



# Agenda

## Planning Committee

Date:	Wednesday, 5 June 2019 at 1pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> 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	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">17 April 2019</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 119
	INFORMATION ITEMS:	
5	List of Appeals Decided	120 - 135

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

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

**© Fylde Council copyright 2019**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

## Planning Committee Index

### 05 June 2019

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	18/0461	LAND OPPOSITE FARNAH AND WYNWOOD, BEECH ROAD, ELSWICK OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 6 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Grant	5
2	18/0655	WINDY HARBOUR HOLIDAY CENTRE, WINDY HARBOUR ROAD, LITTLE ECCLESTON WITH LARBECK, POULTON LE FYLDE, FY6 8NB CHANGE OF USE OF LAND TO ALLOW THE SITING OF AN ADDITIONAL 48 STATIC CARAVANS FOR HOLIDAY USE.	Delegated to Approve	21
3	19/0041	WINDRUSH FARM, BROWNS LANE, RIBBY WITH WREA, PRESTON, PR4 3PQ APPLICATION FOR APPROVAL OF THE RESERVED MATTER OF APPEARANCE PURSUANT TO OUTLINE PLANNING PERMISSION 18/0215 FOR DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 20 TIMBER HOLIDAY LODGES, FORMATION OF LEISURE LAKE AND CREATION OF ADDITIONAL CAR PARKING SPACES	Grant	37
4	19/0140	MOSS FARM, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB ERECTION OF 31 NO. AFFORDABLE DWELLINGS TOGETHER WITH ACCESS ROAD	Approve Subj 106	50
5	19/0195	LAND TO THE NORTH, FRECKLETON BYPASS, BRYNING WITH WARTON APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 14/0410 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS) TO REMOVE COMPONENTS A) (THE PRESTON WESTERN DISTRIBUTOR ROAD) AND B) (THE RELOCATION OF BAE SYSTEMS GATE FROM MILL ROAD TO THE ROAD KNOWN VARIOUSLY AS LIBERATOR WAY, TYPHOON WAY AND THUNDERBOLT AVENUE) FROM THE CONDITION - RESUBMISSION OF APPLICATION 17/0851	Delegated to Approve	69

6	19/0277	36 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH CHANGE OF USE OF BANK (USE CLASS A2) TO A MIXED USE OF COFFEE SHOP (CLASS A1) / CAFE (CLASS A3)	Grant	96
7	19/0291	481 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2PS RETROSPECTIVE APPLICATION FOR A HIP-TO-GABLE ENLARGEMENT TO ROOF SPACE AND ERECTION OF REAR DORMER	Grant	104
8	19/0317	2 GLEBE LANE, KIRKHAM, PRESTON, PR4 2YN RESUBMISSION OF APPLICATION 18/0755 FOR CHANGE OF USE FROM NEWSAGENT'S / OFF-LICENCE (CLASS A1) TO CAFE/RESTAURANT (CLASS A3) WITH FORMATION OF ADDITIONAL DOOR TO FRONT ELEVATION.	Grant	110

## Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning) or for inspection by request at the Town Hall, St Annes Road West, St Annes.

# Planning Committee Schedule

## 05 June 2019

Item Number: 1

Committee Date: 05 June 2019

<b>Application Reference:</b>	18/0461	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Coxon	<b>Agent :</b>	Smith & Love Planning Consultants
<b>Location:</b>	LAND OPPOSITE FARNAH AND WYNWOOD, BEECH ROAD, ELSWICK		
<b>Proposal:</b>	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 6 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Ward:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area 1
<b>Weeks on Hand:</b>	50	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Deferred at previous Committee		

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

<https://www.google.co.uk/maps/@53.8394565,-2.8854751,700m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### Introduction

This application was on the agenda at the preceding meeting of the Planning Committee on 17 April 2019. At that time the council had received a revision to the proposal and so consulted with neighbours and Elswick Parish Council on that revised scheme, but had not received any views from the Parish Council who had a break in their meeting cycle due to the elections. As a consequence of that the Planning Committee resolved as follows:

*"The decision on the application was deferred to allow consideration of the revised scheme by Elswick Parish Council, and then the officer consideration of any further comments that are made by the Parish Council."*

The views of Elswick Parish Council on the revised scheme now under consideration have since been received and are as follows:

*"Please find comments relating to the above planning application from the officer with delegated powers."*

1. *The proposal is outside of the settlement boundary*
2. *The original village quota for new housing was confirmed at 50 new properties – the parish has already had more than 150 approved – 3 times the recommended allowance*
3. *Highways – access and egress will be an issue with regards to the main road where the development is sited*
4. *The area is prone to flooding*

*With these comments in mind, REFUSAL is recommended."*

These comments raise issues which have been raised previously by the Parish Council or others, and so are already addressed in the officer report. As such the report from the April meeting is included below with no change to the content, recommendation or suggested conditions.

#### **Summary of Officer Recommendation**

The development proposed for consideration by members is an outline application with all matters reserved asides access for the erection of 6 dwellings on land north of Beech Road in Elswick. The site extends to 0.3 hectares and falls within the Countryside as defined on the Policies Map of the Local Plan to 2032, but is adjacent to the settlement boundary.

As the site falls outside the settlement boundary and planning applications have to be determined in accordance with the Development Plan the correct policy to consider the scheme against is policy GD4 – Development in the countryside. Policy GD4 is generally restrictive of new development in these areas, but criteria f allows for minor infill development in the countryside and therefore officers have had to assess whether or not the scheme can be considered a minor infill. The scale or parameters of this are not defined in the Local Plan and so will need to be assessed on a case by case basis. In this case the application site involves a corner of a larger area that has been granted planning permission for residential development on appeal. With the site's location and character matching the form of the previously approved application it is considered that this scheme can constitute a minor infill development. Furthermore within the Development Plan policy DLF1 and Policy SL5 allow for the development of windfall sites throughout the Borough and as the development of 6 dwellings in this location is acceptable in that context.

The scheme would not have any significant adverse effects on landscape character and quality, and appropriate landscaping mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and would have no impact on residential amenity. There are no highways, ecology or drainage issues and the development would result in an acceptable relationship with surrounding land uses. The proposal is therefore considered acceptable and it is recommended that planning permission be granted.

#### **Reason for Reporting to Committee**

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

#### **Site Description and Location**

The application site consists of 0.30 hectares of open land. The site is not linked to the adjacent agricultural land through ownership and is not actively farmed. The site is located on the northern edge of Elswick, on the north side of the B5269 'Beech Road'. The land falls within the open countryside as defined on the Policies Map of the Fylde Local Plan to 2032.

The site presently comprises open land set behind a grass verge on Beech Road within which are small trees. An existing farm gate punctuates a hedgerow which currently provides access to the field. There are a number of trees along the eastern boundary alongside a wooden fence, with post and rail fencing providing the boundaries for the rest of the site.

The site has a generally flat topography which gently falls away to the north. The site does not contain any statutory or non-statutory nature conservation, landscape or heritage designations and is classified as flood zone 1 (low probability) on the Environment Agency (EA) flood map. The site is directly adjacent to application site 16/0645 which was granted planning permission at appeal for 50 dwellings but has not yet commenced construction. This site is directly north and west of the application site.

The site is situated on the north edge of the village adjoining the settlement boundary. Immediately to the south of the site is a grass verge containing a group of mature trees and flower beds created for the Royal Horticultural Society's 'Britain in Bloom' campaign. Directly opposite the site are residential properties situated on the south side of Beech Road. These dwellings are mixed in character and of relatively low density. The centre of Elswick is located within walking distance of the site. In wider terms, the site is bound to the west and north by the allocated site referred to above and to the east by open agricultural fields. The site is situated approximately 2km to the south of Great Eccleston, a large village, within in the administrative boundary of Wyre Borough Council (WBC), which comprises a range of facilities, services and amenities.

### **Details of Proposal**

The application scheme was originally submitted for the erection of 9 dwellings however because of officer concerns is regarding the layout and visual impact of the scheme presented for consideration this has been reduced to 6. The application is made in outline with all matters reserved asides for access which is a detailed matter for consideration. The submitted indicative layout shows the dwellings accessed via a new access to be constructed between the existing trees with the existing field gate to be closed as part of the proposals. The dwellings are then arranged so there is one that fronts Beech Road and the five to the north fronting out to the countryside to the east. Landscaping is proposed to the eastern boundary which softens the impact of the development. Three different house types are proposed however no details for these are submitted, and like the layout and landscaping these are matters that are reserved for a latter assessment.

The application has been submitted with the following supporting reports which have been considered by officers and consultees;

Transport Statement  
Arboricultural Impact Assessment  
Topographical Survey  
Tree Survey  
Drainage Strategy  
Ecological Survey and assessment  
Phase 1 Land quality assessment  
Agricultural land assessment,

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Elswick Parish Council** originally notified on 21 June 2018 and comment:

*Subsequent to the June meeting, the parish council considered the above application. It was resolved to RECOMMEND REFUSAL in relation to this application.*

*Primarily, the issue is the number of houses approved against the quota in the emerging Local. Fylde initially designated the village as a Tier 1 settlement in the emerging Local Plan with a quota of 140 houses but then listened to our objections and revised the status of the village to Tier 2 and reduced the quota to 50 houses. Whilst Fylde kept to this commitment in rejecting the applications both for 50 houses at Beech Rd and Mill Lane, the planning inspector allowed the appeals on the basis that Fylde did not have an approved Local Plan or a five-year supply of housing.*

*They are:-*

*50 Beech Rd*

*50 Mill Lane*

*24 Copp Lane*

*8 Bonds Café – whilst it looks like this development may no longer go ahead as the business is still trading it nevertheless counts towards the quota as circumstances could change at any time and the site has planning permission.*

*9 The Orchard on the High St.*

*4 Chapel Farm on Copp Lane*

*2 Gorst Farm Lodge Lane*

*2 Tiny Paws Cattery on Mill Lane*

*1 The Old Barn on Beech Rd*

*1 Mayfield on Copp Lane*

*1 Langtree Lane*

*The total of 152 houses is, therefore, three times the level of housing which Fylde agreed was a sustainable figure for the village.*

*Additionally, there is serious concern over the visibility splay with regards access and egress to the development. There are existing TPO's at the proposed entrance to the development. The proposal is on Grade 2 agricultural land which is unacceptable in a rural community. The additional traffic that will be evident in development stage and the long-term, with additional residents, is again unacceptable in such a small village with limited access roads. The A585 is already over-used and any further weight of traffic will further impact.*

A further consultation was been undertaken with the Parish Council on the scheme on 25 March as it has reduced from 9 to 6 dwellings. No further comments had been received at the time of writing this report, but any comments that are received will be provided to members in the late observations report.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Trees)**

*Concerning Application 18/461. I don't see any reason for the proposed tree work at Beech Road (removing branches and maintaining clearance of 2.1m from ground level) to be any benefit as there is already a clear line of site in both directions and the local parish maintain the area. However I do recommend that fencing be in place from the entrance*



*to the road to prevent vehicles from parking on or around the two bedding areas and trees that are next to the site entrance, reducing any impact on the beds and tree roots.*

#### **Greater Manchester Ecology Unit**

##### Summary

*No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to bats, nesting birds and landscaping can be resolved via condition*

##### Bats

*One tree a sycamore on the boundary of the site was assessed as having low bat roosting potential. I recommend that the tree is retained in order to prevent the need for further surveys and reduce the ecological impact of the development. If the tree is to be removed further surveys should be provided prior to determination.*

##### Great Crested Newts

*Previous surveys for the adjacent development site found no evidence of great crested newts in nearby ponds. I accept that no further surveys or pre-cautionary measures are required.*

##### Nesting Birds

*Potential bird nesting habitat will be lost, including bramble scrub and sections of hedgerow to facilitate access. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.*

*No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.*

##### Contributing to and Enhancing the Natural Environment

*Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. The development will result in small area of low to moderate value widespread early successional ecological habitats typical of abandoned grazing land and short sections of hedgerow. This will represent a negative impact at the site level, a very low impact at the local level and negligible impact at the district level it is however cumulative with the adjacent larger development. Mitigation is warranted.*

*The indicative layout shows a number of new trees within the gardens of the proposed houses. There is limited scope to provide new hedgerows because of the adjacent development already proposing this along the western boundary. I therefore recommend that in order to maximise on-site mitigation:*

- all landscape trees are small native varieties such as silver birch and mountain ash;*
- all existing hedgerows and trees are retained (other than to facilitate access);*
- Integral bird and bat boxes are provided for all houses;*
- Ornamental shrub planting utilises wildlife friendly species.*

*The detail can be conditioned.*

**Lancashire County Council - Highway Authority**

Initially objected to the development recommending a refusal on highways safety grounds. This was because they considered the verge area to not be part of the adopted highway, and as the red edge did not include this area and was thought to be third party land maintained by Elswick Parish Council that the applicants could not control or condition this area.

However this was subsequently to be shown to be part of the adopted highway and the plans were amended to 6 dwellings so they were re-consulted. Their response to this consultation on the current scheme is that they do not have any objections regarding the proposed outline application for 6 dwelling with access applied, 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.

Whilst layout is a matter reserved for future consideration they confirm that the indicative layout conforms with the guidance in Manual for Streets but for formal adoption amendments will need to be made to the width of the internal footpath. They then recommend a series of conditions that they wish to place on any approval.

**Environment Agency**

No comments received.

**Highways England**

Offer no objections.

**United Utilities**

No comments received.

**Neighbour Observations**

<b>Neighbours notified:</b>	27 July 2018
<b>Amended plans notified:</b>	25 March 2019
<b>Number of Responses</b>	Four letters of objection to the original consultation and three letters of objection to the revised plans
<b>Summary of Comments</b>	Summary of comments to the original plans;  Increase in traffic and road congestion. Road safety. Too many houses in Elswick. Barn Owl habitats in adjoining development site. TPO'd trees affected. Not sustainable development. Countryside location. Surface water run off to highway resulting in flooding. Four dwellings opposite exit in a horseshoe pattern on to Beech Road – not safe. Access should be through 50 unit site.  Summary of comments to revised plans;  Traffic speed and increased traffic. Don't need properties, not enough amenities available. Impact on wildlife.

Access on to a sharp bend.  
Would block view (not a planning matter)  
Impact on TPO'd trees.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
ENV1	Landscape
ENV2	Biodiversity

#### **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) Regulations 2017.

### **Comment and Analysis**

The issues that need to be considered when determining this application area as follows;

Principle of the development  
Landscape and visual impact  
Highways  
Residential Amenity  
Arboricultural and ecology  
Flooding and drainage

#### **Principle of the Development / Landscape and visual impact**

##### **Policy Background**

As ever Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development.

The development plan consists of the recently adopted Fylde Local Plan to 2032. This plan identifies the application site as being within the open countryside directly adjacent to the settlement of Elswick and therefore policy GD4 applies directly to the site. The adopted Local Plan identifies Elswick as a Tier 2: Smaller rural settlement with an indicative expansion of 50 new dwellings over

the plan period. This is a revision from its original allocation as a Tier 1 settlement with an expected capacity of a further 100 to 150 dwellings. Originally it was envisaged that Elswick would not have any housing allocations and the process of allocating the sites would be done via a Neighbourhood Development Plan, however, planning permissions in the area overtook the plan making process and Elswick's allocations are now specified on the policies map and relate to those sites that have planning permission. The application site is located directly adjacent to one of those allocations (HS73) granted planning permission at appeal (ref 16/0645) for 50 dwellings.

#### Policy Assessment

When considering the proposal for 6 dwellings it needs to be considered if there is provision in the Development Strategy for approving dwellings beyond the sites specifically allocated in the Plan. Policy DLF1 – 'Development locations for Fylde' outlines where the 8175 houses found to be necessary over the plan period will be constructed. These are primarily to be located in the 4 strategic locations for development, with around 10% of the total to be spread across the non-strategic locations, including Elswick. Whilst it is not one of the identified allocations in the village, and the expected scale of development has been exceeded, the scheme is limited in size and so the reference in Policy SL5 stating '*There may be smaller schemes / infill schemes for sites of fewer than 10 homes, which are factored into allowances and not specified for each settlement or other locations*' applies. The development of a scheme of 6 dwellings is not considered to be so significant that it will harm the delivery of a balanced settlement hierarchy through the Local Plan process, as was the case with the strategic level schemes that were recently dismissed in Wrea Green.

Policy DLF1 refers specifically to Windfall sites, stating that these are small housing sites amounting to between 1 and 9 dwellings, which are not allocated and can occur throughout the borough where compliant with the other policies in the plan. Small committed sites and windfalls yet to come are anticipated to provide around 1040 homes within the plan period (11 %) of the housing requirement, it also states that some larger windfall sites will also contribute to this figure. There is therefore an expectation in the Development Plan that 11% of the housing requirement over the Plan period will be delivered outside of the allocated sites. These sites could be delivered within existing settlements or within the Strategic Locations on unallocated sites or elsewhere throughout the Borough when as DLF1 states when compliant with other policies in the Plan.

To that end Policy GD4 – Development in the Countryside states what limited development will be permissible in the countryside, these being;

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;*
- b) the re-use or rehabilitation of existing permanent and substantial buildings;*
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;*
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;*
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;*
- f) minor infill development*

Therefore it needs to be assessed whether or not the proposed development complies with any of the above criteria. Clearly a, b, c, d and e are not relevant, leaving criteria f) minor infill development. There is no definition of 'minor infill' within the Local Plan to 2032, with the number

of dwellings this would or could apply to and the types of sites and development spaces it could relate to not specified either. Therefore a judgement needs to be made on whether or not the application site can be considered an infill site and as such acceptable in principle to be developed in accordance with GD4 and the Development Strategy

It is considered that the best way to do that is to look at the characteristics of the site and the subsequent landscape impact the development of it would have. The proposed development is for 6 dwellings, DLF1 refers to small windfall sites as being between 1 and 9 dwellings so the development can be considered to comply with the expectation of the Development Plan in that respect. As outlined above the site is directly adjacent to the allocated site HS73 to the whole of both its northern and western boundaries. The application sites eastern boundary is a continuation of the allocated site's eastern boundary, as is the southern. The development form proposed on the indicative plan has one dwelling fronting the highway adjacent to those fronting the highway on the adjacent site and five facing the eastern boundary following the line of the five dwellings to the north that have the same arrangement. The projection into the countryside is therefore the same as the adjacent approved full planning permission, and so in this context the proposed development can be considered to be a minor infill of this gap in the corner of existing permitted developable area.

#### Design and Visual Impact

Policy GD7 – achieving good design in development requires that densities of new housing development reflects the character of the surrounding area, with the arrangement shown the development would comply with this criteria. Criteria d of the same policy requires that the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context. By following the form of the adjacent approved full application, this criteria is complied with. Criteria h requires development to be sympathetic to surrounding land uses and occupiers and avoid demonstrable harm to the visual amenities of the area. Given that the application site will be located directly adjacent and abutting into an approved site it is not considered that there will be any unacceptable harm to the visual amenities of the area. Given the sites position when the development site when viewed from any direction it will be seen as part of the larger site, and if the application site were not to be developed the views and landscape impact would be the same. Despite the layout presented being indicative a condition can be used to ensure that any Reserved Matters application significantly reflect this layout to ensure that this impact is the same.

In terms of landscape impact policy ENV1 – Landscape states that development will have regard to its visual impact within its landscape context and type within which it is located. Development will be assessed to consider whether it is appropriate to the landscape character and states several criteria that need to be complied with. Criteria a is that *'a landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development.'* Indicative landscaping is shown on the layout plan to supplement the exiting trees along the boundary. This will have the benefit of creating a new defensible edge to the settlement boundary so is a benefit of the scheme. Criteria b requires existing landscape features to be retained, which this scheme does.

Landscaping is a reserved matter for this application but this type of planting along the eastern boundary is entirely achievable. The landscape impact of the adjacent site was found acceptable at appeal, and this site is located such that the impact that it will have will not exacerbate the impact of the already approved scheme, and as noted above offers the opportunity to bolster the boundary and also retains the same projection into the countryside. The site is not considered to be

prominent, with only glimpsed views through trees and open fields being afforded, and where views are possible it will be seen as part of the larger site. There are of course more prominent views of the site when seen at close quarters from adjacent housing and from Beech Road. The application proposes an outward facing development, with a landscaping buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.

#### Principle of the development conclusions

Having considered the characteristics of the site and the development proposed it is Officer's opinion that the application site can be considered a minor infill site and therefore its development is acceptable in principle in accordance with criteria f of Policy GD4 and the fact that DLF1 and SL5 allow for development of windfall sites throughout the Borough in order to make up 11% of the overall housing requirement in the Plan. Given that the site sits against and within the approved housing allocation and continues the built form effectively rounding off the site it will have only a very localised landscape impact and will not harm the visual amenities of the area. As such the principle of the development is acceptable.

#### **Highways**

As outlined above LCC Highways originally objected to the scheme. However that was when they thought that the grass verge that had been planted with amenity trees was not part of the adopted highway and was in third party ownership. Consequently LCC were of the view that adequate site lines could not be achieved on land either within the applicant's ownership or highway land. It has since been found that this is not the case and it has emerged from LCC's adoption plans that the grass verge is part of the adopted highway and as such the sight lines can be achieved over land that is available for that purpose.

The applicants have submitted a proposed junction layout which shows that the splays are available within the adopted highway to demonstrate this. The trees within the verge are not affected by the sightlines and do not need to be removed to achieve them. The applicants have also demonstrated that a refuse vehicle can access and exit the site safely and a 5.5m carriageway for the first 10m into the site facilitates this. LCC's final comments dated 3 April 2019 refer to these plans and the revised indicative layout and confirm that they have no objections and that the application scheme will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The internal layout is a matter reserved for future consideration as part of assessing the layout of the development and as such there are no highways issues with the application.

Accordingly the application is considered to comply with the requirements of those aspects of Policy GD7 relating to highway safety with conditions to be imposed to ensure that the development of the site is brought forward in a suitable and safe manner.

#### **Residential Amenity**

Policy GD7 – Achieving good design in development of the Fylde Local Plan to 2032 requires development to be of a high standard and requires that new residential development that ensures that amenity will not be adversely affected by neighbouring uses both existing and proposed. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The Councils SPD on house extensions provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The proposed indicative layout shows that dwellings will be appropriately located so as not to create any unacceptable overlooking or loss of light to existing neighbouring dwellings and also those proposed on the adjacent site. The nearest property to the site to the south of Beech Road is approximately 25m away and its amenity will not be impacted unduly by the positioning of a dwelling fronting Beech Road on the indicative plan. The other dwellings are shown to be outward facing to the countryside to the east and backing onto dwellings to the west. The dwellings on that site are side on to the application site and therefore there will be no unacceptable overlooking or loss of privacy.

The level of vehicle activity associated with the development of 6 dwellings is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust controls are recommended. As such there are no amenity issues with the application and the scheme complies with the relevant aspects of Policy GD7.

### **Arboricultural and ecology implications**

The application has been submitted with an ecological survey which has been carried out by suitable qualified consultants. The site is not designated and whilst it is within 3km of the Morecambe Bay/Wyre Estuary protected sites the nature of it means that it does not have any value for bird communities associated with the Estuary/Bay. The council's ecological consultant confirm that no significant ecological constraints were identified and that issues relating to bats, nesting birds and landscaping can be resolved via condition.

With regard to bats one tree on the boundary (which is being retained) was found to have a low bat roost potential, and is to be retained. With regard to newt's previous surveys for the adjacent development site found no evidence of great crested newts in nearby ponds. GMEU accept that no further surveys or pre-cautionary measures are required. Due to a section of hedgerow being lost to facilitate access GMEU recommend a condition that no works take place in bird nesting season unless a survey is carried out immediately prior to clearance and information agreed in writing with the LPA. They also recommend measures to be incorporated into the future landscaping arrangements that will maximise on site mitigation including:

- all landscape trees are small native varieties such as silver birch and mountain ash;
- all existing hedgerows and trees are retained (other than to facilitate access);
- Integral bird and bat boxes are provided for all houses;
- Ornamental shrub planting utilises wildlife friendly species.

This can be subject to a condition, and with these measures in place there are no ecology issues with the application.

The Council's Tree Officer initially expressed concern about the threat to the amenity trees in the grass verge stating that they had local value. Subsequently he served a TPO notice on all but one of these trees. However the revised application proposes none of these trees are to be removed and it is suggested that a condition be imposed to ensure that the roots of the existing trees either side of the access are protected with a no dig construction method. The Tree Officer also recommends that fencing be in place from the entrance to the road to prevent vehicles from parking on or around the two bedding areas and trees that are next to the site entrance, reducing any impact on the beds and

tree roots. As such there are no tree issues with the application.

### **Flooding and Drainage**

The site is not located in a flood zone and the application has been submitted with a drainage strategy, although the scheme is not of a scale that requires the submission of a Flood Risk Assessment. The outline drainage strategy indicates that there is a combined public sewer that runs through the site in a north to south direction and then along Beech Road to the west. The strategy outlines that the nature of the geology of the site means that infiltration back into the ground is not feasible. There is no watercourse into which surface water from the site can discharge. It therefore proposes that surface water be attenuated and discharged into the public sewer at a controlled rate of 5 l/s, with attenuation provided via underground storage. Foul water will discharge into the public sewer. The EA and UU have been consulted on the application but have not made any comments, however the drainage solution proposed is acceptable for a development of this scale and the proposed dwellings and existing dwellings would not be at risk at flooding as a consequence. The details of the drainage scheme can be subject to a condition.

### **Conclusions**

Having considered the characteristics of the site and the development proposed it is Officer's opinion that the application site can be considered a minor infill site and therefore its development is acceptable in principle in accordance with criteria f of Policy GD4 and the fact that DLF1 and SL5 allow for development of windfall sites throughout the Borough in order to make up 11% of the overall housing requirement in the plan.

Given that the site sits against and within the approved housing allocation and continues the built form effectively rounding off the site it will have only a very localised landscape impact and will not harm the visual amenities of the area. Landscaping on the eastern boundary can bolster this boundary and form a defensible edge to the settlement and also mitigate the impact of the development. As such the principle of the development is acceptable.

The access to the site is safe and 6 dwellings will not create an unacceptable amount of traffic. The proposed layout is such that residential amenity will be protected, and appropriate conditions can ensure there are no ecology, drainage or tree issues.

### **Recommendation**

That Planning Permission be GRANTED subject to the following 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.

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

2. Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.

Reason: This permission is an outline planning permission and details of these matters still remain



to be submitted.

3. The development hereby permitted is for no more than 6 dwellings. The development shall be carried out in accordance with the following plans, unless otherwise varied by the conditions set out:

Approved plans:

Location Plan - Beech Road Elswick (Plans Ahead by emapsite)  
Site Access Figure 2 (revised 25.1.19)

Reason: To provide clarity to the permission.

4. The development shall relate to 6 dwellings and the details for these that are submitted as part of the Reserved Matters application shall be substantially in accordance with the illustrative proposed site layout plan (18-025 1001 Rev A).

Reason: In order to ensure a satisfactory layout that does not harm the visual amenities of the area.

5. Any Reserved Matters submission in relation to layout shall include details of existing and proposed site levels throughout the site and finished floor levels of all dwellings. The development shall thereafter only be carried out in accordance with the approved levels.

Reason: In order that the dwellings have an acceptable visual impact, and do not harm residential amenity.

6. The new estate road/access between the site and Beech Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any construction works on the residential dwellings hereby approved commences.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, and so to minimise the potential for material to be brought onto the adopted highway and so harm highway safety as required by Policy GD7 of the Fylde Local Plan to 2032.

7. Prior to the commencement of development a Construction Management Plan (CMA) shall be submitted to and approved in writing by the Local Planning Authority. The CMA shall include and specify the provisions to be made for the following:
  - a. The days and hours that construction works that could be audible at the site boundary are undertaken.
  - b. Arrangement for parking of vehicles of site operatives and visitors;
  - c. Loading and unloading of plant and materials used in the construction of the development;
  - d. Storage of such plant and materials;
  - e. Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
  - f. 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)
  - g. Routes to be used by vehicles carrying plant and materials to and from the site;
  - h. Measures to ensure that construction and delivery vehicles do not impede access to adjoining

properties.

Reasons: To minimise the potential for disturbance to neighbouring dwellings and to maintain the operation and safety of the local highway network throughout the development in accordance with Policy GD7 of the Fylde Local Plan to 2032.

8. No construction works on the dwellings hereby approved shall commence until visibility splays measuring 2.4 metres by 40 metres in both directions have been provided, with these distances measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Beech Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway and any overhanging trees within the sight lines shall be cleared to a height greater than 2.4m above the crown level of the carriageway of Beech Road.

Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety as required by Policy GD7 of the Fylde Local Plan to 2032.

9. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

10. Prior to commencement of the development hereby approved, a scheme to protect all existing trees and hedgerows (including the trees located in the highway verge) during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the trees and hedgerow for retention and provide for a no dig in the vicinity of the tree roots, and provide details of a Construction Exclusion Zone around the Root Protection Areas of the trees/hedgerows along with details of a non-compacting material to be laid on the existing soil level so heavy plant can access the site without impacting on the tree roots. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows which are to be retained as part of the development, in accordance with Policy ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

11. Any Reserved Matters landscaping submission shall include details of the following mitigation measures;
  - Landscape trees of a small native variety such as silver birch and mountain ash;
  - Protection measures for all existing hedgerows and trees to be retained (other than to

facilitate access);

- Details of integral bird and bat boxes to be provided for all houses;
- Ornamental shrub planting utilises wildlife friendly species.
- Substantial native tree planting along the eastern boundary of the site. .


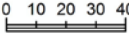
Reason: In order to mitigate the impact of the development, in accordance with Policies GD7 and ENV2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

12. Any Reserved Matters submission in relation to layout shall include a foul and 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. 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.
- The submission shall also include details of a sustainable drainage management and maintenance plan for the lifetime of the development and shall include as a minimum:

Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company and 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.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance within the drainage requirements of NPPF and NPPG.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0461	Address Land opposite Farnah and Wynwood, Beech Road, Elswick	Grid Ref. E.3419 : N.4385	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 05 June 2019

<b>Application Reference:</b>	18/0655	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Partingtons Holiday Centers	<b>Agent :</b>	Graham Anthony Associates
<b>Location:</b>	WINDY HARBOUR HOLIDAY CENTRE, WINDY HARBOUR ROAD, LITTLE ECCLESTON WITH LARBECK, POULTON LE FYLDE, FY6 8NB		
<b>Proposal:</b>	CHANGE OF USE OF LAND TO ALLOW THE SITING OF AN ADDITIONAL 48 STATIC CARAVANS FOR HOLIDAY USE.		
<b>Ward:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	31	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.8534789,-2.9261113,700m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Delegated to Approve

#### **Summary of Officer Recommendation**

The application site is two areas of land associated with the existing Windy Harbour Holiday Centre which is located at the northern end of Windy Harbour Lane, with the River Wyre forming the northern boundary and land associated with the Windy Harbour Golf Village to the east and west.

The proposal has been revised since submission and now seeks consent for the siting of an additional 48 holiday static caravans in two parcels on the site, one in a central area and the other on the south western periphery.

The site is designated as part of the countryside under Policy GD4 of the Fylde Local Plan to 2032, with that policy allowing development that is needed for small scale tourist accommodation including holiday caravan sites. Further guidance is provided in Policy EC7 which relates to holiday accommodation and allows *"A limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements."*

This scheme is within the existing site area and is supported with a landscaping scheme that will enhance the peripheral landscaping to the site and so improve the experience of those passing the site on the public footpath that provides the extension of Pool Brow Lane and is a popular route to connect this area to the facilities in Little Singleton and beyond. As such the scheme is considered to comply with this Policy and so the development plan.

There are no other matters of note in the decision other than the potential implications of the development on the ecologically important sites in the vicinity, particularly the Wyre Estuary SSSI. This is an area where Natural England have sought further clarification from the council and as such it is requested that the decision to determine this major scale development is delegated to officers so that these matters can be discussed further with the

ecological consultees and the applicant and any planning permission only issued when their concerns have been resolved.
---

### **Reason for Reporting to Committee**

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

### **Site Description and Location**

The application site is Windy Harbour Holiday Centre, Windy Harbour Road, Little Eccleston. The site is located to the north of Windy Harbour Road and to the south of the River Wyre.

The site is a long established holiday caravan park which has a mix of traditional static caravans, timber lodges and pitches for touring caravans within the site. In particular the application relates to two parts of the existing site, one of which is approximately central on the site and is currently used for touring caravans, and another area of open space to the western boundary of the site.

The site is within countryside as designated on the Fylde Local Plan to 2032 and within the buffer zone of a Site of Special Scientific Interest (SSSI) in the Wyre Estuary.

### **Details of Proposal**

This application was submitted in November 2018 and proposed a total of 81 additional holiday static caravans in the two parcels. Following discussions with the applicant the scheme was reduced to propose 74 caravans in January 2019 and then to the current 48 caravan scheme. The reductions have been secured by the contraction of the area to be used for new caravan siting, with the omitted area being principally that to the very south of the site that currently forms a football pitch. Under the current proposal that facility is retained with the caravans provided in a central area surrounded by existing caravans that provides 36 units, and an extension to the west of the site onto unused land that provides the other 10 units proposed.

The caravans are proposed to be a mix of types of caravan with each providing two bedrooms, with an external decked area is also indicated. They are to be served off the existing access road to the site itself and from modest extensions to the internal road network.

The application is supported with a landscaping scheme which confirms that the planting areas around the western edge of the site is to be enhanced with new planting to improve the buffer between the caravan site and the surrounding countryside.

### **Relevant Planning History**

There is an extensive planning history at the site which is reflective of its use for caravan related activities for many years, and dating back well before Fylde Borough existed. There is no relevant history relating to the current application site parcels but the recent planning history is included here for context.

Application No.	Development	Decision	Date
17/0454	ADVERTISEMENT CONSENT FOR ONE NON ILLUMINATED STATIC POLE MOUNTED SIGNBOARD	Refused	17/11/2017

16/0910	SINGLE STOREY EXTENSION TO FRONT TO PROVIDE NEW ENTRANCE PORCH / LOBBY - PART RETROSPECTIVE APPLICATION.	Granted	10/02/2017
16/0708	VARIATION OF CONDITION 1 OF PLANNING APPLICATION 94/0438 TO PERMIT CARAVANS AND HOLIDAY ACCOMMODATION TO BE OCCUPIED ALL YEAR ROUND.	Granted	02/11/2016
15/0522	ADVERTISEMENT CONSENT TO DISPLAY 1 X NON ILLUMINATED HOARDING SIGN	Refused	05/02/2016
14/0269	PROPOSED ERECTION OF SINGLE STOREY EXTENSION TO RECEPTION BUILDING TO FORM ADDITIONAL OFFICE SPACE.	Granted	17/06/2014
10/0114	ERECTION OF BUILDING TO ACCOMMODATE PUMP HOUSE AND STORAGE	Granted	20/05/2010
06/0777	RETROSPECTIVE APPLICATION FOR ERECTION OF STORE BUILDING TO REPLACE EXISTING	Granted	04/12/2006
06/0391	RESUBMISSION OF APPLICATION 05/0910 FOR RE SITING OF MOBILE HOMES AND CREATION OF ADDITIONAL LANDSCAPING AND ROAD LAYOUT.	Granted	16/08/2006
05/0910	CHANGE OF USE OF TOURING PITCHES TO SITE FOR 54 SEASONAL HOLIDAY CARAVANS	Granted	03/11/2005
04/1232	ERECTION OF 3NO. SINGLE STOREY EXTENSIONS FOR BEER STORE, SPA POOL AND SAUNAS.	Granted	14/02/2005
01/0838	SINGLE STOREY EXTENSION TO REAR OF ADMIN. BLOCK	Granted	30/01/2002

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0522	ADVERTISEMENT CONSENT TO DISPLAY 1 X NON ILLUMINATED HOARDING SIGN	Dismiss	04/10/2016

### **Parish/Town Council Observations**

Windy Harbour Road forms the boundary between Singleton Parish to the west and Little Eccleston and Larbreck Parish to the east. The actual development site is to the west of that road but both Parish Councils have been invited to comment on the application given this relationship

**Singleton Parish Council** notified on 05 November 2018 on the original proposal for 81 units and comment:

*“At their recent meeting, Singleton Parish Council considered planning application 18/0655 - Windy Harbour Holiday Centre - Change of use of land to allow the siting of an additional 81 static caravans for holiday use.*

*The Parish Council discussed this matter for some time and eventually decided to offer no objection to this proposal but would like to make the following comments on the application:*

- *The Parish Council is mindful that this is an extensive development and will have an impact on the area;*
- *A public footpath runs through the site and this development will have a detrimental effect on the rural aspect;*

- *The development will put an additional strain on already stretched resources in the immediate area - limited bus services – overloaded doctors' surgeries in Poulton-le-Fylde and Great Eccleston;*
- *If officers are mindful to approve, the Parish Council would like to see extensive landscaping carried out;*
- *Finally, the Parish Council feels that Singleton Parish has a particularly high concentration of holiday parks in the area and feels that it has now reached saturation point. The Parish Council does not feel, therefore, that it could support any future developments of this nature."*

They were re-consulted in February on a slightly reduced scheme and commented:

*"Singleton Parish Council has considered planning application 18/0655 - Change of use of land to allow the siting of an additional 74 static caravans for holiday use at Windy Harbour Holiday Centre FY6 8NB.*

*The Parish Council is mindful that this application is for the siting of 7 less static caravans than the previous application submitted in November 2018 and has no specific observations to make on this revised application."*

In the light of these comments no further re-consultation was undertaken when the scheme was further reduced to the current 48 caravan proposal

**Little Eccleston with Larbreck Parish Council** notified on 15 November 2018 and 29 January 2019 but have not provided any comments.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **United Utilities**

They initially objected to the application due to the proximity of some of the caravans to a water main. Following the revisions made to the layout this objection has been withdrawn.

A series of standard conditions are suggested relating to the drainage of the site and the protection to the water main during construction and landscaping works,

#### **Lancashire CC Flood Risk Management Team**

They are a consultee on the development as it is a major scale application, but no comments have been received.

#### **Natural England**

They have provided a series of technical comments that cover the wider ecological implications of the development. The key sections of this are as follows:

##### **"Habitats Regulations Assessment**

*This proposal is in close proximity to the Wyre Estuary Site of Special Scientific Interest (SSSI), which is also notified as the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and Ramsar.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation*



*objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

*The consultation documents provided by your authority include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered however we note that the HRA has not been produced by your authority, but by the applicant i.e. the consultation includes a Shadow Habitats Regulations Assessment. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.*

*In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.*

*When your authority undertakes the necessary Habitats Regulations Assessment consideration also needs to be given to the in combination effects with other plans and projects (if it can be determined that the project itself would not result in likely significant effect). The following should be considered:*

- a) The incomplete or non-implemented parts of plans or projects that have already commenced;*
- b) Plans or projects given consent or given effect but not yet started.*
- c) Plans or projects currently subject to an application for consent or proposed to be given effect;*
- d) Projects that are the subject of an outstanding appeal;*
- e) Ongoing plans or projects that are the subject of regular review.*
- f) Any draft plans being prepared by any public body;*
- g) Any proposed plans or projects published for consultation prior to the application*

#### *Recreational Disturbance*

*Whilst we support the caravan park's existing rules regarding dogs (as stated in the HRA), we are still concerned about the proximity of the caravan park and new pitches to the areas around the Wyre Estuary and the opportunities for access (authorised and unauthorised) directly from the caravan park. Taking into account the fact that dogs aren't allowed off lead within the caravan park, people will need to travel outside the park to let their dogs off lead and the River could potentially be the place they would do this.*

*We therefore consider that without appropriate mitigation the application would create increased recreational pressure which could:*

- have an adverse effect on the integrity of Morecambe Bay and Duddon Estuary Special Protection Area and Morecambe Bay SAC, Ramsar*
- damage or destroy the interest features for which the Wyre Estuary Site of Special Scientific Interest has been notified.*

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures could be proposed:*

*Information packs given to the caravan owners/included in on site signage explaining the importance of the (accessible) designations, the critical times of year for the species who utilise the Estuary, highlighting the sensitivity of the area and impacts caused as a result of recreational disturbance (increased trampling, visual and noise disturbance, and displacement effects). The approved pack must comprise (but not limited to) the following;*

- *Information on the designated site, reason for designation and its sensitivities to recreational impacts*
- *Increasing resident awareness and signposting towards other appropriate dog walking areas locally.*
- *Dog walking behaviours when walking close to birds/over habitats*

*Natural England would recommend the applicant contacts us to agree the details to be included in these packs/information boards.*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.*

#### *Wyre Estuary SSSI*

*Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.*

#### *Foul Sewerage*

*We note the Environment agency's concerns over breach of license. As competent authority you need to be sure that no harmful effects can occur on the designated site.*

### **Greater Manchester Ecology Unit**

*They have provided the following comments which are reproduced in full as they helpfully summarise the key ecological implications of the development. s*

#### *"Summary*

*No significant ecological issues were identified by the developer's ecological consultant. Issues relating to, proximity to the European site, amphibians, nesting birds and landscaping can be resolved via condition and or informative.*

#### *Proximity to SPA*

*A shadow HRA has been provided. This has assessed the potential for negative impact resulting from increased recreational pressure and concluded that there is negligible risk and can be screened out. This is because there is no physical access to the SPA, the SPA is screened from what is an existing caravan site and there are caravan site rules relating to management of dogs. It should also be noted that whilst the development is for an additional 81 static units, that this will partly displace a number of forty to fifty units.*

*I therefore accept the findings of the shadow HRA and that there is no risk to the European site from increased recreational disturbance.*

*The only other theoretical impact would be from an increase in foul drainage entering the Wyre Estuary. I note that the site already has a permit to discharge effluent in to the estuary and that the EA has noted the potential need to increase treatment capacity as there has been a recent breach of consent. The River Wyre itself it should be noted is outside the Statutory site boundary but as it is tidal any pollutants will be spread on to the salt marshes at high tide. I therefore conclude based on the Environment Agencies recommendations that the risk of waterborne pollution negatively impacting on the SPA cannot be screened out until further information is supplied on the capacity of the treatment plant to deal with the increased capacity requirements.*

*Prior to determination please request details on ability of the treatment works to deal with the increase in people using the site.*

*Note the GMEU is not qualified technically to comment on the technical aspects of water treatment.*

#### *Great Crested Newts*

*The ponds on site were assessed for great crested newts breeding potential as assessed as low risk. Based on the information and photos supplied I agree that the risks are low and no further surveys required.*

*Pond off-site were not assessed. The nature of the development, distance of the off-site ponds from the development and the habitats to be disturbed are however I agree such that even if gcn were present the risks would be low. I therefore recommend an informative along the following lines is applied to any permission.*

*Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.*

#### *Nesting Birds*

*No moderate or high risk bird nesting habitat will be lost as a result of the development. High potential nesting habitat is present along the boundary of the site. I recommend an informative along the following lines is applied to any permission.*

*The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).*

#### *Contributing to and Enhancing the Natural Environment*

*Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The development will impact on habitats of only negligible and very low value. I am satisfied that the proposed tree planting is adequate to provide mitigation for these minor impacts. The landscape plan can be conditioned.*

**Highways England**

*"Highways England has no objection to these proposals as, in our view, the additional traffic generated would not be expected to result in there being a severe impact upon the operation of the A585 trunk road (including the Windy Harbour junction) within the context of the governing DfT Policy Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development. Indeed, it is unlikely that all of the holiday caravans would be occupied at the same time or generate traffic during the AM and PM peak traffic periods."*

**Lancashire County Council - Highway Authority**

*"LCC Highways does not have any objections in principle to the proposed change of use of land to allow the siting of an additional 81 static caravans for holiday use, providing the applicant can address the issues regarding safe pedestrian movements on Windy Harbour Road.*

*It is requested that the applicant provides a 2m wide footway on Windy Harbour Road for the full length from the Holiday Park to the signalled cross road junction. This is to provide pedestrians with a safe route from the Holiday Centre to the bus stops on Garstang Road and Garstang New Road. The footway would be constructed under s278 agreement. The adoption extents are attached which show the verge as being part of the adopted Highway."*

**Wyre Borough Council**

They have been consulted due to the proximity of the site to that borough, but no comments have been received.

**Environmental Protection (Licensing)**

Highlight that if planning permission is granted the applicant will need to complete a caravan site licence variation application form and return it to this department, where upon inspection a site licence will be issued.

**Environment Agency**

*"We have no objection to the application, but we have the following comments:-*

*Coastal erosion*

*The application site is located with an area which has been designated as a Coastal Change Management Area (CCMA) by the Local Planning Authority in the recently adopted Fylde Local Plan to 2032. However, due to the nature of the development (static holiday caravans) and the fact that the new pitches are to be located on the landward side of the existing site we have no concerns.*

*Foul drainage*

*The site has an Environmental Permit to discharge treated sewage effluent into the River Wyre estuary. We take regular samples of the effluent and we have had recent sample failures (breaches of permit). If the flow is increased to the on-site sewage treatment plant then it may put the site at risk of further breaches. The applicant/site operator should review this risk and improve management or/and improve infrastructure to deal with the potential increase in flow and loading which may occur as a result of the additional static caravans.*

*The applicant/operator should review the permit conditions and, where required, an*

*application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.*

#### **Regeneration Team (Landscape and Urban Design)**

*I have been examining the revised landscape plans (178.4.01 (masterplan), 178.4.02, 03 & 04) for the proposed works at Windy Harbour Caravan Park. The revised landscape proposals, including the tree species, woodland and hedge species mixes, plant sizes and planting densities, are acceptable.*

#### **Sport England**

The initial proposal involved the siting of caravans on a football pitch and its replacement elsewhere on the site. As such Sport England were a statutory consultee and their comments are reported below, albeit that element of the scheme has been removed and the pitch remains in place and available for use.

*"I recognise the existing pitch has been used for recreational use only therefore some informal football pitch provision is better than the complete loss as previously proposed. The size and location of the replacement pitch is not really satisfactory in terms of being fit for purpose and therefore it is hard for Sport England to support this as it does not fully meet with our Exception E4. It is however recognised that the proposed replacement pitch would provide a small area for use as a football kick about space which will encourage physical activity and as such we reluctantly withdraw our formal objection."*

#### **Neighbour Observations**

<b>Neighbours notified:</b>	04 February 2019
<b>Amended plans notified:</b>	29 January 2019
<b>Site Notice Date:</b>	16 November 2018
<b>Press Notice Date:</b>	08 November 2018
<b>Number of Responses</b>	None received

#### **Relevant Planning Policy**

##### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
ENV1	Landscape
ENV2	Biodiversity
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation
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**

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) Regulations 2017 as the area of development for permanent caravans does not exceed 1 Ha.

## **Comment and Analysis**

This application seeks permission for the change of use of land within an existing holiday caravan site to station a further 48 twin bed, static caravan units for holiday use.

### **Policies**

Policies GD4, ENV1, ENV2, EC6, EC7, CL1 and CL2 of the Fylde Local Plan to 2032 are relevant to the determination of this application together with the aims of The National Planning Policy Framework and National Planning Practice Guidance being material to the decision.

### **Principle of development**

The application site is situated within the countryside, where Policy GD4 of the Fylde Local Plan to 2032 seeks to restrict development unless it is for a use appropriate to a rural area;

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

In this instance the proposal seeks permission for an expansion of an established holiday caravan site within the existing boundaries of the site. It is considered therefore that the principle of rural tourism here has been accepted by previous permissions and accordingly the development complies with the requirements of Policy GD4, Policy EC6 which supports rural tourism and Policy EC7 which refers to holiday caravans and camping pitches and allows; *'A limited increase in static and touring caravans and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements'*.

The scheme is for development in two areas, with the larger site entirely surrounded by other elements of the existing caravan site, and the other forming a small natural extension to it. Both are therefore within the existing site boundaries. The scheme includes a landscaping scheme that is described later in this report and will bring environmental improvements for those within the site and those looking at it. It is therefore considered that the requirements of Policy EC7 will be met and so the proposal is acceptable in principle as there is no conflict with the above policies.

### **Impact on the visual amenity and character of the countryside**

The application proposes to site 48 caravans in two separate areas within the site. The larger of the two sites contains 38 units and is on land which is to the rear of site office building which has previously been used for the siting of touring caravans and which is hard surfaced.

The smaller of the two sites is to contain 10 caravans and is situated to the west side of the site in an area which is open landscape but contained within the wider hedge boundaries.

The overall site currently has 645 static units arranged in rows in separate blocks. The larger area proposed in this application will be centrally located and contained within the wider area of static

caravans and so the additional static caravans in this area will have no greater impact visually when viewed from outside of the site. They will also provide a tidier arrangement than currently exists within the site.

The smaller area is on the edge of the site, but will also have minimal impact due to its distance from the public vantage points from the public footpath at Pool Foot Lane and by the additional landscape buffer proposed to supplement the existing boundary landscaping. Additional tree planting is also proposed around the caravans in the central area to soften the impact.

As a consequence of the reduced scale of the development now proposed, the position within the existing site boundaries, and the additional landscaping it is considered that the development will assimilate well into the surrounding site and will not result in a detriment to the character and appearance of the wider countryside area.

#### Neighbour Amenity

The nearest residential neighbours to the site are those at Windy Harbour Cottage and Bankfield Cottage on Pool Foot Lane, close to the entrance to holiday site. During the course of the application the proposal to site caravans in the football field adjacent to these cottages has been deleted from the application and the areas proposed for caravans reduced to those reported above. Given the separation distance between the areas now to be developed and these properties it is considered that there will not be any adverse impact on the residential amenity of the occupiers of these cottages from the siting of the caravans.

#### Access

Access to the site is from Windy Harbour Road which continues into the site. Internally the caravans will be accessed from existing hard surfaced internal roadways.

From Windy Harbour Road the highway links with the trunk road going west, the A585, and to the A586 travelling east. The junction of these roads has recently undergone improvement works to widen the road and provide new footpaths.

LCC Highway Engineers have been consulted on this scheme and are of the opinion that a footpath linking the application site to the footpaths on the A585 and A586 should be provided to provide a safe pedestrian route to the bus stops in this location and the footways beyond. Clearly enhancing pedestrian connectivity is a desirable outcome of the consideration of any application. However, in this case your officers believe that the formation of a footway along the side of Windy Harbour Lane to connect the site entrance to the main junction is disproportionate for the scale of the development proposed and would create implications for the rural character of that road which at present is a pleasant hedge-lined route that would be harmed by the additional hard-surfacing involved in a footway being formed on the verge. AS an alternative officers suggest that a scheme of traffic calming could be introduced along the length of the existing carriageway to allow it to be more safely shared by vehicles and other road users. Accordingly a condition to this effect forms part of the recommendation on this application.

These works will enhance the connectivity of the site for all users of the road and will secure compliance with Policy GD7 and T4 of the Fylde Local Plan to 2032 dealing with the design of development and enhancing sustainable transport choices.

#### Flooding and flood risk

The site is adjacent to the River Wyre which is to the north of the site and which is in Flood Zone 3 and this flood zone area continues along the western boundary. However, the proposed siting of

both groups of caravans in the current application are outside of this area and are located in Flood Zone 1.

Notwithstanding the above the application as originally submitted, proposed a larger area for development which exceed 1 Hectare and so a Flood Risk Assessment was originally required. This confirmed that there are various areas around the site that are to remain permeable and so will allow surface water from them to runoff to ground with rainwater falling onto the caravans to discharge to the ground. This means that there is no requirement for any surface water drainage scheme to be installed.

The Environment Agency Risk of Flooding from surface water map indicates the site is at very low risk of surface water flooding. The surface water runoff regime of the site will not be altered and there will therefore be no effect on flood risk elsewhere in the wider catchment. As a consequence there are no concerns over the drainage capacity being impacted by the proposed development.

There are concerns over the potential for contaminated water from the site to enter this drainage system, particularly given the proximity to the River Wyre and its ecological designations. This is an area that the Environment Agency and Natural England have highlighted as a concern but is dealt with through the Environmental Permit that the Environment Agency have issued to the site owners and so is a matter that is appropriately examined through that process. It is also the case that the reduced scale of the development will reduce the extent of additional foul water.

Notwithstanding that it is not considered that there will be any drainage issues raised by the proposed development as this issue relates to the management of the drainage on-site.

#### Ecological Matters – Special Protection Areas

The site is close to the Wyre Estuary SSSI, Morecambe Bay (SPA), Morecambe Bay Special Area of Conservation (SAC) and RAMSAR. These are protected areas of European importance that have been created under the EC Birds Directive and Habitats Directive. In the UK they form part of a larger European network called Natura 2000 and legal protection prevents damaging activities in these areas. This is therefore a key issue in the determination of any application that could impact on these areas.

The application raises issues relevant to this scheme associated with the potential impact on the integrity of the estuary due to the potential increase in recreational use and disturbance of birds on functionally linked land, and whether the council has sufficient information to conclude that the scheme will not cause harmful impacts on this as is required by legislation.

The applicant has provided some information in the form of a Shadow Habitats Regulation Assessment on this which has been the subject of dialogue with Natural England as the relevant consultee, but there remains some issues to resolve. To enable officers to continue those discussions and to secure additional information to allow a legally sound decision to be made on the application it is requested that the decision be delegated to officers and only issued when these matters have been satisfactorily resolved. This will include the adoption of a Habitats Regulation Assessment, and the imposition of planning conditions relating to the management of access to these areas and potentially to the site drainage and so authority should also be confirmed to allow those conditions to be appropriately drafted.

#### Ecological Matters - Protected species

The application is accompanied by an "Ecological Appraisal" relating to the ecological implications of the development within the site boundaries, and which has been assessed by the council's



ecologists. They have advised that no significant ecological issues were identified in the ecological appraisal relating to the site's proximity to a European site. They advised that matters in respect of amphibians, nesting birds and landscaping can be resolved via a condition or informative. These will be added as part of any planning permission that is granted.

Concern was raised in regards to the theoretical impact from an increase in foul drainage entering the Wyre Estuary. The Environment Agency has also commented on this matter and have advised that the site has an Environmental Permit to discharge treated sewage effluent into the River Wyre estuary. Whilst there has been breaches of permit they take regular samples of the effluent and an increase to the on-site sewage treatment plant may put the site at risk of further breaches. The Environment Agency have advised that the applicant/site operator should review this risk and improve management or/and improve infrastructure to deal with the potential increase in flow and loading which may occur as a result of the additional static caravans.

Since these comments were received the applicants have reduced the number of proposed caravans on the site, they will also need to review the permit conditions and, where required, vary that permit to accommodate the increase in number of caravans. An environmental permit is dealt with outside of planning legislation.

#### Sport England

As the application when first submitted included land at the front of the Windy Harbour site which is set out with football nets and used as a playing field, Sport England raised objections. However, this area no longer forms part of this application and concerns in respect of the loss of the playing field are no longer an issue.

#### Conclusions

This application was originally submitted at the end of 2018 when concerns were raised over the scale of the development and the resultant visual impact such an increase in the number of caravans would cause. It is considered that these concerns have now been addressed through the reduction in the number of caravans being proposed and the increase in the landscape buffer.

Issues in respect of footpath links and ecology can be addressed through conditions and drainage through permit variation via the Environment Agency.

The development will provide an expansion of an established tourism business in Fylde which is considered to comply with the policies of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

However an outstanding issue remains with regards to the potential implications of the development on the Wyre Estuary SSSI and other European ecological designations in the wider area. These are unresolved at present and so it is requested that the authority to determine the application be delegated to officers to continue to work with the applicant and the ecological consultees to allow these matters to be resolved.

#### Recommendation

That the decision on the application be delegated to the Head of Planning and Housing to allow further discussions and consideration of the potential ecological implications of the development. Any planning permission is only to be granted when he is satisfied that these matters have been appropriately addressed, and that the delegation extends to imposing suitably worded conditions to

support this and any other relevant planning matters.

A list of suggested conditions are produced below for information.

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.GA3123-LP-01-B
- Proposed Site Plan - Drawing no.GA3123PSP-01-D
- Proposed landscape master plan - Drawing no. 178.4.01
- Proposed planting plan sheet 1 - Drawing no. 178.4.02
- Proposed planting plan sheet 2 - Drawing no. 178.4.03
- Proposed planting plan sheet 3 - Drawing no. 178.4.04
- Proposed floor and elevation plan caravan type (Abingdon) - Drawing no. GA3123-UNIT1-01
- Proposed floor and elevation plan caravan type (Avon) - Drawing no. GA3123-UNIT2-01

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

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

3. The landscaping of the development shall be carried out as indicated on the landscape master plan and planting plans drawing nos. Drawing no. 178.4.01, 178.4.02, 178.4.03 and 178.4.04 and listed under condition 2 of this planning permission 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 in accordance with Policies ENV1, ENV2 and GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. No part of the development hereby approved shall commence until a scheme for the design, construction and phasing of development of a traffic calming scheme for the carriageway of Windy Harbour Road between the site entrance and the junction with Garstang Road has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the approved details.

Reason: In order to provide enhanced pedestrian and cycle connections to the wider highway

network and the transport choices that it provides in accordance with Policy T4 and Policy GD7 of the Fylde Local Plan to 2032.

5. Should a great crested newt be found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s), Natural England should also be informed and a detailed method statement and programme of mitigation measures submitted to and agreed in writing with the Local Planning Authority. Thereafter those agreed measures shall be implemented.

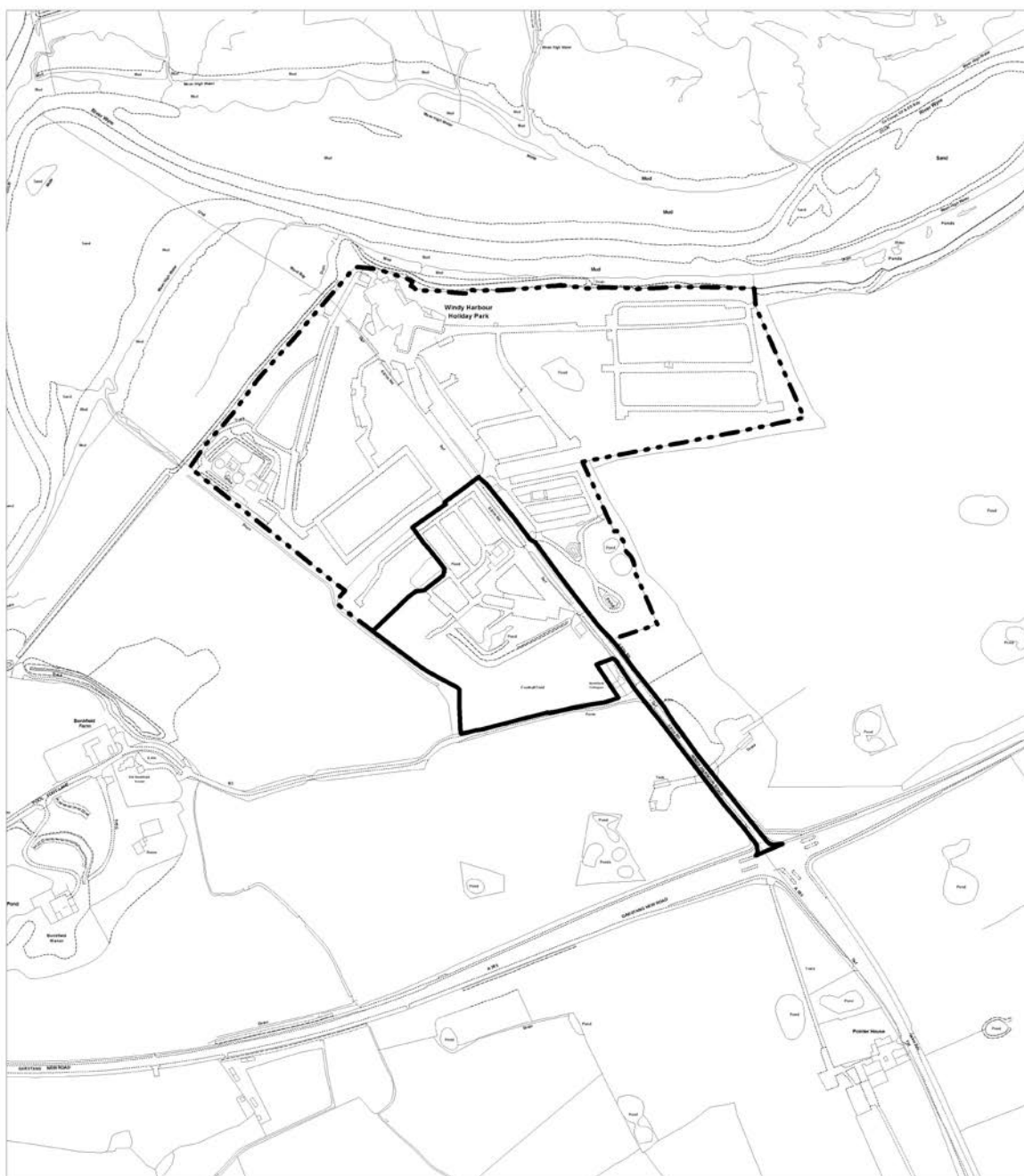
Reason: Under the Habitat Regulations it is an offence to disturb, harm or kill great crested newts, in accordance with Policy ENV2 of the Fylde Local Plan to 2032, the aims of the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010 (as amended). The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006.


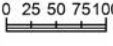
6. Prior to the first use of the land as a static caravan site, the owner/operators of the site shall produce a 'visitors pack' this should highlight the sensitivity of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and Ramsar site. The information shall include the reason for its designation, its sensitivities to recreational impacts and should increase visitors awareness to other appropriate dog walking areas locally and to dog walking behaviours when walking close to birds/over habitats. The information pack should highlight alternative recreational opportunities in the vicinity and copies should be distributed to all visitors to the site and be made available at all times.

Reason: In the interests of the protection of the special designated sites in accordance with the Habitats Regulations, Policy ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. None of the accommodation provided on site i.e. any static caravans, as indicated in drawings no.s GA3123-UNIT1-01 and drawing no. GA3123-UNIT2-01 and listed in condition no. 2 shall be occupied as a persons permanent, sole or main place of residence.

Reason: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy GD4 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/18/0655	Address Windy Harbour Holiday Centre, Windy Harbour Road, Little Eccleston	Grid Ref. E.3390 : N.4399	Scale 0 25 50 75 100 m 

Item Number: 3

Committee Date: 05 June 2019

<b>Application Reference:</b>	19/0041	<b>Type of Application:</b>	Reserved Matters
<b>Applicant:</b>	RIBBY HALL VILLAGE	<b>Agent :</b>	Fletcher Smith Architects
<b>Location:</b>	WINDRUSH FARM, BROWNS LANE, RIBBY WITH WREA, PRESTON, PR4 3PQ		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF THE RESERVED MATTER OF APPEARANCE PURSUANT TO OUTLINE PLANNING PERMISSION 18/0215 FOR DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 20 TIMBER HOLIDAY LODGES, FORMATION OF LEISURE LAKE AND CREATION OF ADDITIONAL CAR PARKING SPACES		
<b>Ward:</b>	RIBBY WITH WREA	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	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/@53.774668,-2.8953424,701m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to an irregularly-shaped area of land extending to *circa* 7.91 hectares at Windrush Farm, located to the southeast of Ribby Hall Holiday Village. Outline planning permission (which included access, layout, scale and landscaping as detailed matters) has been granted for a development involving the demolition of a group of existing farm buildings and the subsequent erection of 20 holiday lodges, formation of a leisure lake and creation of additional parking spaces for Ribby Hall. The current application seeks approval for the last remaining reserved matter of 'appearance' pursuant to extant outline permission 18/0215.

A triangular parcel of land extending to *circa* 0.46 hectares on the north side of the entrance to the site falls within the extended boundary of Ribby Hall Holiday Village (which is also within the Countryside Area) as defined on the Fylde Local Plan to 2032 Policies Map. The remainder of the site is within the Green Belt. The extant outline permission establishes the principle of development on the site, as well as defining parameters associated with the means of access to it, the layout and scale of the scheme and the landscaping of the site. Accordingly, the only matter to be considered in this application is the external appearance of the development.

The size, height and volume of the proposed lodges results in a reduction to the maximum scale parameters approved at the outline stage. It follows, therefore, that the reduced massing of the buildings arising from their finalised appearance would also have a lesser impact on the openness of the Green Belt and the open, rural character of the site and its surroundings. The appearance of the proposed lodges complements that of similar buildings

surrounding the site within Ribby Hall to the north and their elevational detailing, fenestration and materials would assimilate with the site's rural, sylvan character and setting (alongside the screening provided by landscaping approved under the outline permission). Similarly, the appearance of the proposed leisure lake would preserve the openness of the Green Belt and the 26 space staff car park (which falls within the extended allocation of Ribby Hall Holiday Village) would not detract from the open character of the countryside.

The proposed development is therefore in accordance with the relevant policies of the Fylde Local Plan to 2032 and the objectives of the National Planning Policy Framework.

### **Reason for Reporting to Committee**

The application is classified as major development and the officer recommendation is for approval. Ribby with Wrea Parish Council have also objected to the application.

### **Site Description and Location**

The application relates to an irregularly-shaped area of land extending to *circa* 7.91 hectares at Windrush Farm, located to the southeast of Ribby Hall Village. The site is presently used in connection with 'Windrush Livery Stables' and accessed off Brown's Lane. An enclosed and illuminated manège with a gravel surface forms a rectangular enclosure to the north side of the access track upon entering the site and is bordered by grass verges to the north and east. The access track continues in an easterly direction towards the livery yard, passing a single storey stable block and static caravan on the south side before opening onto a wide, hardstanding yard which forms a forecourt to two other stable buildings and a large 'hanger' (which includes an indoor horse riding arena). The access track also serves a dwellinghouse at Windrush Farm located to the southeast of the hanger. A flat-roofed timber storage building is located to the north of the hanger and is flanked by a hardstanding track to the west. With the exception of the two storey farmhouse, all existing buildings on the site are single storey, though several incorporate pitched roofs of varying height and scale.

The remaining external areas of the site include a narrow strip of grassland flanking the southern edge of the access track into the site, a swathe of woodland running in an 'L' shape bordering the western and southern edges of the site and which is covered by a group Tree Preservation Order (TPO) and areas of open grassland to the north and east of Windrush Farm. Ground level falls in a general northerly direction across the site.

Adopted Local Plan designations split the site into two distinct land parcels:

- **Parcel A** – A triangular area of land measuring approximately 0.46 hectares to the north side of the access track entering the site from Brown's Lane.
- **Parcel B** – The remaining areas of the site extending to *circa* 7.45 hectares to the south side of the access track, incorporating the livery buildings to the west of Windrush Farm, the existing farmhouse and surrounding open land to the north and east.

Parcel A is allocated as part of Ribby Hall Holiday Village in the Fylde Local Plan to 2032. Parcel B falls wholly within the Green Belt and is, therefore, distinct from parcel A, with the intervening access track forming the boundary between the two.

A shallow earth mound runs along the northern and western boundaries of the site and, along with the protected woodland to the western edge, separates the site from Ribby Hall Village to the

northwest. The closest neighbouring buildings at Ribby Hall include a combination of split level two/single storey holiday cottages and chalets located on lower lying land to the southern edge of the existing holiday village boundary. Other neighbouring uses outside the site include a collection of four dwellings at Dale Farm, Hill Farm, Fell View and River View to the southwest of the site. These properties are separated from the site by a substantial buffer of woodland (part of the TPO area) to the southern edge of the access track. A Public Right of Way (PROW – '5-10-FP 9') enters the site from an adjoining field to the south and runs in a north/northeast direction through the site to the west side of the 'hanger' and the eastern/southern edge of the woodland beyond.

### **Details of Proposal**

The site benefits from an extant outline planning permission (18/0215) for a leisure development comprising the erection of 20 holiday lodges, construction of a 26 space staff car park and the formation of a leisure lake following the demolition of a series of equestrian buildings surrounding Windrush Farm. The lodges and staff car park would be located to the western area of the site - with 6 lodges and the whole of the car park located in 'Parcel A' - and the leisure lake within an area of open farmland to the eastern end of the site. The whole of the lake and 14 of the permitted lodges have been permitted within the Green Belt.

The extant outline permission included access, layout, scale and landscaping as detailed matters. Accordingly, the parameters established under that permission cannot be altered and/or exceeded at reserved matters. Instead, the current application seeks reserved matters approval pursuant to outline planning permission 18/0215 for the final outstanding matter of "appearance". This is defined in the DMPO as follows:

- "Appearance means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture."

In this case, matters of "appearance" are concerned principally with the proposed lodges and the leisure lake, though their layout and scale must not exceed the parameters established by the outline permission.

The proposed lodges are of a lower height and smaller size - both in footprint and volume - in comparison to those shown in application 18/0215. A total of six different lodge types are proposed (though size variations are included across each type). All lodges would be of a single storey height, rectangular in shape and incorporate a mix of flat and shallow pitched roofs. Two lodge types (a total of 9 plots) would incorporate roof terraces enclosed by glazed balustrades, with the remainder having external decking to the ground floor. The lodges would be finished in 'CanExcel' timber cladding in a mix of colours, lightweight metal roof sheets finished 'slate grey' and UPVC windows in 'anthracite grey'.

The proposed leisure lake would follow the 'figure of 8' layout approved as part of application 18/0215, with two small 'islands' to both ends and a footpath to the perimeter. The lake would have a consistent depth of 1.25m across the water body, with equal volumes (26,100 m<sup>3</sup>) of cut and fill at a maximum height of approximately 2.3m to the southern and northern sides of the lake respectively ensuring that all material is retained on site.

The car park, internal access road and in-curtilage parking spaces for the lodges would have a gravel surface.

### **Relevant Planning History**

Application No.	Development	Decision	Date
18/0215	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 20 TIMBER HOLIDAY LODGES, FORMATION OF LEISURE LAKE AND CREATION OF ADDITIONAL CAR PARKING SPACES (ACCESS, LAYOUT, SCALE AND LANDSCAPING APPLIED FOR WITH ALL OTHER MATTERS RESERVED) – RESUBMISSION OF APPLICATION 17/0509	Granted	29/06/2018
17/0509	OUTLINE (ACCESS, LAYOUT AND LANDSCAPING APPLIED FOR) APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 40 NO TIMBER HOLIDAY LODGES SURROUNDING A NEW LEISURE LAKE WITH ASSOCIATED LEISURE FACILITIES, AND A 50 VEHICLE CAR PARK TO ACCOMMODATE NEW AND EXISTING STAFF MEMBERS.	Refused	12/10/2017

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

***Ribby with Wrea Parish Council*** - Initially notified of the application on 24 January 2019 and of amended plans on 16 April 2019. Latest comments received 21 May as follows:

The Parish Council resolved to recommend refusal as follows:

- "It was noted that on the original plan (18/0215) the transport statement stated that access will be via Ribby Hall which seemed acceptable and FBC stated (PC in agreement) that Browns Lane is unsuitable. On the new plans - in extremely small print - the emergency access on Browns Lane has now become the Main Access point for residents. This is NOT acceptable."

***Kirkham Town Council*** - Initially notified of the application on 24 January 2019 and of amended plans on 16 April 2019. Latest comments received 1 May indicate that the Town Council "has no objection to this application."

### **Statutory Consultees and Observations of Other Interested Parties**

Cadent Gas (on behalf of National Grid):

- Cadent Gas has a Major Accident Hazard Pipeline in the vicinity. The Building Proximity Distance for this pipeline is 8 metres.
- When working in the vicinity of any cadent Gas pipelines, the standards set out in the National Grid specification SSW22 must be strictly adhered to. It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

### **Neighbour Observations**

**Neighbours notified:** 24 January 2019  
**Site notice posted:** 15 February 2019



**Press notice:** 7 February 2019  
**Amended plans notified:** 16 April 2019 (21 day re-consultation)  
**No. Of Responses Received:** 3  
**Nature of comments made:** 3 objections

The appropriate neighbouring properties were notified of the application by letter on 24 January 2019. Additional letters were sent out on 16 April following the receipt of amended plans, and allowing an additional 21 day period for comments on the revised plans. In addition, as the application involves major development notices have also been posted on site and in the local press. Three letters have been received in objection to the application. The points made in the letters are summarised as follows:

***Access and highways:***

- Access to the development is now proposed to be directly off Browns Lane rather than from the proposed Ribby Hall internal access road. This was not, however, the arrangement approved under application 18/0215. Brown's Lane is a narrow, single track road that is not suitable to serve the proposed development and was, therefore, proposed for emergency access only. This is also reflected in the reason for imposing condition 17 of planning permission 18/0215. A revised transport assessment is required if access is to be permitted from Brown's Lane. It is also unclear how restricted access through any vehicle barrier is to be monitored.
- Browns Lane is a private, unadopted, single track road and is solely maintained by its residents. If 20 lodges are granted access onto Browns Lane, this would increase the traffic flow by 200% without any additional funding towards the road's maintenance. There would also be highway safety concerns and added vehicle conflicts should drivers unfamiliar with the route begin using it as the principal means of access.

***Officer note:*** The means of access to the completed development has been fixed as part of outline planning permission 18/0215 (which included 'access' as a detailed matter) and cannot, therefore, be altered at reserved matters stage. The approved access for the lodges, staff car parking spaces and leisure lake is via a new internal drive branching off Bream Wood through Ribby Hall. The only access permitted off Brown's Lane is for emergency/occasional use by emergency, security, management and grounds maintenance vehicles and access via Brown's Lane is to be restricted by a fob-controlled vehicle barrier. Amended plans have been submitted - principally in connection with a separate application to discharge planning conditions on the outline permission (19/0040) - to make this circumstance explicit.

- No proposed transport routes have been provided for demolition equipment associated with the removal of the existing agricultural buildings (condition 8 of application 18/0215 refers). Brown's Lane is not suitable as a primary vehicle route for construction operatives or deliveries during the construction of the development, however is currently being used by plant and machinery to route to the development site.

***Other matters:***

- Works on site have already commenced in breach of several pre-commencement conditions attached to planning permission 18/0215 which carry requirements for a construction method statement, protection of great crested newts, clearance of vegetation, trees protection and the control of invasive species.

**Relevant Planning Policy**

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

**Fylde Local Plan to 2032:**

GD2	Green Belt
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
ENV1	Landscape

**Other Relevant Policy:**

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

**Site Constraints**

Pipelines  
Within Green Belt

**Environmental Impact Assessment**

As outline application 18/0215 was not EIA development this application for approval of reserved matters is also not EIA development.

**Comment and Analysis**

**Policy context and main issues:**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the FLP.

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

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

benefits, when assessed against the policies in the Framework taken as a whole

Having regard to the nature of the development proposed (including that it is an application for approval of reserved matters submitted pursuant to an extant outline permission), the main issues in this case – insofar as they relate to the matter of ‘appearance’ – are considered to be:

- The scheme’s compliance with the parameters established by outline planning permission 18/0215.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers.

Compliance with outline planning permission 18/0215:

Outline planning permission 18/0215 was granted subject to 27 conditions. This application for approval of reserved matters is submitted pursuant to the requirements of condition 1 of the outline permission (requiring details of the development's appearance to be sought). The application has also been received within the timescale required by condition 2.

Condition 4 of planning permission 18/0215 lists the approved plans and states that "any application for approval of reserved matters submitted pursuant to this permission shall accord with the details shown on the approved plans insofar as it relates to the scale, layout and landscaping of the development and the means of access to it." In addition, condition 5 of the outline permission reads as follows:

- *"Any application which seeks approval for the reserved matter of appearance pursuant to condition 2 of this permission shall ensure that the volumes of the lodges proposed on plots 7-20 do not exceed the figures given in the "Proposed Lodge Schedule" shown on drawing no. 2327/54/121 - proposed site plan option 12."*

The remaining conditions do not carry a specific requirement relating to any reserved matters submission and are, instead, to be dealt with through the normal procedure for discharging conditions.

Importantly, condition 4 fixes the means of access to the development and the layout and landscaping of the site. Condition 4 also identifies maximum scale parameters that should not be exceeded at reserved matters. This is supplemented by the requirements of condition 5 which sets a restriction on the maximum volumes for the lodges on plots 7-20 (those falling within the Green Belt) that can be permitted at reserved matters stage.

Table 1 includes a comparison between the maximum volumes permitted by outline planning permission 18/0215 and those now proposed by this application for reserved matters approval.

Plot number	Maximum volume permitted at outline (m³)	Volume applied for at reserved matters (m³)	Variance
7	335	302	-33
8	412	332	-80
9	250	235	-15
10	335	275	-60
11	335	275	-60
12	412	377	-35
13	335	323	-12
14	335	275	-60

15	335	323	-12
16	335	290	-45
17	412	333	-79
18	250	238	-12
19	250	226	-24
20	250	238	-12
<b>Total</b>	<b>4581</b>	<b>4042</b>	<b>-539</b>

**Table 1** – Volume comparison between outline permission and reserved matters application.

As indicated in the table above, the changes to the final appearance of the lodges made since the illustrative images submitted at the outline stage has resulted in a significant reduction in their volume when compared to the maximum figures permitted by condition 5 of application 18/0215. Indeed, lodges on every plot are smaller in size in comparison to those shown at the outline stage. In addition, it should be noted that those lodges located outside the Green Belt on plots 1-6 – though not specifically covered by condition 5 – have been reduced to a single storey, with the only first floor element comprising a roof terrace on a flat-roofed section spanning approximately one quarter of the building's overall area. Accordingly, this application for approval of reserved matters does not exceed the maximum scale parameters established by the outline permission and also complies with the maximum volume restrictions for plots 7-20 set out in condition 5.

The layout of the development follows that established by the outline permission, as does the landscaping of the site. The proposed means of access to the development (including the restriction on entry via Brown's Lane) also remains consistent with outline permission 18/0215. As a result, the appearance of the development accords with the relevant restrictions, parameters and conditions imposed on the outline permission.

#### Impact on character and appearance:

Parcel 'A' is located within the countryside and Parcel 'B' is within the Green Belt. Whilst the principle of development within these designations has been established by the outline permission, it is important to ensure that the appearance of the development is sympathetic to the rural character of the site and that it does not conflict with the openness of the Green Belt.

FLP policy EC6 indicates that the development of additional leisure, culture and tourism uses at Ribby Hall Holiday Village will be permitted within the boundary of the village provided that the amenities and character of the site are preserved and enhanced.

FLP policy GD7 requires that development proposals facilitate good design in accordance with 15 guiding principles. Criteria (d), (h), (i) and (k) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of

the new development into the built and historic environment.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

Paragraph 127 of the NPPF identifies six principles of good design, with paragraph 130 indicating 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".

As set out in Table 1, there would be a reduction in the size, height and volume of the lodges proposed on each plot in comparison to the maximum scale parameters established by the outline permission. In particular, the two storey element previously permitted on plots 1-6 has been replaced with a roof terrace enclosed by a glazed balustrade. It follows, therefore, that the reduced massing of the buildings arising from their finalised appearance would also have a lesser impact on the rural character of the site and its surroundings and, with respect to plots 7-20, the openness of the Green Belt.

The lodges would be rectangular in shape and comprise a mixture of flat and shallow pitched roofs. All buildings would be of a single storey height, though each of the 6 plots in Parcel 'A' would incorporate roof terraces at first floor level, as would a further 3 plots within Parcel 'B'. Where roof terraces are proposed, these would be located to a single corner of each lodge, spanning approximately one quarter of its overall floorspace. Terraces would be enclosed by a circa 1m high glazed balustrade. Externally, the lodges would be clad in pre-treated timber to their walls and lightweight sheet metal roofing coated 'slate grey'. Elevations would have a lightweight appearance characterised by significant areas of glazing set in tall, floor-to-ceiling openings and folding doors.

The siting of the lodges to the western end of Windrush Farm would result in the structures being seen against the backdrop of existing lodges and rendered two storey buildings on adjacent land to the north/northwest at Ribby Hall. Longer range views from outside the site, including those available from the public right of way crossing open fields from the south, would be screened by a combination of existing (TPO'd) and proposed woodland shelter belts to the southern fringes of the site. When the landscaping of the site is considered in combination with the finished scale and appearance of the lodges, the buildings would be seen as a modest extension to the southern edge of Ribby Hall and would not appear as unduly prominent or incongruous features in the landscape. Accordingly, the finished appearance of the proposed lodges - having particular regard to their scale, materials, fenestration and roof profile - would be sympathetic to the rural character of the site and its surroundings and would not result in any further impact on the openness of the Green Belt over and above that established by the outline permission (indeed, the finished appearance of the lodges would have a lesser impact in this regard).

The proposed leisure lake would be located within an open field to the northeast of Windrush Farm. This land is wholly within the Green Belt and follows a general north-south slope stepping down towards the northern site boundary. The proposed lake would follow a level threshold, requiring a maximum of circa 2.3m of cut and fill to its northern and southern fringes respectively, with the lake itself to reach a consistent depth of 1.25m across the water body. Land to the edges of the lake would be graded into existing levels at slopes ranging between 1:4 (at the steepest point) and 1:25 (at the shallowest).

The engineering operations associated with the formation of the leisure lake have already been

assessed as not representing inappropriate development in the Green Belt at the outline stage. While the extent of land re-contouring associated with the lake is substantial, the depth of cut and fill is modest and, due to topographical variations across the site, the visual impact would vary across the land and slopes would be graded to avoid the creation of unduly tall 'bunds'. Where land is to be re-modelled, the surface would be restored with a grassed finish strengthened by belts of new woodland planting. Accordingly, the finished appearance of the lake - including its depth and re-contouring of surrounding land - would not create an unduly dominant or contrived feature in the surrounding landscape. Hardstanding access roads and parking areas would have a gravel surface to avoid an over-engineered appearance to hard landscaped spaces.

Taken as a whole, the appearance of the development would ensure that it is assimilated sympathetically into the surrounding landscape within the parameters established by the outline permission.

#### Impact on amenity:

FLP policy GD7 requires that development proposals facilitate good design in accordance with 15 guiding principles. Criterion (c) of the policy requires development to ensure that “amenity will not be adversely affected by neighbouring uses, both existing and proposed”.

In addition, criterion (f) to paragraph 127 of the NPPF requires that developments “promote health and well-being, with a high standard of amenity for existing and future users”.

The closest neighbouring buildings are located to the north/northwest of the site within Ribby Hall Holiday Village. These include a combination of chalets and cottages for holiday use which form part of a wider holiday and leisure complex providing a mix of uses. A minimum separation of approximately 16.5m would be achieved between the existing and proposed lodges. Windows are proposed in all elevations of the lodges, with the roof terraces to 9 plots located to one corner of the lodges' front elevation (i.e. that facing the internal access road rather than neighbouring buildings). When the siting and orientation of fenestration and roof terraces is considered in combination with a new planting buffer shown atop/alongside a banking which currently separates the two sites (the existing chalets being at a lower level) and that similar or lesser spacing is evident between other chalets on the established site, the size, scale, height, siting and design of the proposed lodges (including those plots which would have a roof terrace at first floor level) would not have an undue impact on the amenity of these existing occupiers through loss of outlook, inadequate spacing or overshadowing.

Aside from the dwelling at Windrush Farm (which falls within the site and, if this scheme is successful, is to be the subject of a separate application for conversion to a club house), the closest neighbouring dwellings (Dale Farm and Hill Farm) are located to the southwest of the site off Brown's Lane. A minimum spacing of approximately 54m would be achieved between the lodges and these properties. In addition, a substantial buffer of mature woodland which is protected by TPO intervenes between the site and the gardens of these dwellings. Given the level of separation and screening between the two, it is not considered that the proposed development would have any adverse impacts on the amenity of these occupiers by reason of its size, scale, layout, massing or elevational treatment. Similarly any views from the lodges (including their roof terraces) towards these dwellings would be significantly screened by mature, intervening landscaping in order that there would be no harmful effects due to overlooking.

In terms of noise, while it is recognised that tourism uses – including holiday accommodation – have the potential to create added noise and disturbance from holiday makers in comparison to a

permanently occupied dwelling, it is also the case that these uses are inherently residential in character. Accordingly, future occupants of the holiday chalets would, as holiday makers, expect to experience similar living conditions to occupiers of permanent residential accommodation. When combined with the separation and screening that would be afforded between the proposed lodges and the closest neighbouring dwellings, there is no reason to conclude that, with appropriate management of the site in place, the development would give rise to unacceptable effects due to added noise and disturbance.

#### Other matters:

Outline planning permission 18/0215 was granted subject to 27 conditions. Those conditions covered matters pertinent to the principle of development and to the detailed matters of access, layout, scale and landscaping as applied for at outline stage. As any approval of reserved matters granted pursuant to an outline permission runs in tandem with it (including the conditions imposed), there is no need to duplicate the conditions imposed on planning permission 18/0215 here. Instead, the only conditions that need to be attached at this stage are limited to matters concerning the 'appearance' of the development. In this case, those conditions are limited to defining the approved plans and requiring details (including samples) of the finished materials for the lodges. All other matters are dealt with through the conditions imposed on planning permission 18/0215.

#### Conclusion

The application relates to an irregularly-shaped area of land extending to *circa* 7.91 hectares at Windrush Farm, located to the southeast of Ribby Hall Holiday Village. Outline planning permission (which included access, layout, scale and landscaping as detailed matters) has been granted for a development involving the demolition of a group of existing farm buildings and the subsequent erection of 20 holiday lodges, formation of a leisure lake and creation of additional parking spaces for Ribby Hall. The current application seeks approval for the last remaining reserved matter of 'appearance' pursuant to extant outline permission 18/0215.

A triangular parcel of land extending to *circa* 0.46 hectares on the north side of the entrance to the site falls within the extended boundary of Ribby Hall Holiday Village (which is also within the Countryside Area) as defined on the Fylde Local Plan to 2032 Policies Map. The remainder of the site is within the Green Belt. The extant outline permission establishes the principle of development on the site, as well as defining parameters associated with the means of access to it, the layout and scale of the scheme and the landscaping of the site. Accordingly, the only matter to be considered in this application is the external appearance of the development.

The size, height and volume of the proposed lodges results in a reduction to the maximum scale parameters approved at the outline stage. It follows, therefore, that the reduced massing of the buildings arising from their finalised appearance would also have a lesser impact on the openness of the Green Belt and the open, rural character of the site and its surroundings. The appearance of the proposed lodges complements that of similar buildings surrounding the site within Ribby Hall to the north and their elevational detailing, fenestration and materials would assimilate with the site's rural, sylvan character and setting (alongside the screening provided by landscaping approved under the outline permission). Similarly, the appearance of the proposed leisure lake would preserve the openness of the Green Belt and the 26 space staff car park (which falls within the extended allocation of Ribby Hall Holiday Village) would not detract from the open character of the countryside.

The proposed development is therefore in accordance with the relevant policies of the Fylde Local

Plan to 2032 and the objectives of the National Planning Policy Framework.

### **Recommendation**

That the approval of Reserved Matters 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. 2327 054 A1 02 P8 – Proposed site plan 1 of 2.  
Drawing no. 2327 054 A1 03 P9 – Proposed site plan 2 of 2.  
Drawing no. 2327 054 A1 04 P6 – Lodges layout.  
Drawing no. NO016 45 22 2B 01 – Nordica 2 bed (45' x 22') – Plots 1, 2, 3, 4, 5 & 6.  
Drawing no. 4602 – The lookout 52' x 22' – Plot 7.  
Drawing no. 4622 – The lookout 60' x 22' – Plot 8.  
Drawing no. MO017 45 22 3B 01 – Modena 3 bed (45' x 22') – Plot 9.  
Drawing no. MO018 52 22 3B 01 – Modena 3 bed (52' x 22') – Plots 10, 11 & 14.  
Drawing no. NO006 60 22 3B 01 – Nordica 3 bed (60' x 22') – Plot 12.  
Drawing no. NO014 52 22 3B 02 – Nordica 3 bed (52' x 22') – Plots 13 & 15.  
Drawing no. 4604 – The Hampton 3 bed 52' x 22' – Plot 16.  
Drawing no. CD048 60 22 4B 02 – Luxe 4 bed (60' x 22') – Plot 17.  
Drawing no. PA003 45 20 3B 01 – Pasadena – Plots 18 & 20.  
Drawing no. 4436 – The Hampton 3 bed 45' x 20' – Plot 19.  
Drawing no. 2327 054 A5 01 – Site sections.

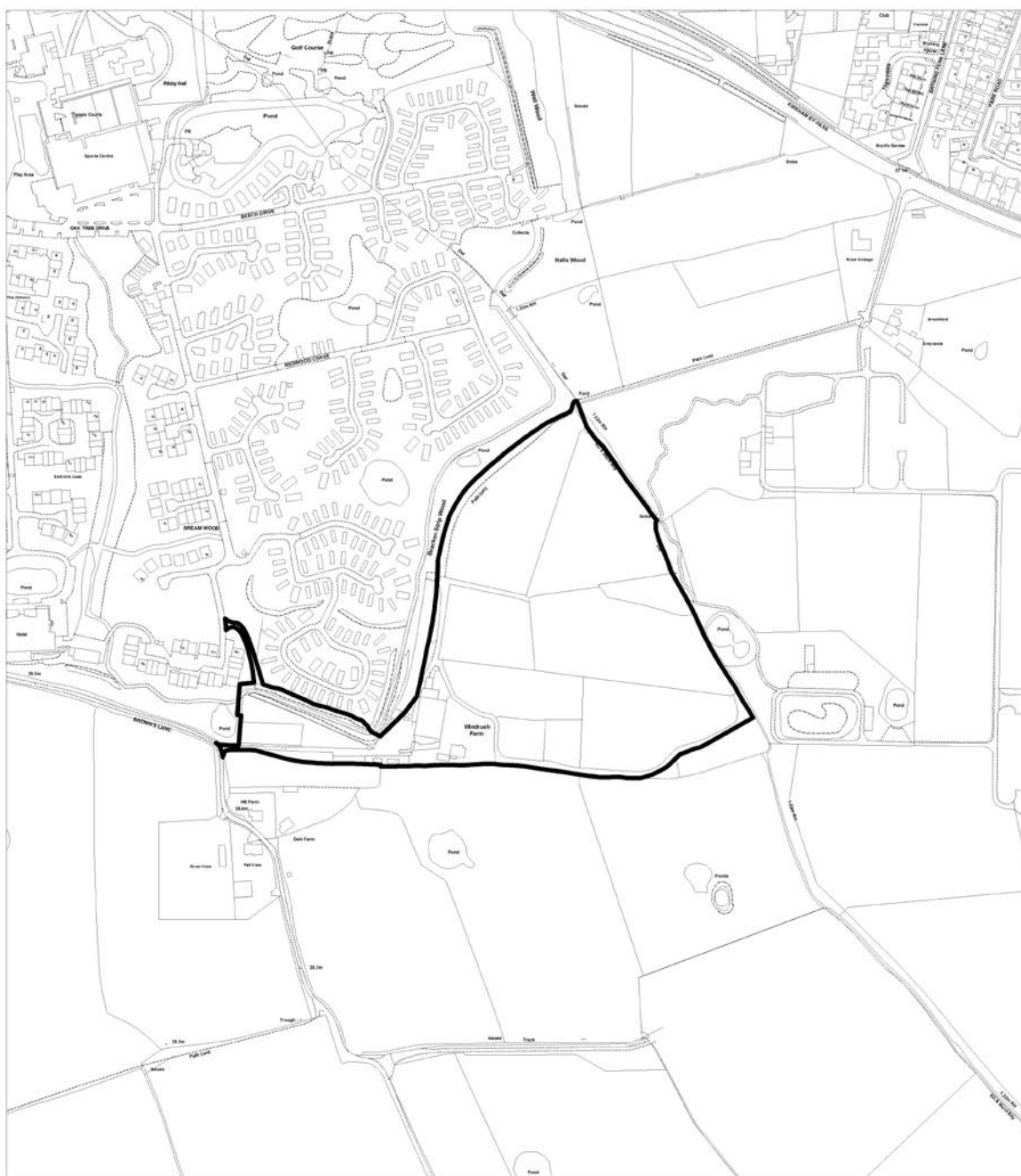
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.


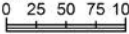
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

2. Notwithstanding any description of materials in the application and the requirements of condition 1 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 lodges have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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





		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0041	Address Windrush Farm, Browns Lane, Wrea Green	Grid Ref. E.3414 : N.4313	Scale 0 25 50 75 100 m 

**Item Number:** 4

**Committee Date:** 05 June 2019

<b>Application Reference:</b>	19/0140	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Stanley Investments Ltd and Muir Group	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MOSS FARM, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
<b>Proposal:</b>	ERECTION OF 31 NO. AFFORDABLE DWELLINGS TOGETHER WITH ACCESS ROAD		
<b>Ward:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7868001,-2.99429,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Approve Subj 106

#### **Summary of Officer Recommendation**

The proposal is a full application for 31 affordable rent housing units on a 0.63 hectare site located on the north side of Cropper Road, west of Whitehills Industrial Estate. The site is allocated as a mixed use site for housing and employment in the Fylde Local Plan to 2032.

The residential development of the site is therefore entirely acceptable in principle and given the nature of the immediate surrounding environs, which include a residential development by Wainhomes, the proposed residential use is appropriate.

Having assessed the relevant considerations that are raised by this proposal it is officer's opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that the proposal is acceptable and so it is recommended that the application be supported by Committee and granted planning permission subject to an s106 being concluded relating to contributions towards off-site POS, sustainable transport improvements and the provision of funding for additional education capacity in the area.

#### **Reason for Reporting to Committee**

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

### **Site Description and Location**

This 0.63 hectare site is located on the north side of Cropper Road, west of Whitehills Industrial estate. It currently consists of the domestic curtilage of Moss Farm which is a two storey detached dwelling in red brick. Within the site the majority of the site is amenity grassland, some trees and the site is surrounded by hedgerows. Planning permission has been granted on land to the north, east and south of the site for housing which is currently under construction. To the west of the site is the opposite site of Cropper Road which consists of hedgerows and open land with many of the development in the wider area being horticultural nurseries or equestrian activities. The site is also allocated for housing development in the Local Plan to 2032.

### **Details of Proposal**

This is a full planning application for the erection of 31 affordable dwellings. Access to the site will be from a new access created off Cropper Road. The application was originally submitted for 32 units however to facilitate improvements to the layout one of the units has been removed. A terrace of three units and one pair of semi-detached units will front Cropper Road to the south of the access road and to the north six flats located in a terrace of three units. Within the site there are four pairs of semi's to the south backing on to the development to the south, and two pairs to the north backing on to the existing retained Moss Farm dwelling house. In the north east corner of the site there is one pair of semi-detached dwellings, and a block of four flats set in an L shape with an area of amenity space in front of them.

Car parking to the dwellings fronting Cropper Road is set in courtyards to the rear of the dwellings, parking to the semi-detached dwellings is located to the front or side of the properties and the flats at the rear of the site are located in front of and behind these dwellings. Landscaping is located throughout the development with a row of trees along the sites frontage and within the front gardens of units within the site. Hedgerows are located in key positions throughout the site and walls are proposed on prominent boundaries within the site.

The dwellings themselves will be a mix of 1, 2 and 3 bedrooms split as follows;

- 10no. 1 bed flats;
- 4no. 2-bed flats;
- 8no. 2-bed houses; and
- 9no. 3-bed houses.

In terms of the design of these units they are all proposed to be two storey residential units, to be constructed in brick to ground floor and render at first floor with grey concrete roof tiles. Some of the dwellings have features such as front gables, brick banding details and heads and sills. The parking spaces will be constructed in block paving and the paths in flag paving throughout the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0753	OUTLINE APPLICATION FOR ERECTION OF 26 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approved with 106 Agreement	21/04/2016

## **Relevant Planning Appeals History**

None

## **Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 20 February 2019 and comment:

*It was resolved to RECOMMEND NO OBJECTIONS. However, it was requested that special attention be paid to comments made by LCC Highways relating to road requirements.*

## **Statutory Consultees and Observations of Other Interested Parties**

### **Strategic Housing**

*Housing are in support of this planning application.*

*We have discussed tenure and size with Muir Housing and welcome the proposal as part of this planning application. The development is 100% affordable rent providing 32 units. There is a mix of property sizes – 1bed and 2 bed flats and 2 and 3 bed houses. This scheme is in the centre of sites predominately for market housing therefore the opportunity to have 100% affordable development within the area for affordable rent is of benefit.*

*The rents are at 80% of market value. Rent levels are below LHA rates for Fylde, bar the one bedroom flats, making them affordable for the local area.*

*MyHomeChoice, the choice based lettings scheme for Fylde has currently 2576 applicants for rehousing. The total homeless/housing register and transfer applications are below. The table below this then details minimum bedroom need, which shows a continuing high demand for one and two bedroom accommodation with the demand for 2 and 3 bedroom accommodation staying fairly constant across 2019/20, despite delivery of affordable housing.*

Type	Q1	Q2	Q3
Homeless Applicant	9	8	9
Housing Register	2132	2218	2180
Transfer Applicant	321	306	308
Blank	105	91	79
<b>Total</b>	<b>2567</b>	<b>2623</b>	<b>2576</b>

Minimum Bedroom Need	Q1	Q2	Q3
0 (Studio)	1051	1082	1093
1 Bed	361	362	355
2 Bed	758	774	729
3 Bed	309	310	315
4 Bed	76	75	70
5 Bed	11	15	11
6+	0	0	1
Blank	1	5	2
<b>Total</b>	<b>2567</b>	<b>2623</b>	<b>2576</b>

## **Lancashire County Council - Highway Authority**

They originally objected to the application on the basis that the shared cycle/footpath in front of the site did not continue in front of Moss Farm as per the previous application. As that area of the site is not in the applicant's ownership or control and cannot be provided they have revised their response in light of negotiations by Officers to secure other sustainable links to the surrounding area.

Their most recent response dated 20 May 2019 states that LCC Highways are of the opinion that the dwellings will not have a detrimental impact on highway safety or capacity in the vicinity of the site, although they recommend that officer consider the impact on amenity and sustainability.

### Sustainable transport

They state that as the frontage on Cropper Road has been reduced from the previous application that this will result in a gap in the shared path that is to the detriment to sustainable transport provision. They understand the applicants cannot provide it in front of Moss Farm so state that they recommend that any future development on the remaining site must provide the continuation of the 3.5m shared cycle/footpath.

LCC require the access to the rear of the site to be a 3.5m wide shared access cycle and pedestrian link to aid the sustainability of the site and to support social inclusion. They state that this was a requirement of the previous application and whilst they understand the developer cannot provide or construct the crossing on the verge on the adjacent site but they consider they (LCC) as part of the S38 agreement can provide the link when the neighbouring highway is adopted.

LCC recommend a dropped crossing on Cropper Road to facilitate movements between this site and the allocated site to the west of Cropper Road. This will provide a continuous sustainable link for walkers and cyclists to the community centre and employment centre with a section 106 contribution to be secured to improve the proposed and existing routes through the adjacent site.

LCC Highways would raise an objection to the development in the interest of highway safety were safe facilities for cyclists; pedestrians including children and mobility impaired not be provided as recommended above.

### Sustainable travel and Section 106 contributions

(LCC) Highways are seeking a section 106 contribution of £20,000 as part of this development to provide:

- Dropped crossing for pedestrians and cyclist on the opposite side of Cropper Road.
- Improvements to sustainable link for walkers and cyclists through the adjacent sites to link the various developments and to provide a continuous sustainable link between the majority of residential areas and the existing commercial zone.
- Provide the sustainable link from the site and Lea Green Drive.

### Internal highway layout

(LCC) Highways are of the opinion that the highway layout and proposed car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework and the highway layout would also be acceptable for adoption under section 38 of the highways act.

#### Future highway adoption considerations

Here LCC make a series of points regarding the future adoption of the site. They are of the opinion that the site's layout is acceptable for adoption. They recommend the local planning authority attaches conditions requiring an agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

They conclude that the development will not have a detrimental impact on highway safety or capacity and recommend a series of conditions to be included in any permission granted.

#### **United Utilities**

No objections. Request standard conditions in relation to foul and surface water and the management of SuDs systems.

#### **Planning Policy Team**

*Thank you for your email dated 20 February 2019 inviting planning policy comments on the above planning application. The proposed development complies with the Development Plan, subject to its accordance with Policy GD7 – Achieving Good Design in Development. It is for the decision maker to determine the quality of the design to fully establish the extent of its accordance.*

#### **Lancashire CC Flood Risk Management Team**

No objections. Request standard conditions in relation to surface water and its management and maintenance.

#### **Greater Manchester Ecology Unit**

*Thank you for consulting the Ecology Unit on the above planning application and accompanying Ecological Assessment (Urban Green, Job No 11929, Issue 1, 26/11/2018). Our comments are as follows.*

#### Sites of Special Scientific Interest (SSSIs)

*The site falls within a number of SSSI Impact Risk Zones. However, the proposed development at the site does not fall into any of the Impact Risk Zone Categories and therefore the proposed development will not have any impact on any of the SSSI's.*

*The development also falls within the Goose and Swan functional land and wintering birds should have been considered by the Ecological Consultants within their report. However, having looked at the site we consider that the land would be unsuitable to support wintering geese and swan.*

#### Bats

*There are no buildings on site and all of the trees were found to have features suitable for use by roosting bats. There are three bat boxes on trees on the perimeter of the site. The three trees are proposed for removal. We would therefore recommend that the bat*

*boxes are checked for roosting bats by a suitably licenced bat worker prior to removal. The boxes should be re-sited on appropriate retained trees. A condition to this effect should be placed on any permission. If bats are found within the boxes then the boxes will have to remain in situ until a licence is applied for and secured from Natural England in order to relocate the bat boxes.*

#### Birds

*The trees and hedgerows on site have the potential to support nesting bird and birds nest were observed in some of the trees during the survey. All trees and hedgerows should be retained where possible. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that all tree works and shrub clearance should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person. We recommend that a condition to this effect be placed on any permission.*

#### Amphibians

*The ditch was considered to have some potential to support common toad and frog, but unsuitable for great crested newt. As the ditch is to be lost to the development we would recommend that a pre-commencement inspection of the ditch be undertaken 24 hours prior to works for amphibians. If amphibians are present they should be removed from the working area to an alternative suitable habitat. We would recommend that a condition to this effect be placed on any permission.*

#### Invasive Species

*During a previous survey (Ribble Ecology, 2014) the invasive montbretia was present, although this species was not recorded during the recent survey and may well have been eradicated. The applicant should be advised of its possible presence and if found disposed of appropriately. We suggest that an informative to this effect be placed on any permission.*

#### Biodiversity Enhancement

*In line with the requirements of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:*

- *Bat bricks and/or tubes within the new development*
- *Native tree and shrub planting*
- *Bolstering of hedgerows*

*We would suggest that a condition to this effect be placed on any permission. In conclusion we are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions/informative above.*

#### **LCC Education**

*Request contributions for 2 primary school places at Weeton St Michaels CE and 1 Secondary school place at Millfield High School, Thornton.*

#### **Neighbour Observations**

**Neighbours notified:** 20 February 2019

**Press Notice Date:** 07 March 2019  
**Number of Responses** None received.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

DLF1	Development Locations for Fylde
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
CL2	Surface Water Run-Off and Sustainable Drainage
INF2	Developer Contributions
SL2	Fylde-Blackpool Periphery Strategic Location for Devt

#### **Other Relevant Policy:**

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of the development**

Planning application 13/0753 was approved by members for an outline application for 26 dwellings on this site and the land adjacent. At that point the Fylde Local Plan to 2032 was not adopted however the Officers report made reference to the fact that the site was to be included in the Revised Preferred Option for that Plan and also at that point Fylde could not demonstrate a five year supply of housing.

Since that time the site has been allocated as part of the large MUS1 site within the Fylde-Blackpool Periphery Strategic Location for Development through Policy SL2 of the Fylde Local Plan to 2032. MUS1 is anticipated to provide 529 dwellings and 5.7ha of employment and this site forms a small part of that. The site's location adjacent to existing and proposed housing lends itself to be developed for residential purposes as oppose to employment and therefore the principle of the development proposed here is acceptable.

With regard to housing mix policy H2 requires all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. This full planning application for 31 units proposes a mix of 1, 2 and 3 bedroom dwellings and is therefore fully compliant with this policy. Accordingly the principle and bedroom mix proposed are acceptable.

#### **Impact on character of the area**

Whilst the principle of the development is acceptable another issue is the impact of the development visually on the character of the area. In this case the application site consists of an existing dwelling's domestic curtilage.



The NPPF states that the intrinsic character and beauty of the countryside should be recognised however in this case the site is not an area designated for its landscape quality and furthermore the application site is located to the east of Cropper Road, and is now allocated as part of a strategic location for development with approved residential housing developments located to the south and east of the site, and a further housing allocation on the opposite side of Cropper Road to the west. To the north of the site is the remaining domestic dwelling.

It has to be acknowledged that the development will have some impact on the character of the area however it is considered that the degree of harm will be limited. The site is effectively contained visually by surrounding development and as such will not appear unduly intrusive in views from any direction. The retention of hedgerow and trees around the site's boundaries will help to soften the appearance. This application effectively fills a gap adjacent to developments already permitted and existing development. It is not considered the development will have an unacceptable visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

#### Layout and Design

The proposal is an intensification in density compared to the 26 dwellings approved in outline on a larger site through application 15/0472. This increase in density has been achieved in the main by providing dwellings along the site frontage in terraces of three and also the provision of 10 flats throughout the site. The layout presented today has been subject to several amendments in order to get one that satisfies officers. Policy GD7 (achieving good design in development) of the Fylde Local Plan to 2032 requires new developments to be of a high standard, taking account the character and appearance of the area and has several criteria that developments are considered against, including most relevant here;

*a) In order to promote community cohesion and inclusivity, new development will be expected to deliver mixed uses, strong neighbourhood centres and active street frontages which bring together all those who live, work and play in the vicinity.*

Whilst the site in itself does not deliver mixed uses as that is not appropriate here, it provides an outward facing development fronting Cropper Road and links to the adjoining sites to the east and west so that residents are able to access future community facilities and existing employment opportunities.

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

The density of the site is higher than the surrounds due to the flats included as detailed above. However their form (within two storey units) means that the appearance of the site is akin to that surrounding it. Clearly the retained Moss Farm is a much lower density however that is now an anomaly in the area.

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

As outlined below the units are appropriately sited so as not to impact on existing and proposed dwellings amenity.

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

context.

*i) 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.*

The above two points are similar criterion, effectively requiring developments to relate well to the surrounding context and also at the same time make a positive contribution to that character through high quality design. The proposed development has a similar appearance to that of the residential estate adjacent with the development of affordable housing set out in two storey units constructed in brick and render. The scheme benefits from being outward facing development to the public vantage point at Cropper Road, set back at an angle so that their side elevations are not prominent when traversing this highway. The dwellings within the site are laid out appropriately with parking to the side or behind dwellings wherever possible, and intermittent trees and hedgerows within the site breaking up frontage car parking. Walls are proposed on prominent boundaries within the site which is a better quality material than fences that could be replaced by differing panels through time. The site retains the existing landscaping around the site and replaces that lost from within it. It is therefore considered acceptable and to comply with the above criterion.

*k) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.*

The highways issues are discussed below however the site succeeds in providing a link to the east which will take occupants through the adjacent residential site and to the employment site. Links will also be created to the site opposite and the amenities that will be created there. The layout therefore and design of the dwellings is considered acceptable.

#### Public open space

The Fylde Local Plan to 2032 requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy ENV4, with appropriate provision made for the on-going maintenance of this. Policy GD7 criteria v) *New public open space should be provided in a single central useable facility where possible, which is accessible, of high quality and good design, be visible, safe, using quality materials, including facilities for a range of ages and incorporating long term maintenance; unless it is agreed by the Council that provision is more appropriate off-site.*

In early discussions with the applicants it was clear that to achieve this number of affordable houses on the site and for them to access funding and for the development be viable that limited POS could be provided on site. Indeed whilst all the dwellings have private gardens and the flats have shared communal gardens private amenity space is restricted to that in front of plots 16/17. This area cannot be considered POS as it is more a landscaped area that forms a setting to the flats behind, rather than an area that is available for play or could be used for dog walking, etc. The site has the benefit of being next to the adjacent built site which has a play area and gives reasonable access to these facilities in the short term. However that area was formed primarily for the residents of that site, and the increased number of residents leads to a greater demand for POS in the area. To that end the Masterplan for the site opposite includes an area of POS that would be directly opposite this site and with the highways improvements outlined below be extremely accessible for residents. Therefore the applicants have agreed to contribute £31,000 (i.e. £1,000 per plot) to contribute to an increased and enhanced area of POS on this site. This can be secured via a legal agreement.

### Residential amenity

The application is a full application so the impact on the amenity of existing and proposed dwellings can be fully assessed. The relationship between the dwellings proposed to be built within the site is acceptable and they will not impact unacceptably on each other. To the north of the site is the Moss Farm dwelling, the rear elevations of dwellings set within the site are approximately 20m from this dwellings side elevation, which is an acceptable distance.

Surrounding the site is the development approved by various applications, the most pertinent being 14/310 which was the Reserved Matters for the 145 dwellings that immediately surround the site. A number of these dwellings have been constructed with some still being built. To the south of the application site is a landscaped strip beyond which are the rear and side elevations of dwellings and car parking spaces. The nearest dwelling is approximately 20m away from the side elevation of the dwelling on plot 1 and as such, especially with the intervening landscaping and parking area's their amenity will not be effected unacceptably. Directly to the rear (east) of the application site there is an estate road with open space and front facing dwellings on the opposite side, these dwellings are a significant distance away and their amenity will not be affected. The northern corner of the site was the area where officers had most concerns with the proximity to the boundary a potential issue as that could lead to overlooking to the rear garden area of the dwellings approved to the north. However the dwellings in this position are now set out in flats and the first floor rear elevation windows do not serve primary rooms such as bedrooms or lounges and instead are bathrooms and halls which can be obscure glazed, thus the amenity of the dwellings which are 25m will not be affected unacceptably.

Therefore the relationship between the dwellings in the site and the adjacent one is acceptable and the occupants would enjoy an acceptable level of amenity. There are therefore no issues with this proposal in terms of impact on residential amenity.

### Highways

The comments of LCC Highways are summarised above. Critically they have no objections to the development of the site, consider that it will not have an impact on highway capacity or safety, they consider the internal layout to be adoptable, and the amount of parking provided appropriate. Their focus rightly revolves around how the site integrates into the surrounding environment so that cycling and walking are promoted to and from the site. The submitted plans show a new 3m combined foot/cycle path across the frontage of the site to link into the footpath in front of the adjacent site to the south. LCC Highways have made clear that if the remaining Moss Farm site is developed then this will need to be carried through to the north. They request a cycle/foot link to the site to the east which is shown on the submitted layout, and request a dropped crossing over Cropper Road and a £20,000 contribution to ensure that the footpath/cycle link on the site opposite is linked to the application site. The applicants have agreed this contribution and will form part of the legal agreement for the site. There are therefore no highways issues with the application subject to conditions and s106 contributions.

### Flood risk and drainage

The site is identified as being within an area designated on the Environment Agency's Flood Map as Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land including dwellings are regarded as appropriate within this zone. Because of the size of the site the application is not required to be submitted with a Flood Risk Assessment. Both the Lead Local Flood Authority and United Utilities have no objections to the development, both simply requesting standard drainage conditions that are listed below. There are therefore no issues with flooding or drainage with this application.

### Affordable housing

The application as submitted is for 100% Affordable Housing which is a benefit of the scheme and weighs in its favour given the need for Affordable Housing in the Borough and the struggle in this area in the past to secure registered providers that are willing to take on affordable housing that has been secured on larger market-led schemes. The council's Housing manager supports the application and the proposal from Muir Housing for the scheme to be 100% affordable rent and the mix of size of units provided. This scheme is in the centre of sites predominately for market housing therefore the opportunity to have 100% affordable development within the area for affordable rent is of benefit. Housing state that the rents are at 80% of market value making them affordable for the local area. Housing state that there is a continuing high demand for one and two bedroom accommodation. A condition requiring an Affordable Housing Statement to be submitted will be required here to secure the housing as affordable in perpetuity.

### Ecology

The application site does not contain any ecological or biodiversity designations and there are none within the vicinity of the site, however the site contains hedges, trees and buildings which have the potential to provide habitat for protected and priority species. The ecology of the wider site was considered in the previous application and the impact found to be acceptable. The applicants here have submitted updated ecology reports and surveys which have been assessed by the Council's ecological consultants GMEU. They state that the site falls within a number of SSSI Impact Risk Zones. However, the proposed development at the site does not fall into any of the Impact Risk Zone Categories and therefore the proposed development will not have any impact on any of the SSSI's. GMEU state that the development also falls within the Goose and Swan functional land and wintering birds should have been considered by the Ecological Consultants within their report. However having looked at the site GMEU consider that the land would be unsuitable to support wintering geese and swan.

With regard to bats whereas the previous application included existing buildings being demolished this site does not have any buildings within it. However there are three bat boxes on trees on the perimeter of the site which are proposed for removal. GMEU therefore recommend that the bat boxes are checked for roosting bats by a suitably licenced bat worker prior to removal and that the boxes should be re-sited on appropriate retained trees. A condition to this effect should be placed on any permission. If bats are found within the boxes then the boxes will have to remain in situ until a licence is applied for and secured from Natural England in order to relocate the bat boxes. A condition can be used to secure this.

With regard to birds as the existing trees and hedges (some of which are to be removed) have the potential to support nesting bird and birds nest were observed in some of the trees during the survey GMEU recommend that all tree works and shrub clearance should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person. They recommend that a condition to this effect be placed on any permission

The adjacent ditch was found to be potential to support common toad and frog, but unsuitable for great crested newt. As the ditch is to be lost to the development GMEU would recommend that a pre-commencement inspection of the ditch be undertaken 24 hours prior to works for amphibians. If amphibians are present they should be removed from the working area to an alternative suitable habitat. GMEU recommend that a condition to this effect be placed on any permission.

Previous surveys found evidence of invasive species montbretia to be present at the site, however

was not found as part of the most recent survey and may have been eradicated, however GMEU recommend an informative that if any is found it be disposed of appropriately.

In line with the requirements of the Framework GMEU recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Native tree and shrub planting
- Bolstering of hedgerows

The submitted landscaping plan includes new hedgerow, tree and shrub planting, along with some boundary hedgerows to be retained. The bat and bird boxes can be subject to a condition. Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat subject to appropriate mitigation and compensation and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable.

### Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with INF2 of the Local Plan to 2032 providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of one secondary school places and two primary school places in the area to accommodate the additional children that would result from the development and the Applicant would have to make a contribution in the order of £32,101.06 towards primary education and £24,185.16 towards secondary education.

The schools that LCC have identified are Weeton St Michaels CE and Millfield Secondary School in Thornton. It is officers view that the primary school request is CIL compliant but the secondary school is such a distance away, with no direct or convenient routes, and that both Lytham and Kirkham high schools in Lancashire and a number in Blackpool are nearer to the site that children at the site are realistically unlikely to attend Millfield. Indeed both Poulton schools Hodgson and Baines are nearer to the development site. Accordingly the recommendation is to secure the primary contribution only through a legal agreement, which the applicants have agreed to pay.

### Conclusions

The development of 31 affordable houses as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Local Plan to 2032. The site being for affordable housing and being an increase in density of the previous permission can be considered of greater benefit than the previous permission. There are no highways or amenity issues with the proposal, and with appropriate conditions and contributions the development will have an acceptable impact.

### Recommendation

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

The S106 Agreement is to secure:

- a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £20,000 (and the phasing of the payment of this contribution) towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £32,101.08 (and the phasing of the payment of this contribution) towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032

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.

The suggested Planning Conditions and Reasons are as follows:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 3268\_100
- Existing Site Plan - Drawing no. 3268 S0 101
- Proposed Site Plan - Drawing no. 3268 S0 108 REV 6
- Proposed layout with houstypes - Drawing no. 3268 S0 108 REV 6
- Proposed landscaping layout - Drawing no. 3282 101 REV C
- Proposed planting plan - Drawing no. 3282 201 REV B
- 3268\_110 1B2P Flat Floor Plan;
- 3268\_111 1B2P Flat Elevations;
- 3268\_112 2B4P House Plan;
- 3268\_113 2B4P House Elevations;
- 3268\_114 3B5P House Plan;
- 3268\_115 3B5P House Elevations;
- 3268\_116 2B3P Cottage Flat Floor Plan;
- 3268\_117 2B3P Cottage Flat Elevations;
- 3268\_118 1B2P.1 Flat Plans;
- 3268\_119 1B2P.1 Flat Elevations;

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

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

3. The development hereby approved shall comprise of not less than 100% affordable housing, and development shall not commence until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing scheme shall confirm that the affordable housing meets the definition of affordable housing in

Annex 2 of the National Planning Policy Framework (or any future guidance that replaces it), and shall include:

- The tenure and type of the affordable housing provision;
- Proposals for the management of the affordable housing and the arrangements for the transfer of the affordable housing to an affordable housing provider if any of the affordable housing is to be so transferred;
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and that the dwellings remain affordable in perpetuity;
- The occupancy criteria to be used to assess eligibility of potential occupiers of the affordable housing and the mechanism for the enforcement of such occupancy criteria.

The development shall be implemented and occupied in accordance with the approved scheme at all times.

Reason: To ensure the dwellings are provided and remain as affordable housing in perpetuity, and that they meet the identified local affordable need in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

4. Notwithstanding any denotation on the approved plans samples of all the external materials to be used in the construction of the development hereby approved, including surface and building materials 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 as required by Policy GD7 of the Fylde Local Plan to 2032.

5. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development related to the construction of the dwellings takes place within the site and shall be further extended before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP 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 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.
- h) The hours of site operations which are to be limited to 08.00 -18.00 Monday to Friday; 08.00 - 13.00 Saturday and no noise/work activity on Sundays or Bank Holidays

The development shall only be implemented in full accordance with the requirements of the TMP.

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

7. 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 in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The submitted scheme shall include the site access, and the shared off-road shared cycle path and footpath, for the full frontage of the site with Cropper Lane along with any associated works that are related to these elements.

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 to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

8. The whole of the landscape works, as approved on the landscaping layout - Drawing no. 3282 101 REV C and proposed planting plan - Drawing no. 3282 201 REV B 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.

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

9. Notwithstanding the approved plans prior to the commencement of any above ground development a boundary treatments and Estate Management Plan shall be submitted for approval in writing by the Local Planning Authority. For the avoidance of doubt the boundary treatments to plots 5, 6/7 and 22/23 shall be a solid brick wall with detailing and other prominent boundaries shall be a wall with brick pillars and timber inserts. The Estate Management Plan will include details of the maintenance of these boundaries, amenity grass space and any unadopted footpaths/highways within the site. The development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets and other communal areas within the development have been submitted to and approved by the local planning authority. These areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an adoption agreement has been entered into with the local highway authority.



Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy GD7 of the Fylde Local Plan to 2032.

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets within the development have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy GD7 of the Fylde Local Plan to 2032.

12. The private car parking and manoeuvring areas shall be marked out in accordance with the approved plan prior to the occupation of the associated dwelling and permanently maintained thereafter.

Reasons: To allow for the effective use of the parking areas.

13. Prior to the first occupation of any dwelling the 3.5m shared cycle path and footpath located adjacent to plots 22/23 on the approved plan shall be constructed to a level of 0.150m above the carriageway channel line of Lea Green Drive.

Reasons: To safeguard the future reconstruction of the highway and ensure a continuation of the sustainable links through the site.

14. The site boundary between the site and Lea Green Drive adjacent to the 3.5m wide off-road shared cycle path and footpath as shown on the approved plan shall be kept open at all times following the occupation of the first dwelling on the site hereby approved..

Reasons: To ensure a continuation of the sustainable links through the site as required by Policy M1 of the Fylde Local Plan to 2032.

15. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Foul water shall be drained on a separate system.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development:
- b) Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'). - discharge rates and volumes (both pre and post development) and full details of the Return Period Summary of Critical Results by Maximum Levels.
- c) The methods employed to delay and control surface water discharged from site.
- d) The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- e) Details Finished Floor Levels (FFL) in AOD, including site drawing showing FFL at the minimum of 300mm above adjacent ground levels as per FRA 18-B-12261.REV.B.
- f) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate (which has been calculated at 9.1l/s litres per second

as per FRA 18-B-12261.REV.B). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- g) Flood water exceedance routes, both on and off site.
- h) A timetable for implementation, including phasing as applicable.
- i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- j) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, and that there is no flood risk on or off the site resulting from the proposed development.

16. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained, and that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

17. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
- c) On-going inspections relating to performance and asset condition assessments.
- d) Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- e) Means of access for maintenance and easements where applicable – access to trash screens and manholes needs to be available for maintenance/cleaning vehicles.

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

18. Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall include details of the phasing of the works and shall thereafter be implemented in accordance with that phasing.

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.

19. Tree felling, vegetation clearance works, or other works that may affect nesting birds shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist and their confirmation provided in writing to the Local Planning Authority.

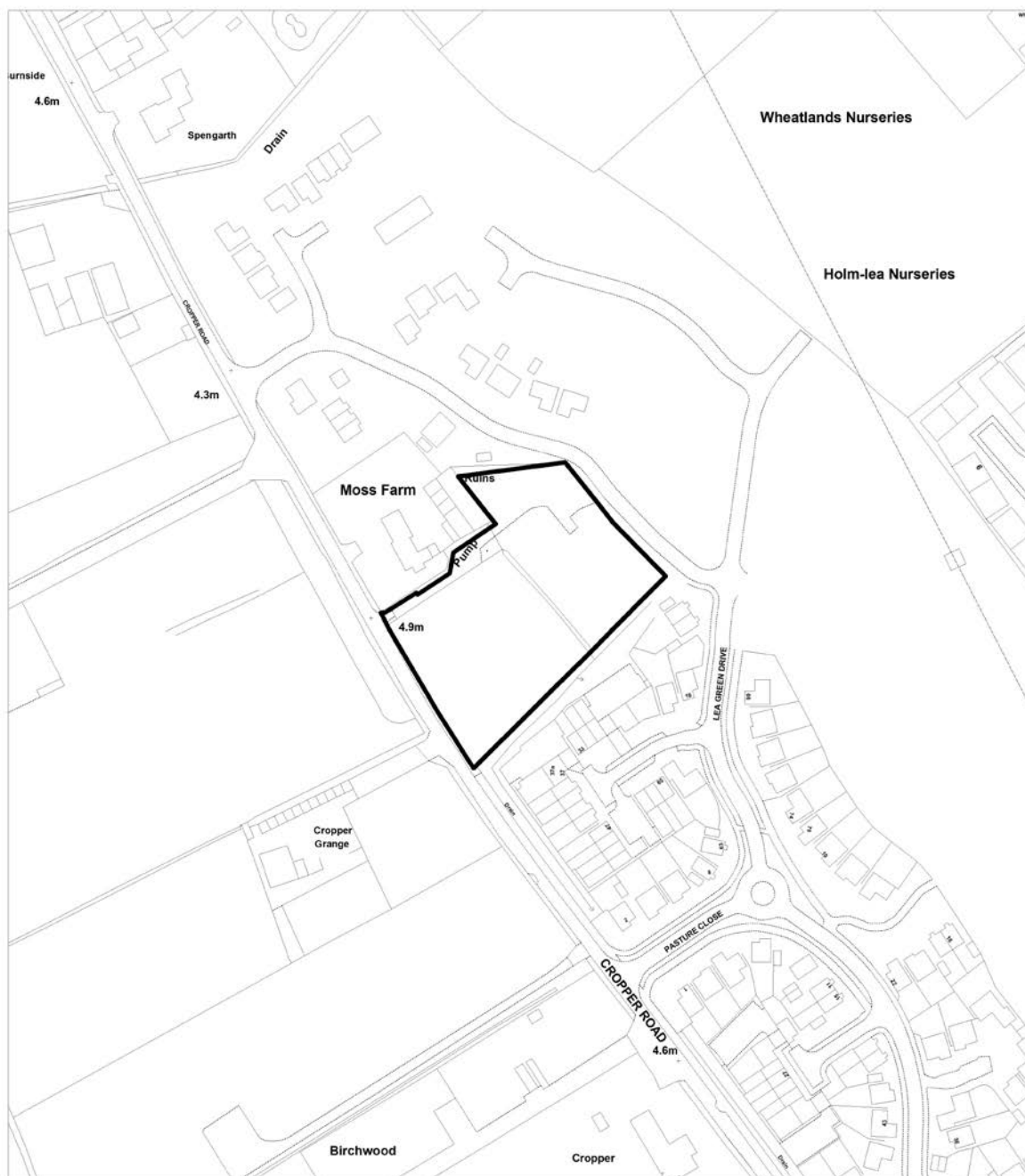
Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

20. Prior to the commencement of any works to the ditch a fully detailed method statement for an inspection of the ditch 24 hours prior to any works to it shall be submitted for approval in writing by Fylde Borough Council. The approved details shall be implemented in full and shall include details of actions to be taken if any amphibians are located. If the presence of Great Crested Newt is detected at any point in the ditch then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence in order to for the amphibians to be removed to an alternative suitable habitat.

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

21. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

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.



(c) Crown Copyright and database right (2019).  
Ordnance Survey (100006084).

Application No.  
5/19/0140

Address  
Moss Farm, Cropper Road, Westby

Grid Ref.  
E.3345 : N.4327

Scale  
0 10 20 30 40 m

Item Number: 5

Committee Date: 05 June 2019

<b>Application Reference:</b>	19/0195	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Warton East Developments	<b>Agent :</b>	Hollins Strategic Land
<b>Location:</b>	LAND TO THE NORTH, FRECKLETON BYPASS, BRYNING WITH WARTON		
<b>Proposal:</b>	APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 14/0410 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS) TO REMOVE COMPONENTS A) (THE PRESTON WESTERN DISTRIBUTOR ROAD) AND B) (THE RELOCATION OF BAE SYSTEMS GATE FROM MILL ROAD TO THE ROAD KNOWN VARIOUSLY AS LIBERATOR WAY, TYPHOON WAY AND THUNDERBOLT AVENUE) FROM THE CONDITION - RESUBMISSION OF APPLICATION 17/0851		
<b>Ward:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7544192,-2.8715425,1404m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Delegated to Approve

#### **Summary of Officer Recommendation**

This application follows outline planning permission 14/0410 (as allowed by recovered appeal APP/M2325/W/15/3004502) and associated S73 application 17/0851 (now the subject of an appeal against non-determination) relating to a residential development of up to 350 dwellings on a *circa* 12.78 hectare site to the north of the Freckleton Bypass, on the eastern periphery of Warton. Application 14/0410 was allowed as part of a conjoined appeal with an application for up to 115 dwellings at Clifton House Farm to the western end of Warton (15/0562). Condition 7 of planning permission 14/0410 reads as follows:

*"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:*

- a) The Preston Western Distributor Road*
- b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*
- c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."*

An application to vary condition 7 of planning permission 14/0410 was submitted under S73 of the Town and Country Planning Act on 6 November 2017 (application reference 17/0851). That application (as amended) sought to vary condition 7 of planning permission 14/0410 as follows:

1. To increase the proportion of the development that could be constructed in advance of

the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.

2. To remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the present wording of the condition.

At their meeting of 10 October 2018, the Council's Planning Committee resolved to approve the variation to condition 7 described in point 2 above, but refused to allow the variation described in point 1. Accordingly, the committee's resolution had the effect of varying the wording of condition 7 to read as follows:

*"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."*

The October 2018 resolution of the Planning Committee was, however, subject to the completion of a deed of variation to a S106 agreement associated with planning permission 14/0410 which, among other things, required the linking of S73 application 17/0851 with the extant planning obligation. The required deed of variation to the S106 agreement was not, however, completed and the applicant subsequently lodged an appeal against non-determination on 31 January 2019 (appeal reference APP/M2325/W/19/3221605). The basis of this appeal is against the Council's decision not to allow the variation described in point 1 above.

Notwithstanding the above this application seeks, under S73 of the Town and Country Planning Act, to vary condition 7 of planning permission 14/0410 in the manner described in point 2 above only. In other words, the application seeks to vary condition 7 in the same way as the Planning Committee resolved to approve at their meeting on 10 October 2018 (in accordance with the revised wording highlighted in *italics* above).

The reasons for imposing condition 7 of planning permission 14/0410 are set out in paragraphs 235-239 of the Inspector's report. When read in conjunction with the Inspector's conclusions at paragraphs 181-186, the report clarifies that the reason for imposing the condition related to ensuring that "with the conditions recommended, neither proposed development would cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded". The Secretary of State did not seek to alter the wording of condition 7 when issuing their decision on the recovered appeal.

Since the issuing of the appeal decision additional traffic assessments have been undertaken by the applicant's transport consultant and the Local Highway Authority (LHA). These assessments were prepared in early 2018 to support the Wrea Green appeals and took into account up-to-date traffic surveys, all committed developments in Warton (including the Enterprise Zone) and traffic growth factors. The LHA advise that this updated assessment reveals that "traffic growth on the A584 (Lytham Road) had not reached the level predicted" and, subject to the requirement for additional infrastructure improvements associated with a MOVA upgrade to traffic signals at the Church Road/Lytham Road/Highgate Lane junction, there are no objections to the proposed changes to condition 7.

Having regard to the evidence presented by the applicant's transport consultant and the LHA

that provides an updated analysis of traffic conditions on the highway network surrounding the site since the issuing of the appeal, it is concluded that removing reference to the highway infrastructure improvements cited in clauses a) and b) of the extant condition would not result in a severe residual cumulative impact on the capacity of the surrounding highway network, nor would there be a significant adverse impact on highway safety.

The proposed variation of the condition would also assist in kick-starting the delivery of housing on a strategic site which is allocated in the FLP (site reference HSS12) by improving its marketability to developers and its commercial viability. Accordingly, further benefits would arise by virtue of the proposal's positive impact in boosting the supply of housing in the Borough. No other adverse effects would arise from the variation of the condition that would significantly and demonstrably outweigh the benefits. Therefore, when considered as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP, the BWNP and the NPPF.

### **Reason for Reporting to Committee**

The application is classified as major development and the officer recommendation is for approval. In addition, the application seeks to vary a condition on a planning permission that was not granted under delegated powers and the Parish Council have submitted representations in objection to the application.

### **Site Description and Location**

The application relates to a *circa* 12.78 hectare site to the north of the Freckleton Bypass, on the eastern periphery of Warton. The land is allocated as a strategic site for the delivery of 350 homes within the Warton Strategic Location for Development under policy SL3 of the Fylde Local Plan to 2032 – site reference HSS12. This allocation follows the granting of outline planning permission 14/0410 at appeal on 13 February 2017 (appeal reference APP/M2325/W/15/3004502).

Application 14/0410 was allowed subject to 21 conditions as part of a conjoined appeal with an application for up to 115 dwellings at Clifton House Farm to the western end of Warton (15/0562) which was recovered by the Secretary of State. This application seeks to vary condition 7 of planning permission 14/0410 (granted by the Secretary of State), which reads as follows:

*“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:*

- a) The Preston Western Distributor Road*
- b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*
- c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”*

The junction works and appeal decision referred to in criterion c) of condition 7 relate to planning permission 13/0674 for up to 360 dwellings at Blackfield End Farm (BEF). Applications for approval of reserved matters allowing the construction of a total of 330 dwellings at BEF have been granted (references 17/0129 and 18/0568) and these permissions have been implemented.

## **Details of Proposal**

The application is submitted under S73 of the Town and Country Planning Act and seeks permission to vary condition 7 of planning permission 14/0410 as follows:

1. To remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the present wording of the condition.

Accordingly, if this application were approved, condition 7 would be varied to read as follows:

*“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”*

This application follows the lodging of an appeal against the non-determination of another S73 application – reference 17/0851 – which, in addition to the change described above, also sought to increase the proportion of the development that could be constructed in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.

## **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0851	APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 14/0410 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS) IN ORDER TO REMOVE COMPONENTS (A) AND (B) AND TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE (COMPONENT (C)) FROM 15% TO 33% OF THE OVERALL DEVELOPMENT	Appeal lodged against non-determination	
15/0303	RESUBMISSION OF OUTLINE PLANNING APPLICATION 14/0410 FOR THE ERECTION OF UP TO 350 DWELLINGS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED (APPLICATION INCLUDES ILLUSTRATIVE LANDSCAPE MASTER PLAN FOR 350 DWELLINGS)	Refused	03/06/2016
14/0410	OUTLINE APPLICATION FOR ERECTION OF UP TO 375 DWELLINGS WITH ACCESS FROM EXISTING ROUNDABOUT APPLIED FOR AND ALL OTHER MATTERS RESERVED	Appeal against non-determination	07/04/2015



### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0851	APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 14/0410 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS) IN ORDER TO REMOVE COMPONENTS (A) AND (B) AND TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE (COMPONENT (C)) FROM 15% TO 33% OF THE OVERALL DEVELOPMENT	Pending	Pending
14/0410	OUTLINE APPLICATION FOR ERECTION OF UP TO 375 DWELLINGS WITH ACCESS FROM EXISTING ROUNDABOUT APPLIED FOR AND ALL OTHER MATTERS RESERVED	Allowed	13/02/2017

### **Parish/Town Council Observations**

***Bryning with Warton Parish Council:*** Notified on 26 March 2019 and commented 16 April as follows:

The Parish Council object to the proposal on the following grounds:

- It seems incredulous that protections to ensure the supposed sustainability of the new developments, including this application, by the Secretary of State, recommended by Planning Inspectors and sold to the Planning Authority and local community as addressing all the objections and concerns of local communities, about traffic flows, lack of infrastructure etc., are now just to be set aside on this further application.
- Approval of this application would just be a slap in the face on so many levels to the local community and all the individuals that spent hundreds, if not thousands, of hours trying to get proper cohesive constructive planning for not only their immediate areas but the Borough and County rather than the 'piece meal free for all' that Developers would quite happily take advantage off if they were uncontested. It seems they can promise just about anything knowing it's a lie that they just need to re-apply months later with amended applications dropping important infrastructure elements because it's too hard to do.
- The planning officer's hands are tied to supporting irrational and illogical legislation and the fear that the Borough Council cannot financially go toe to toe with these developers on legal costs and so knowing that it is wrong they have no option but try and mitigate some minor appeasements to the local communities.
- The whole concept as referring to this constant ability to reapply over and over again by the developers dropping conditions because they are 'unsustainable' is just lunacy which makes a mockery every stage of the process from the Government, County Council and Borough Council as well as the whole democracy of the Country.
- The Parish Council, for what it is worth, would ask what communication has it received from the developers regarding the application, what significant changes have affected the proposal since the planning enquiry, where it was suggested by the applicants extensive

highly qualified legal team, that the development would still have been sustainable with those conditions recommended?

- The elements that make up these components are the essential infrastructure building blocks in Warton that support Local Plan Policy S1 and the objectives of the NDP (and associated Master planning). The Parish Council strongly believe that these essential infrastructure enablers that are required to be delivered through agreed planning conditions and must be retained ensuring the future viability and sustainability of Warton as a Strategic Location for Development and Local Service Area - and the wider area.

Those protections that were put in place by the Secretary of State and should not be cast aside.

**Freckleton Parish Council:** Notified of the application on 26 March 2019 and commented 8 April as follows:

- This application has been noted by Freckleton Parish Council. The Councillors are happy to abide by LCC Highways department decision.

#### **Statutory Consultees and Observations of Other Interested Parties**

*Highways England:*

- Highways England was not consulted on the original planning application. Given that Highways England have had no input to the imposition of the original planning condition, it has no comments to make on this application.

*Local Highway Authority (LHA) – Lancashire County Council:*

- LCC Highways offer no objection to the proposed variation of condition 7.
- The proposed variation of condition 7 seeks to remove the reference to elements a) PWD; and b) BAE Systems gate/access changes. In line with our previous comments on Planning Application 17/0851, I would note that condition 7 attached to planning application 14/0410 was not a condition suggested by LCC Highways. The condition was imposed by the Planning Inspector following full consideration of all evidence presented at the Warton conjoined Appeal Inquiry (2016). The Secretary of State subsequently supported the condition when granting the appeal.
- In line with our previous comments, having reviewed all the latest relevant documentation, including that submitted with the proposed variation of condition 7, and other traffic assessment work at the A584 Lytham Road/Church Road junction (Wrea Green conjoined Appeal 2018), there have been traffic changes which allow consideration of a review and variation to Condition 7.

**LCC Highways comments on application 17/0851 (received 10.09.18):**

- The proposed variation of condition 7 seeks to remove the reference to elements a) PWD; and b) BAE Systems gate/access changes and also to vary, by increasing from 15% to 33%, the proportion of development that can be occupied prior to the need to deliver and bring into use the improvement works at A584 Lytham Road/Church Road (as set by conditions 16 and 17).
- Condition 7 attached to planning application 14/0410 was not a condition suggested by LCC Highways. The condition was imposed by the Planning Inspector following full consideration of all evidence presented at the Warton conjoined Appeal Inquiry (2016). The Secretary of State subsequently supported the condition when granting the appeal.
- Having reviewed all the latest relevant documentation, including that submitted with the proposed variation of condition 7, and also other recent traffic assessment work at the A584 Lytham Road/Church Road junction (Wrea Green conjoined Appeal 2018), I consider there

have been traffic changes which allow consideration of a review and variation to Condition 7.

- Traffic assessments carried out for the recent Wrea Green conjoined Appeal highlighted traffic growth on A584 Lytham Road had not reached the level predicted at the time of the Warton conjoined Appeal Inquiry. The classification of Warton as a Local Service Centre and Strategic Location for Development in the Emerging Local Plan has been taken into account when considering the proportion of development that could be brought forward and the level of traffic growth accounted for in future traffic forecasts. The latest traffic forecasts were compiled in advance of the Wrea Green conjoined Public Inquiry earlier this year and took into consideration (i) Up to date traffic surveys; (ii) All committed development such as BEF, Warton East, Clifton House Farm etc. and also included the EZ and PWD; as well as (iii) Traffic growth. This was therefore what must be considered a thorough assessment.
- Condition 8 of planning permission 14/0410 states that no dwelling shall be occupied until a MOVA/UTC control has been installed and brought into use at (a) the Church Road/Lytham Road/Highgate Lane junction; (b) the Lytham Road/Mill Lane junction and (c) the junction of Lytham Road and the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue. Therefore, improvement works will still be required to be delivered at the Church Road/Lytham Road/Highgate Lane junction prior to any occupation on site, unless these works have been delivered by another developer.
- In order to be consistent with the requirements requested of development as part of the Wrea Green conjoined Appeal in regard to the Church Road/Lytham Road/Highgate Lane junction, I consider that LCC's support for the variation of condition should include a requirement for the 'Land to the East, Warton' development to deliver equivalent measures, These were: (i) Installation of MOVA control and setup; (ii) A new signal control box; (iii) New signal poles and signal heads; (iv) Relocate loop locations in highway where required (in line with MOVA requirements); and (v) Installation of remote CCTV monitoring of the junction. I would note that these agreed measures will improve junction efficiency for motorised vehicles only; this interim improvement does not overcome the lack of pedestrian/cycle provision and additional capacity that is required to satisfy approved development within Warton.
- With regard to the proposed s278 Church Road signalised junction scheme, progress has been made. However, as with all development led improvement schemes the timing of the delivery is ultimately within the control of the developer(s) for the approved development. I would also note that significant progress has also been made in regard to the Preston Western Distributor Road which now has planning permission.
- On the basis that the similar measures as requested for the Wrea Green conjoined Appeal sites are delivered at the Church Road/Lytham Road/Highgate Lane junction (as part of the wider s278 works for MOVA/UTC as required by Condition 8), then LCC Highways would offer no objection to the proposed variation of condition 7.

*Lancashire Fire and Rescue Service:*

- Recommendations are included with reference to the Building Regulations to make the applicant aware of the conditions that will have to be satisfied as part of any subsequent Building Regulations application.

*Ministry of Defence (MOD):*

- The application site occupies the statutory aerodrome height, birdstrike and technical safeguarding zones surrounding Warton Aerodrome lying approx. 2.52 km NE of the airfield.
- The MOD has no objection this application. However, the MOD should be consulted at all future application stages for this proposed development to complete a full detailed safeguarding assessment.

### **Neighbour Observations**

<b>Neighbours notified:</b>	26 March 2019
<b>Site notice posted:</b>	29 March 2019
<b>Press notice:</b>	4 April 2019
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	One
<b>Nature of comments made:</b>	One objection

The appropriate neighbouring properties were notified of the application by letter on 26.03.19. In addition, as the application involves major development notices have also been posted on site and in the local press. At the time of writing, one letter has been received in objection to the application. The points of objection are summarised below. Any additional representations will be reported to the committee as late observations.

- Approval of the application would result in traffic visiting BAE passing through the newly constructed residential development at Highgate Park. This would have a harmful impact on the safety of residents on the Highgate Park development.
- Residents of Highgate Park, when purchasing their homes, have been told that there will be no access to BAE past the housing development.

**Officer note:** The points of objection summarised above appear to relate to the principle of opening an access into BAE via the road named 'Typhoon Way'. That means of access to BAE has, however, already been approved through earlier planning permissions (with reserved matters approvals 13/0786 and 15/0706 (as varied) requiring the access to be opened prior to the occupation of the 240th dwelling on the Highgate Park development). Accordingly, this is not a matter controlled by planning permission 14/0410 and the current application seeks only to remove the development's reliance on that particular piece of infrastructure being brought forward.

### **Relevant Planning Policy**

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site falls within the Bryning with Warton Neighbourhood Development Plan (BWNP) area, the Neighbourhood Plan also forms part of the Development Plan in this case.

#### **Fylde Local Plan to 2032:**

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL3	Warton Strategic Location for Development

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
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

#### **Other Relevant Policy:**

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

#### **Bryning with Warton Neighbourhood Development Plan (BWNP):**

BWNE1 – Protecting and Enhancing Local Wildlife and Habitats  
 BWNE2 – Protecting and Enhancing Local Character and Landscape  
 BWNE3 – Design to Reduce Surface Water Run Off

#### **Site Constraints**

#### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the threshold in column 2 of the table relating to category 10(b) developments. Paragraph 8 of the Inspector's report in respect of appeal APP/M2325/W/15/3004502 ('Appeal A') identifies that "in respect of Appeal A, on 21 May 2015 the Secretary of State directed that the development is not Environmental Impact Assessment (EIA) development." Accordingly, this S73 application is also not EIA development.

#### **Comment and Analysis**

##### **Principle of development:**

The principle of a residential development for up to 350 dwellings on the site has been established through the granting of outline planning permission 14/0410 as part of an appeal recovered by the Secretary of State (APP/M2325/W/15/3004502). No subsequent applications for approval of reserved matters or discharge of conditions on the outline permissions have been submitted.

Paragraphs 013 – 018 of the "flexible options for planning permissions" chapter to the NPPG relate to "amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)". Paragraph 15 of the NPPG makes clear that a grant of a S73 application is, in effect, the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

Given the grant of planning permission 14/0410, the principle of development on the site has already been established and this is not a matter to be revisited as part of the S73 application. Whilst applications to vary conditions on an extant permissions are to be determined in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, given the existence of extant permission 14/0410 it follows that attention should be focussed on national or local policies or other material considerations that have changed since the original grant of permission, as well as the effects of the proposed changes sought to the wording of the condition.

Application 14/0410 was approved by the Secretary of State on 13 February 2017. Since the issuing of that decision the statutory, adopted development plan for Fylde has changed (the FLP being adopted on 22 October 2018). The BWNP was adopted on 24 May 2017 and is also part of the development plan. In addition, the Ministry of Housing, Communities and Local Government published the revised NPPF in February 2019.

Accordingly, there have been material changes in both local and national planning policy since the issuing of planning permission 14/0410. These changes do not, however, indicate that an alternative approach should be taken with respect to the principle of development. Indeed, the application land is now allocated as a strategic site for housing development under policy SL3 of the FLP (site reference HSS12) and also falls within the settlement boundary identified on the Policies Map.

#### Scope of assessment:

While any grant of permission would, in effect, result in the issuing of a new outline planning permission (though the timescale for implementation must be consistent with the extant permission), given the advice in the NPPG it follows that consideration only needs to be given to those elements of the scheme which differ from the previous approval, along with any effects of the abovementioned changes in policy since the issuing of the previous decision.

Given the scenario-based nature of the wording of condition 7, the Council has a number of options available to it when considering this application. In summary, it could either:

- Grant permission and issue a new decision that varies the wording of condition 7 in the manner proposed by the applicant, along with any changes to other conditions or additional conditions it considers to be necessary; or
- Grant permission and issue a new decision that varies the wording of condition 7 in a form that differs from that proposed by the applicant (e.g. with reference to the removal of only one of the two infrastructure projects proposed for omission), along with any changes to other conditions or additional conditions it considers to be necessary; or
- Refuse permission on the basis that it does not consider any change to the wording of the current condition to be appropriate.

It should, however, be noted that this application specifically seeks to vary condition 7 in the same manner that the Council's Planning Committee resolved to approve at their meeting on 10 October 2018.

#### Effects of the proposed variation to condition 7:

##### **Background:**

This proposal follows a similar S73 application (reference 17/0851) which sought to vary condition 7 of planning permission 14/0410 as follows:

1. To increase the proportion of the development that could be constructed in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.
2. To remove reference to highway infrastructure components a) The Preston Western Distributor Road (PWDR); and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the present wording of the condition.

At their meeting of 10 October 2018, the Council's Planning Committee resolved to approve the variation to condition 7 described in point 2 above, but refused to allow the variation described in point 1. Accordingly, the committee's resolution had the effect of varying the wording of condition 7 to read as follows:

*"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."*

The October 2018 resolution of the Planning Committee was, however, subject to the completion of a deed of variation to a S106 agreement associated with planning permission 14/0410 which, among other things, required the linking of S73 application 17/0851 with the extant planning obligation. The required deed of variation to the S106 agreement was not, however, completed and the applicant subsequently lodged an appeal against non-determination on 31 January 2019 (appeal reference APP/M2325/W/19/3221605). The basis of this appeal is against the Council's decision not to allow the variation described in point 1 above.

Notwithstanding the above this application seeks, under S73 of the Town and Country Planning Act, to vary condition 7 of planning permission 14/0410 in the manner described in point 2 above only. In other words, the application seeks to vary condition 7 in the same way as the Planning Committee resolved to approve at their meeting on 10 October 2018 (in accordance with the revised wording highlighted in *italics* above).

The reasons for imposing condition 7 of planning permission 14/0410 are set out in paragraphs 235-239 of the Inspector's report on appeal APP/M2325/W/15/3004502 as follows:

- "In addition the parties have drafted a condition making progress beyond 15% of the developments conditional on the completion of highway schemes which would be under the appellants' control through the mechanism of s278 agreements under the Highways Act. There is no suggestion but that such a condition is necessary; rather, third parties argue that the developments should also be conditional on the prior completion of the Preston Western Distributor Road and the relocation of the BAE Systems gatehouse from Mill Lane to Thunderbolt Avenue."
- "These arguments were not challenged by the appellants. Although these two schemes are outside the control of the appellants, there is common consensus that they will be implemented within the next few years in any event [86 (bullets 5, 6-9 and 18)]. Other than the obvious point that many factors can delay or stymie good intentions, I have no evidence to suggest that this expectation will be confounded and so do not recommend that permission be refused because of doubts over the eventual delivery of both these schemes. But, it is open to the Secretary of State to take a different view of the prospects for the Preston Western Distributor Road and the progress of BAE Systems reconfigurations at Warton."
- "For the reasons given in my conclusions, I tend to agree with the interested parties'

arguments about the sequencing of events and so have expanded the main parties' agreed suggested condition to include the two additional system improvements (Recommended condition 7 in both appeals). Guidance warns that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability, but the condition is not phrased in that positive form."

- "Guidance advises that it may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition such as that suggested by the parties) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. That is not the case here, where the expectation of all parties is that the actions in question will be performed."
- "However, the Secretary of State may prefer to agree with Lancashire County Council as highway authority which is prepared to risk the consequences in highway congestion of housing development in Warton progressing faster than some of the supporting highway network, except for the scheme at the Lytham Road/Church Road junction where it is thought safety concerns would arise if the junction works were not completed before the developments [86 (bullet 18)]. If the Secretary of State prefers that approach, clauses (a) and (b) should be deleted from my recommended condition (7) in each appeal."

When read in conjunction with the Inspector's conclusions at paragraphs 181-186, the report clarifies that the reason for imposing condition 7 related to ensuring that "with the conditions recommended, neither proposed development would cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded".

Although the 15% restriction on the proportion of development to be brought forward in advance of the junction improvements at Church Road, Lytham Road and Highgate Lane formed part of the LHA's recommendation, paragraph 239 of the Inspector's report makes clear that the LHA did not request the inclusion of the Preston Western Distribution Road (PWDR) or the re-location of the BAE Systems gate within the wording of the condition. Instead, these elements were added in by the Inspector as a result of representations from third parties made at the inquiry. Paragraph 239 of the Inspector's report also invites the Secretary of State to omit these highway infrastructure projects from the condition should they be minded to agree with the LHA's approach. However, the Secretary of State's decision maintains the Inspector's wording, albeit that there is no specific commentary concerning the merits of condition 7 in their decision.

The gist of the applicant's case is twofold. Firstly, the applicant contends that infrastructure components a) and b) "makes the proposal reliant on infrastructure that it is not within the gift or power of the applicant to deliver or influence". Secondly, the applicant asserts that the current wording of the condition stifles the marketability of the site to potential developers and its commercial viability as the inclusion of components a) and b) relies on the actions of third parties to bring forward infrastructure improvements that are outside the applicant's control before any further phase of development can be brought forward. Each element of the applicant's case is considered below:

#### ***Components a) and b):***

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

- Ensure parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic



to the character of the surrounding area and that highway safety is not compromised.

- Should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

In addition, paragraph 108 of the NPPF requires that in assessing applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

The application is supported by a Technical Note (TN) from SK Transport dated 21 March 2019 which summarises the reasons why the applicant considers that infrastructure components a) and b) should be removed from the condition. This TN is to be read in conjunction with the TN dated 26 July 2018 that was submitted with application 17/0851 (and so reference to the “TN” below includes both documents).

The TN opines that tying the delivery of the development to the completion of the PWDR and re-location of the BAE Systems Gate from Mill Lane to Liberator Way/Typhoon Way/Thunderbolt Avenue makes the proposal “reliant on infrastructure that it is not within the gift or power of the applicant to deliver or influence. Item a) relies on external agencies in terms of its delivery and item b) relates to traffic that will only arise because of the delivery of further elements of the Enterprise Zone. [Furthermore] without the delivery of item b), traffic associated with further elements of the Enterprise Zone will not be present on the highway network. However, this traffic has been taken to be present in the committed development flows and evaluation of future development used in the sensitivity test forecasting.”

Paragraphs 237 and 238 of the Inspector’s report refers to guidance warning “that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability [and that Grampian conditions] should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.” The Inspector did not, however, consider there to be conflict with that guidance when making reference to the PWDR and re-location of the BAE systems gate in condition 7 as it was “the expectation of all parties is that the actions in question will be performed.”

The LHA have advised that planning permission has been granted for the PWDR, though there is presently no certainty as to the exact programme and timetable for its construction. With respect to the re-location of the BAE Systems access, this is dependent on the development of the Enterprise Zone and, as noted in paragraph 184 of the Inspector’s report, it “has permission but there is no requirement for it to be implemented”. The inclusion of these two elements (a and b) in condition 7 means that no more than 15% of the dwellings (up to 54 units) can be occupied until both the PWDR and re-location of the BAE Systems access have been completed and brought into use. As identified in the TN, the delivery of both pieces of infrastructure is outside the control of the applicant and

relies on third parties progressing both schemes. If that did not happen, then no more than 54 dwellings could be delivered as part of the development.

Although the Inspector's report suggests that there is a high likelihood of infrastructure projects a) and b) coming forward at an early stage, paragraph 185 of the report acknowledges that "the Secretary of State may feel that the inbuilt pessimism of the traffic forecasts [62 and 74 (bullet 5)] does not justify the concern and that the short duration of any harm arising from congestion on the highway [86 (bullet 1)] does not outweigh the benefits of avoiding delays to the delivery of housing which the imposition of the conditions I recommend might bring."

While the Secretary of State did not seek to alter the wording of condition 7 (albeit that there is no specific discussion concerning the merits of this particular condition in their decision letter), the LHA remain of the view they expressed at the appeal that "the County Council as highway authority [...] does not seek a condition limiting the implementation of the two appeal schemes to the implementation of the PWDR or to the BAE gateway relocation [paragraph 185 of the Inspector's Report]". This was based on the LHA's view expressed at the inquiry that "there is a real prospect that they will be delivered in realistic timescales, so no request for a condition limiting approval of the appeals to the delivery of these road schemes. This is consistent with the view taken by the Blackfield End Farm Inspector [paragraph 86 of the Inspector's report]".

With respect to the PWDR (item a), as this now has planning permission it could be implemented without delay. However, with reference to paragraph 86 of the Inspector's report it is evident that the timetable for its implementation anticipated by the LHA at the time of the inquiry (commencement in January 2018 and completion during 2020) has not been realised and so this will be delayed. Notwithstanding that, it is also made clear from the LHA's evidence that the main purpose of the PWDR is to redirect traffic movements into and out of BAE Systems (the dominant source of peak traffic on the network through Warton) away from the western end of the settlement rather than to alleviate traffic impacts associated with this development. Indeed, paragraph 183 of the Inspector's report notes that "Compared with [traffic from BAE Systems], the effects of development are relatively insignificant as can be seen by an examination of the traffic flow diagram included as Appendix 15 to Mr Porter's proof of evidence". The result of this is that the PWDR will be delivered with or without this development and its construction does not rely on the implementation of planning permission 14/0410, nor is it directly required as a mechanism to relieve traffic arising from the development. Accordingly, it is considered that reference to the PWDR (criterion a) can be removed from condition 7.

In terms of the re-location of the BAE Systems access from Mill Lane to the road now named as "Typhoon Way" (item b), this is required principally to serve as the main access to Phase 1 of the Enterprise Zone (paragraph 42 of the Inspector's report). Although the section of Typhoon Way up to this access has been constructed as part of the Highgate Park development (former GEC Marconi site), there is presently no access into BAE from Typhoon Way. As stated in the applicant's TN, the opening of this access is dependent on development taking place within the Enterprise Zone. As no development has taken place within the Enterprise Zone to date, the access has not been opened. Similarly, the lack of any traffic entering and exiting the Enterprise Zone means that the forecasting in LCC's sensitivity model is overly pessimistic in the context of present circumstances. Notwithstanding that, it remains the case that the relocation of the BAE Systems gate is intrinsically linked to the development of the Enterprise Zone and is required to alleviate the traffic impacts associated with that development rather than those associated with this scheme for residential development. Therefore, it is not considered necessary to tie the provision of that infrastructure with this development and so component b) of the condition can be removed.

#### *Comparison with Blackfield End Farm:*

The applicant has drawn attention to the inconsistencies between condition 7 of planning permission 14/0410 and condition 17 of another recovered appeal in Warton at Blackfield End Farm (BEF – appeal reference APP/M2325/A/14/2217060) which reads as follows:

*“No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.”*

Specifically, the applicant points out that the Inspector for the BEF appeal did not seek to link the delivery of that development to highway infrastructure improvements to be delivered by third parties, despite their effects being taken into account as part of that appeal.

The Inspector’s report for the BEF decision does not specify how the threshold of 119 dwellings referred to in condition 17 of that decision was arrived at, or why other infrastructure components were not mentioned in the condition. The only rationale for this condition is given at paragraph 97 of his report as follows:

- a) “In the interest of traffic movement and highway safety, the scheme of works at the junctions of Lytham Road/ Church Road/ Highgate Lane and Lytham Road/ Harbour Lane should be implemented. The Council suggested that the alterations should have been carried out before construction works commence, but a construction management scheme would provide a means to specify the times of construction traffic, avoiding peak hours. Accordingly, I agree with the suggestion that the off-site highway works should be in place prior to occupation of the 120<sup>th</sup> dwelling.”

The applicant considers that the proposed variation to condition 7 would bring their permission in closer alignment with the approach taken by the Inspector in dealing with the appeal at BEF (albeit that the proportion of development permitted in advance of the off-site highway works would remain lower than was allowed at BEF) and, in doing so, would ensure a consistent and proportionate approach to housing delivery across Warton with respect to the off-site highway infrastructure with which those developments are allied to. It is not considered that this is an unreasonable conclusion and, for the reasons set out above, it is recommended that the wording of condition 7 be amended to reflect the same approach adopted at BEF which links the development to the delivery of a single element of off-site highway infrastructure – the new crossroad junction described in part c) of the condition.

#### *Marketability and viability:*

Paragraph 57 of the NPPF relates to viability considerations and states that “where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.” Similar provisions for viability testing are identified in FLP policies H4 and INF2.

A planning obligation dated 14.07.16 was entered into as part of outline planning permission 14/0410. In summary, the obligations in that agreement provide for:

1. The delivery of affordable housing on the site at a rate of 30% of the total number of dwellings.
2. A secondary school contribution – precise figure to be determined by LCC following the grant of RM approval.
3. A primary school contribution – precise figure to be determined by LCC following the grant of RM approval.
4. A sustainable travel team contribution of £24,000 payable prior to first occupation.
5. A public transport contribution of £375,000 payable in four instalments, the first of which is due on the occupation of the 126th dwelling.
6. A public realm contribution of £126,000 payable in three instalments of £42,000 due prior to the occupation of the 50th, 100th and 150th dwelling.

The present wording of condition 7 allows the construction of up to 54 dwellings as part of an initial phase of development prior to the completion and bringing into use of a package of highway improvements. The applicant opines that this is stifling the marketability of the site and its attractiveness to developers due to the low returns that could be realised from developing only 15% of the dwellings in a first phase that is also required to bear the full cost of constructing the roundabout access from Lytham Road. Accordingly, the applicant considers that a reduction in contributions for the first phase of development is required to make the scheme viable.

The applicant has submitted a viability appraisal which summarises anticipated costs and revenues associated with delivering 54 dwellings as a first, discreet phase of development. As this first phase of development would be limited to 54 dwellings, the only applicable contributions would be those summarised in points 1, 2, 3, 4 and the first instalment in 6. The trigger for the contribution in point 5 would not be reached from the construction of 54 dwellings.

The appraisal makes provisions for all contributions set out in points 2, 3, 4 and 6 above to be paid in full insofar as they would be applicable to a development of 54 dwellings. However, with respect to affordable housing (point 1), the appraisal indicates that due to start-up costs connected with the construction of the roundabout access and land assembly which will be associated with that first phase only, a development of 54 dwellings could only deliver a maximum of 6 affordable dwellings (equating to 11% of the 54 to be constructed) as part of that first phase in order to provide a competitive return to a willing land owner and willing developer which would enable the development to be deliverable. In addition, all 6 affordable dwellings would be offered on the basis of a Discounted Market Sale (DMS) tenure, at 80% of their open market value.

The costs and revenues given in the appraisal have been compared against benchmark values provided by Keppie Massie in a recent appraisal for a comparable site and, following revisions to accord with this benchmarking, are considered to provide a reasonable assessment of the scheme's commercial viability. Accordingly, on the basis that all other contributions set out in points 2, 3, 4 and 6 above are paid in full insofar as they relate to a development of 54 dwellings, it is considered reasonable to limit the number of affordable homes within a first phase of 54 dwellings to 6 (equating to 11% of the total in that phase), and for all 6 of these units to be offered on the basis of comprising DMS housing as defined in Annex 2 of the NPPF. Importantly, this is not intended to affect the overall provision of 30% affordable housing across the wider site or to prevent a mix of other affordable housing tenures being delivered in the later phases. The intention is, instead, to delay the provision of the balance of affordable homes (a further 99 units assuming the full 350 are constructed) until the later phases.

The proposed changes to the amount and triggers for affordable housing contributions associated with a first, discreet phase of development comprising no more than 54 dwellings would need to be secured through a deed of variation to the extant planning obligation for permission 14/0410. Similarly, this deed of variation would also be required to link any new permission granted under S73 of the Town and Country Planning Act to the obligations in the existing agreement.

#### Other matters:

##### *Conditions:*

With respect to imposing conditions on S73 applications, paragraph 015 of the “flexible options for planning permissions” chapter to the NPPG advises that:

1. “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.**”
2. “As a section 73 application cannot be used to vary the time limit for implementation, **this condition must remain unchanged from the original permission.**”

In this case, no applications have been submitted to discharge conditions attached to outline planning permission 14/0410 and so the majority of conditions can be re-imposed without the need for changes to their wording. Exceptions to this are:

**Condition 3** – The time limit for submission of an application for approval of reserved matters must be consistent with the original permission.

**Condition 7** – To be varied by this S73 application.

**Condition 8** – To be re-worded to clarify and expand the scope of the MOVA signal improvements required at the Church Road/Lytham Road/Highgate Lane junction (criterion a) of the condition).

**Condition 22** – Added requirement for the development to deliver an appropriate mix of housing in accordance with FLP policy H2 as set out below.

##### *Housing mix:*

FLP policy H2 requires developments to deliver “a broad mix of types and sizes of home, suitable for a broad range of age groups”. The policy states that “all developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1, 2 or 3 bedroom homes”. Policy H2 also carries an additional requirement for residential developments in excess of 20 homes to provide “at least 20% of homes [...] designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings)”, unless it is demonstrated that this would render the development unviable.

As the application is in outline no details of housing mix have been provided. Nevertheless, it has been held in a series of recent appeals that, if an LPA requires an applicant to deliver a specific mix of housing in compliance with policies in its Local Plan, this requirement must be imposed through the use of a planning condition on an outline permission and cannot be introduced at reserved matters stage. For example, paragraphs 18 and 19 of appeal decision APP/X2410/W/16/3163501 conclude as follows:

- Housing mix cannot reasonably be considered under the condition requiring, amongst other

things, the submission of details of scale and appearance at reserved matters stage. I conclude that the conditions attached to [the] outline planning permission [...] do not require the agreement of an appropriate mix of housing at the reserved matters stage. Consequently, there is no need for me to consider whether the appeal proposal provides an appropriate mix of housing, having regard to the requirements of the Framework and the development plan.”

At present, outline planning permission 14/0410 is not subject to a condition requiring that it delivers the mix of housing set out in FLP policy H2. That is because the adopted Local Plan at the time of that decision did not carry the same requirement. For the reasons set out above, these requirements could not be introduced at reserved matters stage. The table in paragraph 019 of the ‘flexible options for planning permissions’ chapter to the NPPG indicates that S73 applications are to be assessed in accordance with the provisions of the development plan and, moreover, that “local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”

Paragraph 71 of the Inspector’s report makes clear that “the emerging local plan is at an early stage and subject to a number of objections, so it has limited weight”. This position has, however, changed since the issuing of the Inspector’s report on 4 October 2016 and, as described in the ‘Relevant Planning Policy’ section above, the Council has since adopted a new Local Plan (the FLP having been adopted on 22 October 2018). As the FLP is the adopted development plan for the Borough at the time of this application, the provisions of policy H2 must be afforded full weight and so an added requirement for the development to achieve the housing mix set out in that policy is necessary. This additional requirement is imposed by recommended condition 22.

#### *Referral to the Secretary of State:*

Bryning-with-Warton Parish Council wrote to the Secretary of State for Housing Communities and Local Government on 27.02.18 in connection with application 17/0851 to request that that application be called in should the Local Planning Authority be minded to grant planning permission. The LPA consulted with the Secretary of State (via the Ministry of Housing, Communities & Local Government – MHCLG) following the Planning Committee’s resolution on 10 October 2018 concerning application 17/0851. The MHCLG subsequently wrote to the LPA on 24 October 2018 confirming that, based on the committee’s resolution at the 10 October 2018 meeting, the Secretary of State did not wish to call application 17/0851 in for a decision.

This application seeks to vary condition 7 in exactly the same manner as the Planning Committee resolved to approve in connection with Application 17/0851 at their meeting on 10 October 2018. As the Secretary of State has already written to the LPA to confirm that, on the basis of that resolution, they did not wish to call application 17/0851 in for a decision, it is anticipated the same scenario would be equally applicable to this application. This has, however, been queried with the MHCLG for the avoidance of any doubt and a response is awaited. Accordingly, the resolution below recommends that the decision be delegated to the Head of Planning and Regeneration following consultation with the Secretary of State, and subject to them confirming that their decision not to call in application 17/0851 for a decision applies equally to this scheme.

#### **Conclusions**

This application follows outline planning permission 14/0410 (as allowed by recovered appeal APP/M2325/W/15/3004502) and associated S73 application 17/0851 (now the subject of an appeal

against non-determination) relating to a residential development of up to 350 dwellings on a *circa* 12.78 hectare site to the north of the Freckleton Bypass, on the eastern periphery of Warton. Application 14/0410 was allowed as part of a conjoined appeal with an application for up to 115 dwellings at Clifton House Farm to the western end of Warton (15/0562). Condition 7 of planning permission 14/0410 reads as follows:

*“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:*

*a) The Preston Western Distributor Road*

*b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*

*c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”*

An application to vary condition 7 of planning permission 14/0410 was submitted under S73 of the Town and Country Planning Act on 6 November 2017 (application reference 17/0851). That application (as amended) sought to vary condition 7 of planning permission 14/0410 as follows:

1. To increase the proportion of the development that could be constructed in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.

2. To remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the present wording of the condition.

At their meeting of 10 October 2018, the Council’s Planning Committee resolved to approve the variation to condition 7 described in point 2 above, but refused to allow the variation described in point 1. Accordingly, the committee’s resolution had the effect of varying the wording of condition 7 to read as follows:

*“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”*

The October 2018 resolution of the Planning Committee was, however, subject to the completion of a deed of variation to a S106 agreement associated with planning permission 14/0410 which, among other things, required the linking of S73 application 17/0851 with the extant planning obligation. The required deed of variation to the S106 agreement was not, however, completed and the applicant subsequently lodged an appeal against non-determination on 31 January 2019 (appeal reference APP/M2325/W/19/3221605). The basis of this appeal is against the Council’s decision not to allow the variation described in point 1 above.

Notwithstanding the above this application seeks, under S73 of the Town and Country Planning Act, to vary condition 7 of planning permission 14/0410 in the manner described in point 2 above only. In other words, the application seeks to vary condition 7 in the same way as the Planning Committee resolved to approve at their meeting on 10 October 2018 (in accordance with the revised wording highlighted in *italics* above).

The reasons for imposing condition 7 of planning permission 14/0410 are set out in paragraphs 235-239 of the Inspector’s report. When read in conjunction with the Inspector’s conclusions at

paragraphs 181-186, the report clarifies that the reason for imposing the condition related to ensuring that “with the conditions recommended, neither proposed development would cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded”. The Secretary of State did not seek to alter the wording of condition 7 when issuing their decision on the recovered appeal.

Since the issuing of the appeal decision additional traffic assessments have been undertaken by the applicant’s transport consultant and the Local Highway Authority (LHA). These assessments were prepared in early 2018 and took into account up-to-date traffic surveys, all committed developments in Warton (including the Enterprise Zone) and traffic growth factors. The LHA advise that this updated assessment reveals that “traffic growth on the A584 (Lytham Road) had not reached the level predicted” and, subject to the requirement for additional infrastructure improvements associated with a MOVA upgrade to traffic signals at the Church Road/Lytham Road/Highgate Lane junction, there are no objections to the proposed changes to condition 7.

Having regard to the evidence presented by the applicant’s transport consultant and the LHA that provides an updated analysis of traffic conditions on the highway network surrounding the site since the issuing of the appeal, it is concluded that removing reference to the highway infrastructure improvements cited in clauses a) and b) of the extant condition would not result in a severe residual cumulative impact on the capacity of the surrounding highway network, nor would there be a significant adverse impact on highway safety.

The proposed variation of the condition would also assist in kick starting the delivery of housing on a strategic site which is allocated in the FLP (site reference HSS12) by improving its marketability to developers and its commercial viability. Accordingly, further benefits would arise by virtue of the proposal’s positive impact in boosting the supply of housing in the Borough. No other adverse effects would arise from the variation of the condition that would significantly and demonstrably outweigh the benefits. Therefore, when considered as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP, the BWNPF and the NPPF.

### **Recommendation**

That, subject to:

(i) The completion of a Deed of Variation to include the following additions/amendments to the extant planning obligation for planning permission 14/0410 dated 14.07.2016:

(a) The insertion of definitions and/or other appropriate clauses to link the provisions of the extant obligation to planning permission 19/0195; and

(b) Provisions for 6 dwellings which meet the definition of affordable housing in the National Planning Policy Framework to be delivered in connection with a first, discreet phase of development comprising no more than 54 dwellings, and for the balance of the remaining affordable housing units – equating to 30% of the overall total (including the 54 in the first phase) – to be delivered in connection with the later development phases.

(ii) The Local Planning Authority consulting the Secretary of State (via the Ministry of Housing, Communities & Local Government) to allow them to consider whether they wish to call the application in, and Subject to the Secretary of State not calling the application in.

Authority be delegated to the Head of Planning and Regeneration to GRANT planning permission



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. No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 2ha including a LEAP/LAP has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any phased development of the site takes place in an appropriate sequence and to ensure adequate provision of open space to serve the dwellings in each phase in order that the infrastructure required to support and/or mitigate the impact of the development is delivered concurrently with it, in the interests of proper planning and because no such details have been submitted as part of the application in accordance with the requirements of Fylde Local Plan to 2032 policy ENV4.

2. Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.

Reason: The application is granted in outline only under the provisions of Article 5 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.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of planning permission 14/0410 (i.e. by 13 February 2020).

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

4. The development hereby permitted shall begin 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.

5. The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number SK21338-12. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area to be kept free of obstruction to visibility shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway.

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

6. No greater quantity of housing shall be built than that which would give rise to traffic generated by

the development no greater than that forecast in the submitted Transport Assessment 140603/SK21338/TA02 June 2014 by SK Transport Planning Ltd.

Reason: To ensure that traffic generated by the development does not overload the capacity of the surrounding highway network in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.

Reason: To ensure that appropriate highway infrastructure is delivered at an early stage in order to mitigate the development's impact on the capacity of the surrounding highway network and to enhance provisions for the free flow of traffic through Warton in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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

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

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

Reason: To ensure that appropriate improvements to existing signalised junctions are delivered concurrently with the development in order to mitigate its impact on the capacity of the surrounding highway network and to enhance provisions for the free flow of traffic through Warton in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4 and the National Planning Policy Framework.

10. No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.

Reason: To ensure that future residents and visitors to the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation sites – particularly the Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA – and to ensure

appropriate measures are introduced are taken to mitigate the development's potential effects on designated nature conservation sites in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

11. No development shall take place on any phase of the site until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until it is provided with its drainage as approved.

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

12. No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

13. No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 policy GD9 and the National Planning Policy Framework.

14. No development shall take place within any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

15. No development shall take place on the relevant phase until details of the pedestrian and cycle access to Canberra Way at the north-western corner of the site and to Butlers Meadow at the

south-western corner of the site (both shown indicatively on the illustrative master plan accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle accesses have been completed and made available in accordance with the approved details.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4 and the National Planning Policy Framework.

16. The external fabric of any dwelling hereby approved having a direct line of sight to Lytham Road and the boundary fences around their rear or private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section 5 of the Noise Impact Assessment by Resource & Environmental Consultants Ltd reference 90342R2.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

17. No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the LEAP/LAP and all the public open space on all phases has been laid out and made available for its intended purpose.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of public open space on the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Fylde Local Plan to 2032 policy ENV4 and the National Planning Policy Framework.

18. In this condition “retained tree” means an existing tree or hedgerow which is to be retained in accordance with the recommendations contained in section 5 and drawing 60072-002 of the Arboricultural and Hedgerow Assessment reference 60072P1R4 by Resource and Environmental Consultants Ltd dated 2 June 2014 and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.

- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any

area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence and to ensure that appropriate compensatory planting is provided to mitigate the loss of any existing vegetation within the site occurring as a result of the development in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

19. None of the ponds and ditches shown on figure 2 of the Ecological Survey and Assessment reference 2013\_089 by ERAP Ltd dated September 2013 (Updated June 2014) shall be removed or filled in except in accordance with details submitted and approved in compliance with other conditions of this permission. A buffer zone of 10m around the edge of each pond shall be kept free of development.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat retention in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

20. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.

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

21. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:


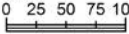
- a) The hours of site operation;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

22. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall include details of the mix of type and size (including bedroom numbers) of the dwellings to be provided, which shall demonstrate compliance with the requirements of policy H2 of the Fylde Local Plan to 2032. The development shall thereafter be carried out in accordance with the duly approved details.

Reason: To ensure that the development delivers an appropriate mix of types and sizes of housing suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment in accordance with the requirements of policy H2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0195	Address Land to the north Freckleton Bypass, Warton	Grid Ref. E.3416 : N.4289	Scale 0 25 50 75 100 m 

**Item Number:** 6

**Committee Date:** 05 June 2019

<b>Application Reference:</b>	19/0277	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Harkalm Investments Ltd	<b>Agent :</b>	Pegasus Group
<b>Location:</b>	36 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH		
<b>Proposal:</b>	CHANGE OF USE OF BANK (USE CLASS A2) TO A MIXED USE OF COFFEE SHOP (CLASS A1) / CAFE (CLASS A3)		
<b>Ward:</b>	KIRKHAM NORTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Katie Halpin
<b>Reason for Delay:</b>	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/@53.7822998,-2.8726575,88m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

This application site is a former bank premises in the defined town centre area of Kirkham. It has been vacant since the Santander Bank closed in December 2018. The application is seeking to change of use of the premises from a Bank (Use Class A2) to a mixed A1/A3 coffee shop use (sui generis). No external alterations are proposed as part of this planning application.

The premises are located within the primary shopping frontage of Kirkham Town Centre where uses such as the one proposed in this application are considered to be appropriate and are to be encouraged in accordance with Policy EC5. No substantial impact on neighbouring residents is anticipated ensuring that the scheme is in accordance with Policy GD7. The location on the primary shopping frontage of an identified town centre is considered to be a highly accessible location in accordance with Policy T4 and ample free parking is available locally to serve the town centre in accordance with Policy T5.

Based on the above assessment, the application is recommended for approval.

#### **Reason for Reporting to Committee**

The Head of Planning and Housing has agreed to a request from a ward councillor who requested that the application be determined at Committee. This request refers to the harmful impact which that councillor perceives that the application will have on the economy of the town centre as a whole due to the impact on existing premises trading in that sector.

#### **Site Description and Location**

The application site is 36 Poulton Street, Kirkham which sits within the settlement boundary and the primary shopping frontage of Kirkham Town Centre in accordance with Policies GD1 & EC5 of the



Fylde Local Plan to 2032, adopted 22 October 2018. The premises is outside of the town's conservation area. The site has been vacant since the former Santander Bank vacated the premises in December 2018.

### **Details of Proposal**

The proposed development is the change of use of the premises from a Bank (Use Class A2) to a mixed A1/A3 coffee shop use (sui generis). No external alterations are proposed as part of this planning application. The change of use will require internal alterations to the layout through the addition of a custom counter, seating area set across the ground floor providing seating for 43 customers with two toilets. The ground floor will also contain a kitchen area for the storage of food and cleaning. The first floor will be used as ancillary storage space and staff accommodation. There will be no public seating area within the first floor. Access to the site will remain as existing from Poulton Street with both a stepped and ramp access. There are also two doors for the site from the side passageway, these will however be proposed to only be used by staff or in the event of an emergency.

There will be no primary cooking undertaken at this site as a result of the proposed mixed A1/A3 coffee shop use. The hot food offer will be limited to the warming, reheating and toasting of pre-cooked and pre-prepared food such as paninis, toasties, sandwiches, croissants and pastries, which are pre-prepared off-site.

The application advises that the proposed coffee shop will generate local employment opportunities, for approximately 10 full time equivalent (FTE) employees. The proposed hours of operation are 7.00am - 7.00pm, Monday-Sunday. In order to service the site, there are proposed to be approximately 12 deliveries per week, which will only take place between 8.00am and 10.00am and will be solely transit van deliveries so as not to obstruct the local highway.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
05/0401	CONSENT TO DISPLAY 1 X FASCIA SIGN AND 1 X PROJECTING SIGN TO THE SHOP FRONT.	Granted	24/05/2005
04/0214	ACCESS RAMP FOR DISABLED TO FRONT ELEVATION	Granted	06/04/2004
94/0655	NEW SHOP FRONT AND CASH MACHINE	Granted	07/12/1994
90/0543	CHANGE OF USE FROM COFFEE LOUNGE AND SHOP TO RESTAURANT WITH GROUND FLOOR REAR EXTENSION	Granted	15/08/1990
80/0155	CHANGE OF USE OF REAR OF SHOP PREMISES TO 36 SEAT COFFEE LOUNGE.	Granted	02/04/1980
77/1049	CHANGE OF USE PART OF PREMISES INTO BUILDING SOCIETY OFFICE.	Granted	15/02/1978
78/0719	CHANGE OF USE TO PART OF EXISTING SHOP INTO BUILDING SOCIETY OFFICE WITH RETENTION OF SEPARATE SELF CONTAINED SHOP.	Granted	06/09/1978

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

Kirkham Town Council notified on 02 April 2019 and comment:

*"No objection to the application but query the applicants claims in the planning statement."*

It is understood from a subsequent discussion with the Clerk that this relates to the number of similar premises in the vicinity of the site, with this aspect examined in the Analysis section of this report.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Environmental Protection (Food Safety)**

The premises will need adequate refuse storage and access for removal, adequate mechanical ventilation and adhere to the toilet requirement policy.

#### **Planning & Regeneration**

In regeneration & economic development terms the proposed change of use to a coffee shop is considered to be beneficial to the town as a whole. It aligns with the Local Plan Policy EC5. The existing building is vacant and has been since the bank closed. There are at least a dozen other empty commercial properties in the town. A new development should increase footfall and economic activity and improve the overall offer of the town.

There is strong support from the Business Forum for the idea, for reasons above.

Whilst the aspiration for independent shops is understandable and there is indeed a tendency towards homogenous high streets which may be undesirable, in a town like Kirkham there is room for a mix of chains and independents. There is considered to be room for happy co-existence between independents and chains.

Also it seems that, by 4 or 4.30pm there is nowhere to get a coffee in the town as the main coffee shops have either closed or are closing. Therefore if a new coffee shop is open in the early evenings when there is a demand for coffee or tea this is to be welcomed. Indeed it may be a fillip to the night time economy, which badly needs stimulus.

#### **Cllr Paul Hodgson**

I object to this planning application of change of use from a bank to a coffee shop, for the following reasons.

1. There are currently 10 coffee shops / cafes in Kirkham supplying the same products.
2. These premises currently employ up to 40 people either full or part time.
3. Allowing a large multinational coffee chain in to the town centre will certainly mean the demise of these shops and the loss of jobs will be more than those created.
4. Kirkham Town Council is currently involved in the High Street Innovation Fund, which encourages small business, rather than multinationals.

### **Neighbour Observations**

**Neighbours notified:**

02 April 2019

**Number of Responses**

18 (10 in support & 8 objecting) plus a petition in objection with 338 signatures

## Summary of Comments

### For

- Kirkham needs investment and more of the service industry to increase footfall into the Town Centre
- Don't want to see empty shops remain vacant
- Will not impact on use of existing coffee shops
- Potential to bring in new customers to Kirkham and potential new businesses
- Great to have the support of a national chain in the community

### Against

- The application is too generic and not specific enough to Kirkham
- Questions the frequency of the bus service to Kirkham
- Questions the number of similar uses claimed in the Planning Statement
- Disputes the number of jobs to be created
- Believes the impact on existing independent traders and local suppliers will be unacceptable
- Will harm the Council's bid for funding from the Future High Street Fund
- Competition
- If other businesses close down, more empty units are created and will lead to an increase in anti-social behaviour in the Town Centre
- Will lead to the demise of the Town Centre
- Need to vary types of uses in Town Centre
- Need to maintain independence of traders in Kirkham

## Relevant Planning Policy

### Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards

### Other Relevant Policy:

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

### Site Constraints

None

## Environmental Impact Assessment

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

## Comment and Analysis

### Principle

The premises the subject of this application are located within the settlement boundary, in accordance with Policy GD1, and therefore the principle of development is acceptable as long as it is in accordance with any other relevant policies. In this instance the other relevant policies are EC5, GD7, T4 & T5.

Policy EC5 identifies Kirkham Town Centre, along with Lytham Town Centre and St Annes Town Centre, as being at the top of the retail hierarchy of towns, district and local centres within Fylde Borough. The policy goes on to identify appropriate uses to be encouraged in Town Centres as Retail (A1), Financial & Professional Services (A2), Restaurants & Cafes (A3), Drinking Establishments (A4), Hot Food Takeaways (A5), Business (B1), Hotels (C1), Non-residential Institutions (D1) and Assembly and Leisure (D2). Whilst the mixed use applied for is considered to be sui generis, it is accepted that it shares the characteristics of A1 and A3 uses that have been identified as being appropriate within the town centre. Accordingly the use is an acceptable one that complies with this development plan policy.

The premises is located within the Primary Shopping frontage where proposals must retain a pedestrian-level shop front and window displays and have opening hours which support traditional 9am to 5pm opening hours and not cause unacceptable nuisance and disturbance to local residents if open into the evening. Proposed opening hours of 7am to 7pm include the traditional opening hours desired by Policy EC5 whilst restricting extending past 7pm to ensure that the use does not cause unacceptable nuisance and disturbance to local residents.

There has been some dispute between the information provided in the application that there are 2 similar uses within the vicinity of the application premises and objectors claiming there to be up to 10. An independent assessment of the Kirkham Town Centre has been undertaken by the officer and confirmed that there are 5 either cafes (A3) or mixed use retail & cafe (A1/A3) and 1 ancillary cafe to the rear of a retail unit within the defined town centre. A further closed A3 unit is located on Freckleton Street. In addition there are also a further 9 hot food takeaways however these are covered under use class A5 and so are a distinctly different use under planning legislation. In any event there is no saturation policy in place regarding any particular type of use in Kirkham Town Centre and so consideration falls back to Policy EC5 where both A1 and A3 uses are not only appropriate but are to be encouraged. The Use Classes Order & Policy EC5 do not differentiate between units for national chains and independent shops & cafes and therefore this cannot be used as a reason for refusal of the application.

On this basis the proposal is considered to comply with Policy EC5 of the Fylde Local Plan to 2032.

### Impact on Amenity

The nearest residential properties in the vicinity of the property are at first floor level at both 34 & 38 Poulton Street. These first floor properties are located within Kirkham Town Centre, on a busy commercial thoroughfare, so ambient noise is to be expected in this location. The proposed hours of operation will not result in late night activity that could be considered detrimental to the amenity of nearby residents. No extra ventilation/extraction is proposed at the premises as part of this application which further reduces any potential impact on amenity from noise and/or odours. An internal refuse and recycling store is also proposed.

On this basis the proposal is considered to comply with criteria c), h) and y) of Policy GD7 of the Fylde Local Plan to 2032.

### Impact on Parking, Transport and Highway

At present, there is no parking provision for this property and whilst the zebra crossing remains outside the premises on Poulton Street, it is unlikely that any parking provision could be provided. It is not anticipated that car parking provision is required given its highly accessible location and the fact that ample free parking is available to the rear of the premises in the car park accessed off Mill Street and on-street within designated bays. There are also 3 bus services which serve the Town Centre (No 61 on a half hourly basis, No 75 on an hourly basis & No 76 on a 2 hourly basis) which leads to the premises being considered as highly accessible. Whilst these services may not be as frequent as they once were, the fact remains that Kirkham Town Centre is considered to be a highly accessible location.

On this basis the proposal is considered to comply with Policies T4 & T5 of the Fylde Local Plan to 2032.

#### Other Matters

Objections have been received relating to competition and the impact that this application could have on existing jobs in existing enterprises in the town. However this is not a planning consideration that can be taken into account when determining this application.

There are no other known matters to be taken into account when determining this application.

#### Conclusions

The application seeks to change the use of the premises from a bank (A2) to a mixed A1/A3 coffee shop use (sui generis). The premises is located within the settlement boundary in accordance with policy GD1 of the Fylde Local Plan to 2032 and the proposal is considered to comply with Policy EC5 and other relevant policies in the Fylde Local Plan to 2032. Due to this the proposal is considered to be acceptable.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Pegasus Design
- Proposed GA - Drawing No. 120.00/A.1.2

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted


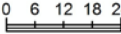
Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for mixed Class A1 (retail) and Class A3 (restaurants & cafes) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and for no other purpose including solely as either of the two approved uses.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032, Policies EC5 & GD7 and the National Planning Policy Framework.

4. That the business is only open to customers between the hours of 7am and 7pm on any day.

In the interests of preserving the amenity of occupiers of neighbouring and nearby residential properties as required by Policy GD7 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0277	Address 36 Poulton Street, Kirkham	Grid Ref. E.3425 : N.4321	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 05 June 2019

<b>Application Reference:</b>	19/0291	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr & Mrs Packer	<b>Agent :</b>	Keystone Design Associates Ltd
<b>Location:</b>	481 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2PS		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR A HIP-TO-GABLE ENLARGEMENT TO ROOF SPACE AND ERECTION OF REAR DORMER		
<b>Ward:</b>	ASHTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Katie Halpin
<b>Reason for Delay:</b>	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/@53.7599988,-3.0414758,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

This retrospective application is to build a hip to gable roof enlargement with rear dormer in materials to match the existing property at 481 Clifton Drive North, Lytham St Annes. The application property is a two storey semi-detached dwelling located on the east side of Clifton Drive North. The property is constructed at ground floor in red brick with the first floor rendered. The property is hipped to the side with rosemary roof tiles, and a front gable which has black upvc barge and fascia boards. The windows and doors are white upvc.

The design is of a standard construction with matching materials seeking to mitigate the impact that the development has on the streetscene. The development is aided in this by a 3 storey block of flats directly adjacent to the south which reduces the impact that the development has when travelling from the south. Due to the width of Clifton Drive North, the development does not draw the eye when travelling from the north. No issues have been identified relating to the amenity of neighbouring properties resulting in the development being considered to comply with Policy GD7 of the Fylde Local Plan to 2032.

Based on the above assessment, the application is recommended for approval.

#### **Reason for Reporting to Committee**

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

#### **Site Description and Location**

The application property is a two storey semi-detached dwelling located on the east side of Clifton Drive North. The property is constructed at ground floor in red brick with the first floor rendered.



The property is hipped to the side with rosemary roof tiles, and a front gable which has black upvc barge and fascia boards. The windows and doors are white upvc.

To the side of the dwelling are single storey extensions which are constructed in red brick, and to the side is a drive which leads to a large detached garage at the rear. There are no residential dwellings directly to the rear with properties down Norwood Road's rear gardens beyond the rear boundary of the application site. To the north of the dwelling is the attached semi-detached dwelling, to the south is Ellwood Grange which is a three storey flat roofed property containing flats, on the opposite side of the road are large detached dwellings.

### **Details of Proposal**

This retrospective application seeks planning permission for a hip to gable enlargement with a rear dormer along the width of the resulting rear roof plane following the refusal of a Certificate of Lawfulness application which revealed that the proposal was in excess of the 50 cubic metres allowed under Permitted Development. The extension along the ridge will measure 4.75m with an increase in the eaves on the side elevation of 4m and will be the same depth as the original dwelling measuring 9.65m. The rear dormer will measure 3.1m projection from the rear roof plain, will measure 6.85m in width and will be 2.55m high. It is set in 0.9m on the northern side, 1m on the southern side and set up 0.6m from the eaves of the roof. All materials are to match the existing property.

### **Relevant Planning History**

Application No.	Development	Decision	Date
19/0096	CERTIFICATE OF LAWFULNESS FOR PROPOSED CONSTRUCTION OF DORMER TO REAR ROOFSLOPE AND HIP TO GABLE ROOF EXTENSION.	Refuse Certificate	27/03/2019
18/0885	DORMER TO FRONT ELEVATION	Granted	07/01/2019
15/0005	PROPOSED DORMERS TO FRONT AND REAR	Granted	22/04/2015
14/0006	PROPOSED DEMOLITION OF EXISTING GARAGE AND REPLACEMENT WITH NEW GARAGE/OUTBUILDING	Granted	19/02/2014

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified on 05 April 2019 and comment:

*"This property is in a prominent location and this application will result in an unbalanced pair of semidetached properties, one of which will be three stories high."*

### **Statutory Consultees and Observations of Other Interested Parties**

N/A

### **Neighbour Observations**

<b>Neighbours notified:</b>	05 April 2019
<b>Number of Responses:</b>	2
<b>Summary of Comments:</b>	<ul style="list-style-type: none"><li>• No point in making comments as works has already commenced</li><li>• Raised issues about non-compliance with previous planning permission but no objection to current application</li></ul>

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

#### **Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD
STANP	St Annes on Sea Neighbourhood Plan

#### **Site Constraints**

None

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle**

This application has been submitted following the refusal of a Certificate of Lawfulness application which was submitted to confirm that the development did not require planning permission as it was permitted development. The assessment of that application found that the tolerance of 50 cubic metres had been exceeded by the development and therefore planning permission is required. This current application now seeks to regularise the situation as works have already commenced on site.

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

#### **Design and Appearance in Streetscene**

The application property is a two storey semi-detached dwelling located on the east side of Clifton Drive North. The property is constructed at ground floor in red brick with the first floor rendered. The property is hipped to the side with rosemary roof tiles, and a front gable which has black upvc barge and fascia boards. The windows and doors are white upvc. A front dormer has recently been constructed following application ref 18/0885 being granted.

The design is of a standard appearance for this type of development and matching materials have been used to help reduce the visual impact that the development has on the streetscene. No windows are proposed in the new gable end to prevent overlooking. Whilst the hip to gable enlargement does unquestionably unbalance the pair of semi detached properties, this is mitigated by the fact that the neighbouring flats to the south are 3 stories high which limit the impact that the development has on the streetscene when travelling from the south. Due to the width of Clifton Drive North, the development does not draw the eye when travelling from the north. It must also be noted that the hip to gable enlargement would be permitted development if built without the rear dormer.

The rear dormer is also of a standard design, to be clad in matching materials to the existing roof. It features 1 triple light window with each end forming a side opening window and a dual light window with both forming side opening windows. These windows will provide light to the 2 bedrooms serviced by the rear dormer. It is not considered that any further overlooking of rear gardens will occur as a result of this development as the properties in the immediate vicinity are already 2 storey or in flats meaning that an element of overlooking of each others gardens already occurs.

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

#### Relationship to Neighbours

The closest neighbouring properties are the attached property at 483 Clifton Drive North and 479 Clifton Drive North which comprises a block of 6 flats known as Elwood Grange. The development is not considered to have any impact on the amenity of the occupants of the attached at No 483 as the development is largely contained on the elevation that does not adjoin the properties. There is not considered to be any increase in the amount of overlooking or loss of privacy as this already exists from the first floor of the surrounding properties.

Whilst the massing of the development does bring the property closer to the second floor flats at Elwood Grange, it is no closer than the existing house is to the flats at ground and first floor level. These windows face due north and so are limited by the amount of light they benefit from. There are 3 windows on the side elevation of the flats at Elwood Grange. The northwest corner window services the dining area of the kitchen which also benefits from a window on the front elevation. The window in the north east corner services the second bedroom which also benefits from a window on the rear elevation. The windows in the middle of the elevation service the bathroom which is not considered to be a habitable room. Due to the fact that the habitable rooms benefit from windows on the front and rear elevations It is not considered that this development will impact on access to light enough to warrant a refusal of the application especially with a remaining side to side separation distance of 8m. No windows are proposed in the new gable end which result in no overlooking of the flats.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

#### Parking and Access Arrangements

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

of Policy GD7.

### Other Matters

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

### Conclusion

The application relates to the erection of extensions at a dwelling in the settlement of Lytham St Annes. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy GD7 of the Fylde Local Plan to 2032 and other relevant development plan policies, and the guidance in the House Extensions SPD.

The St Annes Neighbourhood Plan Policy DH1 requires that development in the town "is of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods." The scheme here utilises a design and materials that are reflective of the approach taken with the host property and other similar properties in the area. The works are therefore also in accordance with that aspect of the development plan.

Accordingly the application is recommended for approval.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan Stanfords Business Mapping - Drawing no. Dated 03 Jan 2014
- Proposed Elevations / Floor Plans & Site Plan - Drawing no. A018/159/P/03


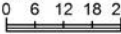
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

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

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



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0291	Address 481 Clifton Drive North, Lytham St Annes	Grid Ref. E.3313 : N.4298	Scale 0 6 12 18 24 m 

**Item Number:** 8

**Committee Date:** 05 June 2019

<b>Application Reference:</b>	19/0317	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Scott	<b>Agent :</b>	PWA Planning
<b>Location:</b>	2 GLEBE LANE, KIRKHAM, PRESTON, PR4 2YN		
<b>Proposal:</b>	RESUBMISSION OF APPLICATION 18/0755 FOR CHANGE OF USE FROM NEWSAGENT'S / OFF-LICENCE (CLASS A1) TO CAFE/RESTAURANT (CLASS A3) WITH FORMATION OF ADDITIONAL DOOR TO FRONT ELEVATION.		
<b>Ward:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.778887,-2.8577119,351m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to a former newsagent premises that is located on Glebe Lane which is a short road off Dowbridge in Kirkham. The premises is vacant, and has been for some time since the newsagent/off licence business closed in late 2017. The surrounding properties in the area are all residential, with the site being allocated as part of the settlement of Kirkham but not subject to any other policy designation or constraint.

The application is to change the use of the premises from its lawful Class A1 retail use to be a café / restaurant use within Class A3 serving 20 covers. An external alteration is also proposed in the formation of a fire door from the kitchen to the Dowbridge elevation of the building.

The main issues to be considered with the application are the potential for the business to draw trade from Kirkham (or other) town centres, the potential for harm to be caused to highway safety, the potential for harm to be caused to neighbour amenity, and the design implications of the works.

With the limited scale of the café / restaurant proposed at 20 covers, the existing lawful commercial use of the premises, the restricted daytime/early evening opening hours of the business, and the design of the works that are proposed it is considered that the scheme is fully in accordance with policies EC5, EC6 and GD7 of the Fylde Local Plan to 2032. Whilst it is noted that there have been objections to the development from local residents and the Town Council these are assessed in this report and do not outweigh the policy support for the development in the planning balance. As such the application is recommended for

approval subject to conditions that will enforce the use of the premises is as set out in this report.

### **Reason for Reporting to Committee**

The application is on the agenda at the request of a local councillor and due to the objection from Kirkham Town Council. Under the council's scheme of delegation such applications are to be presented to the Planning Committee for a decision.

### **Site Description and Location**

The application site is 2 Glebe Lane, Kirkham. In particular the application refers to single storey premises at the junction of Glebe Lane and Dowbridge which was previously in an A1 retail use as an off-licence and general store. The use has now ceased and the shop fittings have been stripped out.

The property is attached to residential accommodation to the west and south sides with the applicant currently living in the attached dwelling to the west. The building is set back from the highway on both sides with forecourt parking areas to the Glebe Lane side and an enclosed and lawned area surrounded by a boundary hedge to the elevation facing Dowbridge.

The site is within the settlement of Kirkham as designated on the Fylde Local Plan to 2032, but is not subject to any other policy designation or constraints.

### **Details of Proposal**

This application seeks permission for the change of use of the premises from a newsagents/off-licence (Class A1 of Use Classes Order) to a use as a cafe/restaurant (Class A3) together with the formation of an additional doorway to the Dowbridge elevation.

It is proposed that the cafe/restaurant can accommodate 20 covers and can provide off street parking for 6 customer vehicles. The premises is proposed to be open Monday - Saturday 11.00 - 20.30 hrs and on Sundays from 11.00 - 17.30 hours and will employ 2 full time members of staff.

Externally the only alteration proposed is a new external fire door to the Dowbridge elevation to provide access to the kitchen which is to be provided in this part of the building which was formerly a store room.

The application is a re-submission of application 18/0755 which was refused under delegated powers for reasons relating to the potential impact on neighbour amenity.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
18/0755	CHANGE OF USE FROM NEWSAGENT'S / OFF-LICENCE (CLASS A1) TO CAFE/RESTAURANT (CLASS A3) WITH FORMATION OF ADDITIONAL DOOR TO FRONT ELEVATION.	Refused	30/01/2019
93/0168	ALTERATIONS AND EXTENSION TO SHOP AND	Granted	21/04/1993

## LIVING ACCOMMODATION (RESUBMISSION)

92/0923	FIRST FLOOR EXTENSION TO PROVIDE ADDITIONAL RESIDENTIAL ACCOMMODATION & ALTERATIONS TO GROUND FLOOR TO FORM EXTENDED SHOP AREA	Refused	24/02/1993
---------	---	---------	------------

### Relevant Planning Appeals History

None

### Parish/Town Council Observations

**Kirkham Town Council** notified on 23 April 2019 and comment:

Kirkham Town Council object to this application with the same reasons as the first application which were as follows

- *The proposal is not acceptable in a residential area*
- *Proposed car parking spaces are not adequate for 25 covers*
- *It poses a severe traffic hazard on the egress onto a busy and fast road*
- *The impact it would have on the attached property in terms of noise, vibration and odours and on the neighbouring properties*
- *The property is situated on a cul-de-sac that couldn't cope with the increase of traffic*
- *The proposed extraction chimney is unsightly and impacts on the residential street scene.*

### Statutory Consultees and Observations of Other Interested Parties

#### **Environmental Protection (Pollution)**

No objections to the above proposals.

#### **Lancashire County Council - Highway Authority**

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

Conditions are requested relating to the marking out of the parking areas shown on the approved plan, the retention of these spaces, and the provision of a highway marking to highlight these parking areas.

#### **Cadent Gas:**

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.

#### **Health and Safety Executive:**

HSE does not advise on safety grounds against the granting of planning permission in this case.

### Neighbour Observations



**Neighbours notified:** 23 April 2019  
**Site Notice Date:** 24 April 2019

**Support - number of responses - 6**

**Summary of Comments**

- can only be good for the area
- with 170 new house - can see the need
- great opening times
- would be disappointed if not supported
- family run places are an asset
- location perfect within walking distance of many houses
- Kirkham has lots of takeaways but few restaurants
- council should encourage those opening businesses
- positive benefits for local area
- business would be asset to Kirkham
- unlikely to generate more traffic & noise than off-licence/newsagent

**Object - number of responses - 3 and 1 petition with 35 signatures**

**Summary of Comments**

- previous business had no impact
- local shop was an asset
- prospect of shop returning lost to neighbourhood
- concern over noise in attached bedrooms
- no guarantee customers will be gone be stated times
- Son on shift and may have sleep disturbed
- noise on street
- customers will park on street
- detrimental to highway safety
- increase in litter on street
- daily smell of food
- work has commenced
- visibility on corner restricted
- access for emergency, delivery & refuse vehicles restricted
- extra traffic inappropriate where children play
- reduction in opening hours don't reflect a cafe
- not possible to accommodate 6 cars
- have to request that cars on Glebe Lane are moved
- increase in car volume, decrease in child safety
- disruption for residents
- are tables to be placed in garden
- been able to hear drilling inside house
- private parties may increase noise level
- smoke drifting would be unpleasant
- on-going smell of food

**Relevant Planning Policy**

**Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
EC6	Leisure, Culture and Tourism Development

**Other Relevant Policy:**

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

**Site Constraints**

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

This application seeks permission for the change of use of premises that are currently in a retail use under Class A1 of the Use Classes Order, to a cafe/restaurant which is a Class A3 Use. The main issues to consider when determining this application are those within the policies of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

The application is a resubmission of application 18/0755 which was refused under delegated powers. The current application differs from that as it has been submitted with a noise survey and proposes to cater for a reduced number of diners and proposes earlier evening closing times than that put forward in the earlier application.

### **Principle of the development**

With regards to principle, the site is located within the settlement of Kirkham under Policy GD1 of the plan which supports development of previously developed land subject to other relevant policies of the plan.

Planning guidance introduces a sequential approach to locating new 'main town centre uses' which directs them initially to town centre locations and then to edge-of-centre locations in preference to out of centre locations. This site is clearly out of centre, but with the limited scale of the proposal and that it replaces one 'main town centre use' with another it is not considered that a sequential assessment is necessary in these circumstances.

### **Impact on visual amenity**

The application property is a former 'corner shop' with an existing glazed shop front extending across three sides of the building. To facilitate the change of use a fire door is proposed to the elevation fronting Dowbridge to serve the new kitchen area. No other external changes are proposed.

Given the small scale nature of the external changes and the setback nature of the front elevation and the landscaping to the front of the premises it is considered that the proposal is acceptable and will not result in a detrimental impact on the character of the host building and the visual amenity of the area. Accordingly the proposal is in accordance with Policy GD7 in this regard.

### **Impact on neighbour amenity**

Several letters have been received from neighbours in respect of this application and are summarised in the bullet points above. In particular concerns relate to noise and disturbance, odours and highway issues.

In respect of the potential for emission of odour from the property as a consequence of the

proposed use, the applicants are proposing to utilise a method of extraction for commercial kitchens. This is designed to minimise odours through a re-circulation and filtration system within the kitchen which is designed to remove grease, odour and smoke and does not need to vent externally.

The council's Environmental Protection Officers have been consulted on this application and have not raised any objection to the use of this extraction system. A condition can be imposed to ensure that this is installed and is maintained in an operational state.

The potential for the operation of the business to lead to a noise disturbance to the adjoining residential property and the wider areas was a concern expressed with the previous application and formed a reason for refusal of that application. To address this reason the current application has been submitted with a noise survey which refers to levels set by the World Health Organisation which are split into three categories 'No observed effect level', 'Lowest observed adverse effect', 'Significant observed adverse effect'. The WHO guidance also recommends maximum sound levels at night within bedrooms and daytime internal noise levels for resting in living rooms and bedrooms.

In this case the dividing wall between the neighbours and the application site is a solid brick wall and a separation stud partition wall is also now proposed and is to be filled with sound insulation material. The noise assessment has taken a 'worst case scenario' of noise levels and has determined that the activities within the cafe will not be heard within the adjoining properties. In addition the report also confirms that there will be no noise from any extraction equipment due to the type of system proposed to be installed.

Background monitoring during the day and the evening has been undertaken to assess the impact from diners arriving and departing from the site and from vehicles pulling into and departing from the car parking spaces. The noise assessment also takes account of the ambient noise in the area which is mainly from traffic on Dowbridge and Glebe Lane. The report concludes that the resulting noise levels from the proposal will be below those recommended within the relevant guidance documents.

Further protection to neighbouring amenity is provided by the intention to cease operations at the site at 8.30pm on weekdays and Saturdays and at 5.30pm on Sundays. This is earlier than the 10pm and 8pm closing times proposed in the earlier application.

This approach and the submitted information has been assessed by the council's Environmental Protection Officer. He agrees with the findings of the report and so does not raise any objection to the proposal. Planning guidance on this is set out in para 180 of NPPF which requires that impacts from development should be minimised to avoid noise giving rise to significant adverse impacts on health and quality of life. With the reduced hours now proposed and the mitigation introduced to the common wall with the direct neighbour it is considered that this requirement will be satisfied, with conditions needed to enforce this.

#### Traffic and parking

The site is located immediately adjacent the junction of Glebe Lane with Dowbridge which is a junction that provides good visibility in both directions and will allow a safe access to the site for all visitors. There are no concerns over the access to the site or the capacity of the local highway network to accommodate the vehicle movements it will generate, particularly given the planning history where as a newsagent / off-licence it would have attracted many short-term visits as drivers passing the site stopped to purchase newspapers, snacks, etc.

The site is currently provided with a hard surfaced forecourt area between the existing garden and Glebe Lane. A site plan has been submitted which indicates that 7 spaces can be provided on this area with one of these to be for the owner of the premises who live in the adjacent property. Whilst two of these parking spaces are 'in-line' spaces which would potentially restrict the inner space, this could be utilised for staff parking so leaving five spaces for customers.

The parking standards refer to 1 space being provided for every 8m<sup>2</sup> of the premises, which in this case is satisfied as the premises extends to around 60m<sup>2</sup> making the 7 spaces that are available overall in line with the standards. Looking at this another way, the seating plan for the premises indicates that the 20 covers are set in 6 tables and so the number of customer parking spaces is broadly consistent with the dining capacity. It is also the case that there are no parking restrictions to Dowbridge, Glebe Lane or Manor Drive and so these streets are available for overspill parking, and with the properties on these streets all benefiting from off-street parking it is unlikely that such parking would cause any overriding amenity issues.

LCC Highway Engineers have commented on the proposal and have not objected, subject to a condition which requires the car parking spaces to be formally marked out on the forecourt prior to first use of the premises as a cafe/restaurant. Officers concur with this view and so it is considered that the traffic and parking arrangements are acceptable and comply with Policy GD7.

The proposal indicates that a bin storage area for the commercial bins is to be provided to the front of the premises which is in the garden area of the owner's property and this is within a fenced compound, set back from the highway and screened by the existing hedging. As a consequence it is considered that the provision of bins in this area will not result in a detriment to the visual amenity and will be accessible for regular collection.

#### Other matters

The Town Council have raised several objections to the proposal:

- *proposal is not acceptable in a residential area* - the existing retail use of the property is a town centre use which had no restrictions on its opening hours. The current proposal restricts its opening hours so as not to have a negative impact on the amenity of neighbours.
- *Proposed car parking spaces are not adequate for 25 covers* - The applicant has set out in the application that the number of covers is reduced to 20. The above comment on car parking sets out why the proposal is considered acceptable in regards to the provision of car parking spaces.
- *It poses a severe traffic hazard on the egress onto a busy and fast road* - The speed limit along Dowbridge is 30 mph with this reduced to 20 mph on Glebe Lane and Manor Drive. The car parking is accessed from Glebe Lane within the 20 mph zone. LCC Highway Engineers have been consulted and have not raised any objection on the grounds of highway safety.
- *The impact it would have on the attached property in terms of noise, vibration and odours and on the neighbouring properties* - See above comments in regards to neighbour amenity.
- *The property is situated on a cul-de-sac that couldn't cope with the increase of traffic* - see above comments under 'traffic and parking'.
- *The proposed extraction chimney is unsightly and impacts on the residential street scene* - there is no extraction chimney in this scheme (although there was in the earlier application) as odour management is to be handled by an internal ventilation system

## **Conclusions**

This application proposes a change of use of premises which are currently in a town centre use as a retail shop to a cafe/restaurant an A3 use of the premises which is also a 'town centre use'. It is considered that the applicant has successfully addressed the concerns which formed the reasons for refusal on the previous application by the inclusion of noise attenuation measures and the submission of the noise survey which has adequately demonstrated that 'No Observed Effect Level' will occur for neighbours, that there are no significant traffic implications and that parking and bin storage can be adequately accommodated on the site.

The proposal complies with the criteria of Policy GD7 as set out above and Policies EC5 in that the scale of the development is not so significant to divert trade from Kirkham Town Centre and Policy EC6 in that it promotes a daytime/evening business. Accordingly the proposal complies with the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 'Buy a Plan' 19/0317/PL01
- Proposed floor plan - Drawing no. 19/0317/PL02
- Proposed elevations - Drawing no. 19/0317/PL03

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

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

3. The private car parking shall be marked out in accordance with the approved plan shown on drawing no. 19/0317/PL02, before the use of the premises hereby permitted becomes operative and this area shall be permanently maintained and retained thereafter.

Reasons: To allow for the effective use of the parking areas in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. Unless alternative details are previously approved in writing by the local planning authority, prior to the first use of the premises for the use hereby approved the extraction unit used to dispel cooking odours described in the CK direct/CKRe-circ document submitted with the application shall be installed and brought into operation. This unit shall be maintained in an operational condition at all times that the use is operative thereafter.

Reasons: To provide an appropriate mechanism for mitigating the potential for odour nuisance to be suffered by neighbouring residents to the property in accordance with para 180 of the National

Planning Policy Framework.

5. The bin storage area as shown on the approved plan (drawing no. 19/0317/PL02) shall be provided and be available for use before the use of the premises hereby permitted becomes operative and shall be permanently retained and maintained thereafter.

Reasons: To allow for adequate commercial bin storage in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. The preparation and consumption of food and drink at the premises shall only be undertaken between 09:00 hours and 20:30 hours Monday to Saturday (inclusive) and between 11:00 hours and 17:30 hours on Sundays and Bank Holidays.

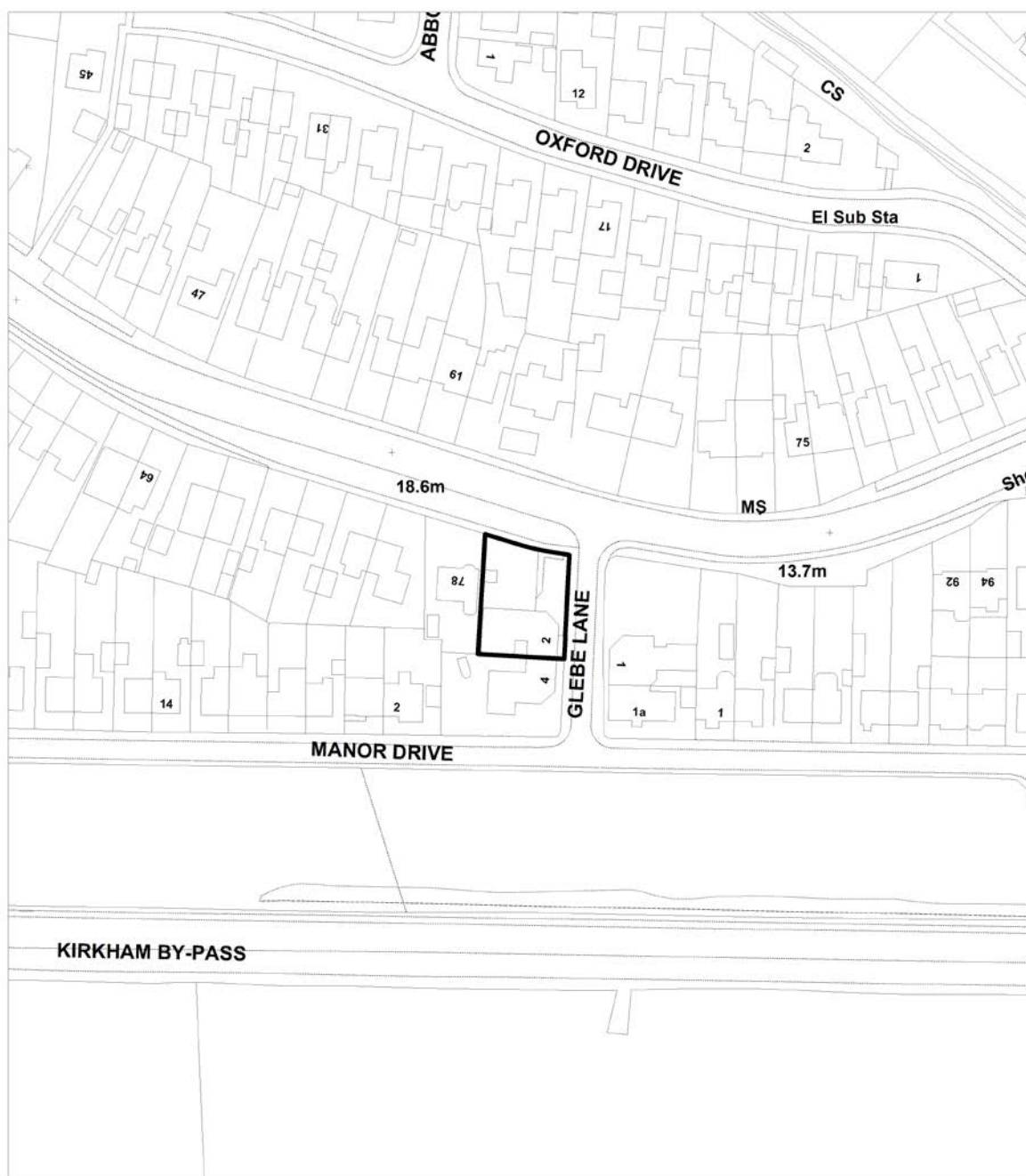
Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.


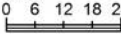
7. The capacity of the premises hereby approved shall be limited to no more than 20 covers as explained in the supporting statement, with these entirely located within the building as shown on the approved plan with the fore court and other external areas not be used for any external dining/drinking purposes.

Reason: To provide control over the scale of the use approved in the interests of highway safety, and over the location of that use to safeguard the amenities of the occupants of nearby residential properties in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. Prior to the first use of the premises for the use hereby approved the construction of an additional stud wall to the full extent of the internal shared boundary with the adjoining property shall be constructed as specified in para 3.4 and 3.5 of the 'Acoustic Survey and Assessment' by Martin Environmental Solutions that was submitted with this application.

Reason: To ensure that the potential for noise transference between these premises and the adjacent residential property are minimised as required by para 180 of the National Planning Policy Framework.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0317	Address 2 Glebe Lane, Kirkham	Grid Ref. E.3434 : N.4317	Scale 0 6 12 18 24 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	5 JUNE 2019	5
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 5 April 2019 and 23 May 2019.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473



# APPEAL DECISIONS

The council received the decisions on the following appeals between 5 April 2019 and 23 May 2019. The decision notices are enclosed as appendices to this report.

Rec No: 1

03 December 2018 18/0941

THE BUSH, POOL LANE, FRECKLETON, PRESTON, PR4 1SG  
ENFORCEMENT APPEAL AGAINST AN ENFORCEMENT NOTICE RELATING TO A MATERIAL CHANGE OF USE OF THE LAND FROM USE FOR A CARAVAN SITE COMPRISING ONE CARAVAN, TO A MIXED USE OF A CARAVAN SITE FOR TWO CARAVANS AND THE STORAGE OF SHIPPING CONTAINERS AND VEHICLES

Written  
Representations  
Case Officer: KLH

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 09 May 2019

---

Rec No: 2

19 February 2019 18/0428

5A LOWTHER TERRACE, LYTHAM ST ANNES, FY8 4QG  
PROPOSED REPLACEMENT GARAGE AND STUDIO TO FORM ANCILLARY LIVING ACCOMMODATION

Householder  
Appeal  
Case Officer: AP

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 07 May 2019

---

Rec No: 3

23 January 2019 18/0576

BANK HOUSE, 9 DICCONSON TERRACE, LYTHAM ST ANNES, FY8 5JY  
INSTALLATION OF A TERRACE STRUCTURE, WITH A GLASS CANOPY ROOF AND OPEN SIDES.

Written  
Representations  
Case Officer: KPB

Fylde Dec. Level COMM

Appeal Decision: Dismiss: 23 April 2019

---

Rec No: 4

12 April 2019 18/0721

14 RAMSGATE CLOSE, BRYNING WITH WARTON, PRESTON, PR4 1YF  
SINGLE STOREY SIDE EXTENSION - RETROSPECTIVE APPLICATION

Householder  
Appeal  
Case Officer: RC

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 09 May 2019

---

## Appeal Decisions

Site visit made on 9 April 2019

**by A A Phillips BA(Hons) Dip TP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2019**

**Appeal A: APP/M2325/C/18/3199432**

**Appeal B: APP/M2325/C/18/3199433**

**The Bush, Pool Lane, Freckleton, Lancashire**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Norma George and Mr Antony George against an enforcement notice issued by Fylde Borough Council.
- The enforcement notice was issued on 14 February 2018.
- The breach of planning control as alleged in the notice is the material change of use of the land from use for a caravan site comprising one caravan to a mixed use for a caravan site for two caravans and for the storage of shipping containers and vehicles.
- The requirements of the notice are:
  - i. Stop using any part of the land as a site for the storage of shipping containers or vehicles.
  - ii. Remove from the land all shipping containers, vehicles and caravans except for one caravan and up to two vehicles used for the personal transport of persons occupying the remaining caravan.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in section 174(2) (b), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

**Summary of Decision: The appeals are dismissed and the enforcement notice is upheld.**

### The appeals on ground (b)

1. The ground of appeal is that the breach of planning control alleged in the enforcement notice has not occurred. In order to succeed on this ground it would need to be demonstrated that the material change of use of the land to a mixed use for a caravan site for two caravans and for the storage of shipping containers and vehicles as alleged had not occurred.
2. The appellants have stated that it is not their intention to store containers or put more mobile homes on the land and that the containers and caravans were on the site when they moved there in August 2016. The appellants have explained the history of the site since they moved in and the evidence provided does not appear to argue that the land in question is not used for the mixed use for the storage of caravans and shipping containers and vehicles.
3. The evidence provided by the Council, including photographic records show that there are at least two caravans on the land plus some storage containers and numerous vehicles. I also observed these at my site visit.

4. Therefore, on the evidence before me the material change of use of the land as alleged in the enforcement notice has occurred as a matter of fact and thus the appeals on ground (b) must fail.

### **The appeals on ground (c)**

5. The ground of appeal is that the matter alleged in the notice does not constitute a breach of planning control. The material change in the use of land comprises development within the meaning of s55 of the Act for which planning permission is required.
6. In September 2010 a certificate of lawfulness for an existing use was granted for the use of the land for the stationing of one residential mobile home. It is my understanding that since that date there have been no further applications for planning permission or certificates of lawfulness. Therefore, this remains the lawful use of the land.
7. The change of use of the land from the authorised use for the stationing of one residential mobile home to a mixed use for a caravan site for two caravans and for the storage of shipping containers and vehicles goes beyond what is lawful on the site and is materially different from the authorised use. Consequently, planning permission is required for such a material change of use. I am not aware of planning permission having been granted for such a development.
8. The appellants contend that the containers are not stored on the land they are in use for purposes connected with the occupation of the land and running a smallholding. There is insufficient evidence before me that there has not been a breach of planning control or that the correct permissions are in place which authorise the material change of use of the land that has clearly occurred. Therefore, the appeals on ground (c) fail.

### **The appeals on ground (f)**

9. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve its purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the cessation of the use of part of the land for siting shipping containers or vehicles and the removal of shipping containers, vehicles and caravans except for one caravan and up to two vehicles used for personal transport purposes, the purpose is clearly to remedy the breach.
10. Under ground (f) the appellants argue that they should be allowed to keep the site as they state they purchased it. It is also contended that they can improve the area for recreational users by collecting rubbish, for example. However, this does not point to any lesser measures that would achieve the overall purposes of the notice.
11. Furthermore it is suggested that a legal agreement could ensure that everything is removed from the site when the appellants leave and could be used as a mechanism to prevent development of the land in the future. However, since there are no appeals on ground (a), notwithstanding any detailed consideration of this matter, there are no grounds to consider the merits of such an approach. I appreciate that the land allows the appellants to have a quality of life they enjoy, but compliance with the enforcement notice would allow one caravan to remain on site for their occupation.

- 
12. Given the circumstances presented to me in evidence, any measures short of those specified in the notice would not achieve the purpose of the notice and therefore the appeals on ground (f) fail.

**Formal Decision**

13. The appeals are dismissed and the enforcement notice is upheld.

*A A Phillips*

INSPECTOR

# Appeal Decision

Site visit made on 28 March 2019

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 May 2019**

**Appeal Ref: APP/M2325/D/18/3217874**

**5A Lowther Terrace, Lytham St Annes, FY8 5QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Talbot against the decision of Fylde Council.
- The application Ref 18/0428 dated 29 May 2018 was refused by notice dated 21 September 2018.
- The development proposed is a replacement garage and studio.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are (1) whether the proposal would preserve or enhance the character or appearance of the Lytham Conservation Area, and (2) the effect on the living conditions of neighbouring residential occupiers with regard to privacy and sunlight.

## Reasons

### *Character and Appearance*

3. The appeal property is situated on Lowther Terrace and is within the Lytham Conservation Area. Lowther Terrace consists of large, Victorian semi-detached properties, set back from the road behind front garden areas. The properties also have long rear gardens, with some of them having garages and other outbuildings to the rear, facing Gregson Street. The traditional appearance of properties, along with the presence of trees and vegetation in gardens and open spaces, contributes to the special character of the Conservation Area.
4. The appeal site consists of a flat which occupies the upper floors of the property on Lowther Terrace and has a detached double garage to the rear. Following the demolition of this garage, the appeal development seeks permission for a two storey structure that would provide a garage, WC and garden room to the ground floor and living accommodation to the first floor. I was able to see a variety of built forms in the area at the time of my visit, including garages that had a subservient appearance to the larger Victorian properties facing Lowther Terrace. Although the proposal would increase the mass of development on this

part of Gregson Street around the appeal site, it would still retain a subservient appearance to the larger size of the main properties on Lowther Terrace.

5. I do not consider the street rhythm of development would be unduly affected on the western side of Gregson Street, given the presence of the existing two storey building, identified as The Coach House. There are also other two storey properties to the south of the appeal property on Gregson Street which are clearly visible in the streetscene. The proposal would be separated from the two storey elements of The Coach House and the other two storey properties on the western side of Gregson Street by single storey garages and I do not therefore consider that there would be an unacceptable concentration of mass that would be detrimental to the Conservation Area.
6. I acknowledge that the development proposes to utilise uPVC windows and doors as well as one way mirror glass. Many of the larger properties on Lowther Terrace contain original features. However, unlike them, it was evident that along Gregson Street, that the use of more modern materials, such as uPVC on the windows is more prevalent. Given this context and the modern nature of the proposed appeal building, I do not find the appearance arising from the choice of materials for the windows and doors to be such, that it would be significantly harmful, to the extent that it would fail to preserve the character or appearance of the Conservation Area as a whole.
7. I conclude therefore that the proposed development would preserve the character and appearance of the Lytham Conservation Area. Accordingly, the proposal would not conflict with Policy HL5 Fylde Borough Local Plan (Local Plan), which I consider to be of particular relevance to this main issue. This seeks, amongst other matters, to permit development where the character or appearance of the area, and its setting, are appropriately conserved or enhanced. It would also not be contrary to Section 16 of the National Planning Policy Framework, which seeks to conserve or enhance the historic environment.

#### *Living Conditions*

8. The proposal would result in a two storey structure replacing the existing garage building. I note the location of The Coach House relative to the appeal site and was able to visit this neighbouring property at the time of my visit. The Council has raised concerns on the overshadowing impact of the proposal on the first floor windows on the southern elevation of this neighbouring property. I note the reference to them being identified as obscure glazed on the original permission, although I was able to see that the larger windows were clear glazed. Irrespective of this however, the Appellant has submitted sun path diagrams that show that there would not be overshadowing of the two larger windows on the southern elevation of The Coach House. Based on this, and my site observations in relation to the height of and distance between the appeal and this neighbouring property, I do not consider that there would be a significant loss of sunlight arising from the proposed development.
9. The appeal development has been designed with first floor windows on both gable elevations. This includes a window facing towards the rear elevation of Lowther Terrace, with No. 5 being the apartment on the ground floor underneath that part of the building (No. 5A) which forms part of the appeal

site. I acknowledge that there is mutual overlooking of surrounding properties in the vicinity of the site. This does not however, justify the proposal, which would lead to direct views of No.5's rear garden area at close quarters. Reference has been made to one way glass, but this would be to the lower half of the window and would not prove effective in preventing unacceptable views.

10. The front window on the appeal proposal to Gregson Street would also permit direct views of the enclosed amenity area to the side of No. 3 Gregson Street. The Council have made reference to No. 3 having a limited private garden area and the proposal would, owing to its proximity and height, lead to harmful overlooking of the space to the side of No. 3. This would again not be mitigated by one way glass, due to the reference stating that the one way glass would be there to provide no view into the proposed appeal building, rather than restricting views out.
11. The Appellant has stated that neighbours at No. 5 Lowther Terrace and No. 3 Gregson Street have not objected to the proposal submitted. Whilst I have been provided with differing correspondence in this regard, whether or not objections have been raised by neighbouring residents, is not itself an indicator of the lack of harm. Given the permanent nature of the proposal, it is necessary to consider the living conditions of both current and future residents.
12. I conclude, for reasons set out above, that the appeal development would adversely affect the living conditions of surrounding residential occupiers with regard to privacy. It would be contrary to Policy HL5 of the Local Plan, which seeks, amongst other matters, to ensure that the amenities of adjacent and nearby residents are not unduly prejudiced by the loss of privacy.

### **Other Matters**

13. My attention has been drawn to a planning application at No. 7 Lowther Terrace. I have been provided with information which shows that an outline application for the erection of a house was granted and not refused. The Appellant considers that a precedent has been set for this type of development and has provided a range of photographs with addresses for various sites. Although some planning application documents have been provided, I am not aware of the full circumstances of these cases and am in any event required to determine this appeal before me on its own merits.
14. The Appellant has set out the visual benefits that would arise from replacing the existing garage. I also note the accommodation sought is to provide for a potential carer due to the health conditions the Appellant has set out. Whilst these matters weigh in favour of the proposal, they would not however not justify the harm that would arise from it.
15. I note the amendments that have been made to the scheme, including the reduction in height and the removal of the Juliet balcony. I can however confirm that I have dealt with the appeal on its own merits.

### **Conclusion**

16. I have found in the appellants favour in relation to the issue of the effect on the character or appearance of the Conservation Area. However, I conclude

that the appeal proposal would be unacceptable in relation to the impact on the living conditions of neighbouring residential occupiers with regard to privacy.

17. For the reasons given above and having considered all other matters raised, including reference to the previous approval on the appeal site, the proposal being acceptable in respect of car parking and representations from neighbouring residents, the appeal should be dismissed.

*F Rafiq*

INSPECTOR



# Appeal Decision

Site visit made on 1 April 2019

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 April 2019**

**Appeal Ref: APP/M2325/W/19/3219951**

**Bank House, 9 Dicconson Terrace, Lytham St Annes FY8 5JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Olive Tree Brasserie against the decision of Fylde Council.
- The application Ref 18/0576, dated 16 July 2018, was refused by notice dated 7 November 2018.
- The development undertaken is the 'installation of a terrace structure, with a glass canopy roof and open sides'.

## Application for Costs

1. An application for costs was made by the Appellant Company against the Council which is the subject of a separate decision.

## Decision

2. The appeal is dismissed.

## Procedural Matters

3. A canopy structure was present at the time of my visit. According to the submitted plans, the proposal which is the subject of the appeal differs from this structure as its roof would be glass within a powder coated aluminium frame and the balustrade enclosure would be frameless glass. For the avoidance of doubt, I have considered the scheme on the basis of the submitted plans rather than the structure that is currently present.
4. The Application Form describes the proposal as the '*installation of a terrace structure, with horizontal roof with a concealed retractable fabric roof*'. However, the submitted plans show a glazed roof. The Appellant Company confirmed to the Council via e-mail dated 23 October 2018 that it was the glazed roof design that was to be formally considered and these are the plans referred to in the Council's Decision Notice. On this basis, I have taken the description from the Council's Decision Notice.

## Main Issue

5. The application was refused for two reasons; the second of which related to an adjacent formally protected lime tree. The Council has advised that since the application was refused, a condition imposed on an earlier planning permission

for a raised external terrace with balustrade (Ref. 18/0164) which related to the protected tree has been formally discharged. On this basis, the Council has withdrawn its second reason for refusal.

6. As a result, the main issue in this case is the effect of the proposal on the character and appearance of the host building and the Lytham Conservation Area (CA).

## **Reasons**

### *Character and appearance*

7. The appeal relates to an imposing Edwardian former bank building which enjoys a prominent position within the town square. The architectural and historic qualities of the building are recognised by a local listing and it makes a positive contribution to the CA within which it sits.
8. Planning permission has been granted for a terrace outside the appeal property enclosed by a frameless glass balustrade. The appeal proposal would be a more solid structure, with a powder coated aluminium framed canopy and lean-to predominantly glazed roof.
9. The proposed structure would dominate the front elevation of the building and would obstruct some of the architectural detailing at ground floor level, including the arched section of its attractive windows. This would be regrettable. Whilst the installation would not be irreversible, there is no suggestion that it would be a temporary structure and it would detract from the overall architectural quality of the building and its setting. This harm would be widely visible from the public domain given the prominent position of the appeal property within the town square. Whilst I do not have the details of the approved scheme, I find it highly likely that the appeal proposal would have a more harmful effect in such terms because it is a more substantial form of development.
10. This harm would be 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. For the above reasons, I find that the proposal would harm the character and appearance of the host building and that of the CA. In such terms, it conflicts with policies GD7 and ENV5 of the adopted Fylde Local Plan (LP), which collectively seek to achieve high quality, responsive design and preserve heritage assets. It would also conflict with the advice contained within the Council's Supplementary Planning Document titled '*Canopies and Glazed Extensions on Commercial Forecourts – A Design Note*' (SPD). Whilst not referred to in the Council's Decision Notice, I understand the SPD was adopted before the application was refused and it is a material consideration in the determination of this appeal.

*Other considerations*

12. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Appellant Company points to the fact that the structure has increased the capacity of the brasserie and provides an 'al fresco' dining experience, even in inclement weather. It also provides access for people with disabilities. Nevertheless, nothing I have seen or read convinces me that a more sympathetic scheme could not deliver similar benefits.
13. The Appellant Company points to the fact that the properties either side have similar enclosures. However, I note that a colleague Inspector found enclosures at these two properties to be objectionable when dealing with two enforcement cases (Refs. APP/M2325/C/18/3203663 and APP/M2325/C/18/3206089), which only reinforces the concerns I have outlined.

**Overall Conclusion**

14. I conclude that the proposal would harm the character and appearance of the host building and the CA within which it sits. In this respect, it conflicts with the development plan policies and design guidance referred to above. The arguments advanced by the Appellant Company in favour of the proposal do not outweigh this harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon*

INSPECTOR

## Costs Decision

Site visit made on 1 April 2019

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 April 2019**

### **Costs application in relation to Appeal Ref: APP/M2325/W/19/3219951 Bank House, 9 Dicconson Terrace, Lytham St Annes FY8 5JY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Olive Tree Brasserie for a full award of costs against Fylde Council.
- The appeal was against the refusal of planning permission for the 'installation of a terrace structure, with a glass canopy roof and open sides'.

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Appellant Company asserts that the Council has behaved unreasonably because in defending its position, it referred to a Supplementary Planning Document (titled '*Canopies and Glazed Extensions on Commercial Forecourts – A Design Note*') which was adopted before the application was determined, yet was not referred to within the formal Decision Notice.
4. In my view, the Appellant Company were not disadvantaged by this because there was an opportunity to comment on the content and implications of the SPD at the rebuttal stage of the appeal process, but this was not taken. Further, although a material consideration, the determination of the appeal did not turn on the SPD; rather it supported the development plan policies I found the proposal to be in conflict with.
5. The Appellant Company also considers that the Council's decision to withdraw its second reason for refusing the application, which related to a formally protected lime tree, was unreasonable. However, the Council explained that the decision to withdraw arose from the formal discharge of a condition attached to an earlier planning permission relating to the appeal property which required the protection of this tree (Ref. 18/0164). Whilst I understand that the statutory start date of the application to discharge the condition was 24 August 2018, which is well before the appeal proposal was determined on 7 November 2018, it was not determined until well after this date due to outstanding information being required. On this basis, I am satisfied that the Council had reasonably held concerns about the potential impact of the appeal

proposal on the longevity of the lime tree at the time the appeal application was determined.

6. With regards to the second reason for refusal, the Statement produced on behalf of the Appellant Company to support the appeal effectively repeats the findings of the Arboriculture Report submitted with the planning application which, in my view, involved limited additional work. Further, the Council withdrew this second reason for refusal in its Appeal Statement and I am satisfied that given the situation outlined above, this was the earliest opportunity to do so.
7. In light of the above factors, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*David Fitzsimon*

INSPECTOR

## Appeal Decision

Site visit made on 7 May 2019

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 May 2019**

**Appeal Ref: APP/M2325/D/19/3220786**

**14 Ramsgate Close, Bryning With Warton PR4 1YF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Rachel Stretch against the decision of Fylde Borough Council.
- The application Ref 18/0721, dated 11 September 2018, was refused by notice dated 2 November 2018.
- The development proposed is attached modular garage store garden building.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I could see from my site visit that the proposal had already been erected in accordance with the submitted plans. Furthermore, the external surface of the extension accords with the materials detailed on the planning application form. I have therefore determined the appeal on this basis.
3. The description of development in the heading has been taken from the planning application form. Part E of the appeal form states that the description of development has changed, and reference is made to the building being used for 'bakery storage'. Despite this, the plans show that a modular garage building is proposed. I have considered the appeal on this basis.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. The host property is a semi-detached house on Ramsgate Close. The close forms part of a housing estate within the settlement of Warton. The appeal property is situated on a corner plot and its front and side elevations face the highway. Neighbouring properties are similar in style and design. A number benefit from extensions. Properties within Ramsgate Close are built in different shades of brick and render, but these are applied consistently across houses in the area which contributes to the character and appearance of the close.
6. The extension is of a modular construction. This itself is not harmful, but the use of pebble dash and corrugated sheeting for the roof of the extension do not match the materials used in the host property or those used widely in the

close. As a result, the extension is not in keeping with the host property or the street scene. Although a planning condition could potentially be used to ensure that appropriate materials are used, this would be likely to require the complete re-build of the extension's exterior. Such a condition would be wider in scope than necessary and as there are no details before me of potential alternative materials, I am of the view that a condition could not be drafted with enough precision.

7. I note the appellant's wish to work from home and the personal circumstances relating to the case. Moreover, I recognise that the appellant has sought to obtain planning permission from the Council. However, the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Hence, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.
8. Consequently, despite the extension being of an appropriate scale, mass, layout and design, I conclude that significant harm is caused to the character and appearance of the area as a result of the materials used. The proposal does not therefore accord with Policy GD7 of the Fylde Local Plan To 2032 and paragraph 127 d) of the National Planning Policy Framework. Together, these expect, among other things, development to establish or maintain a strong sense of place using a high standard of design by taking account of the character and appearance of the local area and ensuring the materials relate well to the surrounding context.

### **Conclusion**

9. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR