table 1, the proposal does not seek to alter the overall number of dwellings, nor would there be any change to the total number of bed spaces provided. All 8 plots fall within the boundaries of the original development site and their layout, with respect to their siting within individual plots, parking/garden arrangements, orientation to and spacing with surrounding buildings, is to be substantially in accordance with reserved matters approval 15/0706. Landscaping arrangements (including the siting, size and design of boundary treatments) are also substantially the same as reserved matters approval 15/0706.

The need for the proposed house type substitutions has arisen from an update to the design of the developer's (Barratt Homes) standard house types (along with re-naming). The proposed substitutions are intended to reflect these changes. Variations between the approved and proposed house types relate principally to matters concerning fenestration arrangements and building roof heights, though in terms of storey heights the scale of the dwellings would remain the same. Where

changes to roof heights are proposed, the ridge heights of the replacement house types would be lower than those already approved in all cases. These variations are summarised in Table 2.

Approved House Type (15/0706)	Proposed House Type (substitution)	Number of storeys	Proposed ridge height (m)	Approved ridge height (m)	Ridge height variance (m) (proposed – approved)
Barwick	Folkestone	2	8.25	8.95	-0.7
Fawley	Hawley	3	11	11.7	-0.7
Helmsley	Queensville	2.5	9.7	10.2	-0.5

Table 2 – Building scale

comparison.

Relevant Planning History

Application No.	Development	Decision	Date
16/0442	ADVERTISEMENT CONSENT FOR STATIC WOODEN HOARDING WITH FULL COLOUR PRINTED FACE	Refused	05/08/2016
16/0008	APPLICATION TO DISCHARGE CONDITIONS 17 (PEDESTRIAN AND CYCLE ACCESS), 18 (TRAVEL PLAN) AND 19 (CONSTRUCTION OF PLAY AREA) OF PLANNING PERMISSION 12/0550	Advice Issued	05/05/2016
15/0853	APPLICATION TO DISCHARGE CONDITIONS 1 (MATERIALS), 2 (HARD LANDSCAPING), 4 (MANAGEMENT OF COMMUNAL AREAS) AND 6 (DRAINAGE) OF RESERVED MATTERS APPROVAL 13/0786	Advice Issued	05/05/2016
15/0706	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 34 DWELLINGS INCLUDING THE INTRODUCTION OF FOUR PEDESTRIAN ACCESS GATES WITHIN WALL TO WEST SIDE OF SPINE ROAD (THUNDERBOLT AVENUE)	Granted	06/01/2016
13/0786	APPLICATION FOR RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 254 DWELLINGS AND ASSOCIATED ACCESS ROADS, PEDESTRIAN/CYCLE LINK TO MILL LANE, OPEN SPACE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550	Granted	07/04/2014
12/0550	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) ALONG WITH FULL APPLICATION FOR THE FORMATION OF NEW ACCESS TO LYTHAM ROAD TO SERVE BAE SYSTEMS WARTON	Approved with 106 Agreement	09/07/2013
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT -	Refused	20/06/2008

COMPRISING OF BUSINESS PARK, HOTEL, PUB,
RESTAURANT, FOOD AND NON-FOOD RETAIL
UNITS, INCLUDING ASSOCIATED ROAD
INFRASTRUCTURE IMPROVEMENTS.

Relevant Planning Appeals History

Application No.	Development	Decision	Date
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Dismiss	24/06/2009

Parish/Town Council Observations

Bryning with Warton Parish Council: Notified 5 April 2018. No comments have been received within the statutory consultation period. Any subsequent representations received outside the statutory consultation period will be reported to the committee as late observations.

Freckleton Parish Council: Consulted on the application as the site lies close to the Parish boundary and comment as follows: *"amendment noted – the parish council have no comment"*.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems – Advise that they have no objections.

Blackpool Airport – No comments received.

Ministry of Defence (MOD) – No comments received.

Neighbour Observations

Neighbours notified:	05 April 2018
Amended plans notified:	N/A
Site Notice Date:	13 April 2018
Press Notice Date:	12 April 2018
Number of Responses	None
Summary of Comments	N/A

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices were also posted on site and in the local press. No representations have been received during the statutory consultation period in response to this publicity. Any subsequent representations received outside the statutory consultation period will be reported to the committee as late observations.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. At present, the statutory adopted development plan for Fylde comprises the

saved policies of the Fylde Borough Local Plan (As Altered) 2005 (the 'FBLP').

Fylde Borough Council submitted the "Fylde Council Local Plan to 2032" – the Emerging Local Plan (referred to hereafter as the 'Submission Local Plan' or 'SLP') – to the Secretary of State for examination on 9 December 2016. An Inspector appointed to undertake an independent examination into the soundness of the SLP held three sessions of examination hearings in March, June and December 2017. The Inspector confirmed that the Stage 3 hearings formally closed on 11 January 2018. Following those hearings a 'Schedule of Proposed Main Modifications for Consultation' was produced and the Council consulted on the "Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications" between 8 February and 22 March 2018. This consultation also included a number of Additional Modifications to the SLP. These do not concern the Plan's policies or affect the soundness of SLP, but are factual updates of the supporting text. A Schedule of Proposed Policies Map modifications was also consulted on for clarity with respect to some of the main modifications. The consultation period on the modifications has now ended and the Inspector's report is awaited to determine whether the SLP can be progressed (as altered) for adoption.

As the SLP has not yet been found sound or been formally adopted by the Council it does not form part of the statutory development plan for Fylde. Nevertheless, in accordance with the provisions of paragraph 216 of the NPPF, it is considered that the SLP should be afforded significant weight in the decision making process due to its advanced stage of preparation and the fact that the Local Plan Examination hearings and consultation on main modifications has now closed without any indication from the Inspector that the Examination in Public is to be re-opened.

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP14	Landscaping of new developments
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV4	Provision of New Open Space
H4	Affordable Housing

Bryning with Warton Neighbourhood Development Plan (BWNP):

BWNE2 – Protecting and Enhancing Local Character and Landscape

Other Relevant Policy:

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

Site Constraints:

None.

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). However, it does not exceed the threshold in column 2 of the table relating to category 10(b) developments and the outline planning application was not considered to be EIA development. Any environmental

effects have been dealt with through the outline permission and, accordingly, any subsequent applications relating to the approval of reserved matters are not EIA development.

Comment and Analysis

Background:

The principle of residential development on the site has been established through the issuing of outline planning permission 12/0550. This was followed by reserved matters approval 13/0786 which defined parameters relating to the layout, scale, appearance and landscaping for a development of 254 dwellings. Variations to the house types originally allowed under reserved matters approval 13/0786 were permitted on 34 plots to the western and eastern fringes of the site as part of a second, separate application for approval of reserved matters (15/0706). Specifically, application 15/0706 allowed an increase in the size (up to 193 square feet floor space) and roof height (up to 2.8m) of the dwellings previously approved on those plots. Application 15/0706 also permitted the introduction of four gated openings within the eastern boundary treatment flanking Thunderbolt Avenue.

This application relates to 8 of the plots permitted by reserved matters approval 15/0706. A separate application to vary the house types on a further 51 plots falling within the boundaries of reserved matters approval 13/0786 has been submitted in tandem with this application (reference 18/0267).

Principle of development:

Section 17a of the NPPG relates to “flexible options for planning permissions”, including applications for MMAs made under S73 of the Town and Country Planning Act. Paragraph 15 of the NPPG makes clear that a grant of a MMA application is, in effect, the issue of a new planning permission which sits alongside the original permission. With respect to what may be considered to constitute a MMA to an existing permission, paragraph 17 indicates that

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.

Given the grant of planning permissions 12/0550 and 15/0706, the development which the current application seeks to amend has already been judged to be acceptable in principle. Applications for MMAs are to be determined in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, though given the existence of extant planning approvals it follows that attention should be focussed on national or local policies or other material considerations which have changed since the original grant of permission, as well as the effects of the changes sought.

Application 15/0706 was approved on 6 January 2016. Although the statutory, adopted development plan for Fylde remains the same (the FBLP), the advanced stage of preparation of the SLP means that it should be attributed significant weight in the decision making process (though it does not yet have ‘development plan’ status). The BWNP was adopted on 24 May 2017 and is also part of the development plan. Accordingly, there have been material changes in local planning policy since the issuing of the previous permission. These changes do not, however, indicate that an alternative approach should be taken with respect to the principle of development. Moreover, as this application is a MMA to the reserved matters approval, those issues relating to the principle of development as established under the outline cannot be revisited at this stage.

Therefore, whilst the granting or permission would, in effect, result in the issuing of a new reserved matters approval for the plots in question, it follows that consideration only needs to be given to those elements of the scheme which differ from the previous approval, along with relevant changes in the local policy context.

Layout, scale and appearance:

Paragraph 58 of the NPPF indicates that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- c) optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- d) respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- e) create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- f) are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (2), (3), (4) and (8) of FBLP policy HL2 state that applications for housing will be permitted where they:

- a) Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- b) Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
- c) Would not adversely affect the amenity and privacy of neighbouring properties.
- d) Would not prejudice the future development of a larger area of developable land.

FBLP policy HL6 states that well designed housing schemes which respect the character of the area and provide an attractive, safe and crime free environment for residents will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area or public safety, or increase the potential for crime will not be permitted.

In addition, policy BWNE2 of the BWNP indicates that “development proposals should demonstrate good design, respect local character and where possible, reinforce local distinctiveness”.

SLP policy GD7 indicates that development should be of a high standard of design and should take account of the character and appearance of the local area in accordance with 13 guiding principles. Criteria (a), (b), (c), (g), (h), (i) and (j) are of greatest relevance in this case and require that good design is achieved by:

- a) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- b) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- c) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.

- g) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- h) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- i) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- j) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, are of a high quality and respect the character of the site and local area.

Replacement house types:

The 8 plots in question are located to the southern end of the site where it borders other dwellings within the development to the north and leisure/office/industrial buildings at BAE to the south and west. The house type substitutions follow the general pattern and layout of buildings established as part of reserved matters approval 15/0706, and their footprints are substantially the same. The siting of the replacement house types within each plot and the layout of their external garden and parking areas would also follow the arrangement in the extant reserved matters approval.

As identified in Tables 1 and 2, the replacement house types would not result in any change to the housing mix, bedroom spaces or storey heights of the dwellings in comparison to those previously approved. The main differences between the approved and proposed house types are with respect to:

- h) **Elevational detailing** – specifically changes to window size, alignment and design, the most notable of which involves merging two individual windows to either side of an elevation to form a single, larger opening with a central alignment to the building façade (including dormer windows to the 2.5 storey house type); and
- i) **Roof heights** – As shown in Table 2, all ridge heights would be lower than the previously approved house types.

The design changes associated with the replacement house types are subtle and would not result in a form of development which is substantially different from that previously approved. Changes to window size, shape and alignment would not alter internal room configurations and, aside from minor changes to the proportions of some openings which would be retained in their approved positions, are intended to merge and centralise the previously approved openings while keeping the overall building size, layout and siting within individual plots the same. The general reduction in building ridge heights across the plots in question are – at a maximum of difference of 0.7m – similarly modest, and would not result in the roofs of the dwellings appearing unduly ‘squat’ or out of proportion with the remainder of the elevations. The design changes would be compatible with and closely reflect the character of the existing house types forming part of the ‘Highgate Park’ development and would have no adverse effects on the appearance of the street scene. Accordingly, the substitutions are in compliance with both extant and emerging local planning policies concerning good design, along with those set out in the NPPF.

The plots in question are located to the southern end of the site and largely border buildings at BAE to the south and west. As the replacement house types would follow substantially the same layout and positioning as those allowed under the previous reserved matters approval, their relationship and spacing with neighbouring dwellings both within and outside the Highgate Park development would not be significantly different in comparison to the scheme as previously approved. In

particular, the revised fenestration arrangement would not introduce any additional window openings to the building elevations which could provide enhanced opportunities for overlooking and the lower building ridge heights are likely to have a reduced visual impact on occupiers' outlook in terms of scale and massing.

The changes to the scheme arising as a result of the replacement house types, by virtue of their layout, scale and appearance, would result in a development which is not substantially different to that approved under application 15/0706, and would have no materially greater effects in comparison to the extant permission.

Landscaping:

Criterion (5) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- j) Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

FBLP policy EP14 requires new housing developments to make suitable provision for landscape planting and policy TREC17 requires provision of adequate public open space on site.

These requirements are carried through in SLP policies GD7 and ENV4.

The proposed substitutions would carry forward the landscaping principles established as part of the extant reserved matters approval with respect to the size and coverage of buffer zones to the site perimeter and the level of open space provision within the site. Minor changes in the balance of hard and soft landscaping would occur on individual plots with respect to the layout of external parking and garden areas, though any changes would not be materially different to the arrangements approved under application 15/0706. Moreover, there would be no reduction in the number of parking spaces for the dwellings on any of the 8 plots.

Other matters:

Highways:

The replacement house types would be served by the same access and estate road layout approved as part of applications 13/0786 and 15/0706. There would be no uplift in the number of dwellings and the level of parking provision would remain as previously approved. The development does not raise any additional implications for highway safety beyond those considered acceptable as part of the extant permissions and would not result in any adverse impacts on the safe and efficient operation of the surrounding highway network.

Conditions:

Conditions relating to matters concerning the principle of development (e.g. highway works, drainage, ecology etc.) were imposed on outline permission 12/0550 and will remain applicable to any application for approval of reserved matters. Therefore, there is no need to repeat these conditions as part of this scheme. Reserved matters approval 15/0706 was issued subject to 7 conditions. With respect to imposing conditions on MMA applications, paragraph 015 of the "flexible options for planning permissions" chapter to the NPPG advises that:

"To assist with clarity decision notices for the grant of planning permission under section 73 should also **repeat the relevant conditions from the original planning permission, unless**

they have already been discharged.”

In this case, conditions 2 (materials), 3 (boundary treatments), 4 (soft landscaping) and 5 (hard landscaping) required the development to be implemented in accordance with details provided up front as part of reserved matters application 15/0706. Updated drawings shown similar details for the 8 plots in question have been submitted as part of the application. These details continue the overall theme of the development and replicate those treatments used elsewhere on the site. Accordingly, they are considered acceptable and the relevant conditions have been re-worded to make reference to the updated plans.

Condition 1 (approved plans) has been updated to refer to the revised drawings and condition 7 (relating to gated openings) is not relevant to the 8 plots in question (the gates would be implemented under reserved matters approval 15/0706 which remains intact and condition 7 of that approval will remain applicable to that permission). Condition 6 relating to off-site highway improvement works has been carried through with the same wording.

Developer contributions:

A planning obligation was entered into as part of outline planning permission 12/0550. In summary, the obligations in that agreement provide for:

- 10% of the dwellings constructed on the site to be offered as affordable housing.
- A public realm contribution of £75,000.
- A transport and travel contribution of £60,000.

As this proposal seeks a MMA of reserved matters approval 15/0706 (and, accordingly, is submitted pursuant to the outline permission), the obligations and triggers in the existing S106 agreement will be equally applicable to the 8 plots associated with this scheme. The MMA does not propose any increase in bed spaces, nor does it seek to alter the level of open space or affordable housing provision established under the outline permission and the associated planning obligation which accompanies it. Accordingly, no further financial contributions are required in order to mitigate the development's impact and no variation to the extant planning obligation is required as any approval of reserved matters will be automatically tied to it.

Conclusions

The application follows outline planning permission 12/0550 and reserved matters approval 15/0706 relating to 34 plots forming part of a wider residential development of 254 dwellings on the former GEC Marconi site – the 'Highgate Park' development. The current application seeks a Minor Material Amendment to reserved matters approval 15/0706 for a substitution of house types on 8 plots located to the southern end of the site.

The proposed substitutions would replace three different house types approved as part of application 15/0706 with alternative house types of a similar size, scale and appearance arranged in a layout and with landscaping which is substantially in accordance with the previous approval. The replacement house types differ from those previously approved by virtue of their elevational detailing (principally associated with fenestration arrangements) and roof height (with all the replacement dwellings having ridge heights which are lower than those permitted under the extant approval).

The proposed substitutions would reflect the style and design of other houses within the Highgate

Park development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The changes to the scheme arising as a result of the proposal would result in a development which is not substantially different to that approved under application 15/0706, and would have no materially greater effects in comparison to the extant permission. Therefore, the proposal is in accordance with the relevant policies of the FBLP, the BWNP, the SLP and the NPPF.

Recommendation

That permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

Drawing no. 439/SL/01A – Site location plan.
Drawing no. 439_PL_01 Rev T – Planning layout
Drawing no. 439/HLL/01 Rev L – Hard landscaping layout.
Drawing no. 439_BT_01 Rev L – Boundary treatment.
Drawing no. 439_MS_01 Rev L – Materials schedule.
Drawing no. 439_RL_01 Rev K – Refuse layout.
Drawing no. 1196-005F – Soft landscape general layout.
Drawing no. 01 – Folkestone Classic (End).
Drawing no. 01 – Queensville Classic (End).
Drawing no. 01 – Hawley (End).

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the dwellings hereby approved shall be constructed in accordance with the materials indicated on drawing no. 439_MS_01 Rev L.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the boundary treatments to each plot shall be constructed in accordance with the details (including their siting, height, materials and design) indicated on drawing no. 439_BT_01 Rev L before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to provide adequate levels of privacy between neighbouring dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for each plot shown on drawing no. 1196-005F

shall be implemented during the first planting season after the dwelling on each associated plot is substantially completed. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

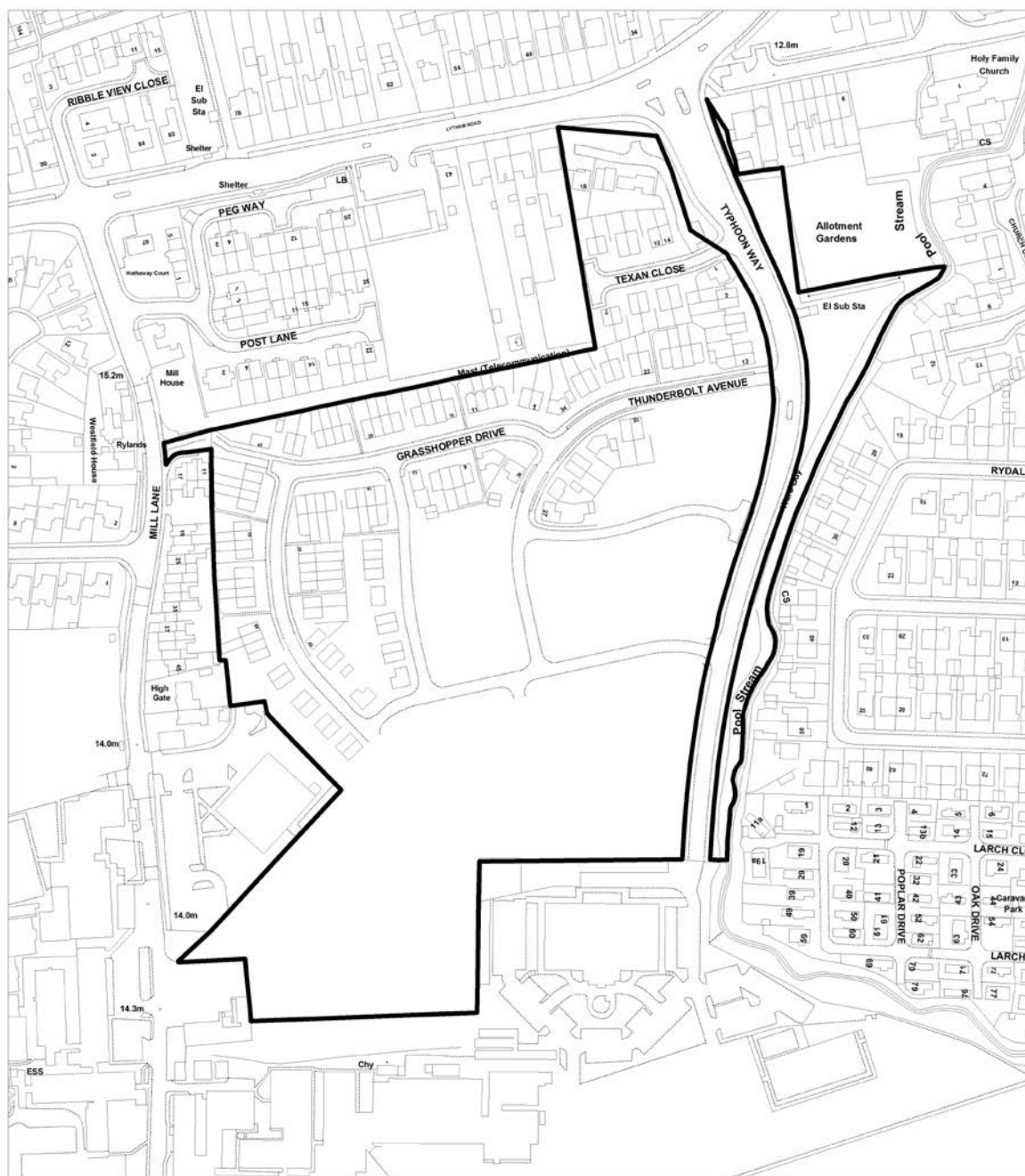
Reason: In order to achieve satisfactory provision of landscaping and adequate private garden space for the dwellings in accordance with the requirements of Fylde Borough Local Plan policies HL2 and HL4, and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaped areas (including parking spaces) for each plot shall be constructed in accordance with the details shown on drawing no. 439/HLL/01 Rev L and made available for use before the dwelling on each associated plot is first occupied. The duly constructed parking spaces shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to ensure a satisfactory surface treatment to car parking areas in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

6. No more than 240 dwellings within the development hereby approved (which includes all dwellings constructed in accordance with applications for approval of reserved matters submitted pursuant to outline planning permission 12/0550) shall be occupied prior to the completion and permanent opening of the vehicular access from the proposed Spine Road to the Enterprise Zone at BAE Systems, Warton.

Reason: In order that the developer delivers essential off-site highway infrastructure improvements in the interests of the capacity and safety of the surrounding highway network in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0240	Address Former GEC Marconi Site, Mill Lane, Warton	Grid Ref. E.3417 : N.4283	Scale 0 10 20 30 40 m

Item Number: 12

Committee Date: 23 May 2018

Application Reference: 18/0267		Type of Application: Variation of Condition	
Applicant:	BDW TRADING LTD		Agent :
	TRADING AS BARRATT		
	HOMES MANCHESTER		
Location:	FORMER GEC MARCONI SITE, MILL LANE, BRYNING WITH WARTON		
Proposal:	MINOR MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 13/0786 FOR SUBSTITUTION OF HOUSE TYPES ON 51 PLOTS		
Ward:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	7	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7485121,-2.8818856,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application follows outline planning permission 12/0550 and reserved matters approval 13/0786 relating to a residential development of 254 dwellings on the former GEC Marconi site – the ‘Highgate Park’ development. The current application seeks a Minor Material Amendment to reserved matters approval 13/0786 for a substitution of house types on 51 plots located to the southern end of the site.

The proposed substitutions would replace 10 different house types approved as part of application 13/0786 with alternative house types of a similar size, scale and appearance arranged in a layout and with landscaping which is substantially in accordance with the previous approval. The replacement house types differ from those previously approved by virtue of their elevational detailing (principally associated with fenestration arrangements) and roof height (with the replacement dwellings having ridge heights which are either equal to or lower than those permitted under the extant approval).

The proposed substitutions would reflect the style and design of other houses within the Highgate Park development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The changes to the scheme arising as a result of the proposal would result in a development which is not substantially different to that approved under application 13/0786, and would have no materially greater effects in comparison to the extant permission. Therefore, the proposal is in accordance with the relevant policies of the FBLP, the BWNP, the SLP and the NPPF.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to the former GEC Marconi site which occupies an irregularly-shaped parcel of land spanning some 7.82 hectares between Mill Lane and Thunderbolt Avenue, Warton. The site has an extant planning permission for a residential development of 254 dwellings pursuant to outline planning permission 12/0550 and two separate reserved matters approvals – 13/0786 and 15/0706. At present, around 125 dwellings have been constructed pursuant to these permissions, principally to the northern and western areas of the site. The new development is known as 'Highgate Park'. Highway improvements at the junction of the main spine road into the estate (Thunderbolt Avenue) with the A584 (Lytham Road) have also been implemented.

Surrounding uses include bungalows and a Tesco Express store on Lytham Road to the north; two storey dwellings on Post Lane to the northwest and on Mill Lane to the west; a fitness centre adjacent to where the site narrows in the southwest corner; and buildings of varying height associated with the BAE site to the south. Thunderbolt Avenue intervenes between the site and row of bungalows set at a lower level on Rydal Avenue to the east. A group of static, single-storey lodges fall within Lamaleach Park to the southeast.

Details of Proposal

The application seeks permission for a Minor Material Amendment (MMA) to reserved matters approval 13/0786 for the substitution of house types on 51 plots located to the southern end of the site. The scope of these substitutions are summarised in Table 1 below:

Approved House Type (13/0786)	Proposed House Type (substitution)	Number of affected plots
Lincoln (4 bed)	Alderney (4 bed)	4
Bampton (3 bed)	Barton (3 bed)	10
York (3 bed)	Buchanan (3 bed)	1
Morpeth (3 bed)	Ennerdale (3 bed)	2
Faringdon (3 bed)	Eskdale (3 bed)	3
Barwick (3 bed)	Folkestone (3 bed)	10
Guisborough (4 bed)	Halton (4 bed)	3
Fawley (4 bed)	Hawley (4 bed)	4
Helmsley (4 bed)	Queensville (4 bed)	10
Ashford (2 bed)	Washington (2 bed)	4
		Total plots = 51

Table 1 – Summary of house type

substitutions.

As shown in Table 1, the proposal does not seek to alter the overall number of dwellings, nor would there be any change to the total number of bed spaces provided. All 51 plots fall within the boundaries of the original development site and their layout, with respect to their siting within individual plots, parking/garden arrangements, orientation to and spacing with surrounding buildings, is to be substantially in accordance with reserved matters approval 13/0786. Landscaping arrangements (including the siting, size and design of boundary treatments) are also substantially the same as reserved matters approval 13/0786.

The need for the proposed house type substitutions has arisen from an update to the design of the developer's (Barratt Homes) standard house types (along with re-naming). The proposed substitutions are intended to reflect these changes. Variations between the approved and proposed house types relate principally to matters concerning fenestration arrangements and building roof heights, though in terms of storey heights the scale of the dwellings would remain the same. Where changes to roof heights are proposed, the ridge heights of the replacement house types would be equal to or lower than those already approved in all cases. These variations are summarised in Table 2.

Approved House Type (13/0786)	Proposed House Type (substitution)	Number of storeys	Proposed ridge height (m)	Approved ridge height (m)	Ridge height variance (m) (proposed – approved)
Lincoln	Alderney	2	7.9	8.45	-0.55
Bampton	Barton	2	8.1	8.4	-0.3
York	Buchanan	2	7.45	7.45	0
Morpeth	Ennerdale	2	8.1	8.4	-0.3
Faringdon	Eskdale	2	7.15	7.85	-0.7
Barwick	Folkestone	2	8.4	8.95	-0.55
Guisborough	Halton	2	7.85	8.5	-0.65
Fawley	Hawley	3	11.05	11.7	-0.65
Helmsley	Queensville	2.5	9.75	10.1	-0.35
Ashford	Washington	2	7.85	8.5	-0.65

Table 2 – Building scale

comparison.

Relevant Planning History

Application No.	Development	Decision	Date
16/0442	ADVERTISEMENT CONSENT FOR STATIC WOODEN HOARDING WITH FULL COLOUR PRINTED FACE	Refused	05/08/2016
16/0008	APPLICATION TO DISCHARGE CONDITIONS 17 (PEDESTRIAN AND CYCLE ACCESS), 18 (TRAVEL PLAN) AND 19 (CONSTRUCTION OF PLAY AREA) OF PLANNING PERMISSION 12/0550	Advice Issued	05/05/2016
15/0853	APPLICATION TO DISCHARGE CONDITIONS 1 (MATERIALS), 2 (HARD LANDSCAPING), 4 (MANAGEMENT OF COMMUNAL AREAS) AND 6 (DRAINAGE) OF RESERVED MATTERS APPROVAL 13/0786	Advice Issued	05/05/2016
15/0706	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 34 DWELLINGS INCLUDING THE INTRODUCTION OF FOUR PEDESTRIAN ACCESS GATES WITHIN WALL TO WEST SIDE OF SPINE ROAD (THUNDERBOLT AVENUE)	Granted	06/01/2016

13/0786	APPLICATION FOR RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 254 DWELLINGS AND ASSOCIATED ACCESS ROADS, PEDESTRIAN/CYCLE LINK TO MILL LANE, OPEN SPACE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550	Granted	07/04/2014
12/0550	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) ALONG WITH FULL APPLICATION FOR THE FORMATION OF NEW ACCESS TO LYTHAM ROAD TO SERVE BAE SYSTEMS WARTON	Approved with 106 Agreement	09/07/2013
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Refused	20/06/2008

Relevant Planning Appeals History

Application No.	Development	Decision	Date
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Dismiss	24/06/2009

Parish/Town Council Observations

Bryning with Warton Parish Council: Notified 5 April 2018. No comments have been received within the statutory consultation period. Any subsequent representations received outside the statutory consultation period will be reported to the committee as late observations.

Freckleton Parish Council: Consulted on the application as the site lies close to the Parish boundary and comment as follows: "*amendment noted – the parish council have no comment*".

Statutory Consultees and Observations of Other Interested Parties

BAE Systems – No comments received.

Blackpool Airport – No comments received.

Ministry of Defence (MOD) – No comments received.

Neighbour Observations

Neighbours notified:	05 April 2018
Amended plans notified:	N/A
Site Notice Date:	13 April 2018
Press Notice Date:	12 April 2018

Number of Responses	None
Summary of Comments	N/A

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices were also posted on site and in the local press. No representations have been received during the statutory consultation period in response to this publicity. Any subsequent representations received outside the statutory consultation period will be reported to the committee as late observations.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. At present, the statutory adopted development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (As Altered) 2005 (the 'FBLP').

Fylde Borough Council submitted the "Fylde Council Local Plan to 2032" – the Emerging Local Plan (referred to hereafter as the 'Submission Local Plan' or 'SLP') – to the Secretary of State for examination on 9 December 2016. An Inspector appointed to undertake an independent examination into the soundness of the SLP held three sessions of examination hearings in March, June and December 2017. The Inspector confirmed that the Stage 3 hearings formally closed on 11 January 2018. Following those hearings a 'Schedule of Proposed Main Modifications for Consultation' was produced and the Council consulted on the "Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications" between 8 February and 22 March 2018. This consultation also included a number of Additional Modifications to the SLP. These do not concern the Plan's policies or affect the soundness of SLP, but are factual updates of the supporting text. A Schedule of Proposed Policies Map modifications was also consulted on for clarity with respect to some of the main modifications. The consultation period on the modifications has now ended and the Inspector's report is awaited to determine whether the SLP can be progressed (as altered) for adoption.

As the SLP has not yet been found sound or been formally adopted by the Council it does not form part of the statutory development plan for Fylde. Nevertheless, in accordance with the provisions of paragraph 216 of the NPPF, it is considered that the SLP should be afforded significant weight in the decision making process due to its advanced stage of preparation and the fact that the Local Plan Examination hearings and consultation on main modifications has now closed without any indication from the Inspector that the Examination in Public is to be re-opened.

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP14	Landscaping of new developments
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV4	Provision of New Open Space
H4	Affordable Housing

Bryning with Warton Neighbourhood Development Plan (BWNP):

BWNE2 – Protecting and Enhancing Local Character and Landscape

Other Relevant Policy:

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

Site Constraints

None.

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). However, it does not exceed the threshold in column 2 of the table relating to category 10(b) developments and the outline planning application was not considered to be EIA development. Any environmental effects have been dealt with through the outline permission and, accordingly, any subsequent applications relating to the approval of reserved matters are not EIA development.

Comment and Analysis**Background:**

The principle of residential development on the site has been established through the issuing of outline planning permission 12/0550. This was followed by reserved matters approval 13/0786 which defined parameters relating to the layout, scale, appearance and landscaping for a development of 254 dwellings. Variations to the house types originally allowed under reserved matters approval 13/0786 were permitted on 34 plots to the western and eastern fringes of the site as part of a second, separate application for approval of reserved matters (15/0706). Specifically, application 15/0706 allowed an increase in the size (up to 193 square feet floor space) and roof height (up to 2.8m) of the dwellings previously approved on those plots. Application 15/0706 also permitted the introduction of four gated openings within the eastern boundary treatment flanking Thunderbolt Avenue.

This application relates to 51 of the plots permitted by reserved matters approval 13/0786. A separate application to vary the house types on a further 8 plots falling within the boundaries of reserved matters approval 15/0706 has been submitted in tandem with this application (reference 18/0240).

Principle of development:

Section 17a of the NPPG relates to “flexible options for planning permissions”, including applications for MMAs made under S73 of the Town and Country Planning Act. Paragraph 15 of the NPPG makes clear that a grant of a MMA application is, in effect, the issue of a new planning permission which sits alongside the original permission. With respect to what may be considered to constitute a MMA to an existing permission, paragraph 17 indicates that

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.

Given the grant of planning permissions 12/0550 and 13/0786, the development which the current application seeks to amend has already been judged to be acceptable in principle. Applications for MMAs are to be determined in accordance with S38 (6) of the Planning and Compulsory Purchase

Act 2004, though given the existence of extant planning approvals it follows that attention should be focussed on national or local policies or other material considerations which have changed since the original grant of permission, as well as the effects of the changes sought.

Application 13/0786 was approved on 2 April 2014. Although the statutory, adopted development plan for Fylde remains the same (the FBLP), the advanced stage of preparation of the SLP means that it should be attributed significant weight in the decision making process (though it does not yet have 'development plan' status). The BWNP was adopted on 24 May 2017 and is also part of the development plan. Accordingly, there have been material changes in local planning policy since the issuing of the previous permission. These changes do not, however, indicate that an alternative approach should be taken with respect to the principle of development. Moreover, as this application is a MMA to the reserved matters approval, those issues relating to the principle of development as established under the outline cannot be revisited at this stage.

Therefore, whilst the granting of permission would, in effect, result in the issuing of a new reserved matters approval for the plots in question, it follows that consideration only needs to be given to those elements of the scheme which differ from the previous approval, along with relevant changes in the local policy context.

Layout, scale and appearance:

Paragraph 58 of the NPPF indicates that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- c) optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- d) respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- e) create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- f) are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (2), (3), (4) and (8) of FBLP policy HL2 state that applications for housing will be permitted where they:

2. Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
3. Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
4. Would not adversely affect the amenity and privacy of neighbouring properties.
8. Would not prejudice the future development of a larger area of developable land.

FBLP policy HL6 states that well designed housing schemes which respect the character of the area and provide an attractive, safe and crime free environment for residents will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area or public safety, or increase the potential for crime will not be permitted.

In addition, policy BWNE2 of the BWNP indicates that “development proposals should demonstrate good design, respect local character and where possible, reinforce local distinctiveness”.

SLP policy GD7 indicates that development should be of a high standard of design and should take account of the character and appearance of the local area in accordance with 13 guiding principles. Criteria (a), (b), (c), (g), (h), (i) and (j) are of greatest relevance in this case and require that good design is achieved by:

- a) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- b) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- c) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- g) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- h) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- i) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- j) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, are of a high quality and respect the character of the site and local area.

Replacement house types:

The 51 plots in question are located to the southern end of the site where it borders other dwellings within the development to the north and leisure/office/industrial buildings at BAE to the south and west. The house type substitutions follow the general pattern and layout of buildings established as part of reserved matters approval 13/0786, and their footprints are substantially the same. The siting of the replacement house types within each plot and the layout of their external garden and parking areas would also follow the arrangement in the extant reserved matters approval.

As identified in Tables 1 and 2, the replacement house types would not result in any change to the housing mix, bedroom spaces or storey heights of the dwellings in comparison to those previously approved. The main differences between the approved and proposed house types are with respect to:

- **Elevational detailing** – specifically changes to window size, alignment and design, the most notable of which involves merging two individual windows to either side of an elevation to form a single, larger opening with a central alignment to the building façade (including dormer windows to the 2.5 storey house type); and/or
- **Roof heights** – As shown in Table 2, all ridge heights would be equal to or less than the previously approved house types.

The design changes associated with the replacement house types are subtle and would not result in a form of development which is substantially different from that previously approved. Changes to window size, shape and alignment would not alter internal room configurations and, aside from minor changes to the proportions of some openings which would be retained in their approved

positions, are intended to merge and centralise the previously approved openings while keeping the overall building size, layout and siting within individual plots the same. The general reduction in building ridge heights across the plots in question are – at a maximum of difference of 0.7m – similarly modest, and would not result in the roofs of the dwellings appearing unduly ‘squat’ or out of proportion with the remainder of the elevations. The design changes would be compatible with and closely reflect the character of the existing house types forming part of the ‘Highgate Park’ development and would have no adverse effects on the appearance of the street scene. Accordingly, the substitutions are in compliance with both extant and emerging local planning policies concerning good design, along with those set out in the NPPF.

The plots in question are located to the southern end of the site and largely border buildings at BAE to the south and west. As the replacement house types would follow substantially the same layout and positioning as those allowed under the previous reserved matters approval, their relationship and spacing with neighbouring dwellings both within and outside the Highgate Park development would not be significantly different in comparison to the scheme as previously approved. In particular, the revised fenestration arrangement would not introduce any additional window openings to the building elevations which could provide enhanced opportunities for overlooking and the lower building ridge heights are likely to have a reduced visual impact on occupiers’ outlook in terms of scale and massing.

The changes to the scheme arising as a result of the replacement house types, by virtue of their layout, scale and appearance, would result in a development which is not substantially different to that approved under application 13/0786, and would have no materially greater effects in comparison to the extant permission.

Landscaping:

Criterion (5) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- k) Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

FBLP policy EP14 requires new housing developments to make suitable provision for landscape planting and policy TREC17 requires provision of adequate public open space on site.

These requirements are carried through in SLP policies GD7 and ENV4.

The proposed substitutions would carry forward the landscaping principles established as part of the extant reserved matters approval with respect to the size and coverage of buffer zones to the site perimeter and the level of open space provision within the site. Minor changes in the balance of hard and soft landscaping would occur on individual plots with respect to the layout of external parking and garden areas, though any changes would not be materially different to the arrangements approved under application 13/0786. Moreover, there would be no reduction in the number of parking spaces for the dwellings on any of the 51 plots.

Other matters:

Highways:

The replacement house types would be served by the same access and estate road layout approved as part of application 13/0786. There would be no uplift in the number of dwellings and the level of

parking provision would remain as previously approved. The development does not raise any additional implications for highway safety beyond those considered acceptable as part of the extant permissions and would not result in any adverse impacts on the safe and efficient operation of the surrounding highway network.

Conditions:

Conditions relating to matters concerning the principle of development (e.g. highway works, drainage, ecology etc.) were imposed on outline permission 12/0550 and will remain applicable to any application for approval of reserved matters. Therefore, there is no need to repeat these conditions as part of this scheme. Reserved matters approval 13/0786 was issued subject to 8 conditions. With respect to imposing conditions on MMA applications, paragraph 015 of the “flexible options for planning permissions” chapter to the NPPG advises that:

- “To assist with clarity decision notices for the grant of planning permission under section 73 should also **repeat the relevant conditions from the original planning permission, unless they have already been discharged.**”

In this case, details of materials, hard/soft landscaping and boundary treatments have been submitted as part of the application. These details continue the overall theme of the development and replicate those treatments used elsewhere on the site. Accordingly, they are considered acceptable and conditions have been worded to make reference to those details provided up front which satisfy the requirements of conditions 1 (materials), 2 (hard landscaping) and 3 (soft landscaping) of reserved matters approval 13/0786. In addition, as conditions 4 (open space maintenance) and 6 (drainage) have been discharged as part of a separate application for approval of matters reserved by condition (reference 15/0853), those conditions have been re-worded to refer back to the details approved as part of the relevant discharge of condition application. Conditions 5 (off site highway works) and 7 (surface water runoff) remain relevant and have been imposed in the same form, and condition 8 which refers to the approved plans (and is to be varied under this S73 application) has been updated to refer to the submitted plans.

Developer contributions:

A planning obligation was entered into as part of outline planning permission 12/0550. In summary, the obligations in that agreement provide for:

- 10% of the dwellings constructed on the site to be offered as affordable housing.
- A public realm contribution of £75,000.
- A transport and travel contribution of £60,000.

As this proposal seeks a MMA of reserved matters approval 13/0786 (and, accordingly, is submitted pursuant to the outline permission), the obligations and triggers in the existing S106 agreement will be equally applicable to the 51 plots associated with this scheme. The MMA does not propose any increase in bed spaces, nor does it seek to alter the level of open space or affordable housing provision established under the outline permission and the associated planning obligation which accompanies it. Accordingly, no further financial contributions are required in order to mitigate the development’s impact and no variation to the extant planning obligation is required as any approval of reserved matters will be automatically tied to it.

It is noted that the proposed substitutions would affect four plots (nos. 126-129 inclusive) where affordable homes are to be delivered. On these plots it is proposed to replace an ‘Ashford’ house type with a ‘Washington’ house type. Both the approved and proposed house types provide a 2 bed

house incorporating substantially the same floor area, with the main difference between them being the fenestration design to the front elevation façade. Accordingly, the proposed substitutions on these four plots would not alter the number, size, siting, mix or characteristics of affordable housing delivered on the site.

Conclusions

The application follows outline planning permission 12/0550 and reserved matters approval 13/0786 relating a residential development of 254 dwellings on the former GEC Marconi site – the ‘Highgate Park’ development. The current application seeks a Minor Material Amendment to reserved matters approval 13/0786 for a substitution of house types on 51 plots located to the southern end of the site.

The proposed substitutions would replace 10 different house types approved as part of application 13/0786 with alternative house types of a similar size, scale and appearance arranged in a layout and with landscaping which is substantially in accordance with the previous approval. The replacement house types differ from those previously approved by virtue of their elevational detailing (principally associated with fenestration arrangements) and roof height (with the replacement dwellings having ridge heights which are either equal to or lower than those permitted under the extant approval).

The proposed substitutions would reflect the style and design of other houses within the Highgate Park development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The changes to the scheme arising as a result of the proposal would result in a development which is not substantially different to that approved under application 13/0786, and would have no materially greater effects in comparison to the extant permission. Therefore, the proposal is in accordance with the relevant policies of the FBLP, the BWNP, the SLP and the NPPF.

Recommendation

That permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. This permission relates to the following plans:
 - Drawing no. 439/SL/01B – Site location plan.
 - Drawing no. 439_PL_01B Rev T – Planning layout
 - Drawing no. 439/HLL/01 Rev L – Hard landscaping layout.
 - Drawing no. 439_BT_01 Rev L – Boundary treatment.
 - Drawing no. 439_MS_01 Rev L – Materials schedule.
 - Drawing no. 439_RL_01 Rev K – Refuse layout.
 - Drawing no. 1196-005F – Soft landscape general layout.
 - Drawing no. 01 – Buchanan Classic (Det).
 - Drawing no. 01 – Ennerdale Classic (Det).
 - Drawing no. 01 – Alderney Classic (Det).
 - Drawing no. 01 – Eskdale Classic (Det).
 - Drawing no. 01 – Halton Classic (Det).
 - Drawing no. 01 – Hawley (End).
 - Drawing no. 01 – Queensville Classic (End).
 - Drawing no. 01 – Queensville Classic (Mid).
 - Drawing no. 01 – Folkestone Classic (Det).

Drawing no. 01 – Folkestone Classic (End).
Drawing no. 01 – Folkestone Classic (End-Side).
Drawing no. 01 – Washington Classic (End).
Drawing no. 01 – Washington Classic (Mid).
Drawing no. 01 – Barton Classic (End).
Drawing no. 01 – Barton Classic (Mid).

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the dwellings hereby approved shall be constructed in accordance with the materials indicated on drawing no. 439_MS_01 Rev L.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the boundary treatments to each plot shall be constructed in accordance with the details (including their siting, height, materials and design) indicated on drawing no. 439_BT_01 Rev L before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to provide adequate levels of privacy between neighbouring dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for each plot shown on drawing no. 1196-005F shall be implemented during the first planting season after the dwelling on each associated plot is substantially completed. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve satisfactory provision of landscaping and adequate private garden space for the dwellings in accordance with the requirements of Fylde Borough Local Plan policies HL2 and HL4, and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaped areas (including parking spaces) for each plot shall be constructed in accordance with the details shown on drawing no. 439/HLL/01 Rev L and made available for use before the dwelling on each associated plot is first occupied. The duly constructed parking spaces shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to ensure a satisfactory surface treatment to car parking areas in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

6. No more than 240 dwellings within the development hereby approved (which includes all dwellings constructed in accordance with applications for approval of reserved matters submitted pursuant to outline planning permission 12/0550) shall be occupied prior to the completion and permanent opening of the vehicular access from the proposed Spine Road to the Enterprize Zone at BAE Systems, Warton.

Reason: In order that the developer delivers essential off-site highway infrastructure improvements in the interests of the capacity and safety of the surrounding highway network in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

7. Surface water run-off from the development shall be managed in accordance with the conclusions of the Flood Risk Assessment (FRA) prepared by SCP dated December 2013 and referenced JGM/12535/FRA/1 and the site shall include at least 25m² of permeable paving within the driveways of each dwelling as recommended in the e-mail dated 9 January 2014 from SCP to the Environment Agency unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

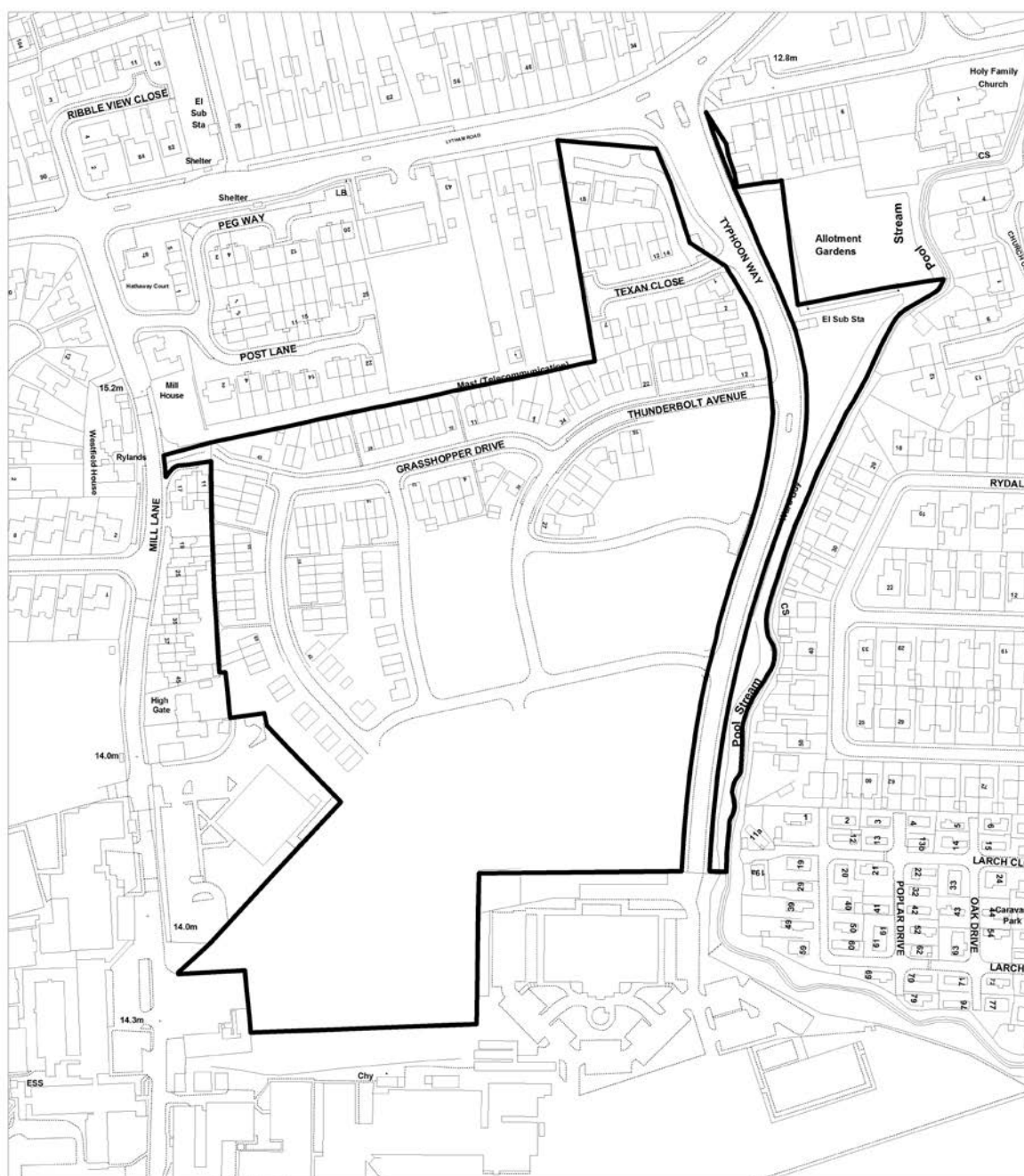
Reason: To ensure that measures are put in place to attenuate the rate of surface water runoff from the site in order to minimise the risk of flooding in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

8. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the communal areas of the site, the areas of public open space and any other areas that are not part of the domestic curtilage to any dwelling shall hereafter be maintained in accordance with the details permitted as part of approval of details reserved by condition application 15/0853.

Reason: To ensure the on-going maintenance and management of the areas of public open space within the site in the interests of the character of the area and the amenity of the occupiers of the development in accordance with the requirements of Fylde Borough Local Plan policy TREC17.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, foul and surface water from the site shall be disposed of in accordance with the details permitted as part of approval of details reserved by condition application 15/0853. The duly installed foul and surface water drainage systems shall thereafter be maintained and managed in accordance with the scheme permitted as part of application 15/0853.

Reason: To ensure satisfactory disposal of foul and surface water from the development and to minimise the risk of flooding and pollution in accordance with the requirements of Fylde Borough Local Plan policy EP25 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0267	Address Former GEC Marconi Site, Mill Lane, Warton	Grid Ref. E.3417 : N.4283	Scale 0 10 20 30 40 m

Item Number: 13

Committee Date: 23 May 2018

Application Reference:	18/0335	Type of Application:	Full Planning Permission
Applicant:	Mr S Hemingway	Agent :	
Location:	LYTHAM GREEN, EAST BEACH, LYTHAM ST ANNES		
Proposal:	INSTALLATION OF UNDERGROUND FIBRE OPTIC CABLING, 50MM RIGICOIL DUCTING BETWEEN 5NO. CENTURION ACCESS CHAMBERS AND 1NO STREET CABINET TO PROVIDE WIFI INFRASTRUCTURE.		
Ward:	ANSDELL	Area Team:	Area Team 1
Weeks on Hand:	4	Case Officer:	Kieran Birch
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/@53.7360626,-2.9574281,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is the part of Lytham Green located on the south side of East Beach between the junctions of Bath Street and Station Road. The proposal is for the installation of fibre optic infrastructure to provide Wi-Fi during Lytham Festival and then free to the general public during the rest of the year.

The provision of communications technology is supported by Fylde Borough Local Plan policy CF01, the NPPF and emerging Fylde Local Plan to 2032 policy INF1, and as such the development is acceptable in principle. The infrastructure has minimal visual impact being limited to a single equipment cabinet to support the buried cables and this is sited so that it will not impact on the character or setting of the Conservation Area or the Green itself. As such it complies with policy EP3 of the Fylde Borough Local Plan. The physical impact of the development on Lytham Green will be minimal and it will be restored following completion of the works. As such the proposal is considered to be a positive development that will enhance the recreational value of Lytham Green.

The application has been brought to Committee for a decision at an early stage as the applicants are keen to progress works in time for the facility to be operational for the 2018 Lytham Festival. This means that the consultation period has not expired at the time of writing this report, and will not have done so at Committee date. Accordingly the officer recommendation is that Committee delegate the decision to the Head of Planning and Housing to allow him to determine the application on conclusion of the consultation period and after due consideration of any comments that are received.

Reason for Reporting to Committee

The application is on land which the Council has ownership of, so despite not being the applicants,

the application falls outside of the Scheme of Delegation and so is to be determined by the Planning Committee.

Site Description and Location

The application site is the part of Lytham Green located on the south side of East Beach within an area south of the junctions of Bath Street and Station Road. The site is allocated as public open space and is within Lytham Conservation Area. On the south side of the site is the promenade.

Details of Proposal

The proposal is for the installation of fibre optic infrastructure at Lytham Green. The application has been submitted in order to upgrade the communications infrastructure during Lytham Festival by delivering superfast broadband via fibre. It will allow for the provision of CCTV which is now a requirement of the Premises licence for Lytham Festival. For the rest of the year when the festival is not on Wi-Fi will be available to the public free of charge for visitors to the Green.

The physical infrastructure required to do this comprises the following;

- (i) One above ground cabinet to be located adjacent to an existing cabinet which provides power for street lighting. The proposed cabinet will be constructed in steel and finished in green to match the existing cabinet. And will measure 1.324m high and 0.7 x 0.67 m in length and width.
- (ii) Five Centurion access chambers measuring 450mm x 450mm at various locations around the site. These are flush to the ground with the only element visible being composite covers
- (iii) 50mm diameter ducting installed 0.5m below the ground to form a rectangle around the part of the Green involved that measures 135m x 110m

Relevant Planning History

None to report.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

No comments received at time of writing report.

Lancashire County Archaeology Service

No comments received at time of writing report.

Neighbour Observations

Neighbours notified: 26 April 2018
Site Notice Date: 27 April 2018

Press Notice Date: 10 May 2018
Number of Responses None received at the time of writing the report. However the consultation period is due to expire after the date of writing the report so any comments received will be provided in the late observations.

Relevant Planning Policy

Fylde Borough Local Plan:

CF01	Provision of community facilities
EP03	Development within conservation areas

Fylde Local Plan to 2032:

HW2	Community Facilities
INF1	Service Accessibility and Infrastructure

Other Relevant Policy:

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

Site Constraints

Conservation area site
Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering the application are the principle of the development, the visual impact of the development and the impact on Lytham Green itself.

Principle of the development

The proposal is for the provision of fibre optic infrastructure to provide Wi-Fi, which is a modern technology and can be considered a modern form of necessary community infrastructure. In the adopted Fylde Borough Local Plan there is support for infrastructure such as this within Policy CF01 -Provision of community facilities. This policy states that development will be permitted subject to specific criteria, with those of relevance to this application are the requirement for the development to be located in a settlement which it complies with, that it be appropriately located having regard to adjacent and nearby land uses and would not prejudice amenity, and that the development is appropriately sited and would not prejudice visual amenities or the character of the area. With regard to the development being appropriately located in order to protect amenity, it is not a type of infrastructure that will create any noise or smells. The visual impact of the development is considered below. This policy covers a number of different infrastructure possibilities including schools, energy, highways, sewers, gas and electricity so is not specific for broadband infrastructure proposed here, nevertheless the proposal is acceptable in principle.

The NPPF part 5 – Supporting high quality communications infrastructure paragraph 42 states that *‘Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services’*. As such developments such as this one are supported by the NPPF.

The Local Plan to 2032 Policy INF1 - Service Accessibility and Infrastructure explicitly states that *‘The Council will support the delivery of broadband in line with the Lancashire Broadband Plan and communications technology to all parts of the Borough and will encourage and facilitate its use in line with national policy.’* As such having regard to the Local Plan, the Local Plan to 2032 and the NPPF the principle of the proposed development is acceptable.

Visual impact of the development

The only elements of the proposal which will be visible is the cabinet and the inspection covers which will be flush to the ground and only visible when directly above them. The cabinet is small, is of standard design and is appropriately located adjacent to a similar cabinet on the promenade. As such the visual impact of the development will be minimal and cannot be considered to adversely affect the setting or character of the conservation area within which it is located. As such the development can be considered to comply with Fylde Borough Local Plan policy EP3 which states that development will only be permitted where the character and setting of the conservation area are appropriately conserved or enhanced.

Impact on Lytham Green

The application makes it clear that during the installation works the area will remain open for recreational use and that they are designed to create as little disruption and damage to Lytham Green as is reasonably practical. There will be some works to lay the cable ducting at 500mm depth, and to form the inspection chambers, but these are minor in nature. The application refers to the use of plant that has appropriate tyres for grass and that minimal grass will be lifted at any one time to allow the digging of trenches and will be restored as soon as possible. It then states that further restoration works will be completed as part of Lytham festival which will remove any lasting sign of the works. This is considered acceptable and can be subject to condition.

Conclusions

The provision of communications technology is supported by Fylde Borough Local Plan policy CF01, the NPPF and Fylde Local Plan to 2032 policy INF1 and as such the development is acceptable in principle. The infrastructure has minimal visual impact and will not impact on the character or setting of the Conservation area or the Green thus complying with policy EP3 of the Adopted Local Plan. The impact of the works on Lytham green will be minimal and it will be restored following completion of the works. As such the proposal is considered to be a positive development that will enhance the recreational value of Lytham Green.

The application has been brought to Committee for a decision at an early stage as the applicants are keen to progress works in time for the facility to be operational for the 2018 Lytham Festival. This means that the consultation period has not expired at the time of writing this report, and will not have done so at Committee date. Accordingly the officer recommendation is that Committee delegate the decision to the Head of Planning and Housing to allow him to determine the application on conclusion of the consultation period and after due consideration of any comments that are received.

Recommendation

That the authority to determine the application be delegated to the Head of Planning and Housing with that decision made following the conclusion of the statutory consultation period and the consideration of any comments that are received.

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:

- Cabinet plan - 650X650-2OU- CABINET
- Infrastructure plan - MGP/LYT/18/005
- Planning outline UG works - MGP/LYT/18/005
- Inspection chambers

Supporting Reports:

- Planning Statement
- Declaration of Conformity

Reason: To provide clarity to the permission.

3. Within three months of completion of the works the site shall be restored to its former state. Restoration of the site shall include the removal of all machinery, plant and any other items used in the construction of the development and the regrading and replacement of soil to the existing levels and contours. The land should then be cultivated and seeded to ensure the final appearance is the same as the rest of Lytham Green.

Reason: To ensure that the site is satisfactorily restored

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PLANNING COMMITTEE	23 MAY 2018	5
UNAUTHORISED ADVERTISING ACTION PLAN			

PUBLIC ITEM

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

SUMMARY

At its February meeting, the committee received a report that set out the results of a consultation exercise about unauthorised outdoor advertising, and agreed to adopt an initial action plan which would focus advertising enforcement activity on A-boards within the main urban areas and main roads of the borough.

This report sets presents a draft initial action plan for approval and adoption by the committee on behalf of the council.

RECOMMENDATIONS

1. The committee approves and adopts the attached draft action plan to guide the council's enforcement activities concerned with unlawful advertising.

SUMMARY OF PREVIOUS DECISIONS

[Planning Committee, 24 May 2017:](#)

1. Consult local people and businesses about what the council should do about unauthorised advertising, including the matters summarised in paragraph 17 of the report.
2. Report the results of the consultation to a future meeting of the committee.
3. Where appropriate, use direct action powers under the Town and Country Planning Act 1990 or community protection notices under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with unauthorised advertising where informal engagement has proved impractical or ineffective.

[Planning Committee, February 2018:](#)

1. Note the results of the consultation exercise on unauthorised outdoor advertising with a view to preparing a draft action plan focusing initially on the problematical areas of A-boards within the main urban areas and main roads within the borough for consideration at a future meeting of the committee.

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

BACKGROUND TO THE CONSULTATION

1. On 24 May last year, the committee considered a report about the enforcement of legislation for the control of outdoor advertising. This followed concerns expressed by a number of local councillors about the effectiveness of enforcement. The report referred to the relevant regulations and stated that they are traditionally enforced only when there is a complaint. This meant that there was little objective overview of advertising enforcement. The report also addressed the use of more effective enforcement methods. The report proposed a consultation exercise leading to the development of an action plan to target enforcement to the areas or types of advert that are regarded as being most problematical
2. On 7 February this year, the committee considered a report setting out the results of the consultation that was carried out in late 2017. The consultation responses suggested that most respondents felt that unauthorised outdoor advertising was a problem that the council should address; that A-boards were the form of advertising that caused the most concern; and that St Annes Town Centre was the area in respect of which concern was the strongest.
3. Members authorised the preparation of a draft action plan focusing initially on the problematical areas of A-boards within the main urban areas and main roads within the borough. The draft plan is presented as an appendix to this report for members to consider and, if satisfied with it, approve.
4. As set out in the action plan itself, the intention of the plan is to focus enforcement activity on particularly problematical areas and kinds of adverts. The object is to solve, or significantly mitigate the problems caused in that area and by those kinds of adverts. Once that has been achieved, the action plan would have served its purpose, and the committee would be invited to consider adopting a new action plan to focus on new priority areas.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	The council has a power, but not a duty, to take action to deal with unauthorised advertising.
Community Safety	None arising from this report
Human Rights and Equalities	Taking enforcement action against adverts may engage article 10 of the European Convention on Human Right (freedom of expression). The right protected by article 10 is a qualified right and public authorities can interfere with it if they can show that their action is lawful, necessary and proportionate in order (among other things) to protect public safety, prevent disorder or crime or protect health.
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ianc@fylde.gov.uk & Tel 01253 658506	11 April 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Appendix: Draft action plan

Title:	ILLEGAL ADVERTS ACTION PLAN
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What are illegal adverts?

1. There is a full explanation of the legal framework for regulating adverts [here](#). *For the purposes of this action plan*, an illegal advert is an outdoor advert which is displayed in Fylde Council's area without the consent that it needs under the [Advertising Regulations](#).

Why take action against illegal outdoor advertising?

2. Illegal adverts can make public places untidy and unsightly. They can make the area less attractive for residents and tourists, less safe for blind or partially-sighted people and less convenient for wheelchair users and people pushing pushchairs. They can give an unfair advantage to rogue businesses or promoters compared to advertisers who obey the rules.

Why make of an action plan to guide enforcement?

3. Like all councils, Fylde's resources are limited. We want to target our enforcement efforts where they are most needed, and where they will make the most difference. The action plan sets out where this will be. It also lets businesses and promoters with illegal adverts know that they risk being prosecuted or having other enforcement action taken against them if they don't remove their adverts and keep them removed. Giving these businesses and promoters the chance to take action themselves is fair and is in line with the [Regulators' Code](#).

How did we decide what the action plan would focus on?

4. We carried out a survey of residents, businesses and voluntary groups in the council's area. We asked questions about whether illegal adverts caused a problem, why they were a problem, what kinds of adverts caused the biggest problems and where the most problems were caused. Councillors on the council's Planning Committee considered the results of the survey and applied their own local knowledge and their experience of their constituents' concerns to the survey outcomes to produce the areas of focus in the action plan.
5. The survey told us that:
 - A large majority feel that illegal adverts were a problem that the council needed to address
 - Most people believe that illegal adverts make the area less attractive to visitors and residents, less safe to blind and partially-sighted people, and less accessible to wheelchair and pushchair users, as well as being unfair to businesses who comply with the law
 - People think free-standing placards (sometimes called 'A-boards') cause the most problems
 - St Annes was the area seen as being most affected by illegal adverts, followed by main roads and other town centres
 - Local businesses and events promoters were perceived as causing the most problems by their illegal adverts.

How will this action plan be used?

7. The action plan is intended to be just that: a plan showing where we will target action, based on the places and kinds of advert that are seen as causing the most problems. The idea is that the targeted enforcement set out in the plan will aim to deal with those first, and that we will then look at whether other areas or kinds of advert should be targeted.
8. The action plan does not mean that we will not take action on illegal adverts which are not covered by the plan. But it does mean that we will prioritise the areas and kinds of adverts which the action plan covers.

What areas and kinds of adverts does the action plan target?

9. Free standing placards (or 'A-boards') are mainly used by local businesses to draw attention to their premises. Some A-boards on business forecourts are allowed by law. But others, including those at road junctions, can present hazards to footpath users, block the highway and be unsightly. Road junctions on main shopping streets tend to attract clusters of A-boards, which compound the problems.
10. A-boards are particularly prominent in St Annes, Lytham and Kirkham, and on some main roads in other areas. The action plan therefore targets A-boards within the main urban areas and main roads of the borough.

How will the council enforce against the A-boards in the targeted areas?

11. In the areas targeted by the action plan, we will be proactive in trying to secure the removal of the kinds of illegal adverts targeted by the plan. This means that we will not wait until there has been a complaint about a particular advert before asking its owner to remove it.
12. We will give the owners of illegal adverts reasonable opportunity to remove or stop displaying them. In the first instance, we will write to businesses likely to be affected to tell them about this action plan. If this is not effective and an illegal advert continues to be displayed, we will write to its owner and specifically ask them to stop displaying it.
13. If engaging with the business concerned in this way does not work, we will normally use formal powers. We will decide on which formal power is the most appropriate in all the circumstances of the case. The powers we could use are:

Direct Action pursuant to section 225 of the Town and Country Planning Act 1990, to remove or obliterate a placard or poster, after giving notice of our intention to do so as required by law.

Community Protection Notices, pursuant to sections 43 and 53 of the Anti-Social Behaviour Crime and Policing Act 2014, which can be served on anyone whose behaviour has a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature, and is unreasonable. A Community Protection Notice could require the person responsible to remove the offending advert. If a Community Protection Notice is breached (and has not been appealed), failure to take the action required by it can result in the issue of a fixed penalty notice of £100¹.

Prosecution in the Magistrates' Court under section 224 of the Town and Country Planning Act 1990, which, on conviction, carries a fine of up to £2,500 and £250 for each day that the offence continues after conviction.

¹. Failure to pay the fixed penalty within the requisite timescale could result in prosecution, with a fine of up to £2,500

How long will the action plan last?

14. We will look at the action plan again after a year. If the plan has succeeded fully (so that the problems caused by the illegal adverts targeted by it have largely been solved), we will consider making another action plan to target other areas or other kinds of illegal adverts. If the plan has succeeded partially (so that it has made some difference, but has not solved all of the problems), we will consider continuing with it. If the plan has failed (so that the problems caused by the illegal adverts targeted by it largely remain), we will consider whether to adopt a different approach.

What about adverts not covered by the action plan?

15. The action plan sets out where we will target our enforcement while the plan is in force. But it does not mean that we will not enforce in areas outside the action plan, or against other kinds of illegal adverts, especially if an advert is harmful or dangerous. If we receive a complaint about any illegal advert, we will investigate it and take enforcement action if we consider that it is appropriate to do so.

Directorate		Section		Ref. Number	
Authorised By		Job title		Issue Date	
Author		Job title		Revision No	
Page 1 of 1					

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	23 MAY 2018	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 6/4/18 and 11/5/2018.

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

Appeals Decided

The council received decisions on the following appeals in the period 6 April 2018. To 11 May 2018. The decision notices are attached/

Rec No: 1

16 November 2017 16/0433

LAND EAST OF ORCHARD DENE AND NORTH OF
KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES
OUTLINE APPLICATION FOR ERECTION OF THREE
DWELLINGHOUSES WITH ALL MATTERS RESERVED

Written
Representations
Case Officer: AS

Fylde Dec. Level DEL

Appeal Decision: Allowed: 02 May 2018

Rec No: 2

19 February 2018 17/0778

MERVILLE, BLACKPOOL ROAD, NEWTON WITH
CLIFTON, PRESTON, PR4 0XD
ADVERTISEMENT CONSENT FOR DISPLAY OF TWO NON
ILLUMINATED BANNER SIGNS TO FRONT ELEVATION.
ONE NON ILLUMINATED BANNER SIGN TO REAR
ELEVATION. ONE NON ILLUMINATED DOUBLE SIDED
TOTEM POLE TO REAR DRIVEWAY.

Written
Representations
Case Officer: RT

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 16 April 2018

Appeal Decision

Site visit made on 9 April 2018

by A Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2018

Appeal Ref: APP/M2325/W/17/3186458

Land east of Orchard Dene and north of Kirkham Road, Treales Lancashire, PR4 1HY

- 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 Metacre Limited against the decision of Fylde Borough Council.
- The application Ref 16/0433, dated 10 June 2016, was refused by notice dated 4 May 2017.
- The development proposed is erection of three dwelling houses.

Decision

1. The appeal is allowed and outline planning permission is granted for three dwelling houses at land east of Orchard Dene and north of Kirkham Road, Treales Lancashire, PR4 1HY in accordance with application Ref 16/0433, dated 10 June 2016 and the plans submitted with it and subject to the conditions in the attached schedule.

Main Issue

2. The main issues for the appeal are:
 - The effects of the proposal on the character and appearance of the site and the surrounding area; and
 - Whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development.

Reasons

Background

3. The Local Plan for the area is the *Fylde Borough Local Plan* (Local Plan). This predates the Framework. Policy SP2 seeks to restrict development in open countryside to a small number of categories which include the reuse of buildings, and development which is essentially required in rural areas. However the policy relies on settlement boundaries which are now of some age and this reduces the weight I attribute to this policy. Policy HL2 provides a wide list of criteria against which all housing proposals will be judged. Insofar as it seeks to achieve high quality development and the best use of land, I consider it to be broadly consistent with guidance in the *National Planning Policy Framework* (the Framework) and I therefore attribute substantial weight to it.

4. The Council have referred to a number of policies from the emerging *Fylde Council Local Plan* (Emerging Plan). Policy S1 sets out a hierarchy for development, recognising that minor infill development may be appropriate outside designated settlements. Policy GD4 sets out the types of new development which are acceptable in development in the countryside. GD7 is a broad list of principles aimed at achieving good design in new development. Policy INF1 seeks to ensure that new development has appropriate local infrastructure. In addition to ensuring appropriate infrastructure is provided it also seeks to make the best use of existing infrastructure by focussing new development on sustainable locations.
5. The Emerging Plan has yet to be adopted, although I am advised that the Local Plan hearings are at an advanced stage. Taking into account the advice in paragraph 216 of the Framework, and the extent to which these policies align with the aims of the Framework, I have attributed only some moderate weight to them.

Character and Appearance

6. The Council consider the site to lie in open countryside as it falls outside the defined settlement boundary of Treales. It is outside the nucleus of the village, which is small and largely clustered around the crossroads adjacent to the pub. However, Kirkham Road has nonetheless been the site of significant development in recent years, with a large residential development being built almost adjacent to the site. Therefore, although the site is separated from the cluster of development that makes up the core of the village, it is not isolated and lies within the ribbon of intermittent properties that stretches out of the village along Kirkham Road.
7. The site comprises a piece of overgrown land, edged by trees, which I understand are protected by a Tree Preservation Order. The appellant advises that the site previously housed built structures and I noted on site that the ground had been cleared in parts to reveal areas of cobbles and hardstanding, and that the uneven surface of the site indicates that there may be other remnants of previous development, now overgrown. Local residents also confirm that the site was historically developed, although it is clear from viewing the site that any use has long since ceased. The site is nonetheless notable as a small area of overgrown shrub land, surrounded by established trees which form a prominent feature from both Kirkham Road and across open farmland from Church Road.
8. The application is made in outline form with all matters reserved. It is supported by an indicative layout which shows 3 large detached dwellings, on relatively generous plots, each served by individual accesses. The layout appears to facilitate the retention of the boundary trees which are notable features in longer range views towards the site. The introduction of 3 large dwellings would reduce openness, and reduce the extent of gaps in the frontage along Kirkham Road. In this regard I take into account the visual effect of recent development, which has had a significantly urbanising effect on this stretch of Kirkham Road, increasing the extent of the village in a westerly direction. I also take account of the position of the site adjacent to part of an open agricultural field and note that the indicative layout shows a relatively spacious layout, with views available through the site to the fieldscape behind. As such, I am satisfied that further development would not appear out of place

in this context and that the existing intermittent nature of development along Kirkham Road would not be so altered by further development as to significantly detract from its rural character.

9. Furthermore, although the site has become naturalised to some extent, it nonetheless has an overgrown and neglected appearance. It is distinct from the adjoining fieldscape due to the uneven levels of the terrain and the trees which surround it. These are themselves attractive features when viewed along the approach from Kirkham Road, and from further afield from Church Road. I note from representations from members of the public that the site is valued for the visual contribution it makes to the rural character of the village, and I appreciate that the undeveloped and overgrown appearance of the site, in conjunction with the trees, will be attractive to some. Nevertheless, the undergrowth that currently occupies the site could potentially be cleared irrespective of development and I saw during the site visit that the removal of vegetation along the site boundary has already taken place revealing rubble and hard standing beneath.
10. Furthermore, I concur with the appellant's landscape assessment, that the visual effects of future development would not extend over a wide area as the landscape restricts longer range views. Whilst the provision of 3 dwellings would clearly alter the appearance of the site, and this would be apparent in views from Kirkham Road, I understand that all of the trees could be retained as part of future development and so in glimpsed views across the fields the increase in built form would not be significant. It would be partly screened by trees, and would be seen in the context of existing development on Kirkham Road. The visual effect from Kirkham Road could also be partly offset by landscaping.
11. Taking all these factors into account, I am of the view that although the increase in built form would be clearly apparent, it would not cause harm to the setting and character of the village. Of the policies put to me by the Council I consider Policy HL2 of the Local Plan to be most relevant. The proposal would not conflict with the requirement to provide development which is in keeping with the character of the locality. Although it would conflict with policy SP2, for the reasons set out above, I give this policy little weight. It would also comply with guidance in the Framework which seeks to protect the intrinsic beauty of the countryside and with policy GD7 of the Emerging Plan which seeks to avoid development which would cause demonstrable harm to the visual amenities of the area.

Sustainable Pattern of Development

12. There are very limited amenities within the village aside from a public house. The church and school are located some distance outside the village along an unlit road without a public footpath. I understand the school is served by a school bus which runs to the primary school and that it is served by a mobile library, but the village is outside reasonable walking distance of the facilities in Kirkham. Future residents would therefore be likely to be dependent upon the private car for shopping and services, including employment and health provision.
13. I note that residential development has been approved elsewhere in the village but that nonetheless Treales has not been considered as an appropriate location for new development in the emerging plan. Notwithstanding the

appellant's comments in this regard, even if I accept that the pub also provides other community services there is nothing before me to indicate that the status of the village is likely to be altered to that of a "Smaller Rural Settlement" prior to adoption of the Emerging Plan. It is therefore clear that the village is not considered an appropriate focus for significant future development.

Nevertheless, Emerging Policy S1 sets out a hierarchy for the location of new development that allows for minor infilling in villages which fall outside the category of "Smaller Rural Settlement".

14. In this case, both parties consider the site to comprise a form of infilling, although they dispute whether the site lies within the village and the visual effect of such development. To my mind, the development should be viewed in the context of recent development around the site which has clearly altered the built extent of the settlement since the adoption of the Local Plan. Although the character of this part of the village is more sporadic and less intensive than around the public house, as evidenced by the presence of agricultural land along parts of Kirkham Road, it is not distinct from the rest of the settlement and could reasonably be considered as part of the village. Having regard to the size of the site I am also satisfied that it represents minor development, notwithstanding the size of the village.
15. I therefore accept the appellant's view that the proposal comprises a form of minor infilling in villages which does not conflict with emerging policy S1. In accepting that minor infilling can occur outside settlements identified in the hierarchy, which by definition will have limited services, the policy recognises that such development can in some cases be accommodated without giving rise to significant cumulative harm in relation to access to services.
16. In this particular case the length of vehicular trips would be a relatively short to Kirkham and the number of journeys generated from 3 dwellings would also be relatively small. The Framework also recognises the contribution which new development can make to sustaining local services and towards adding to the vitality of rural settlements. This contribution can go beyond purely economic factors. I accept that the contribution 3 additional dwellings would make in this regard would be very limited. Nevertheless, taking into account compliance with policy S1, I conclude that taken in the round, the overall harm identified in relation to local services would not be significant. It follows that the proposal would not conflict with policy HL2 of the Local Plan, and I also find no material conflict with policies GD7 and INF1 of the Emerging Local Plan or, on balance, conflict with guidance in the Framework which aims to locate significant new development in accessible locations.

Other Matters

17. The adjacent Smithy Cottage is a grade II listed building. The Council are satisfied that the proposal would not harm the setting of this heritage asset which they consider is largely made up of immediate farmstead. I noted on site that the proposal would in part be visible in some shared views of the asset. However, as these views would also be likely to encompass other recent residential development I am satisfied that the additional development proposed would not significantly alter the context in which the asset is appreciated and so would have a neutral effect on its setting.
18. The development would also provide 3 houses, which would contribute to the supply of housing in the Borough. Having regard to the need to significantly

boost the supply of housing explicit in the Framework, this benefit carries weight in favour of the proposal. It would also bring some economic benefits during construction which carries some limited weight. Financial contributions are largely intended to offset the impacts of new development and so I consider them to be a neutral factor in the planning balance.

19. I note the concerns of local residents in relation to highway safety but having regard to the nature of local roads and the comments of the highways Authority I concur with the Council, that subject to conditions, the proposal would be acceptable in terms of highway impacts. I also have no conclusive evidence before me to conclude that the proposal would give rise to problems relating to flooding or drainage, and so consider that subject to appropriate conditions, the development would be acceptable in this regard. I note concerns relating to the impact on local wildlife. However, I am satisfied with the findings of the submitted ecological appraisal which demonstrated that subject to a condition relating to nesting birds the site had low potential for protected species and so the development is unlikely to cause harm to local wildlife.
20. I have given some thought as to whether the proposal would set an undesirable precedent for future development in the village or elsewhere. However, I am satisfied that the circumstances of this case, in which I have found there to be no significant harm, to be sufficient to merit approval and I am conscious that future cases will likewise be determined on their own merits with regard to the individual circumstances of the case. I therefore give no weight to this matter.

Conclusion and Conditions

21. The development would not cause significant harm to the character and appearance of Treales and would not give rise to significant harm in relation to access to local services. I therefore conclude that the appeal be allowed.
22. In addition to conditions relating to the period of implementation and the approval of reserved matters, I also consider it necessary to clarify the approved plans. The Council have requested that the indicative plan, showing 3 detached dwellings, should form part of the approved plans. However I am conscious that this plan is indicative only, and as such it is only intended to show the site is capable of being developed in an acceptable manner. It is not intended to prescribe the layout which is sought under reserved matters. Notwithstanding this, I note that the submitted information refers to the development being 2 storeys in height, and that taking account of the scale of surrounding development, development in excess of this height is likely to be out of character with its surroundings. I therefore consider a condition requiring that the height of the development be limited to 2 storeys is reasonable and necessary. A condition relating to site levels is also necessary in order to clarify the extent of development on site.
23. A condition requiring appropriate visibility splays is reasonable in the interests of highway safety. A condition requiring appropriate drainage for the site, including the use of Sustainable Urban Drainage Systems is also reasonable in the interests of reducing the risks of flooding and tackling climate change. Conditions relating to tree protection are reasonable and necessary in order to ensure the trees on site are maintained and not damaged during construction. A construction method statement is also a reasonable requirement in order to

protect the living conditions of nearby occupiers to the site. Finally, in the interests of protecting wildlife, a condition preventing clearance works during the bird nesting season is reasonable in this case. The Council have also requested a condition requiring the mitigation measures outlined in the Envirotech report be implemented. The report does not make a specific recommendation in relation to mitigation other than reasonable avoidance. It does, however require that methods of enhancing the site be considered at reserved matters stage. In the interests of clarity I have altered the condition to require that this be provided.

Anne Jordan

INSPECTOR

Schedule of Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than:
 - (i) the expiration of three years from the date of this permission; or
 - (ii) two years from the date of approval of the last of the reserved matters to be approved.
2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:-
 - the layout of the development
 - the means of access to the development
 - the scale of development
 - the external appearance of the buildings
 - the landscaping of the site.
3. This permission relates to the following plans: Location Plan – LMP Drawing 16-015-P11.
4. Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to the maximum number of dwellings and the site area. The details submitted as part of the reserved matters application shall be for dwellings with a scale that does not exceed two storeys in height.
5. Prior to the commencement of any development confirmation of the existing ground and existing and proposed ground and slab levels for each plot in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved levels.
6. That the details submitted as part of the reserved matters application shall confirm that the access arrangements for each dwelling demonstrate the provision of 2.4m x 43m visibility is available in both directions from the respective access points, and that these visibility splays are to be kept free of all obstructions at all times thereafter.
7. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - separate systems for the disposal of foul and surface water;
 - details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development (greenfield) rate, including an appropriate allowance for climate change.

- details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and maintained/managed as such thereafter.

8. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified as 'Tree Protection Screen' on the Plan provided as part of the 'Tree Report for Proposed Developments Site' by Anthony Wood provided with the application.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;
- The washing out of any containers used on site.

HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must

(a) be agreed in advance with the Local Planning Authority and

(b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

9. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds 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 duly approved methodology.
10. Prior to the commencement of development a scheme to provide measures for wildlife habitat enhancement on site shall be provided for the approval of the Local Planning Authority. The scheme shall thereafter be implemented in accordance with an agreed timetable and maintained for the lifetime of the development.
11. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been

submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) Construction vehicle routes to and from the site.
- b) Arrangements for the parking of vehicles for site operatives and visitors.
- c) Details of areas designated for the loading, unloading and storage of plant and materials.
- d) Details of the timing of deliveries to the site associated with construction works
- e) Details of the timing of construction activities that are likely to generate noise audible outside of the site
- f) Details of the siting, height and maintenance of any security hoarding.
- g) Wheel wash facilities.
- h) Measures for the control of noise, vibration and dust disturbance created during any on site works.

Appeal Decision

Site visit made on 26 March 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal Ref: APP/M2325/Z/17/3190710

Merville, Blackpool Road, Newton with Clifton PR4 0XD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Miss Townsend against the decision of Fylde Borough Council.
- The application Ref 17/0778, dated 11 September 2017, was refused by notice dated 10 November 2017.
- The advertisement proposed is two non-illuminated banner signs to the front elevation, one non-illuminated banner sign on rear elevation, one non-illuminated double sided totem pole to rear driveway.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The note the appellant's concerns regarding the Council's handling of the application. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

3. The main issue in the appeal is the visual impact of the signs on the building and within the surroundings.

Reasons

4. The appeal property is a detached bungalow located close to the junction of Blackpool Road and Preston Old Road. As such, the property has frontages to both of these roads. Whilst there are commercial uses either side of the site, and a large garden centre nearby, the character of the surrounding area, particularly along Preston Old Road, is predominantly residential.
5. The signs were in position on the property when I visited the site. The two signs on the front elevation are mounted on a structure that wraps around the bay windows on either side of the front door. The size of the signs is such that they are wider than the bay windows and each one covers about the top third of the window. To the rear of the dwelling a totem sign is located on the driveway adjacent to the pavement, and a banner sign is located on the rear elevation and extends virtually the full width of the elevation.
6. Notwithstanding the fact that the signs have been professionally produced and fitted, given the domestic scale and nature of the host property, they are

disproportionately large and unduly prominent features. The signs on the building, particularly those around the bay windows, have an uncomfortable and unsympathetic relationship to the host property and appear as incongruous and bulky features on it. In being located close to the pavement, the totem sign on the Preston Old Road frontage is a strident feature in the street scene.

7. I therefore conclude that the proposal would have an adverse impact both on the building and the surrounding area.
8. I note the appellant's comments regarding the various types of advertising associated with the commercial businesses either side of the bungalow. However, the signs on these buildings are more proportionate to the size of their host property, and so they do not form such dominant features. Moreover, as these are commercial uses and buildings, they do not form a direct parallel with the appeal scheme which is a dwelling. In any case I have determined the appeal on its own merits.
9. The appellant has argued that the signs are needed to advertise the new child minding business she is establishing. However, I am not persuaded that this is the only way this can be done, and that there are not other ways that the existence of the firm could be advertised that would not cause the harm that I have identified.
10. It is agreed by both parties that the signs would not give rise to any concerns regarding safety. Nothing I have seen or read leads me to come to a different conclusion in this regard.
11. For the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR