

# Agenda



## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 10 June 2015 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

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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 29 April 2015 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
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6	<b>Substitute Members at Development Management Committee</b>	90 - 91
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8	<u>Exempt Item – Not for Publication</u> <b>Consideration of Case to Defend Appeals Against Refusal of Planning Applications 14/0302 and 14/0735 at Land Off Willow Drive, Wrea Green</b>	-

Contact: Lyndsey Lacey - 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>

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WITH WARTON, PRESTON, PR4 1AD  
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# Development Management Committee Schedule

## 10 June 2015

Item Number: 1

Committee Date: 10 June 2015

<b>Application Reference:</b>	13/0562	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	TWO BROOKS VALLEY LTD	<b>Agent :</b>	
<b>Location:</b>	GEORGES GARAGE, 45 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AD		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UPTO 7 DWELLINGS, WITH ACCESS FROM LYTHAM ROAD APPLIED FOR AND ALL OTHER MATTERS RESERVED.		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	91	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Application Deferred by Committee		

**Summary of Recommended Decision:** Grant

### **Introduction**

#### **Background**

This application was presented to the 29 April 2015 meeting of the Development Management Committee where the decision was *"Deferred in order to seek further technical advice on the suitability of the proposed access."*

#### **Detail**

The applicant has sought that advice from his transport consultants which is summarised as follows:

- The road is a two way carriageway in a 30mph zone with no waiting and no loading restrictions around the proposed access point with double yellow lines, double pavement bars and signage to indicate this.
- The development is for 7 dwellings with the access providing for a ghost island right turn in lane marking
- Figures are presented to confirm that this junction will accommodate the required space for vehicles to turn
- An analysis of vehicle movements is provided with 34 total daily movements estimated. Of these there would be one arrival and two departures in the morning peak and two arrivals and one departure in the afternoon peak.

The summary of this report states:

*"It is considered that the proposed site access is sufficient to accommodate the level of traffic travelling to the proposed residential development. The right turn lane is sufficient length to allow up to three vehicles to queue to turn right into the residential site without blocking ahead traffic on Lytham Road or blocking right turners into the retail site."*

*Given that there would be around one vehicle entering the residential site every 30 minutes during the busiest period, it is considered that a queue of more than three vehicles waiting to turn right into the housing site is very unlikely to occur.*

*The highway adjacent to the proposed site access is protected by both no waiting and no loading at any time traffic regulation orders (double yellow lines on carriageway and kerb). Observations on site (confirmed in the photographs at the beginning of this report) show that the regulations are adhered to, and that Lytham Road is clear of parked vehicles, ensuring that visibility is not restricted for those exiting the proposed site, retail units and residential properties nearby."*

#### Consultee Views

The views of the highway authority have been sought on this additional information, but given that they raised no objection to the application it is likely that they are satisfied by its content. Any comments received will be reported to Committee as part of the late observations schedule.

No formal consultation has been undertaken although the document has been sent to the ward councillor who expressed concern over the access arrangements through a councillor colleague at the meeting as a courtesy and informative.

#### Officer Views

The additional information provides greater clarity to the matters raised at the April meeting and led to the deferral. The consultee and officer position remains that the access is adequate and appropriate for the construction of the 7 dwellings now proposed under this application. As such the officer recommendation remains for approval.

The original report is produced below for information but has not been amended in any way.

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

This application relates to the part of the Georges Garage site on Lytham Road in Warton that lies to the rear of the Tesco/Subway building. It seeks outline planning permission for the provision of 7 new dwellings on a previously developed site with access provided from Lytham Road following the demolition of the adjacent dwelling at 43 Lytham Road with this used for construction and all future purposes.

The site already benefits from an extant full permission (ref. 14/0833) for 16 affordable dwellings with access from Post Lane and from a permission that allows those 16 dwellings to be constructed through the demolition of No. 43 and then this access point replaced with a pair of semis.

The current proposal is considered by officers to accord with Policies SP1 and HL2 of the Fylde Borough Local Plan and makes good use of this redundant settlement site to provide new residential development and contribute to the Council's current undersupply of housing. The highway authority have not raised any objection to the development with this number of dwellings and so it is recommended that Members support the proposal.

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

The Parish Council's objection is at odds with the officer recommendation of approval.

### **Site Description and Location**

The application site is located within the settlement boundary of Warton and forms part of the former Georges Garage site; the northern part of which has recently been developed with two retail units (Tesco Express and Subway). The site is a square shaped parcel of land measuring approximately 0.3 hectares in size and was previously used for car dismantling in connection with the car sales that took place from Georges Garage.

Residential dwellings lie to both the east and west of the site. To the west are the two storey red brick dwellings on Post Lane and to the east is the rear garden of No.41 Lytham Road. To the south is a small stream which marks the site boundary and beyond that is the former GEC Marconi site that is currently undergoing residential development.

### **Details of Proposal**

Outline planning permission is sought for the construction of 7 dwellings, with access applied for and all other matters reserved. Vehicle and pedestrian access to the site is proposed to be via the creation of a new access from Lytham Road. This would involve the demolition and removal of an existing dwelling at No.43 Lytham Road in order to enable the formation of the new access. The submitted documentation includes an indicative site layout showing 6 detached four bedroomed dwellings with integral garages, and one four bedroomed detached dwelling with separate garage.

This application has been with the council for some time as the applicant has sought to address concerns over the access. It originally sought outline permission for 36 residential apartments, which was subsequently reduced to 13 dwellings and since further reduced to the 7 dwellings now sought.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0833	PROPOSED ERECTION OF 16 NO. AFFORDABLE DWELLINGS AS EXTENSION OF POST LANE	Granted	12/01/2015
14/0287	VARIATION OF CONDITION 12 ON PLANNING PERMISSION 12/0524 TO ALLOW STORE TO OPEN BETWEEN 0600 AND 2300 HOURS ON EACH DAY OF THE WEEK, AND DELIVERIES TO THE UNIT BETWEEN 0700 HOURS AND 2000 HOURS.	Refused	21/05/2014
13/0779	ADVERTISEMENT CONSENT FOR 1 No. INTERNALLY ILLUMINATED TOTEM SIGN	Granted	21/01/2014
13/0771	ADVERTISEMENT CONSENT TO DISPLAY FASCIA SIGN AND SIDE PANELS TO FRONT, ATM VINYL, 3 X CAR PARKING SIGNS AND 2 X POST SIGN	Granted	21/01/2014
13/0752	INSTALLATION OF SECURITY ROLLER BARRIERS ALONG TOP OF APPROVED 2.4M CLOSE BOARDED ACOUSTIC FENCE.	Granted	21/01/2014
12/0527	OUTLINE APPLICATION FOR THE PROPOSED DEVELOPMENT OF UP TO 16 NO. DWELLINGS (ACCESS FROM POST LANE APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/03/2015
12/0524	PROPOSED ERECTION OF BUILDING PROVIDING	Granted	16/11/2012

	TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) INCLUDING A NEW PEDESTRIAN CROSSING OVER LYTHAM ROAD FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE (RESUBMISSION OF APPLICATION 11/0564)		
11/0564	PROPOSED ERECTION OF BUILDING PROVIDING TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.	Withdrawn - Appeal against non-determine	10/04/2012
10/0001	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Withdrawn by Applicant	31/05/2013
09/0420	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Withdrawn - Appeal against non-determine	12/01/2010

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
14/0287	VARIATION OF CONDITION 12 ON PLANNING PERMISSION 12/0524 TO ALLOW STORE TO OPEN BETWEEN 0600 AND 2300 HOURS ON EACH DAY OF THE WEEK, AND DELIVERIES TO THE UNIT BETWEEN 0700 HOURS AND 2000 HOURS.	Dismiss	30/09/2014
11/0564	PROPOSED ERECTION OF BUILDING PROVIDING TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.	Withdrawn	28/11/2012
09/0420	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Dismiss	23/09/2010

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

**Bryning with Warton Parish Council** notified on 12 September 2013 in respect of the proposal for 36 dwellings and again on 20 March 2015 in respect of the current 7 dwelling scheme. They have raised objection to both with the comments made in respect of the current scheme being as follows:

*“Objects to the proposal.*

*In the matter of applied Access from Lytham road, the proposal to place a further road junction at this point off Lytham road, to provide access to a residential development, is highly questionable in light of the current highway and road changes being undertaken. The Enterprise Zone, new access to BAE systems and the neighbouring retail properties of Tesco and Subway are all adding to a gridlock of Lytham Road and a further junction cannot be supported. A junction at this point will create a bigger serious traffic hazard with extreme risk of accidents with injury, if not fatalities, to pedestrians, cyclists and motorists on this stretch of road. The retail property has increased pedestrian footfall in the immediate vicinity and has created numerous vehicles attempting to access and exit the retail site car park. The knock on effect on predicted volume and traffic flow to and from the Enterprise Zone and BAE, which is already highly contentious, will also be effected even by the vehicles from the occupants of seven houses as proposed. Stationary traffic waiting to access the retail site is already causing problems and excessive wait times on the 'A' Road so an additional junction will only make this worse.*



*In the matter of the Outline application for a residential development of up to 7 dwellings the Parish Council obviously have no objection to the reduced number of properties but it is strongly believed that once any access from Lytham road is approved the developers will revert to proposals for increased number of properties on the site.*

*Members strongly make representation that if it minded to support the application the final decision should be brought before the Development Management Committee due to the major long term traffic effect this will have on the village."*

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

#### **Ministry of Defence - Safeguarding**

No safeguarding objections.

#### **BAe Systems**

No objections.

#### **Electricity North West**

No objections but highlights that the development is adjacent to Electricity North West operational land and/or distribution assets and the developer should contact ENW to verify such details if permission is granted.

#### **United Utilities**

No objections but refer to the site being within an area that drains directly to the Fylde Tunnel so encourage the developer to reduce the overall volume of surface water discharging from the site. They request that the developer installs soakaway /suds wherever practical and construct all hard standing areas such as footpaths, driveways & parking areas using permeable materials, and that other measures to reduce the volume of surface water discharging from the site are introduced. This is to minimise the impact to the Fylde tunnel and subsequently bathing water quality standards is minimised.

They suggest a series of conditions to allow these measures to be enforced as part of the reserved matters submission and then development.

#### **Environment Agency**

No objection in principle subject to the inclusion of conditions relating to the removal of any possible contamination from the site, and the imposition of a sustainable surface water drainage strategy.

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

They have been consulted on all versions of this application and raised objection to the initial schemes. As their views are critical to this application they are recorded here in full in response to the consultation on the 7 dwellings now proposed.

*"It is noted that the previously proposed 36 dwellings have now been reduced to 7. In the highways response of 31 October 2013 and 19 May 2014 concerns were expressed about vehicle turning movements associated with 36 dwellings at the proposed access and the impact on existing adjacent accesses. It was also considered that vehicular trips to be generated by the proposed 36 dwellings might contribute to queuing on the*

*A584 Lytham Road during peak hours taking into account other committed developments in the area and there were safety concerns relating to right turn manoeuvres round the new refuge for retail development.*

*The retail development is now operational and the refuge in place. This has provided an opportunity for on-site highway appraisal of turning movement of vehicles and pedestrian movements. Although there are still concerns, it is considered that the proposed reduction in the number of dwellings to 7 will substantially reduce vehicular trip generation of the site and the consequential number of vehicle turning movements at the access. As such Highway's objection to the proposed access on grounds of severe highway impact can no longer be sustained.*

*As regards the internal layout of the proposed development, I have no issues as parking seems to have accorded with Standard and there seems adequate space for turning manoeuvres. The layout will however be required to be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order for the development to be acceptable for adoption under the section 38 agreement of the Highways Act 1980.*

*There are no highways objections to the current proposal."*

They then suggest that conditions be imposed relating to the design, phasing and of the access and that a wheel wash facility be introduced.

### **Neighbour Observations**

**Neighbours notified:** 12 September 2013

**Amended plans notified:** 11 March 2015

**No. Of Responses Received:** Four (three in response to the original proposal for 36 dwellings and one in response to the revised number of 7 dwellings)

**Nature of comments made:**

In light of the reduction in the number of dwellings to seven the now relevant concerns raised by the objections relate to the formation of the new access and can be summarised as follows:

- More vehicles entering Lytham Road from the site will add to the congestion on Lytham Road.
- The new access would make it impossible for the residents of No.62 Lytham Road to turn right out of their property due to the combination of traffic that would be leaving the site together with that leaving the Tesco Express

One objection letter simply states that there should be no more building in Warton or it will no longer be a village.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates

EP14	Landscaping of new developments
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
TR09	Car parking within new developments

**Other Relevant Policy:**

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

**Site Constraints**

**Environmental Impact Assessment**

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

**Comment and Analysis**

Full planning permission was granted by the Development Management Committee on 12 January 2015 (permission ref. 14/0833) for the construction of 16 affordable dwellings on this site. Hence the principle of residential development on this site has recently been established and does not form part of this consideration.

The number of dwellings proposed is well below that previously approved and so can be accommodated on the site without it appearing cramped, yet still provides the effective use of the site required by NPPF and Policy HL2 given the varied densities of the neighbouring residential properties.

Unlike the earlier permission this alternative scheme does not propose to provide any affordable housing however the number of dwellings has been reduced to seven which is below the threshold, set by the council's Interim Housing Policy, over which an element of (or contribution in lieu of) affordable housing is required. Hence the lack of any affordable dwelling provision in this scheme does not conflict with Policy.

Given that principle of the development has been established and the outline nature of this application it falls only to consider the proposed new access arrangements from Lytham Road. All objections received by the Council relate to the new proposed access created from Lytham Road and the potential impacts that this might have on highway safety. LCC Highways did raise an objection against the original proposed scheme of 36 new dwellings on the grounds that the resulting additional vehicle movements to and from the development would be of such a level as to unduly impact on the safe use of Lytham Road. However the amended scheme has substantially reduced the number of dwellings from 36 to 7. With this in mind LCC Highways have reassessed the proposal and are now satisfied that this reduced level of development would not result in an unacceptable increase in vehicle movements and would not unduly impact on the safe use of the wider highway network.

The approved scheme for the construction access through No. 43 also approves 2 dwellings on that plot once that access is no longer required. The 7 dwellings here is clearly well above that approved level of movements, but will still only generate a modest number of turning movements

through the access. Officers agree with County Highways that the level of development, and so use of this access point, as proposed in this application is now at an acceptable level. Para 32 of the NPPF requires an assessment of whether *“a safe and suitable access to the site can be achieved for all people”*, and officers believe that to be the case with this proposal.

### **Conclusions**

This application seeks outline planning permission for the provision of 7 new dwellings on a previously developed site with access provided from Lytham Road. The site already benefits from an extant full permission (ref. 14/0833) for 16 dwellings with access from Post Lane. This new proposal is considered by officers to accord with Policies SP1 and HL2 of the Fylde Borough Local Plan and makes good use of this redundant settlement site to provide new residential development and contribute to the Council's current undersupply of housing. Members are recommended to approve the application.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. In the case of any 'Reserved Matter', application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any works are commenced on site, details of the reserved matters, namely appearance, landscaping, and scale, shall be submitted to and approved by the local planning authority and the development thereafter carried out in accordance with such approval.

The application was submitted in outline and details of these matters still remain to be submitted

3. This consent relates to the following plans and / or reports:

- Site Location Plan - Dwg no. OS01, 02 August 2013
- Proposed A3 Site Layout - Dwg no. 451/LRW/SLP, dated Feb 2015 and received by the LPA on 10 March 2015
- Design & Access Statement produced by Two Brooks Valley and dated September 2013

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

4. Prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

5. Prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

6. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

7. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan is to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan is to be implemented and adhered to during the construction of the development.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

8. Prior to the commencement of development, a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with this plan, unless variations from it are previously agreed in writing by the Local Planning Authority.

To ensure the site is constructed in a manner that ensure a satisfactory relationship with neighbouring dwellings and the land is appropriately drained as required by Policy HL2 and EP30 of the Fylde Borough Local Plan

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

To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwellings.

10. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy approved under planning permission ref. 05/14/0833 and prepared by SKM Enviro (Final report dated September 2013 reference BHI\_SKM\_AH\_001). The effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure completion of the site remediation and reduce the risk of pollution to controlled waters as a result of the development.

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority, and thereafter been constructed and completed in accordance with the approved scheme.

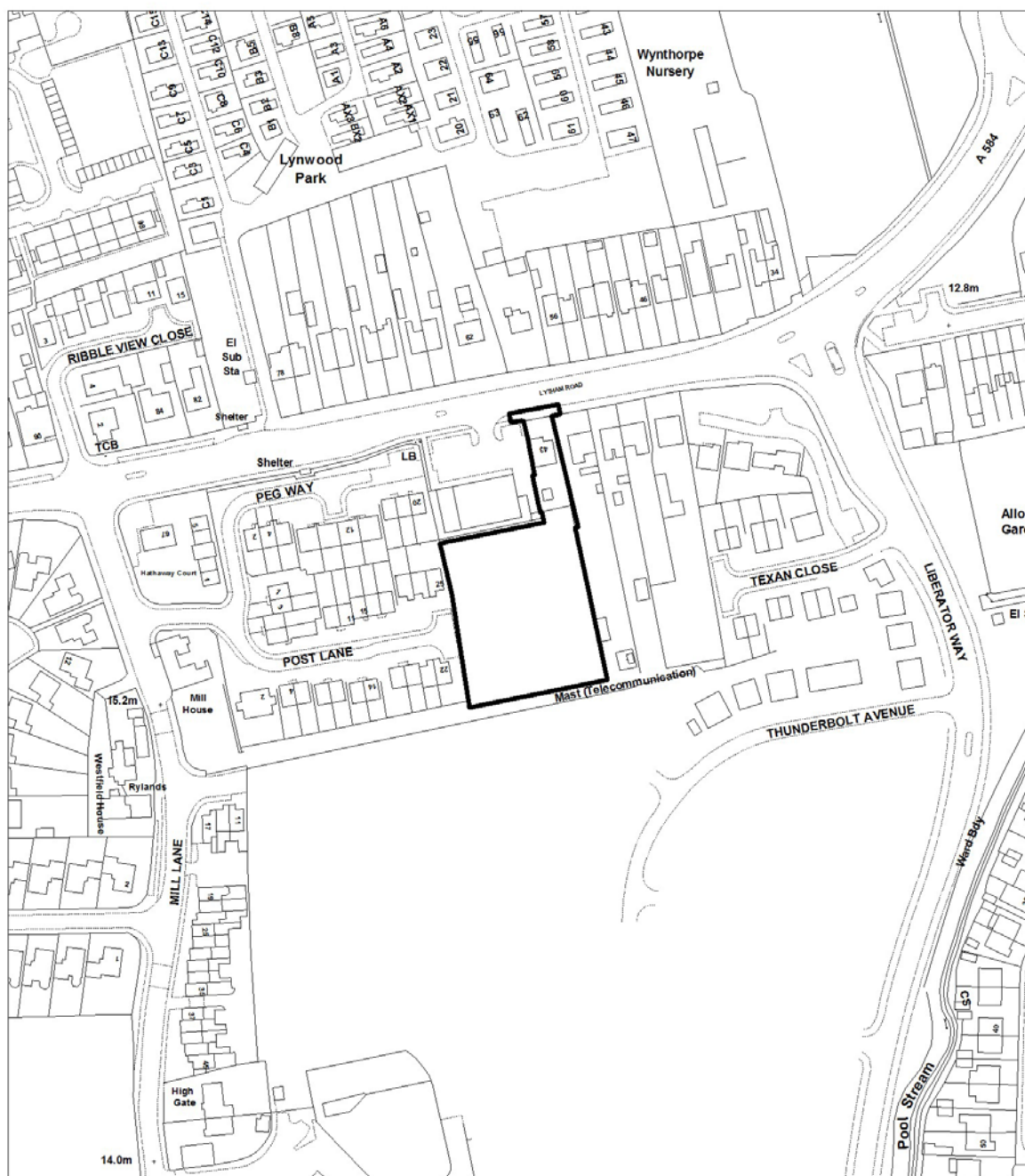
In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

12. The new estate road/access between the site and Lytham 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 development takes place within site

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

13. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Unless otherwise agreed in writing by the Local Planning Authority any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/13/0562	Address Georges Garage, 45 Lytham Road, Warton	Grid Ref. E.3417 : N.4286	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 10 June 2015

<b>Application Reference:</b> 14/0770		<b>Type of Application:</b> Full Planning Permission
<b>Applicant:</b>	Keystone Design Associates	<b>Agent :</b>
<b>Location:</b>	48 PRESTON STREET, KIRKHAM, PRESTON, PR4 2ZA	
<b>Proposal:</b>	PROPOSED ERECTION OF THREE DETACHED DWELLINGS WITH ASSOCIATED GARAGES AND LANDSCAPING	
<b>Parish:</b>	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b> 29	<b>Case Officer:</b>	Mrs C Kitching
<b>Reason for Delay:</b>	Negotiations to resolve difficulties	

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is an area of land to the rear of 48 Preston Street which is the former garden area to this Coach House property located on the edge of Kirkham town centre. The proposal is for the erection of 3 dwellings on the site and is a separate proposal to one approved by Committee recently under reference 13/0597 to convert the building to 5 apartments.

The site has been vacant for several years and this proposal will complement the conversion proposal and bring residential development to a sustainable location and will allow for the preservation of the heritage asset to the benefit of Kirkham. The scheme is in compliance with NPPF para 131 that recognises the benefit of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and recognises the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. When the property was in use as a nightclub and restaurant it had much greater parking requirements than the flat use and that allows this land to be used for an alternative proposal which is beneficial to the area and will still allow the listed building to be appreciated.

**Reason for Reporting to Committee**

A number of previous applications have been determined at Committee, with particular interest in the re-development of the site expressed during those discussions. Accordingly the Head of Planning and Regeneration believes that it is appropriate for this application to also be determined at Committee.

**Site Description and Location**

The application site is located at the rear of the vacant Cube nightclub which was previously the Hillside restaurant. The site is located on the southern side of Preston Street, Kirkham and is partly within the Kirkham Conservation Area. The large house at Hillside was originally built as a Regency residence in the early 1800s by Kirkham flax merchant John Birley and is Grade II listed. There are



a series of trees protected by TPO within the application site.

Surrounding land uses are residential with the properties on The Conifers and Mulberry Mews to the rear, the extended gardens to the neighbouring Preston Street properties to the side, and the Stables bar pub to the other side.

### **Details of Proposal**

Full planning permission is sought for the erection of three detached houses. These are all detached and provide accommodation over two storeys. Each is provided with a detached garage and landscaping to the front of the site alongside typical sized garden areas to the rear. The site is accessed through the underpass from Preston Street which has historically served the restaurant and is also to be used to serve the apartments that it is converted into.

The application was originally submitted for 4 dwellings of a different design to those now under consideration. The revisions have been sought by officers following negotiations with the applicant and agent to resolve concerns over the scale of the development and the relationship of them to the protected trees and the listed building/conservation area.

This application and its sister application for Listed Building Consent (also on this agenda) follows the grant of planning permission in February for conversion of the former Hillside restaurant (latterly Cube nightclub) to five apartments.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0646	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CONVERSION OF BUILDING TO PROVIDE 5 RESIDENTIAL FLATS INCLUDING: INTERNAL ALTERATIONS, DEMOLITION OF LIFT SHAFT TO REAR, INSERTION OF VELUX WINDOWS TO FRONT ELEVATION, ROOF AND WINDOW ALTERATIONS, FORMATION OF BALCONY TO REAR ROOFSLOPE AND WORKS TO REAR CURTILAGE AREA	Granted	24/02/2015
13/0597	PROPOSED CONVERSION OF NIGHTCLUB / PUB INTO 5 APARTMENTS WITH 2 VELUX WINDOWS TO FRONT, BALCONY TO REAR AND OTHER ELEVATIONAL ALTERATIONS. PROPOSED SURFACING OF PARKING AREA, ERECTION OF BRICK BIN STORE AND NEW BOUNDARY WALLS AND LANDSCAPING TO REAR.	Granted	
13/0598	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)	Refused	03/07/2014
05/1109	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS, NEW LIFT AND STAIR TO REAR AND UPGRADE OF EXISTING STEEL STAIR.	Granted	16/02/2007
05/1107	RE-SUBMISSION OF 05/0915 - NEW STAIR AND LIFT TO REAR AND NEW STEEL ESCAPE STAIR.	Granted	16/02/2007
05/0915	TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0950	LISTED BUILDING CONSENT FOR TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0388	CONVERSION FROM RESTAURANT TO 7 RESIDENTIAL APARTMENTS.	Refused	26/05/2005

04/1050	CONVERSION OF BUILDING INTO 8 No APARTMENTS (INCLUDES THE RETENTION OF THE EXISTING MANAGERS ACCOMMODATION)	Refused	21/03/2005
04/0077	LISTED BUILDING CONSENT FOR INTERNAL WALLS, WALL & RAMP TO REAR IN ASSOCIATION WITH CHANGE OF USE TO NURSERY	Refused	23/03/2004
04/0075	CHANGE OF USE OF RESTAURANT TO CHILDRENS NURSERY, RAMP & WALL TO REAR TERRACE	Refused	23/03/2004
89/0603	LISTED BLDG CONSENT; ALT'S TO LINK 2 DINING ROOMS	Granted	04/10/1989
89/0427	EXTERNAL SCREEN WALL TO KITCHEN AREA AND INTERNAL ALTERATIONS	Granted	14/07/1989
81/0512	ALTERATIONS TO FORM FUNCTION ROOMS AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
81/0535	LISTED BUILDING CONSENT - ALTERATIONS TO FORM FUNCTION ROOM AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
80/0613	INTERNAL ALTERATIONS TO FORM FUNCTION ROOMS.	Refused	12/12/1980
80/0382	ALTERATIONS TO IMPROVE ENTRANCE (LISTED BUILDING).	Granted	23/07/1980
77/0722	ILLUMINATED PROJECTING SIGN	Granted	16/11/1977
77/0528	FIRE ESCAPE.	Granted	24/08/1977
78/0576	ROOF PATIO	Granted	09/08/1976
74/0057	BEDROOM EXTENSION WITH CAR PARKING IN BASEMENT.	Granted	13/05/1974

### **Relevant Planning Appeals History**

None.

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

Kirkham Town Council notified on 25 November 2014 and 22 April 2015

They raise no specific observations to the original proposal. No response has been received in respect of the current proposal, and any that are will be reported via late Observations Schedule.

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

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

They raise no objections to the proposal in highway terms subject to a series of standard conditions. They also comment that the existing access to Preston Street is via a dropped kerb and I would suggest that in the interests of highway safety the access should have a kerbed radii access as per a standard road junction. This will also discourage some of the footway parking that currently takes place in the vicinity of the access and help to define safe routes for pedestrians and vehicles at the access.

#### **Regeneration Team (Tree Officer)**

Response to original plans:

The loss of trees T19, as well as those other trees identified in the report as of low value, is accepted with some mitigatory/ replacement planting necessary. The siting of units 1 and 4 presents a conflict with the aerial parts of retained trees. A suggestion is made to revise the layout to improve the spacing to trees.

No objection is made to revised plans.

### **English Heritage (now Historic England further to name change 1/4/15)**

The significance of the Kirkham conservation area is defined by its development as a planned medieval settlement and the physical traces of the changes to the town since that date. The proposal is to construct 3 new dwellings within the grounds of the grade II listed 48 Preston Street.

Historic England's remit as a statutory consultee is in this case restricted to the impact of the new development on the character of Kirkham conservation area. We gave comments to a full planning application on the site in December 2014 which has been amended to create the current scheme.

The amendment to the scheme is an improvement and causes less harm to the character and appearance of the conservation area through modifications in the layout and because the development is set to the back of the historic plot. We still do not consider that the building design reflects a proper understanding of the character of the conservation area; however, we do not object to the scheme.

We believe that changes to the design of the houses could potentially create a more sensitive development that enhances the character and appearance of the conservation area in line with NPPF para 137. For instance the land was historically at the back of Preston Street and as such you would expect simpler and less architecturally detailed houses. The current design competes architecturally with the buildings fronting Preston Street; however, in its current form it is unlikely people will interpret this as a development competing with the historic buildings on Preston Street.

The success of the scheme will depend on the detailed design of the scheme, such as the quality of materials and architectural finishes. The advice in our Building in Context Good Practice advice might help in the development of the detailed design.

### **Neighbour Observations**

**Neighbours notified:** 25 November 2014

**Amended plans notified:** 22 April 2015

**No. of responses received:** two

**Nature of comments made:**

- If any of the dwellings need assistance from the Fire Brigade how will the appliance be able to attend their needs? I am not sure if the "Underpass entrance" is wide or high enough to allow the fire engine to pass through. With the trees that will be there, I am sure that it would not take long before fire would spread to close by housing.
- Overlook numerous properties to the rear,
- loss of views and adverse impact on conservation area if trees are removed trees,
- loss of wildlife habitat if trees are removed,
- position of development in garden land of a listed building constitutes town cramming which should be avoided,
- massing leaves room for other dwellings and the scheme may set a precedent for further development
- design and materials are not sympathetic to the existing buildings in the conservation area and would be out of keeping with the design and character of the listed building

## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

HL02	Development control criteria for new housing proposals
EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings
EP12	Conservation trees & woodland
SP01	Development within settlements

### **Other Relevant Policy:**

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

### **Site Constraints**

Listed Building  
Conservation area site

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle and density**

The site is located within the settlement with residential land uses around and so the erection of dwellings is an appropriate land use. The reduced number of units now allows for an appropriate spacing on the site and to the trees, provides space for adequate parking arrangements, and a suitable relationship to neighbouring houses.

### **Conservation**

Historic England do not support the scheme but do not object; the Historic Buildings Advisor would expect more simple and less architecturally detailed houses as the land is at the back of Preston Street. The Regeneration Manager opines that as the statutorily listed house is Georgian as the new houses are within the grounds of the original house it is appropriate that they are a modern take on the Georgian style. The recommendation from Historic England is the application should be determined on "the basis of your specialist conservation advice". The Regeneration Manager is confident that the proposed design is acceptable.

### **Site Layout and design**

The dwellings are positioned within the site to provide the greatest possible separation to the listed building without compromising the impact on trees and neighbouring amenity so as to minimise the impact on the setting of the listed building. The style of the houses is a modern 'take' on the Georgian style that the listed building presents, this aids an appreciation that the houses are associated with the listed building and are not associated with the very elderly terraced houses fronting Preston Street.

### **Residential amenity**

The scheme includes a new boundary fence to the south boundary and the residents of Mulberry

Mews will not feel intimidated by the new houses and the land containing houses on The Conifers is significantly lower so there will be no material impact for those neighbours in terms of dominant development. Proposed fenestration does not overlook windows of neighbouring houses. The scheme will not prejudice the amenities of nearby residents.

#### Parking and highway safety

LCC highways officer requests that a radius is created at the access to Preston Street to warn pedestrians and footpath users of the access location. The formalisation of the vehicle priority in this location is an aspect that Committee members criticised at a recent committee meeting for this site and so this element has been removed from the scheme and the access will be repaired to continue to give pedestrian priority along the road.

It is understood that the part of the land at the north end of the site has been used by residents of the area for casual parking and bin storage. The application site area has been extended to include the area used and to secure the surfacing of this in pavements and provision of a bin store and landscaping. This is an enhancement to the area and the listed building's setting and will enable this parking use to continue.

#### Trees

The Trees officer has made detailed assessment and raised issues that have now been resolved satisfactorily. Conditions are included to protect the existing trees and to care for the trees to be planted

#### Other matters

A standard height fire appliance vehicle would not be able to access the site under the underpass on Preston Street, sprinkler system can be required by Building Regulations to mitigate fire risk.

#### Conclusions

The site has been vacant for several years and the residential development scheme is a sustainable use which should allow for the preservation of the heritage asset to the benefit of Kirkham. The scheme is in compliance with NPPF para 131 that recognises the benefit of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and recognises the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. The land which has been used as a car parking area is no longer needed for the converted house and a sustainable use will allow the listed building to be appreciated. The proposal complies with Policy EP4 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 134 and 135 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be carried out in strict accordance with the approved plan(s) which accompany the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:

- Location Plan - A013/084/S/11
- Proposed plans and Elevations - A013/084/9/101 revision C
  - A013/084/P/102 revision B
  - A013/084/P/103 revision B
- Survey details for tress - A013/084/ST

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

3. Notwithstanding any denotation on the approved plans samples of all the materials to be used for the house and garage elevations, roofs and for the hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To preserve the character of the Kirkham Conservation Area.

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

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

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

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

6. Prior to any development activity commencing, retained trees shall be protected by erecting 'HERAS' fencing at the Root Protection Areas (RPAs) identified on the approved plan and a scheme shall be submitted detailing the phasing of development and this phasing plan shall be approved in writing by the Local Planning Authority.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;
- The washing out of any containers used on site.

The 'HERAS' fencing shall not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must be agreed in advance with the Local Planning Authority and must meet the requirements of BS3998:2010 Tree Work - recommendations.

The developer shall arrange a site meeting with the Local Planning Authority trees officer prior to the commencement of each phase and any amendments to the tree protection and development phasing plan identified at the meetings shall be incorporated into the trees protection and development phasing scheme.

Reason: To ensure that tree root damage and damage to the aerial parts of retained trees is avoided so that the trees' health and visual amenity is not diminished by development activity.

7. A full drainage scheme incorporating details of foul and surface water connections are to be submitted to the Local Planning Authority for approval prior to the commencement of development and subsequently only those works shall be implemented.

To ensure the provision of a satisfactory drainage scheme.

8. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B&C, D, E, F, G, H of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

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

To ensure that the Local Planning Authority has control over any future development of the dwellings which may adversely affect the character and appearance of the dwellings and the surrounding area.

9. Notwithstanding the provision of Classes A, B, C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or

re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwellings which may adversely affect the character and appearance of the dwellings and the surrounding area.

10. The garages shall be used as private garages only and no trade or business shall be carried on, in or from the buildings.

To safeguard the amenities of the neighbourhood.

11. Prior to commencement full details of all boundary treatments, notwithstanding details on the approved plan, shall be provided to the Local Planning Authority for written approval. The boundary treatments shall be erected in accordance with these details prior to the first occupation of each dwelling and then maintained thereafter.

In the interest of visual amenity.

12. Prior to commencement a scheme shall be submitted for any alterations to existing ground levels on site indicating existing and proposed levels and the nature of the proposed works in sectional detail for the written approval of the Local Planning Authority. The development shall be undertaken in accordance with this approved detail.

To ensure the safeguarding of existing features on site.

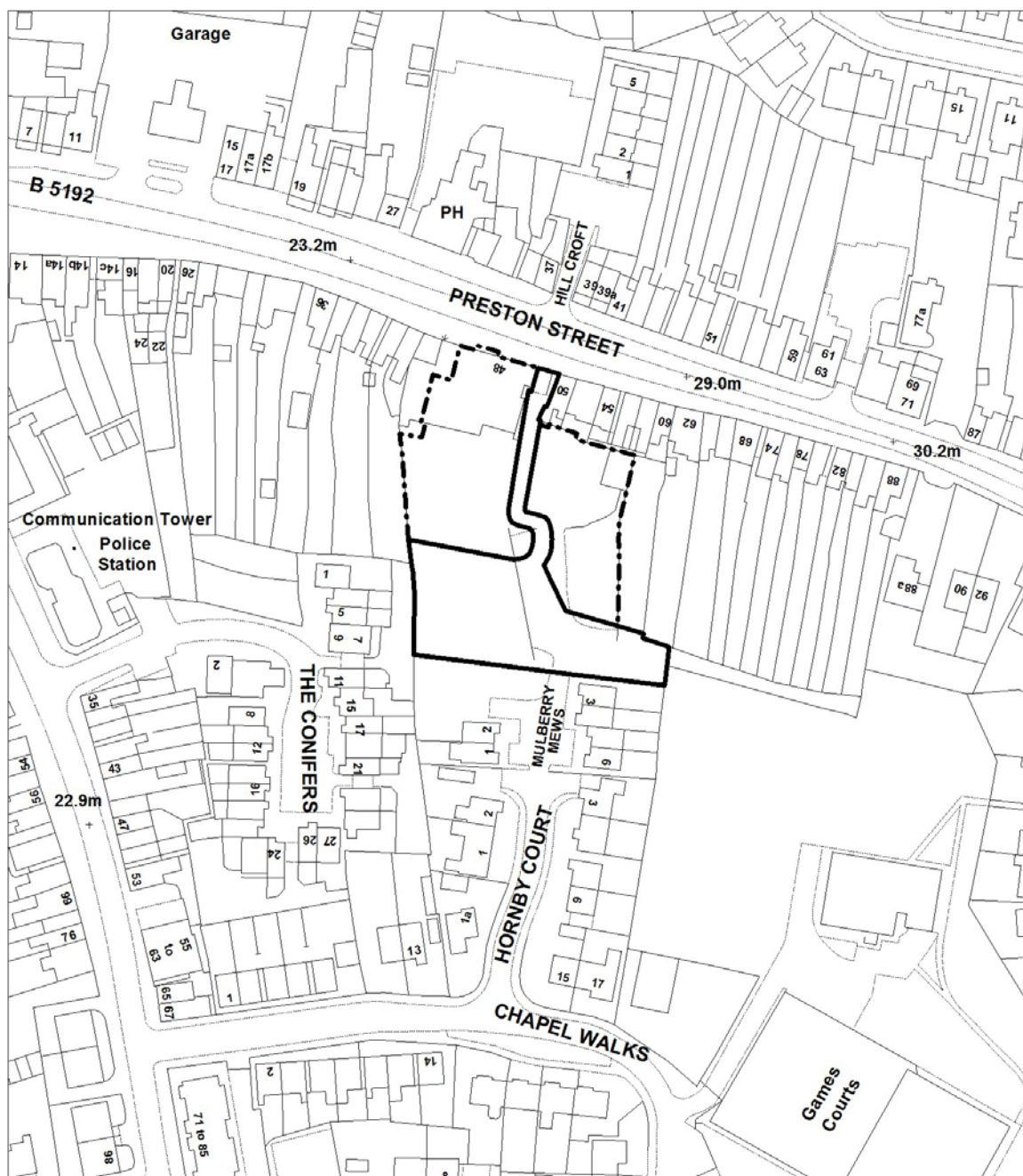
13. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

To avoid the possibility of the public highway being affected by the deposit of mud and / or loose materials thus creating a potential hazard to road users.

14. 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 in writing by, the Local Planning Authority in consultation with the Highway Authority.

In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.





Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0770	Address 48 Preston Street, Kirkham	Grid Ref. E.3428 : N.4320	Scale 0 6 12 18 24 m 

**Item Number:** 3

**Committee Date:** 10 June 2015

<b>Application Reference:</b> 14/0844		<b>Type of Application:</b> Listed Building Consent	
<b>Applicant:</b> Keystone Design Associates		<b>Agent :</b>	
<b>Location:</b> 48 PRESTON STREET, KIRKHAM, PRESTON, PR4 2ZA			
<b>Proposal:</b> LISTED BUILDING CONSENT FOR PROPOSED ERECTION OF THREE DETACHED DWELLINGS, TWO GARAGES AND LANDSCAPING WORKS IN CURTILAGE OF LISTED BUILDING			
<b>Parish:</b> KIRKHAM SOUTH		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b> 29		<b>Case Officer:</b>	Mrs C Kitching
<b>Reason for Delay:</b> Negotiations to resolve difficulties			

**Summary of Recommended Decision:** Grant

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

The application site is an area of land to the rear of 48 Preston Street which is the former garden area to this Coach House property located on the edge of Kirkham town centre. The proposal is for the erection of 3 dwellings on the site and is a separate proposal to one approved by Committee recently under reference 13/0597 to convert the building to 5 apartments.

The site has been vacant for several years and this proposal will complement the conversion proposal and bring residential development to a sustainable location and will allow for the preservation of the heritage asset to the benefit of Kirkham. The scheme is in compliance with NPPF para 131 that recognises the benefit of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and recognises the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. When the property was in use as a nightclub and restaurant it had much greater parking requirements than the flat use and that allows this land to be used for an alternative proposal which is beneficial to the area and will still allow the listed building to be appreciated.

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

A number of previous applications have been determined at Committee, with particular interest in the re-development of the site expressed during those discussions. Accordingly the Head of Planning and Regeneration believes that it is appropriate for this application to also be determined at Committee.

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

The application site is located at the rear of the vacant Cube nightclub which was previously the Hillside restaurant. The site is located on the southern side of Preston Street, Kirkham and is partly

within the Kirkham Conservation Area. The large house at Hillside was originally built as a Regency residence in the early 1800s by Kirkham flax merchant John Birley and is Grade II listed. There are a series of trees protected by TPO within the application site.

Surrounding land uses are residential with the properties on The Conifers and Mulberry Mews to the rear, the extended gardens to the neighbouring Preston Street properties to the side, and the Stables bar pub to the other side.

### **Details of Proposal**

Planning application 14/0770 relates to the erection of 3 dwellings in the curtilage of the property. This application seeks Listed Building Consent for those works.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0646	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CONVERSION OF BUILDING TO PROVIDE 5 RESIDENTIAL FLATS INCLUDING: INTERNAL ALTERATIONS, DEMOLITION OF LIFT SHAFT TO REAR, INSERTION OF VELUX WINDOWS TO FRONT ELEVATION, ROOF AND WINDOW ALTERATIONS, FORMATION OF BALCONY TO REAR ROOFSLOPE AND WORKS TO REAR CURTILAGE AREA	Granted	24/02/2015
13/0597	PROPOSED CONVERSION OF NIGHTCLUB / PUB INTO 5 APARTMENTS WITH 2 VELUX WINDOWS TO FRONT, BALCONY TO REAR AND OTHER ELEVATIONAL ALTERATIONS. PROPOSED SURFACING OF PARKING AREA, ERECTION OF BRICK BIN STORE AND NEW BOUNDARY WALLS AND LANDSCAPING TO REAR.	Granted	
13/0598	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)	Refused	03/07/2014
05/1109	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS, NEW LIFT AND STAIR TO REAR AND UPGRADE OF EXISTING STEEL STAIR.	Granted	16/02/2007
05/1107	RE-SUBMISSION OF 05/0915 - NEW STAIR AND LIFT TO REAR AND NEW STEEL ESCAPE STAIR.	Granted	16/02/2007
05/0915	TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0950	LISTED BUILDING CONSENT FOR TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0388	CONVERSION FROM RESTAURANT TO 7 RESIDENTIAL APARTMENTS.	Refused	26/05/2005
04/1050	CONVERSION OF BUILDING INTO 8 No APARTMENTS (INCLUDES THE RETENTION OF THE EXISTING MANAGERS ACCOMMODATION)	Refused	21/03/2005
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89/0603	LISTED BLDG CONSENT; ALT'S TO LINK 2 DINING ROOMS	Granted	04/10/1989
89/0427	EXTERNAL SCREEN WALL TO KITCHEN AREA AND INTERNAL ALTERATIONS	Granted	14/07/1989
81/0512	ALTERATIONS TO FORM FUNCTION ROOMS AND EXTERNAL FIRE	Granted	16/09/1981

	ESCAPE AND EXTRA CAR PARKING.		
81/0535	LISTED BUILDING CONSENT - ALTERATIONS TO FORM FUNCTION ROOM AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
80/0613	INTERNAL ALTERATIONS TO FORM FUNCTION ROOMS.	Refused	12/12/1980
80/0382	ALTERATIONS TO IMPROVE ENTRANCE (LISTED BUILDING).	Granted	23/07/1980
77/0722	ILLUMINATED PROJECTING SIGN	Granted	16/11/1977
77/0528	FIRE ESCAPE.	Granted	24/08/1977
78/0576	ROOF PATIO	Granted	09/08/1976
74/0057	BEDROOM EXTENSION WITH CAR PARKING IN BASEMENT.	Granted	13/05/1974

### **Relevant Planning Appeals History**

None.

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

Kirkham Town Council notified on 25 November 2014 and 22 April 2015

They raise no specific observations to the original proposal. No response has been received in respect of the current proposal, and any that are will be reported via late Observations Schedule.

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

#### **English Heritage (now Historic England)**

The significance of the Kirkham conservation area is defined by its development as a planned medieval settlement and the physical traces of the changes to the town since that date. The proposal is to construct 3 new dwellings within the grounds of the grade II listed 48 Preston Street.

Historic England's remit as a statutory consultee is in this case restricted to the impact of the new development on the character of Kirkham conservation area. We gave comments to a full planning application on the site in December 2014 which has been amended to create the current scheme.

The amendment to the scheme is an improvement and causes less harm to the character and appearance of the conservation area through modifications in the layout and because the development is set to the back of the historic plot. We still do not consider that the building design reflects a proper understanding of the character of the conservation area; however, we do not object to the scheme.

We believe that changes to the design of the houses could potentially create a more sensitive development that enhances the character and appearance of the conservation area in line with NPPF para 137. For instance the land was historically at the back of Preston Street and as such you would expect simpler and less architecturally detailed houses. The current design competes architecturally with the buildings fronting Preston Street; however, in its current form it is unlikely people will interpret this as a development competing with the historic buildings on Preston Street.

The success of the scheme will depend on the detailed design of the scheme, such as the quality of materials and architectural finishes. The advice in our Building in Context Good

Practice advice might help in the development of the detailed design.

### **Neighbour Observations**

**Neighbours notified:** 25 November 2014  
**No. of responses received:** none

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

EP04 Alteration and adaptation of listed buildings

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

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

#### **Site Constraints**

Conservation area site

Listed Building

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The application site forms part of the original grounds of the listed Georgian house and the proposed development would effectively result in a contraction of the curtilage of the listed building. The grounds would originally have been private garden area for the house occupiers, and has retained that connection in the recent uses as it has provided a parking area and overgrown garden area for the building when in use as a nightclub and restaurant.

This proposal will separate part of this land from providing a setting for the listed building by utilising it for the construction of the dwellings, their access and their gardens. As such it will no longer be seen as providing a setting for the listed building.

Historic England's advice for deciding planning applications affecting heritage assets is to assess to what degree the setting makes a contribution to the significance of the heritage asset and then to assess the effects of the proposed development on that significance. Then the LPA should explore the way to maximise enhancement and avoid or minimise harm.

The effect of the development on the heritage asset is significant (not less than significant) and there are two arguments about whether the effect is beneficial or harmful. The effect can be considered beneficial in that the residents and visitors will be able to appreciate the heritage asset whereas now the land is only used by residents who park on the land. The effect can be considered to be negative as it would be more difficult to appreciate the historical association of the grounds with the original house.

It is officer view that the impact is an acceptable one. The reasoning for this is that the land that is 'lost' to the curtilage of the listed building is that which is most distant from the building and that conversion permission for that building retained an appropriate area with the building. In addition it has a formal character that suits the style of the house. The development proposed here is deliberately not laid out to mimic the neighbouring houses fronting Preston Street so as to allow a realistic layout on the site and to retain the large trees on raised land which ensure that this area of the original grounds, and historical association with the building, is maintained. It is considered that the effect of the development on the heritage asset is beneficial and so complies with Policy EP4 as the setting of the listed building is not prejudiced and Paragraph 134 and 135 of the NPPF.

### **Conclusions**

The land which has been used as a car parking area is no longer needed for the converted house and a sustainable use will allow the listed building to be appreciated. The proposal complies with Policy EP4 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 134 and 135 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF.

### **Recommendation**

That Listed Building Consent be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be carried out in strict accordance with the approved plan(s) which accompany the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:

- Location Plan - A013/084/S/11
- Proposed plans and Elevations - A013/084/9/101 revision C
  - A013/084/P/102 revision B
  - A013/084/P/103 revision B
- Survey details for tress - A013/084/ST

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

3. Notwithstanding any denotation on the approved plans samples of all the materials to be used for the house and garage elevations, roofs and for the hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To preserve the character of the Kirkham Conservation Area.

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

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

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

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

6. The provisions of the landscaping scheme, when approved to the satisfaction of the Local Planning Authority, shall be implemented prior to the commencement of the application development in a timetable of works to be agreed in writing with the Local Planning Authority upon receipt of this decision notice. Prior to first occupation of any of the dwellings the trees identified to be planted shall be planted and any trees that are damaged or become severely diseased during the development period shall be replaced during the next planting season with trees of such a size and species as may be agreed in writing with the Local Planning Authority.

To ensure early establishment of the landscaping works to afford initial enhancement of the development and to safeguard the visual amenities of the neighbourhood.

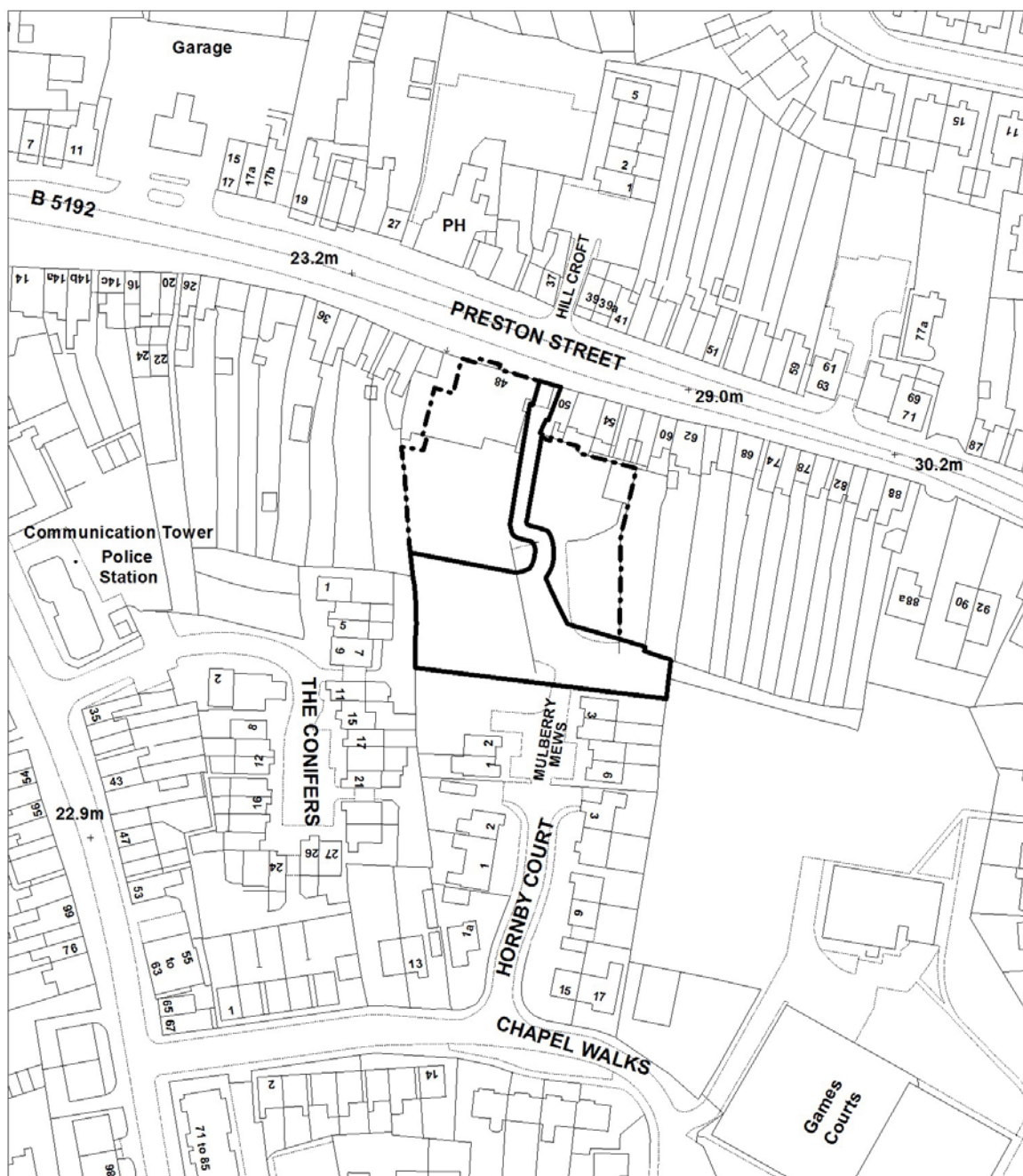
7. Prior to commencement full details of all boundary treatments, notwithstanding details on the approved plan, shall be provided to the Local Planning Authority for written approval. The boundary treatments shall be erected in accordance with these details prior to the first occupation of each dwelling and then maintained thereafter.

In the interest of visual amenity.

8. Prior to commencement a scheme shall be submitted for any alterations to existing ground levels on site indicating existing and proposed levels and the nature of the proposed works in sectional detail for the written approval of the Local Planning Authority. The development shall be undertaken in accordance with this approved detail.

To ensure the safeguarding of existing features on site.





Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0844	Address 48 Preston Street, Kirkham	Grid Ref. E.3428 : N.4320	Scale 0 6 12 18 24 m 

**Item Number:** 4

**Committee Date:** 10 June 2015

<b>Application Reference:</b> 15/0060		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b>	Clifton Leisure Parks	<b>Agent :</b>	Barrs & Co Chartered Surveyors
<b>Location:</b>	CLIFTON FIELDS CARAVAN PARK, PEEL ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5JU		
<b>Proposal:</b>	PROPOSED REVISION OF INTERNAL LAYOUT OF 90 PITCH HOLIDAY TOURING CARAVAN SITE INCLUDING RELOCATION OF RECEPTION BUILDING, REVISED ROAD AND CARAVAN PITCH LAYOUT, RELOCATION OF PLAY AREA, AND PROVISION OF MAINTENANCE BUILDING.		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site relates to an area of land that lies to the west of Clifton Fields Caravan Park on Peel Road and so effectively provides a link to the now adjacent Piper Heights Caravan Park. It has planning permission for 90 pitch holiday caravan site under reference 11/0523 and a site office/reception building under 12/0599.

This application seeks retrospective permission for amendments to the approved site layout and the approved siting of the office/reception building. It also seeks permission for a proposed workshop/equipment storage building.

The revised layout of the site and the re-location of the office/reception building are not unacceptably dissimilar to the developments previously approved under permissions 11/0523 and 12/0599, and raise no additional planning concerns. The proposed storage building is of an appropriate design and appearance for rural use and its proposed location within the site, when combined with the screen landscaping, is not considered to be visually detrimental to the appearance and character of the wider countryside. Members are recommended to grant planning permission.

**Reason for Reporting to Committee**

The scale of the site ensures that the planning application is for major development and so is to be determined by Committee. It is also the case that the planning permission for the layout that is being revised was approved by Committee and so the variation of it should also be.

**Site Description and Location**

The application site is within 'Clifton Fields Caravan Park' which was previously known as 'Gillett Farm Caravan Park', located on Peel Road, Peel. The location on Peel Road is between Piper's Height Caravan Park and the large electricity substation. The caravan park is a long established

holiday park, which currently consists of a mixture of both touring and static caravan pitches. The site is located in the countryside area in the Fylde Borough Local Plan proposals map and extends over an area of 2 hectares.

The development for which this application seeks permission is currently under construction and nearing completion.

### **Details of Proposal**

Retrospective planning permission is sought for the following:

- A revised internal layout of the 90 pitch holiday touring caravan site that was previously approved under planning permission ref. 11/0523. The revised layout now includes a central spine access road to provide for safer movement of vehicles within the site, and the re-siting of the play area from a central position to the south western corner of the site in order to move children away from vehicle traffic areas and provide a 'quiet area' to the opposite, north east, side of the site.
- The re-siting of the office reception building previously approved under permission ref. 12/0599. The office reception has been moved to a position directly in front of the site access rather than to one side (as previously approved) in order to provide better site security and monitoring of the access. The toilet/amenity block remains as approved.

Planning permission is also sought for a proposed site workshop/equipment store. This would be sited towards the north eastern corner of the site, close to the site access. This would be of a typical agricultural design (provided by Wareings) and have a ground footprint measuring 12.3 metres by 9.1 metres, and a height of 5.2 metres. This building would replace the existing asbestos sheeted storage building located at the southern far end of the site and would avoid having to drive park machinery (i.e. tractor and ground roller) unnecessarily around the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0569	PROPOSED CHANGE OF USE OF LAND FROM HOLIDAY CARAVAN PARK WITH CLOSURE SEASON TO HOLIDAY CARAVAN PARK OPEN 12 MONTHS OF YEAR.	Granted	05/11/2013
12/0599	PROPOSED ERECTION OF REPLACEMENT RECEPTION/SITE OFFICE IN A CENTRALISED POSITION WITHIN CARAVAN PARK WITH ASSOCIATED PARKING AREA AND OTHER ANCILLARY FACILITIES	Granted	11/02/2013
11/0523	PROPOSED REVISION OF INTERNAL LAYOUT OF SITE TO RELOCATE 40 TOURING CARAVANS FROM EXISTING SITE TO EXTENDED AREA APPROVED UNDER PLANNING PERMISSION 10/0732 SO THAT EXTENDED AREA PROVIDES FOR 90 TOURING PITCHES IN TOTAL (NO OTHER CHANGE TO NUMBERS OF TOURING AND STATIC CARAVAN PITCHES IN EXISTING SITE)	Granted	15/03/2012
10/0732	CHANGE OF USE OF LAND TO CREATE 60	Granted	05/07/2011

	TOURING CARAVAN PITCHES, ASSOCIATED TREE PLANTING AND LANDSCAPING SCHEME (ACCESS POINT AMENDED FROM PLANNING PERMISSION 09/00240)		
09/0240	CHANGE OF USE OF LAND TO CREATE 60 TOURING CARAVAN PITCHES, ASSOCIATED TREE PLANTING AND LANDSCAPING SCHEME	Granted	16/06/2011
08/1012	Demolition of existing single storey extension and erection of two storey extension.	Granted	09/01/2009
08/0574	CHANGE OF USE OF LAND TO ALLOW STATIC AND TOURING CARAVANS ON SOUTH WEST OF EXISTING SITE WITH LANDSCAPING	Granted	20/11/2008
08/0570	Change of land use to allow static holiday caravans to be sited on land currently used for siting touring caravans (10 touring caravan pitches to be retained) with full landscaping scheme.	Withdrawn by Applicant	21/07/2008
07/1002	PROPOSED SALES AND RECEPTION BUILDING TO BE ERECTED AT THE ENTRANCE.	Granted	15/11/2007
06/1113	RE-SUBMISSION OF 06/0617 - CHANGE OF USE OF PART OF FARM SITE FROM TOURING PITCHES TO PROVIDE STATIC HOLIDAY PITCHES WITH ASSOCIATED LANDSCAPING.	Refused	22/02/2007
06/0617	CHANGE OF USE OF PART OF SITE FROM TOURING PITCHES TO PROVIDE STATIC HOLIDAY PITCHES AND ASSOCIATED LANDSCAPING.	Refused	09/10/2006
06/0002	MODIFICATION OF CONDITION TO ALLOW EXTENSION OF SEASON TO 11 MONTHS TO RUN FROM 1ST MARCH TO 18TH JANUARY OF THE FOLLOWING YEAR.	Granted	18/05/2006
05/0804	CERTIFICATE OF LAWFULNESS FOR EXISTING USE, TO ALLOW AN ADDITIONAL 36 HOLIDAY STATIC CARAVANS AND 6 PERMANENT RESIDENTIAL STATICS	Granted	04/11/2005
89/0146	CHANGE OF USE; TENTED CAMPING AREA TO TOURING CARAVAN PARK + NEW ACCESS POINT	Granted	06/12/1989
87/0740	CHANGE OF USE; FROM TENTED CAMPING AREA TO TOURING CARAVAN PARK	Refused	20/04/1988
80/0502	CHANGE OF USE - TENTED CAMPING SITE TO TOURING CARAVAN SITE.	Refused	20/08/1980
75/0183	CARAVAN SITE SHOP.	Granted	16/04/1975

### **Relevant Planning Appeals History**

None to report.

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

Westby with Plumpton Parish Council notified on 17 March 2015 and raise no objections.

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

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

No highways objections.

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

Raise queries over the need for a 3m high mound around the site as they believe that a 2m mound would be as effective with appropriate planting and would be more effective at integrating the development into the open countryside.

### **Commercial & Licensing (Caravans)**

Highlight the need for the site to be licensed and that the licence application should follow the approved layout and number of units secured by any planning permission. They also refer to the need for the site to comply with the 1983 Model Standards for touring caravans, and then ask that a planning condition be imposed to require that a licence application is made. (Note: Such a condition would be ultra vires).

They also highlight the safety implications of demolition the existing building which is said to be constructed from asbestos containing materials, including the need to undertake a risk assessment as to whether the demolition is likely to exceed the control limit for non-licensed asbestos work, and so how this would be undertaken if safe working limits are exceeded. (Note: this is not a planning matter, but these issues have been raised with the agent).

### **Neighbour Observations**

**Neighbours notified:** 17 March 2015

**No. Of Responses Received:** None

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
EP11	Building design & landscape character
TREC07	Touring Caravan & Camping Sites

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

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

#### **Site Constraints**

Within countryside area  
Article 4 direction

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The use of the land for the siting of 90 touring caravans has already been established under planning permission ref. 11/0523 which was approved by Committee in February 2012. This application

seeks to revise the layout of the site which was secured by a number of conditions to that permission.

With regard to the revised site layout the issues to consider are the addition of the central spine road and the re-location of the play area. The addition of the spine road does not have a material visual impact on the site as a whole and would provide improved access and manoeuvring space for visiting caravans thus reducing the risk of vehicular incidents within the site. With regard to the relocated play area, this was originally to be located centrally within the site where it would benefit from natural surveillance on all sides by caravans. The proposed amended location would site the play area at the rear of the site between the landscaped earth bund and the southern caravan area. Whilst this location is not encircled by caravans, and thus has reduced natural surveillance, it would still be overlooked by several adjacent caravan plots and the occupiers of which are also likely to be the users of the play area. This revised location is considered to be an acceptable one and allows for the establishment of 'quiet' and 'family' zones within the caravan park.

With regard to the office/reception building the design and appearance remains unchanged from that approved under planning permission 12/0599 and the only consideration is the proposed new siting directly opposite the site entrance. Under 12/0599 the office/reception was to be located to the left hand side of the site entrance. This siting has since been changed in order to allow better monitoring of vehicles entering/exiting the site and hence improve the security of the site. The new position of the building is not considered to have any greater detriment to the visual amenity of the area.

With regard to the proposed workshop/equipment storage building this is required for storage of site maintenance consumables and ground maintenance equipment (tractor and ground roller). The building is of an agricultural design typically found around the borough and provided by Wareings. It would be sited towards the north east corner of the site, set back approximately 50 metres from the site frontage with Peel Road and screened from view by planted woodland, as per the submitted landscaping scheme.

#### Other matters

The council's landscape officer has advised that the 3 metre high landscape bund around the site should be reduced to 2 metres in order to better integrate the landscaping into the open countryside. This notwithstanding the landscape bund is the same height as that approved under the previous permission, 11/0523, and has already been implemented and planted in accordance with the landscape scheme.

#### Conclusions

The revised layout of the caravan site and the re-siting of the office/reception building are not unacceptably dissimilar to the development previously approved under permission 11/0523 and 12/0599, and raise no additional planning concerns. The proposed storage building is of an appropriate design and appearance for rural use and its proposed location within the site, when combined with the screen landscaping, is not considered to be visually detrimental to the appearance and character of the wider countryside. Members are recommended to grant planning permission.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:

- Location Plan - Clifton Fields Caravan Park (previously Gillets Farm Caravan park)
- Revised Touring Caravan Park Layout - Dwg No. 0468-6A Rev C
- Proposed Reception/Site Office - scale 1:100
- Proposed New Agricultural Storage Building (Plan and Elevations) - Dwg No. P5429-01
- Proposed Details and Justification Statement - Prepared by Robert Barrs of Barrs & Co. Chartered Surveyors, dated 23 January 2015.

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

3. Landscaping shall be carried out and preserved in accordance with the details shown on the approved drawing, Revised Touring Caravan Park Layout (dwg no. 0468-6A Rev C). The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season.

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

4. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. Shrubs to be planted in accordance with percentage mix shown in the Plant Schedule and in groups containing 5, 7 and 9 plants of the same species. Adjoining groups to contain different species except for where a high proportion of one species is used. trees to be planted in groups of 3 & 5 of the same species or as a single specimen between groups. The hedge shall be planted in double staggered rows, 0.5 meters between the two rows and 0.5 meters between plants. trees to be planted at 10m centres and located between the staggered rows of hedge. Planted areas to be covered by a layer of bark mulch or similar to a depth of 75mm and maintained at that depth. 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.

5. The caravans stationed on the site the subject of this permission shall not be occupied as a person's sole, or main place of residence.

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policy SP2 of the Fylde Borough Local Plan (As Altered) October 2005.

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

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policy SP2 of the Fylde Borough Local Plan (As Altered) October 2005.

7. The site hereby approved and edged red on the approved plan shall only be used as a caravan site between the period 1 March and 18 January in the following year, with no caravans being occupied or remaining on the site outside of this approved period.

To enable the Local Planning Authority to retain control over the occupation of the site and to ensure non-permanent accommodation only on the site is secured in the interests of proper planning and the preserving the character of the area.

8. That the area edged red on the application hereby approved shall be used for the siting of no more than 90 caravan pitches, all of which shall be utilised by touring caravans with no statics, park homes, chalets or other such units.

To define the permission in the interests of clarity, highway safety and the character of the area.

9. The area approved for caravan use and the layout of caravans, roadways, open space and landscaping shall be implemented as shown on the approved drawing 'Revised Touring Caravan Park Layout' - dwg no. 0468-6A Rev C.

To adequately define the permission and ensure the efficient operation of the site in accordance with Policy SP2 and TREC 7 of the Fylde Borough Local Plan.

10. Prior to the first use of the extended caravan site hereby approved the existing hedge growth on the frontage of the site shall be reduced to and be permanently maintained henceforth at a height no greater than 1m above the crown level of the carriageway of Peel Road to provide a visibility splay. The visibility splay secured by this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Peel Road to points measured 90.0 metres in each direction along the nearer edge of the carriageway of Peel Road, from the centre line of the access.

To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

11. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmac, concrete or other approved materials.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.



12. Prior to the first use of the extended caravan site hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the play area as indicated on the approved drawing 'Revised Touring Caravan Park Layout' - dwg no. 0468-6A Rev C. This area shall be provided in accordance with the approved details prior to the first use of the extended caravan site and shall be retained at all times thereafter.

To provide an appropriate play facility for the visitors to the site.

13. Prior to the construction of the approved agricultural storage building detailed on the approved drawing 'Proposed New Agricultural Storage Building' dwg no. P5429-01) details of the proposed cladding and roof covering, including finished colour, are to be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.



**Item Number:** 5

**Committee Date:** 10 June 2015

<b>Application Reference:</b>	15/0151	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Coppice Farm LLP	<b>Agent :</b>	Gary Hoerty Associates
<b>Location:</b>	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	RE-SUBMISSION OF 14/0550 - OUTLINE APPLICATION FOR THE ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS (ACCESS AND SCALE APPLIED FOR AND ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is a collection of farm buildings that are no longer in agricultural use and are located off Long Moss Lane which is itself off Ballam Road at Westby. The proposal relates to the demolition of the buildings and the erection of four light industrial buildings. The existing building on site have planning permission to change use to light industrial.

The key issues in the determination of this application are the policy implications of allowing a commercial development in a rural area, the visual impact on the landscape, impact on neighbours and issues of highway safety. The planning history of the site is also relevant and features previous grants of planning permission for the buildings on the site to be used for light industry.

Given this planning history and the need to support sustainable economic development Members are recommended to grant planning permission subject to suitable conditions to protect residential, ecological interests and to provide off site highway improvements.

**Reason for Reporting to Committee**

This application has been brought to Committee because of previous planning applications at the site being determined by Committee, due to the officer recommendation being contrary to the objections raised by the Parish Council, and that the application involves major development.

**Site Description and Location**

Coppice Farm is located to the south of West Moss Lane, which in turn is to the west of Ballam Road. The Farm consists of a number of agricultural buildings of various sizes and styles. Access to the site is gained via West Moss Lane, which also serves a number of residential properties. To the north of the site is a bungalow (which previously served as the farmhouse to the site) but which is now in separate ownership. The area of land subject to this application forms the northern part of the site and buildings 1 to 8 on the site plan.

The application site consists of 1.04 hectares and contains a number of currently unused agricultural buildings that were used as piggery buildings when the farm was in operation. The buildings range in size and shape but are predominately single storey with pitched roofs constructed with a timber frame, clad in timber and with corrugated iron roof sheets. Of the eight buildings building number 8 on the site plan is the only two storey building also constructed in a timber frame with block work to the lower walls and the upper part clad in corrugated cement sheets. To the south of the site are two agricultural buildings subject to a separate application and to the east and west are open fields.

### **Details of Proposal**

The proposal is submitted in outline and is for the demolition of the existing eight buildings and the erection of four B1c light industrial buildings. Appearance, layout and landscaping are matters that are reserved for future consideration with access and scale matters for consideration under this application. The use proposed is the same as that which has been previously allowed as a conversion of the existing buildings, both at appeal and most recently by the Development Management Committee.

The level of development proposed is that four buildings are to be constructed with a combined floor area of 1,400m<sup>2</sup>, with the illustrative plan indicating that these are to be located in a courtyard arrangement with parking around. The buildings would further be sub-divided into a total of 14 units.

The site is accessed as at present from Moss Hall Lane which leads from West Moss Lane and then Ballam Road. The illustrative site plan shows the site can provide 61 standard spaces and 11 disabled parking spaces, the majority to the west of the buildings.

With regard to the scale of development this is the 1,400m<sup>2</sup> of floor area, with the submission indicating buildings that are 4.5m to the eaves and 5.84m to the ridge. As appearance and layout are not applied for at this stage the details beyond this are not for consideration, although it is expected that the courtyard layout will be followed to replicate a farm courtyard with the buildings designed and built in materials that also reflect that agricultural history of the site.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0545	PROPOSED CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	21/11/2014
14/0547	PROPOSED CHANGE OF USE OF EIGHT TIMBER FRAME AGRICULTURAL BUILDINGS TO LIGHT INDUSTRIAL USE (CLASS B1c) WITH ANCILLARY STORAGE.	Granted	21/11/2014
14/0550	OUTLINE APPLICATION FOR THE ERECTION OF 8 BUILDINGS PROVIDING 2,800m <sup>2</sup> OF OFFICE ACCOMMODATION (CLASS B1a) WITH COMMUNAL GYM, DINING ROOM AND SHOWER FACILITIES FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn by Applicant	23/10/2014
14/0554	OUTLINE APPLICATION FOR THE ERECTION OF 1 No. TWO STOREY BUILDING PROVIDING 900M <sup>2</sup>	Withdrawn by Applicant	23/10/2014

	OF OFFICE ACCOMMODATION (CLASS B1a) FOLLOWING DEMOLITION OF EXISTING STEEL PORTAL FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)		
04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) LIGHT INDUSTRIAL USE	Refused	18/8/2004
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Refused	26/5/2004

### **Relevant Planning Appeals History**

The two applications from 2004 were subject to appeals which were allowed and so planning permission was granted but lapsed without being implemented.

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

Westby with Plumpton Parish Council notified on 16 March 2015 and comment that they request that the application be refused for the following reasons:

1. *"The existing infrastructure feeding into the immediate area is insufficient to accommodate large amounts of traffic.*
1. *West Moss lane is not a suitable road for heavy traffic and would require much up-grading to accommodate both the amount and weight of vehicles that would ultimately use the road.*
2. *Traffic movements to and from the site would create a problem for residents at the east end of West Moss Lane.*
3. *More information is required from the Highway department on the condition of West Moss Lane, which is in urgent need of repair and would only deteriorate further with additional traffic*
4. *Once again, this is another proposed industrial development on dwindling agricultural land.*

*The above issues are overwhelming and to a further degree, the local home-owners choose to reside within the parish for many reasons; but primarily because of its rural location and the Parish Council must consider this as a priority. We would further request that this matter is NOT simply considered by a planning officer, but due to the nature and size of the proposed development, it rather be placed before a Planning Development Committee."*

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

#### **Natural England**

No objections to the proposal subject to no demolition or construction taking place during the wintering bird period.

#### **Blackpool Airport**

No comments received/

#### **National Air Traffic Services**

No objections subject to conditions requiring details of a Radar Mitigation Scheme being submitted for approval.

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

No Objections. *The development site has been the subject of a number of planning application the most recent of which were in 2014. The applications in 2014 covered this site and adjoining sites and were met with no highway objections subject to a number of planning conditions being imposed. This application will not have any materially different impact, in highways terms, to any of this previously approved and as*

*such I can confirm that there are no highway objections to this application subject to similar conditions being repeated.*

**Environment Agency**

No objections subject to conditions requiring the development to be carried out in accordance with the submitted FRA.

**Neighbour Observations**

**Neighbours notified:** 16 March 2015

**No. Of Responses Received:** One

**Nature of comments made:**

Object on basis of increase in traffic in road, and that the road is not suitable for HGV's.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

EP17	Devt in or near Biological & Geological Heritage Sites
EMP4	Buffer zones and landscaping

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues that need to be considered as part of this application are;

5. Principle of the development
  - Visual impact
  - Residential amenity
  - Highways
  - Ecology
  - Flooding and Drainage

**Principle of the development**

The site is located in the Countryside as allocated by Policy SP2 of the Fylde Borough Local Plan. This policy promotes rural uses, but would be generally restrictive of new industrial development. As such it is necessary to establish what other material considerations are relevant in the planning balance over the principle of development.

The first of these is the planning history. Planning application 14/0547 granted permission for the change of use of the eight buildings on this site to B1c which is a light industrial use. This was recommended for approval by officers and approved by the Development Management committee with the planning history of the acceptability of this conversion as set by the appeal decisions an important factor in that decision. This was approved on the basis that Policy SP2 of the Fylde Borough Local Plan whilst seeking to restrict development in the countryside, allows for the change of use of existing buildings to commercial uses provided they are structurally sound and meet ten more detailed criteria laid down in Policy SP5. A structural survey submitted with the application found them to be structurally sound. Criteria 6 of policy SP5 states that the development must not promote the need for additional or replacement buildings or extension to existing buildings which would have a detrimental effect on the landscape or the character of the countryside. This establishes the acceptability of the use of the existing buildings on the site for the Class B1c employment use as distinct from the erection of new buildings for that use as is proposed in the current application.

The applicants have submitted this application because they state that whilst permission has been granted for the existing buildings they are falling into a state of disrepair, and whilst an application has been approved for the buildings conversion they do not believe this would be the most economically viable and sustainable option for the site. They have provided evidence of marketing of the property for three years following the original permission for conversion which resulted in no offers. They state that given the site's deterioration since that time that a sale is even less likely. They provide examples of where replacement building have been allowed in such situations including in the green belt at planning appeal.

The NPPF states that there should be a presumption in favour of sustainable development and part three – 'Supporting a prosperous rural economy' states that to promote a strong rural economy local plans should; *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings'*. It is considered that the proposal complies with the thrust of the NPPF which is for sustainable development and that the development would assist in supporting a prosperous rural economy. Overall it is considered that on balance the development would comply with Local and National Policies and given the previous approvals at the site that the principle of the development is acceptable subject to the development having an acceptable visual impact.

### **Landscape and visual impact**

The previous permission was found acceptable as it was for a conversion of the existing buildings and they would retain their agricultural appearance and there would be no change to their visual impact in the open countryside. This was secured with a series of conditions that related to the use, appearance and works around the site to protect the visual amenities of the area.

The current application is in outline for replacement buildings in the same B1c use class as that previously permitted. This class allows any industrial process which can be carried out in a residential area without causing detriment to the amenity of the area. The application has been made in outline asides for matters of access and scale, therefore appearance, layout and landscaping remain matters for future consideration.

In terms of scale the proposed buildings would create a combined floor area of 1400 square metres, with an overall height of 5.84 metres and eaves height of 4.5m. The illustrative site plan indicates that they would be laid out in a courtyard type arrangement with a turning area in front of the buildings and some parking in front and more to the west. Whilst appearance isn't a matter for

consideration, the application also indicates that the buildings will be block plinth clad in Yorkshire boarding up to 1.5m high with dark green box profile cladding above, with fibre cement roof sheets and aluminium framed windows and doors. Landscaping is also a matter reserved for future consideration but the plans show large amounts of grass within the site and a Lancashire hedgerow mix and native tree mix along the site's boundaries.

The buildings that currently occupy the site have a combined footprint of 2605 square metres and a volume of 7,375 cubic metres. Therefore this application would result in the reduction of this footprint by 1205 square metres, a reduction in the volume by 143 cubic metres with a large amount of the existing hardstanding removed with grass, hedgerow and tree planting taking its place. The scale of these buildings in terms of their height has increased, asides one of the existing building which is the same height as proposed the remainder are single storey. Whilst the proposed buildings have the potential to be more widely visible in the landscape than the existing ones, the pre-application advice given to the applicants was that they should make the appearance of the buildings agricultural in nature so that they blended in better with their surrounding environs.

It is considered that whilst the indicative plans go some way to address that with the inclusion of some Yorkshire boarding the overall appearance of them remains industrial. This would need to be addressed in the reserved matters application through carefully designed openings to the buildings and appropriate materials. The layout of the buildings is considered acceptable with them being grouped as close together as possible in order to be viewed as a group whilst leaving sufficient room for vehicular movements. By grouping them together on the eastern side of the site the visual impact is reduced from the west, and they are more closely related to the existing larger buildings to the south of the site as well as the cluster of buildings to the north. Details of landscaping will be provided through a reserved matters application however it is considered that the amount of landscaping will need to be increased from that shown on the indicative layout plan, an increase in the number of large native trees set further into the site will be required to the east and western boundaries in order to screen the proposed new buildings more effectively and soften their appearance when viewed from distance.

It is considered that buildings of the scale proposed are typical in height and size of agricultural buildings in the wider area, and the layout shown is also appropriate. Landscaping around the site and their final appearance are matters reserved for future consideration, the amount of landscaping will need to be increased and the appearance of the buildings more akin to agricultural buildings in order for these applications to be successful. As with previous approvals conditions can be placed on any permission granted restricting the external storage of materials. With conditions in place and future control over appearance and landscaping the development will have an acceptable impact on the visual amenity and character of the open countryside.

### **Residential amenity**

Criteria 7 of Policy SP5 states that 'the proposed use would not promote conflict with adjacent or nearby buildings, uses or operations and could be carried out without adverse effect upon the amenities enjoyed by nearby residents'. The nearest house is Coppice Farm House, once part of the farm. The proposed use is for light industry, which, by definition is appropriate to a residential area. Environmental Protection were consulted on previous application and had no objections to the proposal. Coppice Farm House was approximately 28m from the nearest building to be converted and is now to be over 30m away from the proposed new buildings. Policy EMP4 – Buffer Zones and landscaping states that "business and industrial development will only be permitted subject to the provision of landscaped buffer zones on the relevant boundaries where the site abuts residential development, open countryside or other sensitive land uses. Business and industrial development



will not be permitted within a minimum distance of 30 metres from an existing dwelling or other sensitive land-use. Conversely new dwellings will not be permitted within a minimum distance of 30 metres from a business or industrial building. a greater separation distance will be required where class b2 land uses are involved.”

The proposal therefore complies with this spacing requirement and a landscaped buffer is shown on the indicative site plan. Conditions were placed on the previous permission restricting hours of use and limiting the use of the buildings to use class B1(c), and by repeating these condition the residential of the neighbouring property can be protected so that there is no detriment to their living conditions over and above what may be expected at an operational farm unit should therefore occur.

## **Highways**

LCC Highways response to the proposal is outlined above. They raise no objections to the development stating that it has been subject to a number of different applications which were met with no highways objections and that this application will not have a materially different impact in highways terms to the previously approved applications. This is because the application is for B1c light industrial buildings on a site where approval for such a use with a greater floor area has already been approved. The application is therefore acceptable subject to necessary and appropriate carriageway improvements being carried out as part of the development proposal. The scheme for highway improvements provided by the development in the form of three passing places was part of previous approvals and LCC Highways consider this still appropriate and necessary. LCC Highways have previously stated that all construction traffic and development traffic can safely be accommodated on the highway network without it having an unacceptable impact. They therefore raise no objections subject to conditions requiring the off site highway works being carried out prior to occupation of the units. Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. However this needs to take into account of policies set out elsewhere in the NPPF, particularly in rural areas. This site is located in the open countryside but is located relatively close to local distributor roads. Given the lack of objection from LCC Highways there are therefore no highways reasons that could justify refusal of this application.

## **Ecology**

The application that permitted the conversion of the existing buildings was accompanied with an Ecological appraisal that considered the site as a whole. There is a statutory duty for the habitats and roosts of bat species to be protected and for Local Planning Authority's to consider the implications of development on protected species when determining planning applications. These were found to be acceptable and it was found that the buildings were appropriately assessed and that all of the buildings on site were considered to be low risk and no indications of use of the site by roosting bats or nesting barn owls could be found, and therefore in accordance with BCT(2012) there is no additional need for survey at this site. LCC Ecology agreed with these findings and appropriate condition were placed on the permission to secure bird nesting opportunities. This application whilst outline will clearly involve the demolition of the existing buildings on the site, and whilst none of the buildings were found to be used by bats or birds their removal will remove potential sites. The conditions placed on the previous approval with regard to ecology included requiring details of provision for nesting birds and roosting opportunities for bats, this can be repeated on this permission to ensure that the new buildings includes such approval. It is also appropriate to include a condition requiring a further precautionary survey of the buildings on the site to be carried out

prior to the commencement of demolition works. This demolition may not take place for a couple of years during which time birds may have occupied the buildings.

Because of the sites location as part of a sensitive bird area identified by LERN for birds and the adjacent fields use as a feeding ground this application was submitted with an assessment of the likely significant impact (regulation 61) of the Conservation of habitats and species regulations 2010 for the Ribble and Alt estuaries. The report was informed by the previous ecological appraisal, LCC and Natural England's responses to the withdrawn outline application, the most recent conservation objectives for the Ribble and Alt estuaries and the first phase of development biodiversity surveys for the Queensway development. The site itself which is completely developed was found to be unsuitable for overwintering wildfowl to feed. The adjacent fields were found to be suitable but the proximity of roads and developments reduce the potential for use of the sites boundaries. Birds recorded feeding in the surrounding fields were over 200m away from the development boundary and it is stated that no construction activity will occur in during darkness, no access to the surrounding fields is required for construction or operation of the site. It states that it is not considered overwintering wildfowl would be impact by the proposal. Natural England have considered this assessment and state that they have no objections subject to no demolition or construction taking place during the wintering bird period (October to March inclusive). This can be a condition of any approval and with this condition in place there are no ecological issues with the development.

### **Flooding and Drainage**

The site is located within Flood Zone 3 and a FRA has been submitted with the application. The Environment Agency have been consulted and have no objections to the development subject to condition requiring the development to be carried out in accordance with the submitted FRA, that being that floor levels are no lower than 4.5m AOD and a surface water drainage scheme is submitted for approval. The proposed use is for a less vulnerable use and is therefore permitted within this flood zone subject to acceptable drainage being proposed. The submitted FRA states that surface water run-off from the development will be 20% better than existing by restricting run off from the site and that it is proposed to connect surface water drainage into the existing system prior to the outfall into the ditch system to the north side of West Moss Lane, and that United Utilities sewer records have been obtained and identify that there is no adopted drainage infrastructure in the area of the site. It is therefore proposed that a septic tank be used for foul drainage. Conditions will to be placed on any permission granted in order for full details of surface water drainage to be submitted and approved. There are therefore no flooding or drainage issues with the application.

### **Other issues**

The site is on the approaches to Blackpool Airport. They have not raised any issue with the application, and the National Air Traffic service (NATs) have confirmed that they consider it unlikely for the proposed not be mitigated by a previously identified solution. They require condition to be placed on any consent in relation to submission of a Radar Mitigation Scheme and its approval. The mitigation scheme will provide the mechanism for the implementation of a modification to the radar system in order to address the impact of the development.

### **Conclusions**

In conclusion, it is considered that with the imposition of suitable condition in order to control the nature of the development in order to prevent disturbance to local residents and wildlife, the proposal will meet with the thrust of the policy requirements of the NPPF. It is also considered the development will not have an unacceptable visual impact on the open countryside with

appropriately designed agricultural style buildings and sufficient landscaping around the development.

### **Recommendation**

Planning permission be GRANTED subject to the following conditions:

1. A subsequent application for the 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 whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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

Nos. (1, 3 and 5)

(Reserved matters are:-

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

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

3. The premises shall be used for uses falling within Class B1(c) and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

To safeguard the amenities of the occupiers of the adjacent dwelling.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays not at any time on Sundays, Bank or Public Holidays

To safeguard the amenities of the occupiers of the adjacent dwelling.

5. No external storage (including goods, vehicles, scrap or waste) shall take place outside the buildings.

To safeguard the visual amenities of the area.

6. Prior to the commencement of development, details of provision for nesting barn owls, barn swallows and house sparrows and roosting opportunities for bats shall be submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be implemented in full before the use hereby permitted commences.

In order not to disturb or deter the occupation by bats or the nesting or roosting of Barn Owls, as both species are protected by the Wildlife and Countryside Act 1981.

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.

In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

8. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 7 has been constructed and completed in accordance with the scheme details.

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

9. If demolition of the existing buildings on site takes place over 12 months after outline planning permission is granted then a further precautionary survey of the buildings shall be carried out prior to the commencement of demolition works. The survey report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of demolition work's, and the works shall be carried out in accordance with the methodology for any mitigation identified in the further survey.

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

10. No development shall take place unless and until a Radar Mitigation Scheme (RMS) agreed with the operator (NATS) has been submitted to and approved in writing by Fylde Borough Council in order to mitigate the impact of the development on the NATS St. Annes SSR radar and associated air traffic management operations. The approved RMS shall be implemented prior to development taking place and shall thereafter be operated in full accordance with the approved scheme.

Reason: In the interests of aviation safety.

11. No demolition, construction or other works that may affect wintering birds shall take

place in the wintering bird period (October to March inclusive).

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.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:  
Finished floor levels are set no lower than 4.5 m above Ordnance Datum (AOD).  
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants

13. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and including a 20% betterment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

14. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 10 March 2015, including the following plans:

CFL/635/1877/01

CFL/635/1877/02

FRA – 5785/R1 Rev A 26.03.15

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0151	Address Coppice Farm Land, West Moss Lane, Westby	Grid Ref. E.3353 : N.4303	Scale 0 25 50 75 100 m

**Item Number:** 6

**Committee Date:** 10 June 2015

<b>Application Reference:</b>	15/0176	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Clifford House 2002 Ltd	<b>Agent :</b>	Firth Associates Ltd
<b>Location:</b>	34-36 ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PF		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF FOUR STOREY BUILDING PROVIDING 14 APARTMENTS WITH ASSOCIATED PARKING (ACCESS, LAYOUT AND SCALE APPLIED FOR)		
<b>Parish:</b>	CENTRAL	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal relates to the outline planning permission for the erection of a four storey building to provide 14 apartments following the demolition of an existing building on the site which is located on Orchard Road in St Annes.

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes and would occupy a sustainable location within the town centre. The development, by virtue of its size, scale, layout, height and massing, would be compatible with the pattern and character of development and the street scene along Orchard Road, and would not harm the setting of the St Annes Conservation Area. The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. Satisfactory measures can be put in place through conditions to deal with drainage and contamination and there is no requirement for developer contributions to make the development acceptable in planning terms in this instance.

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

**Reason for Reporting to Committee**

The application is for major development and the Officer recommendation is for approval. Accordingly, the Council's Delegation Scheme requires that the application is determined by the Development Management Committee.

## **Site Description and Location**

The application relates to a detached, three-storey building occupying a *circa* 775 square metre parcel of land fronting onto Orchard Road, Lytham St Annes. The property (Clifford House) is currently in use as offices and provides accommodation across four levels, including a basement and rooms in the roof space. The premises falls within the boundaries of St Annes Town Centre as defined on the Fylde Borough Local Plan (FBLP) Proposals Map and is located some 36 metres to the southeast of the St Annes on Sea Conservation Area.

The building dates from the early 20<sup>th</sup> century and is in a traditional style comprising flat-roofed, double height bay windows merging with roof-level gables to either side of a central entrance. Two small dormer windows sit to the centre of the front roof plane. The property has a dual-pitched roof following a latitudinal ridgeline which forms gable ends to both sides. A large, three-storey projection extends at right angles from the rear of the main building and forms a tall facing gable to the rear elevation flanked by a flat-roofed, single-storey protrusion to the southeast corner. The building is finished in a smooth red Accrington brick with stone architraves and mullions to window openings on the Orchard Road façade, and render to the rear. The roof has a grey slate covering.

A hardstanding forecourt provides separation with the highway to the front of the site, with a shared driveway extending to the north side of the building between the application property and no. 32 providing access to a large car park at the rear. Access is gained via a dropped crossing from Orchard Road, with waiting restrictions in place on the western frontage of the highway outside the site. Surrounding buildings include St Anne's Synagogue to the southeast; a three-storey medical clinic to the northwest; a four-storey apartment building (Hardaker Court) to the southwest and the four-storey job centre on the opposite side of Orchard Road to the northeast.

## **Details of Proposal**

The application seeks outline permission for the demolition of the existing office building and the erection of a four storey block of 14 apartments (9 x two-bed and 5 x one-bed). Matters of access, layout and scale are applied for. These are defined in the Development Management Procedure Order as follows:

*Access* – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

*Layout* – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

*Scale* – the height, width and length of each building proposed within the development in relation to its surroundings.

Matters of external appearance and landscaping are reserved for later consideration.

The proposed apartment building would occupy a rectangular footprint measuring 10.6 metres in width and 25 metres in depth and, with respect to its layout, would follow the main front wall of the existing property. The building would form a continuous ‘block’ with flat facades to the ground, first



and second floors, and a recessed section to the third floor set back 2.5 metres from the main front wall to provide separate roof terraces to the top floor apartments. The building would be topped by a flat roof reaching 11.2 metres in height (0.8 metres below the ridgeline of the existing property).

The site would continue to be accessed via a dropped crossing to the northeast corner at the junction with Orchard Road. The new apartment block would occupy a narrower (2.5 metre reduction) footprint in comparison to the existing building, allowing the creation of a 3.8 metre wide driveway alongside the northwest elevation to serve a car park to the rear of the apartments. A total of 14 off-road car parking spaces would be provided as part of the scheme – four within a forecourt to the front of the building and 10 to the rear (including four within an undercroft to the ground floor of the block).

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
87/0460	GROUND FLOOR EXTENSION TO OFFICES	Granted	12/08/1987
86/0331	REAR EXTENSION TO FORM ADDITIONAL OFFICE AT SECOND FLOOR LEVEL.	Granted	16/07/1986
81/0910	CHANGE OF USE: HOTEL TO OFFICES.	Granted	03/02/1982
80/0235	REAR FIRE ESCAPE.	Granted	02/04/1980
79/1154	NEW ENTRANCE OF CANOPY TO HOTEL.	Granted	12/12/1979
79/1163	ILLUMINATED CANOPY SIGN.	Granted	12/12/1979
79/0069	CHANGE OF USE: HOLIDAY FLATS TO HOTEL.	Granted	04/04/1979
79/0056	ILLUMINATED FACIA SIGN.	Granted	14/03/1979

### **Relevant Planning Appeals History**

None.

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

St Annes on Sea Town Council were notified of the application on 1 April 2015. The Council have expressed their support for the application, noting the benefits of the scheme with respect to the inclusion of additional car parking spaces on the site and the provision of accommodation in the town centre.

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

#### *LCC Highways:*

- The design of the proposed access (including its width at the junction with Orchard Road) is suitable to serve the volume of traffic likely to be generated by the development.
- The proposed level of parking provision is acceptable within this town centre location and the site is readily accessible by other modes of transport.

#### *LCC Education:*

- Five primary schools are located within 3 miles of the site. Of these five, there are 6 pooled contributions against 3 schools and 5 pooled contributions against 2 schools. As each of these schools have reached the pooling limit for planning obligations (a maximum of 5), no contributions towards education are sought in this case.

#### *Electricity Northwest:*

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Specifically:
  - There are ENWL 400 volt service cables supplying the properties 34/36 Orchard Road within the development boundary.
  - There is an ENWL 6600/400 volt distribution substation, Hardaker Ct (429643) which abuts the development boundary.
- Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

*Police (Lancashire Constabulary):*

- In order to reduce the risk of crime and anti-social behaviour affecting the residents and local community, the accommodation should be designed in accordance with the principles of Secured by Design.
- If the development is not to be built to Secured by Design standard, the following measures to reduce the potential for crime are recommended:
  - The entrance door to be enhanced security PAS 23/24 standard with individual apartment access control.
  - CCTV system with day/night capability giving clear head and shoulder images of persons entering and leaving the property.
  - Individual apartment door sets to be enhanced security PAS 23/24 with individual locks.
  - Secure/locked bin and cycle store.
  - External security lighting.

**Neighbour Observations**

<b>Neighbours notified:</b>	2 April 2015
<b>Site notice posted:</b>	7 April 2015
<b>Press notice:</b>	9 April 2015
<b>No. Of Responses Received:</b>	1
<b>Nature of comments made:</b>	1 representation

One letter of representation has been received from Councillor Edward Nash. The points in the letter are summarised as follows:

- The redevelopment of the site is welcomed in principle. There is, however, concern regarding the four storey height of the building. A three storey building may be more appropriate in this setting. Providing that the proposed development is no higher than surrounding houses then there are no objections to the application.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR10	Car park design
EP03	Development within conservation areas
SH09	New development in town centres (general)
EP25	Development and waste water
EP29	Contaminated land

**Other Relevant Policy:**

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

**Supplementary Planning Documents (SPDs):**

Extending Your Home SPD

**Site Constraints**

None

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended (category 10(b)). However, as it does not exceed the threshold in Column 2 of the table, it is not Schedule 2 development. Accordingly, the scheme is not EIA development and the application does not need to be accompanied by an Environmental Statement.

**Comment and Analysis****Principle of development:**

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 statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the NPPF and policies in Local Plans adopted prior to the publication of the Framework, the NPPF should prevail.

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

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

The eighth bullet point to paragraph 17 of the NPPF states that one of the Framework's core planning principles is to:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The site falls within the settlement boundary of Lytham St Annes as defined on the FBLP Proposals Map. It also falls within the town centre boundaries. FBLP policy SP2 seeks to direct development towards defined settlement boundaries, including Lytham and St Annes.

Policy SH9 identifies the categories of development which will be considered acceptable within St Annes Town Centre. Subject to four criteria, the policy indicates that residential (class C3) uses are appropriate as a matter of principle.

In addition, criterion (7) of FBLP policy HL2 states that housing will be permitted where a site is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.

As the site is already occupied by buildings/hardstanding it constitutes previously developed (brownfield) land for the purposes of the definition in Annex 3 of the NPPF. The proposal would make efficient use of previously developed land within the defined settlement boundary of St Annes and would also occupy a sustainable location within the town centre. Whilst the development would result in the loss of the existing offices, this would be substituted for a use which is equally acceptable within the town centre and would not affect the vitality and viability of the Primary or Secondary Shopping Areas located along Wood Street. Accordingly, it is considered that the principle of development is acceptable in this location.

The application is submitted in outline with matters of access, layout and scale applied for. Therefore, the proposal is being considered with respect to these matters only, with the external appearance of the building and the landscaping of the site being reserved for later consideration.

#### Layout and scale:

Criteria (1), (2) and (3) of FBLP policy HL2 state that planning applications for housing will be permitted where they are:

- Acceptable in principle and compatible with nearby and adjacent land uses;
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design;
- Developed at a net density of between 30-50 dwellings per hectare, with greater densities (over 50 dwellings per hectare) permitted in locations with good public transport;

Criteria (2) and (3) of policy SH9 indicate that appropriate town centre uses will be permitted providing that:

- the proposed development is appropriate in scale to the site and its town centre location;
- the proposed development is well designed and would not detract from the character and appearance of the town centre.

In addition, policy HL6 indicates that well designed housing schemes which respect the character of the area will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area will not be permitted.

The proposal would accommodate a four-storey block of 14 apartments on a site measuring approximately 775 square metres in area. This would result in a housing density of 180 dwellings per hectare. Whilst this is significantly above the range identified in policy HL2 (3), the policy allows for higher densities in locations with good access to public transport. In this case, the site falls within the boundaries of the town centre and is readily accessible by various modes of transport other than private car. Given the site's town centre location, comparable housing densities are also common elsewhere in the locality (e.g. at Hardaker Court to the rear of the site). Therefore, the proposed development would not appear incongruous to its town centre setting with respect to its size and density.

The new building would form a rectangular block with its main front wall following the alignment of the existing property, thus maintaining the current separation with the highway and the building line along Orchard Road. The apartment block would be 2.5 metres narrower than the current building, but would have a greater (8 metres deeper) rearward projection. Parking areas would be located within a forecourt to the front of the building and a courtyard to the rear (including an undercroft to the ground floor). The proposed development, by virtue of its size and layout, would respect the existing pattern of development along Orchard Road and would sit comfortably both within the site and in relation to adjacent buildings.

The existing building is set across four floors, though the inclusion of a basement gives the property a three-storey appearance from the road. Nevertheless, the building is in a different style to the true three-storey properties further along Orchard Road to the northwest (these also being finished in a mix of brick, render and Tudor-style timber boarding) and of varying proportions with respect to size and scale (including having a taller ridgeline). The adjacent synagogue to the southeast forms a unique building in the street scene being characterised by a flat roof with a parapet surround and incorporating tall windows with arched headers. Further diversity is added by the four-storey job centre on the opposite side of Orchard Road which has a steep mansard roof with dormers in the front plane. A four storey block of apartments also lie to the rear of the site onto Clifton Drive South.

When considered amongst the mix of adjacent buildings surrounding the site, and particularly alongside the flat-roofed synagogue to the southeast, it is considered that the four storey height and flat-roofed profile of the proposed apartment building represents an acceptable scale of development on Orchard Road. The reduced width of the building to the north side places it in closer proximity to the synagogue than no. 32 and means that these two buildings would be seen in immediate conjunction with one another when travelling along the street. Despite the inclusion of a fourth storey (and no basement level), the roof of the apartment building would sit 0.8 metres below the ridgeline of the existing property, protruding only marginally (200 mm) above that of no. 32 and 1.2 metres above the tallest part of the synagogue. In addition, a 2.5 metre deep recess to the building's third floor would further reduce the prominence of the upper level from the road.

The proposed apartment building, by virtue of size, scale, layout, massing, height and proportions, would be sympathetically assimilated into the street scene and would sit comfortably amongst adjacent buildings. Therefore, it is considered that the development, insofar as it relates to the matters of layout and scale, is acceptable for the purposes of the FBLP and the NPPF.

#### Impact on surrounding occupiers:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they would not adversely affect the amenity and privacy of neighbouring properties.

In addition, criterion (4) of policy SH9 indicates that appropriate town centre uses will be permitted providing that:

- the proposed development would not significantly harm residential or other amenities.

Surrounding uses include a medical clinic at no. 32 to the northwest, the job centre offices on the opposite side of Orchard Road and a place of worship to the southeast. A four-storey block of apartments (Hardaker Court) is located to the rear (southwest) on Clifton Drive South. The apartment building would follow the alignment of the eastern (front) and southern (side) walls of the existing offices, though a narrowing of its footprint would increase its separation with no. 32 to the northwest and increase its rearward projection towards apartments set on lower lying ground at Hardaker Court. The apartment block would achieve the following minimum separation distances

with adjacent buildings:

- 5 metres with no. 32 Orchard Road;
- 6 metres with the synagogue;
- 26 metres with Hardaker Court;
- 43 metres with the job centre.

Whilst external appearance is reserved at this stage, indicative elevations show windows to habitable rooms to be located in all four elevations, with two roof terraces facing onto Orchard Road serving top-floor apartments. Although relating more closely to residential extensions, policy 1D of the Council's SPD 'Extending Your Home' identifies recommended separation distances to be achieved between neighbouring dwellings in order to ensure satisfactory levels of privacy. In particular, criterion (iii) of the policy states that:

- Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.

As adjacent properties to the front and side of the apartment block are not in residential use, the above 21 metre separation distance would not be applicable to these buildings. The rear elevation of the building would, however, face towards the corresponding rear elevation of Hardaker Court which includes habitable room windows and a limited number of protruding balconies. As the rear elevation of the apartments would achieve a minimum separation of 26 metres with Hardaker Court, it is considered that this would maintain adequate levels of privacy and amenity for the occupiers of these flats in accordance with the spacing standard recommended in the SPD in order to ensure no undue impact through loss of outlook or overshadowing. Whilst Hardaker Court is set at a lower level to Orchard Road, the scale of this building is much greater than the proposed development and its northeast facing aspect in relation to the site further minimises the potential for loss of daylight. The two balconies proposed to the front of the building would overlook Orchard Road and the forecourts of the medical centre and synagogue. Accordingly, there would be no loss of privacy arising from the inclusion of these features.

With respect to amenity for future occupiers, habitable room windows to the main living areas would be positioned on the building's front and rear elevations. The depth and rectangular layout of the building does, however, require the insertion of bedroom windows in side elevations facing the medical centre to the northwest and the synagogue to the southeast. Side elevations of both adjacent buildings include windows looking towards the site, with no. 32 benefitting from a large, three-storey outrigger to the southwest corner similar to that at the application property. These side-facing windows are, however, secondary openings (including several in the south side of no. 32 being fitted with obscured glass) and, accordingly, there is no minimum separation distance identified in the SPD. The level of separation achieved between the side elevations of the apartments and adjacent properties would ensure an open aspect to the sides of the building and, accordingly, a satisfactory visual aspect from any windows in order that future occupiers would not suffer a sub-standard level of amenity.

#### Access and highways:

The third bullet point to paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criteria (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted

where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

In addition, policy TR10 sets out six criteria for developments including car parks as follows:

- the car parking scheme provides a high degree of safety for vehicle drivers, cyclists and pedestrians;
- the car park is accessible to emergency service vehicles;
- the car park includes the provision of a landscaping scheme which will enhance the character and quality of the development without compromising security;
- the car park is well designed using surface materials, boundary treatments, lighting and other street furniture items of high quality;
- the scheme provides facilities for the parking of motorcycles and cycles;
- where car parks are being provided for employees or the general public, the scheme incorporates facilities for the vehicles of disabled persons.

The building is to be accessed via the existing crossing from Orchard Road to the northeast corner of the site. This would merge with a forecourt to the front of the block and a 3.8 metre wide driveway along the north side leading to a rear parking courtyard. The main pedestrian entrance is shown to the rear of the building, accessed via a narrow pathway beneath the undercroft to the ground floor. An internal bin/cycle store would be provided within a separate room to the rear of the building at ground floor, accessed through the undercroft. The proposed access and associated manoeuvring areas within the site would allow sufficient space to enable vehicles to enter/exit in forward gear, including satisfactory visibility at the junction with Orchard Road.

The existing use of the building as offices generates a number of vehicle movements to the site in connection with staff and visitor comings and goings throughout the day. It is not considered that the proposed residential development would lead to a significant increase in traffic generation at the site when considered in comparison to the existing use which could be considered to have a “severe” impact on highway safety.

The development would include provision for a total of 14 off-road car parking spaces – four within the forecourt to the front of the building onto Orchard Road and 10 within the courtyard to the rear. Four of the car parking spaces to the rear of the building would be located beneath an undercroft to the ground floor of the apartments, with those to the front to be orientated at right angles to Orchard Road and screened by planting along the boundary. The layout and design of the car parking areas would minimise their visual impact through a combination of screening and inconspicuous siting, predominantly to the rear of the building.

The car parking standards in Appendix 4 of the emerging Local Plan require a maximum provision of 1 car parking space for single bed dwellings and 2 spaces for 2-3 bed properties. Given the indicative bedroom numbers stated in the application (though not fixed at this stage), this would equate to the need for a maximum of 23 parking spaces. Whilst the proposed level of provision falls 9 spaces below the standard identified in the emerging Local Plan (which, in any case, are expressed as a maxima), this is offset by the site’s prominent location within the town centre and its accessibility by a range of other modes of transport, including access to local amenities within comfortable walking distance, which would minimise the need for car-borne journeys.

The proposed development would facilitate safe and convenient access and circulation for vehicle traffic to and from the site and would ensure satisfactory parking and manoeuvring arrangements are provided as part of the scheme. Therefore, the development is capable of being accommodated

on the site without having an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. No objections have been received from LCC Highways on transport grounds and appropriate conditions can be imposed to ensure that the development provides satisfactory facilities for vehicle access, parking and manoeuvring in accordance with the FBLP and the NPPF.

#### Heritage:

The site is located some 36 metres from the edge of St Annes Conservation area which runs at right angles along Wood Street to the north of the site and envelopes properties at the junction with Orchard Road. Though located outside the conservation area, the site is visible in views from the junction of Orchard Road and Wood Street and, accordingly, has the potential to affect its setting.

Heritage assets (both designated and non-designated) are defined in Annex 2 of the NPPF. Designated heritage assets include conservation areas. Paragraph 131 of the NPPF requires that, in determining planning applications, local planning authorities should take account of:

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

Paragraph 137 of the Framework states that:

- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

In addition, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

- In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This is further supported by FBLP policy EP3 which states that:

- new development within or affecting the setting of a conservation area will only be permitted where the character or appearance of the area and its setting are appropriately conserved or enhanced;
- proposed development should be appropriately designed and should respect the quality of the environment including: the physical setting of the area, settlement form, townscape, the character of buildings and other structures, the character of open spaces, and any views into or out of the area;
- the introduction of new uses or buildings will not be permitted where these would be prejudicial to the character or appearance of the area.

Views of the site from within the conservation area are at an oblique angle looking in a south-easterly direction from the junction of Wood Street and Orchard Road. The building is most prominently in view from vantage points on Orchard Road parallel to the rear of no. 29 Wood Street.



However, these views diminish towards the junction due to screening provided both by other buildings in the row and a line of trees flanking the south-western frontage of the highway. Accordingly, the site is not prominently in view along the main vista of the conservation area which follows the frontage of Wood Street, running at right angles to Orchard Road.

The proposed development, with respect to matters of layout, scale and access, would respect the pattern and character of development along Orchard Road and, by virtue of its siting, scale, height and massing, would not introduce a dominant or incongruous feature to the street scene which would prejudice the preservation or enhancement of the conservation area. In particular, the reduced height of the apartment block in comparison to the existing building and the staggered layout of its upper floor, when considered in combination with the site's inconspicuous position in relation to the main vista of the conservation area and its visibility only in oblique views from within it, would ensure that the development would not have a harmful impact on its character, appearance or setting.

#### Drainage:

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map and, as it is under 1 hectare in area, the application does not need to be accompanied by a Flood Risk Assessment.

FBLP policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development.

As the existing building is already served by infrastructure providing connections to the foul and surface water sewer network it is not considered that the disposal of foul and surface water from the site should be considered as a constraining factor to development on the site for the purposes of FBLP policy EP25. An appropriate condition requiring the submission of a detailed drainage strategy for foul and surface water (including a requirement that the rate of surface water discharge does not exceed the pre-development rate) has been imposed in this regard.

#### Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

In addition, FBLP policy EP29 states that development on land known or suspected of being contaminated will only be permitted where:

- the proposed development is an acceptable land-use in principle;

- the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the source(s) of contamination commensurate with the proposed use;
- the treated land and the measures necessary to achieve it do not produce any unacceptable risks to human health or the wider environment, including the contamination of surface water, ground water or sewers.

As the site is located within the urban area and is previously developed, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

#### Contributions:

The Council's Interim Housing Policy outlines the circumstances where contributions will be sought towards affordable housing, public open space and public realm improvements. As a threshold of 15 dwellings is identified in the 'Urban Option' to the policy, none of these contributions are applicable in this case.

Regulation 12(d)(iv) of the Community Infrastructure Levy (Amendment) Regulations 2014 provides that, from the 6 April 2015, the use of planning obligations will be restricted where there have been five or more obligations in respect of a specific infrastructure project or a type of infrastructure which is capable of being charged under the levy. For these purposes, the pooling of contributions is backdated to those entered into on or after 6 April 2010 (paragraph 099 of the Community Infrastructure Levy chapter to the NPPG). Paragraph 097 of the NPPG makes clear that contributions towards education are a type of infrastructure which is capable of being charged under the levy and, accordingly, the pooling of contributions secured through planning obligations would be restricted to a maximum of five for either (i) this type of infrastructure; or (ii) a specific infrastructure project.

In this case, LCC have indicated that any contribution would be used for new school places at one (or more) of five specific primary schools located within a 3 mile catchment of the site. The restriction to pooling of contributions from planning obligations means that no more than five contributions can be pooled for each of the five schools identified. LCC have indicated that six contributions are currently pooled against 3 of the 5 schools and five contributions are pooled against the remaining 2 schools. Therefore, as the maximum threshold in the Community Infrastructure Levy Regulations for the pooling of contributions has already been reached in respect of these schools, it is not considered that any further contributions can be sought in respect of this infrastructure as part of the application. This is also recognised by LCC, who have not requested any contribution in this case.

#### Conclusion

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes and would occupy a sustainable location within the town centre. The development, by virtue of its size, scale, layout, height and massing, would be compatible with the pattern and character of development and the street scene along Orchard Road, and would not harm the setting of the St Annes Conservation Area. The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have a detrimental impact on the safe and efficient operation

of the surrounding highway network, either adjacent to or further away from the site. Satisfactory measures can be put in place through conditions to deal with drainage and contamination and there is no requirement for developer contributions to make the development acceptable in planning terms in this instance. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **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.

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. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the external appearance of the building and the landscaping of the site.

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

3. This permission relates to the following plans:

- Drawing no. Orchard 1/009 Rev B – Existing site plan & location plan.
- Drawing no. Orchard 1/010 Rev E – Proposed site plan & ground floor.
- Drawing no. Orchard 1/110 Rev D – Proposed floor plans.
- Drawing no. Orchard 3/310 Rev D – Proposed elevations & street scene.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access, layout and scale.

The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Matters of access, layout and scale have been applied for and any application for reserved matters must be in accordance with and/or not exceed the maximum parameters established as part of this permission.

4. No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- a survey of the extent, scale and nature of contamination
- an assessment of the potential risks to:
  - human health;
  - (i) property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - (ii) adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments.
- where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

5. No development shall take place until details of finished floor levels for the building and external ground levels for its external areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure an acceptable relationship between the proposed development and surrounding buildings in accordance with the requirements of Fylde Borough Local Plan policy HL2.

6. No development shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- separate systems for the disposal of foul and surface water;
- details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development rate.
- (iii) details of how the scheme will be maintained and managed after completion.

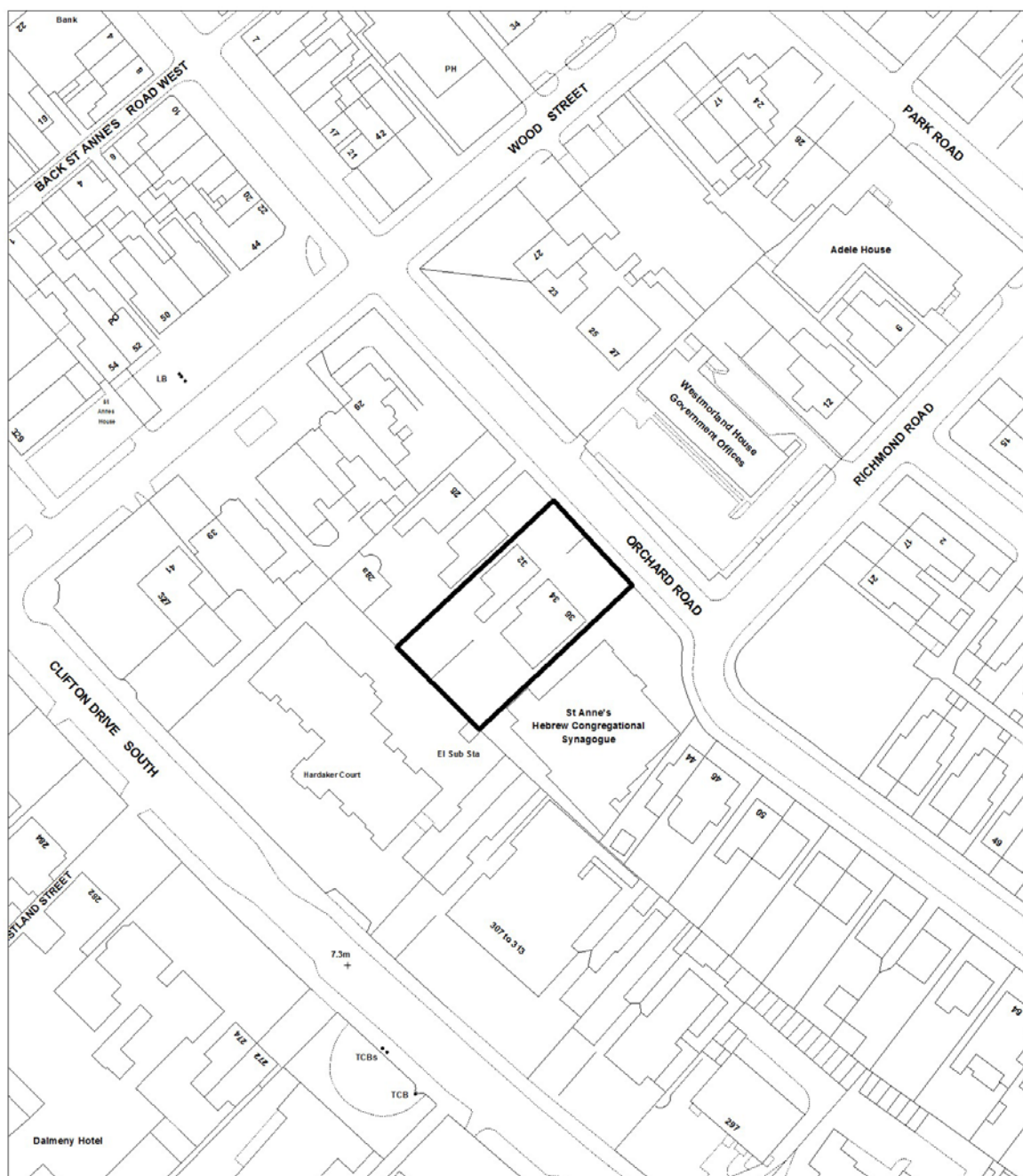
The scheme shall be implemented in accordance with the duly approved details before any of the apartments are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

7. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design and construction of the site access, vehicle parking and other hardstanding areas (including their surface treatment and provision for the drainage of surface water from them) hereby approved has been submitted to and approved in writing by the Local Planning Authority. The access, parking and hardstanding areas shall be constructed and made

available for use in accordance with the duly approved scheme before any of the apartments are first occupied.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to achieve suitable visibility at the junction between the site access and Orchard Road in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0176	Address 34-36 Orchard Road, Lytham St Annes	Grid Ref. E.3321 : N.4286	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 10 June 2015

<b>Application Reference:</b>	15/0187	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mr Darrell Brooks	<b>Agent :</b>	
<b>Location:</b>	GEORGES GARAGE, 45 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AD		
<b>Proposal:</b>	VARIATION OF CONDITION 10 ON PLANNING PERMISSION 14/0833 TO ALLOW DEVELOPMENT OF 12 MARKET AND 4 AFFORDABLE DWELLINGS RATHER THAN 16 AFFORDABLE DWELLINGS		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is the rear part of the Georges garage site on Lytham Road in Warton. It is currently vacant and lies to the rear of the Tesco/Subway building and surrounded by residential properties on other sides.

Planning permission ref. 14/0833 approves the construction of 16 dwellings on the site with these accessed from Post Lane, although a later permission grants consent for a construction access direct to Lytham Road through the demolition of 43 Lytham Road. The approved scheme proposed that all the dwellings be affordable with that secured by condition 10 of the planning permission.

This application seeks to vary that to reduce the number of affordable dwellings to 4 (30% of 16) with the remainder being 'market' dwellings. Given the current under supply of housing within the borough, the suitability of this site for residential development, and that this percentage of affordable would comply with the council's policy requirement for 30% on-site affordable dwellings, it is considered that this variation is acceptable. Members are therefore recommended to approve the variation.

**Reason for Reporting to Committee**

The application relates to the variation of a condition to a planning permission that was imposed by the Development Management Committee, and so it is appropriate that this decision is also made by Committee.

**Site Description and Location**

The application site is located within the settlement boundary of Warton and forms part of the former Georges Garage site; the northern part of which has recently been developed with two retail units (planning permission ref. 12/0524). The application site is a square shaped parcel of land

measuring approximately 0.3 hectares in size and was previously used for car dismantling in connection with the car sales that took place from Georges Garage.

Residential dwellings lie to both the east and west of the site. To the west are the two storey red brick dwellings on Post Lane and to the east is the rear garden of No.41 Lytham Road. To the south is a small stream which marks the site boundary and beyond that is former GEC Marconi site that is currently undergoing residential development.

### **Details of Proposal**

Planning permission ref. 14/0833 was granted by the Development Management Committee on 7 January 2015 for the construction of 16 dwellings, all of which were to be affordable, on the application site. Condition 10 of that permission states:

*The development hereby approved shall comprise of not less than 100% affordable housing and 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 shall be provided in accordance with the approved scheme in accordance with the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:*

- (i) 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;*
- (ii) 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;*
- (iii) the occupancy criteria to be used to assess eligibility of potential occupiers of the affordable housing and the mechanism for the application of such occupancy criteria.*

This application seeks to vary the terms of this condition to reduce the number of affordable properties to 4, with the remaining 12 being 'market' dwellings.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0833	PROPOSED ERECTION OF 16 NO. AFFORDABLE DWELLINGS AS EXTENSION OF POST LANE	Granted	12/01/2015
14/0287	VARIATION OF CONDITION 12 ON PLANNING PERMISSION 12/0524 TO ALLOW STORE TO OPEN BETWEEN 0600 AND 2300 HOURS ON EACH DAY OF THE WEEK, AND DELIVERIES TO THE UNIT BETWEEN 0700 HOURS AND 2000 HOURS.	Refused	21/05/2014
13/0779	ADVERTISEMENT CONSENT FOR 1 No. INTERNALLY ILLUMINATED TOTEM SIGN	Granted	21/01/2014
13/0771	ADVERTISEMENT CONSENT TO DISPLAY FASCIA SIGN AND SIDE PANELS TO FRONT, ATM VINYL, 3 X CAR PARKING SIGNS AND 2 X POST SIGN	Granted	21/01/2014
13/0752	INSTALLATION OF SECURITY ROLLER BARRIERS ALONG TOP OF APPROVED 2.4M CLOSE BOARDED ACOUSTIC FENCE.	Granted	21/01/2014
13/0562	OUTLINE APPLICATION FOR RESIDENTIAL		



	DEVELOPMENT FOR UPTO 7 DWELLINGS, WITH ACCESS FROM LYTHAM ROAD APPLIED FOR AND ALL OTHER MATTERS RESERVED.		
12/0527	OUTLINE APPLICATION FOR THE PROPOSED DEVELOPMENT OF UP TO 16 NO. DWELLINGS (ACCESS FROM POST LANE APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/03/2015
12/0524	PROPOSED ERECTION OF BUILDING PROVIDING TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) INCLUDING A NEW PEDESTRIAN CROSSING OVER LYTHAM ROAD FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE (RESUBMISSION OF APPLICATION 11/0564)	Granted	16/11/2012
11/0564	PROPOSED ERECTION OF BUILDING PROVIDING TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.	Withdrawn - Appeal against non-determine	10/04/2012
10/0001	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Withdrawn by Applicant	31/05/2013
09/0420	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Withdrawn - Appeal against non-determine	12/01/2010

#### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0287	VARIATION OF CONDITION 12 ON PLANNING PERMISSION 12/0524 TO ALLOW STORE TO OPEN BETWEEN 0600 AND 2300 HOURS ON EACH DAY OF THE WEEK, AND DELIVERIES TO THE UNIT BETWEEN 0700 HOURS AND 2000 HOURS.	Dismiss	30/09/2014
11/0564	PROPOSED ERECTION OF BUILDING PROVIDING TWO CLASS A1 RETAIL UNITS (COMBINED INTERNAL FLOOR AREA OF 469M2) FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.	Withdrawn	28/11/2012
09/0420	OUTLINE APPLICATION FOR LOCAL FOOD STORE OF 1394M2	Dismiss	23/09/2010

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

Bryning with Warton Parish Council notified on 24 March 2015

#### **Summary of Response**

No objections to the variation of the condition provided that the proposed access remains the same via Post Lane.

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

**BAe Systems**

No objections  
**Ministry of Defence - Safeguarding**  
No comments received at the time of writing

### **Neighbour Observations**

**Neighbours notified:** 24 March 2015

**Amended plans notified:**

**No. Of Responses Received:** One letter of objection

**Nature of comments made:**

"It will end up being a council estate and we know the problems that will bring to the area, with no police in the village. There is a new development built down Harbour Lane - Warton, of similar layout, they have had a lot of trouble with anti social families. Planning officers please consider the side effects for Warton in the longterm."

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP14	Landscaping of new developments
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
TR09	Car parking within new developments

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

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

### **Site Constraints**

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

This application does not seek to alter the nature of the development, the number of dwellings on the site, or their access point all of which are agreed under the existing outline planning permission ref. 14/0833. The only matter for consideration is the number that should be affordable. The existing position is that all 16 were to be affordable units and so serve as an extension to the existing development on Post Lane.

The council's Policy on the provision of affordable housing is provided by the revised Interim Housing Policy of 2013 which seeks the provision of 30% of the dwellings in any development on site. This is in line with advice in para 50 of NPPF which encourages local planning authorities to

identify the needs for affordable housing in their area and then introduce policies to plan for its delivery.

The current application looks to revise the delivery of affordable housing to on this site to a position that would comply with that policy with 4 of the 16 properties being offered as affordable units and the remainder available for market sale. Whilst 4 of 16 is only 25%, the IHP explains that fractions are to be rounded down, and so it complies with that requirement. It is also appropriate as the dwellings are to be arranged in blocks of 4 on the site and so this number works in practical and management terms also.

The application site is one that is entirely suitable for residential development given that it is located in the settlement of Warton and is largely surrounded by residential properties. Members are aware of the number of applications on the site that have been presented in an attempt to provide a deliverable housing solution. This revision is seemingly proposed as a further attempt to 'unlock' the site and is supported to assist in that and so the delivery of housing in this sustainable location.

### **Conclusions**

Given the current under supply of housing within the borough, the suitability of this site for residential development, and the continued accordance with the IHP requirements it is considered that the variation of condition 10 of planning permission ref. 14/0833 to reduce the number of affordable dwellings to 4No. is acceptable. Members are therefore recommended to approve the variation.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions which are repeats of those approved under 14/0833 with a revised condition 10.

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This consent relates to the following plans and / or reports:
  - a) Location Plan - Dwg no. 451/PLW/LP, dated November 2014
  - b) Topographical Survey - Dwg no. TB-GG-01 Rev B, dated 05/12/2011
  - c) External Works Plan - Dwg no. 451/PLW/EXW Rev B, dated September 2014 and received by the Local Planning Authority on 08/12/2014
  - d) Proposed A3 Site Layout - Dwg no. 451/PLW/SLP, dated November 2014
    - Type A 2 Bed 2b4p Planning - 840sq ft - Dwg no. 451/PLW/2b4 Rev D, dated September 2014
    - Type B 3 Bed 3b5p Planning - 968sq ft - Dwg no. 451/PLW/3b5 Rev D, dated September 2014
    - 4 Block Configuration - Dwg no. 451/PLW/Com Rev C, dated September 2014
    - Design & Access Statement - Ref. 451/PLW/DAS, dated November 2014

- Lytham Road Remediation Statement - Ref. BHI\_SKM\_AH\_001, dated September 2013

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

3. The external materials to be used in the development hereby approved shall accord entirely with those samples submitted to the local planning authority and described in the email from Darrell Brooks, dated 24 November 2014. Any modification thereafter shall be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

4. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future.

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

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

6. The 'Post Lane Construction Plan' submitted as part of the application is to be implemented and fully accorded with during the construction of the development.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

8. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site

conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

This development shall be completed maintained and managed in accordance with the approved details.

To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharge from the site.

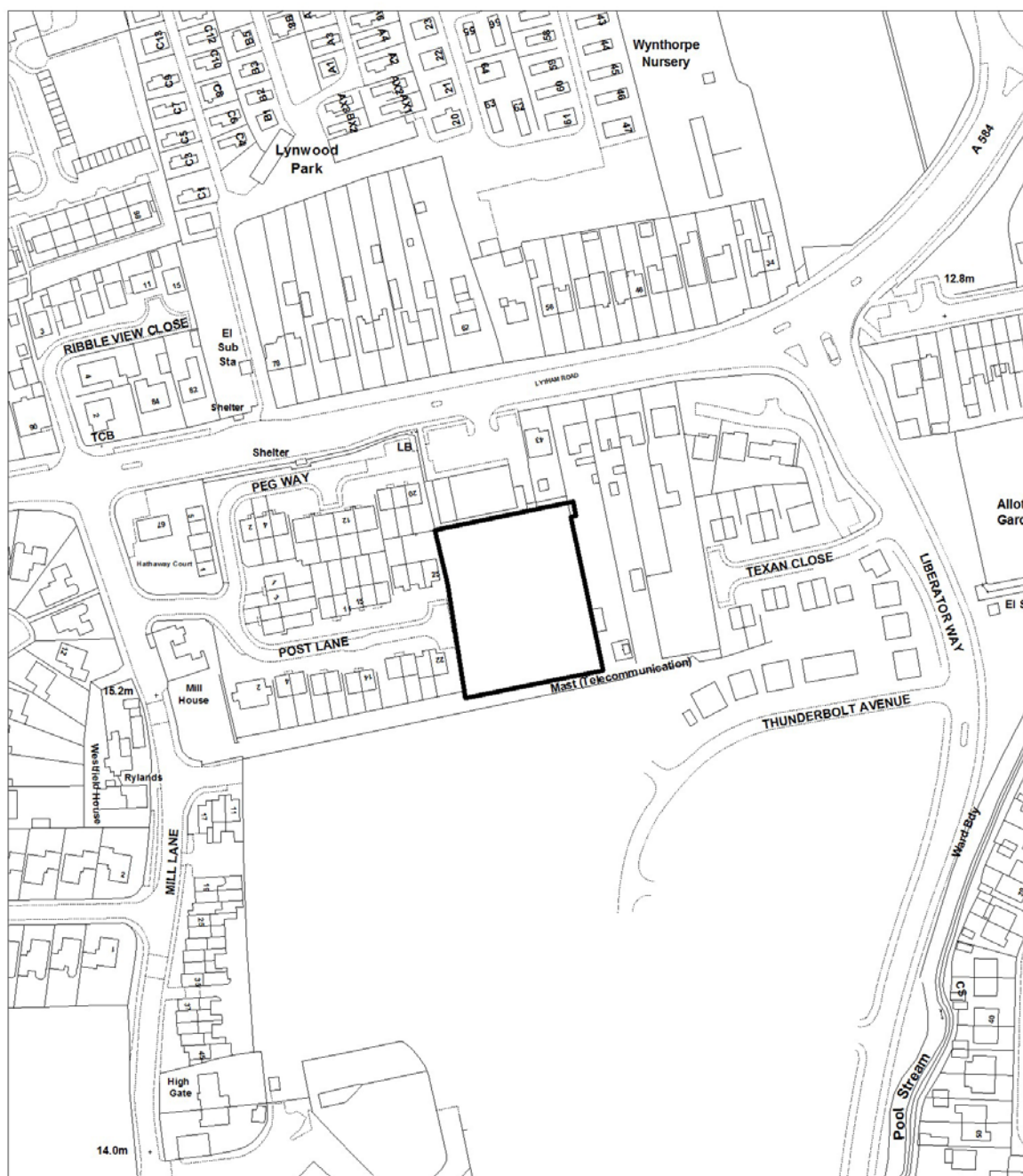
9. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy prepared by SKM Enviro (Final report dated September 2013 reference BHI\_SKM\_AH\_001) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure completion of the site remediation and reduce the risk of pollution to controlled waters as a result of the development.

10. The development hereby approved shall comprise of not less than 30% affordable housing (4No. dwellings in this approved development) and 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 shall be provided in accordance with the approved scheme in accordance with the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- 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 application of such occupancy criteria.

Reason: To ensure that the appropriate number of dwellings remain affordable in perpetuity and so meet the identified local need under the Fylde Borough Council Interim Housing Policy as required by guidance in para 50 of NPPF..



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0187	Address Georges Garage, 45 Lytham Road, Warton	Grid Ref. E.3417 : N.4286	Scale 0 10 20 30 40 m 

**Item Number:** 8

**Committee Date:** 10 June 2015

<b>Application Reference:</b>	15/0215	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Ms Fiddler	<b>Agent :</b>	Clover Design
<b>Location:</b>	69 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HS		
<b>Proposal:</b>	PROPOSED TWO STOREY REAR EXTENSION WITH JULIETTE BALCONY		
<b>Parish:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

Planning permission is sought for the construction of a two storey rear extension onto an already existing two storey rear extension at a terraced property within the defined village settlement of Freckleton. The scheme is considered on balance to accord with the aims of policy HL5 of the Fylde Borough Local Plan and the application is recommended for approval.

**Reason for Reporting to Committee**

The applicant has close family connections with a Fylde Borough Councillor and so it is appropriate that the application be determined by Committee.

**Site Description and Location**

The application site is a terraced two storey dwelling located on the western side of Kirkham Road, north of the Freckleton by-pass. The property is within the settlement boundary with other similar residential properties at either sides and across Kirkham Road. To the rear is agricultural land in the green belt.

**Details of Proposal**

Planning permission is sought for the construction of a two storey rear extension onto an already existing two storey rear extension. The proposed extension would project 3.5 metres out from the existing extension, along the boundary with the neighbouring property (No.71), and extend across the whole width of the narrow rear garden. It would have a flat roofed design, a maximum height of 10.5 metres, French doors with a Juliet balcony at first floor to the rear, and rendered elevations.

**Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
84/0421	REAR EXTENSION TO FORM KITCHEN AND BATHROOM/WC.	Granted	15/08/1984

### **Relevant Planning Appeals History**

None.

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

Freckleton Parish Council notified on 07 April 2015 and respond that they support the application.

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

#### **BAe Systems**

No objections

#### **Ministry of Defence - Safeguarding**

No safeguarding objections

### **Neighbour Observations**

**Neighbours notified:** 07 April 2015

**No. Of Responses Received:** One letter of support

**Nature of comments made:**

The occupier of the neighbouring property, No.71, has no objection to the proposal

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions

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

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

### **Site Constraints**

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The issues to consider in the determination of this application are detailed in the criteria of policy HL5 of the local plan. The design guidance provided by the council's adopted SPD, "Extending your Home", is also a material consideration.

#### **Design, scale and appearance**

The proposed extension has a utilitarian appearance with little inherent architectural character. However given its location to the rear of the property and the existing utilitarian appearance of both



this property and other properties within the terrace it is not considered that the design is unacceptable or a sufficient justification for refusal of permission. A flat roof design is generally one that is resisted, but in this location it is not visible in any public aspect and this design assists the relationship with neighbours.

#### Neighbour amenity

With regard to the adjoining neighbour, No.67, there is not considered to be any concern regarding impact on amenity given that No.67 has an existing single storey extension of similar rearward projection and the southern position of this property relative to No.69.

With regard to the other neighbour, No.71, this property is to the north of the proposed extension and off-set from the proposed extension by approximately 1 metre. The extension would project 3.5 metres past the rear most elevation of No.71 at both ground and first floor levels. Design note 5 of the SPD advises that first floor extensions should project no greater than 1.5 metres, plus half of any off-set, beyond the main rear first floor elevation of the neighbouring property. In this instance the proposal would exceed this guidance by 1.5 metres, which is a reduction from the initially proposed projection, and from assessment on site is considered to provide appropriate protection to the amenity of the neighbouring occupier due to the layout of their property and arrangement of windows. It is also noted that the occupier of No.71 has written a letter of support for the proposal, indicating her future intention to build a similar extension to the rear of her property. In light of the relationship assessment and neighbour support it is considered on this occasion that the failure to accord with the SPD's guidance is not an overriding factor.

#### Garden area, off street parking, and vehicle access

None of the remaining criteria of policy HL5 would be prejudiced by the proposal.

#### Conclusions

The proposed extension is considered, on balance, to accord with the aims of policy HL5 of the Fylde Borough Local Plan.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

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

To ensure visual harmony in respect of the overall development.

3. This consent relates to the following plans and / or reports:

- Location Plan - project 15-005, drawing 1001

1. Existing plans and Elevations - project 15-005, drawing 1000
2. Proposed plans and Elevations - project 15-005, drawing 1100 rev c

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0215	Address 69 Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3429 : N.4293	Scale 0 6 12 18 24 m 

<b>Application Reference:</b>	15/0219	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Rushton	<b>Agent :</b>	Firth Associates Ltd
<b>Location:</b>	23 WESTBY STREET, LYTHAM ST ANNES, FY8 5JF		
<b>Proposal:</b>	PROPOSED FIRST FLOOR EXTENSION TO REAR WITH JUILETTE BALCONY, ADDITION OF WINDOW TO SIDE GABLE AND ALTERATIONS TO EXISTING REAR ELEVATION		
<b>Parish/Ward:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Rob Clewes
<b>Stat. Expiry Date:</b>	26 May 2015		
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

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

The proposed extension is appropriately designed and is not overly dominant within the site nor visually to the surrounding area. The property is within the Lytham Conservation Area and it is considered that the development will not have a detrimental impact on the character and distinctiveness of the area. Although there will be some impact to the amenity of the neighbouring properties this impact is considered acceptable. The proposal is therefore considered to comply with paragraphs 17 and 131 of the NPPF and policies HL5 and EP3 of the Fylde Borough Local Plan and is recommended for approval.

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

This application has been brought before the Development Management Committee due to a request prior to the local elections by Cllr Hopwood.

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

The application site is a semi-detached house located on the southern side of Westby Street within the Lytham Conservation Area. The property has a gable ended roof and there is a single storey side/rear extension. The adjoining neighbouring property is matching in style and also has a single storey side/rear extension. The neighbouring property to the east is a detached red brick building currently used as a physiotherapy clinic. The site is close to the Town Centre and therefore the surrounding area is a mix of commercial and residential properties.

#### **Details of Proposal**

The proposal is for a first floor rear extension and other alterations to the rear elevation. The proposed extension projects 5.9m and is 3m wide. Its rear elevation has a Juliet balcony. It has a

gable ended roof and the materials are to match the existing property. Other alterations to the rear elevation include the addition of 2 sets of patio doors in the ground floor rear elevation.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0091	CONSERVATION AREA CONSENT TO DEMOLISH EXISTING GARAGE AND PART OF BRICK BOUNDARY WALL	Granted	15/04/2009
08/0931	ERECTION OF DETACHED GARAGE TO REAR FOLLOWING DEMOLITION OF EXISTING GARAGE.	Granted	09/03/2009
08/0750	CONSERVATION AREA CONSENT TO DEMOLITION GARDEN WALL AND CREATION OF NEW PARKING SPACE	Refused	26/09/2008
08/0751	PART DEMOLITION OF GARDEN WALL AND CREATION OF NEW PARKING SPACE.	Refused	26/09/2008
99/0348	SINGLE STOREY EXTENSION TO SIDE AND REAR	Granted	14/07/1999

#### **Relevant Planning Appeals History**

None

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

N/A

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

##### **Regeneration Team (Heritage)**

Comments - None received

#### **Neighbour Observations**

**Neighbours notified:** 13 April 2015

**No. Of Responses Received:** letter received

**Nature of comments made:**

Not in keeping with the conservation area

Over development of the site

Overbearing on the neighbouring property

Visual impact

#### **Relevant Planning Policy**

##### **Fylde Borough Local Plan:**

SP01	Development within settlements
EP03	Development within conservation areas
HL05	House extensions

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

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

**Site Constraints**

Conservation area site

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues regarding this application are:

Design

Impact to the conservation area

Impact to neighbouring residential amenity

**Design**

The design of the proposed extension is in keeping with the existing property, with a gable ended roof and matching materials. The extension sits on top of the existing ground floor extension and does not project beyond this existing rear elevation. Its size and appearance will not form a dominant feature on the rear of the property and there remains a sizeable rear garden and therefore the general massing and bulk of the property will not be overly dominant or visually intrusive and the dwelling will retain the appearance of a two-storey semi-detached house.

**Impact to the conservation area**

The proposal will have an impact on the character of the conservation area as it will be viewed from various positions when stood on South Westby Street. Although there will be an impact it is nevertheless considered acceptable as the proposal is appropriately designed and in keeping with the existing property. Furthermore the character of this part of the conservation area is of various types and styles of buildings, some residential, others commercial. This results in a character and appearance that is not uniform in appearance and many of the properties on Westby Street have had rear extensions of varying sizes (including first floor) built. Therefore the proposed extension does not harm the local character and distinctiveness of the area and therefore complies with paragraph 131 of the NPPF and policy EP3 of the Fylde Borough Local Plan.

**Impact to neighbouring residential amenity**

The proposal will have an impact to the neighbouring properties either side. The adjoining neighbouring property No.21 will suffer an impact to its amenity however this impact is considered acceptable. In terms of loss of light there will be some loss in the early hours of the morning however unrestricted light will reach the rear of No.21 for the majority of the day. In terms of overbearing the proposed extension will create some impact to the first floor rear elevation window closest to the side boundary however the side elevation facing No.21 is set 3m off the side boundary therefore complying with the SPD. This separation distance therefore reduces the overbearing to an acceptable level. There will be no loss of privacy as there are no windows facing the neighbouring property.

The neighbouring property to the East, No.25 is currently used as a physiotherapy clinic therefore there is no residential amenity to affect. However since this application has been submitted an application (ref: 15/0255) for the conversion of No.25 back into a single residential dwelling has been submitted. Therefore an assessment should be made as to the impact of the property as a residential dwelling. There will be some impact in terms of loss of light however this impact will only during the later hours of the day and only on the nearest section of the rear elevation and is therefore considered acceptable. In terms of overbearing there will be an impact to the western most part of the neighbouring rear elevation. The proposal projects approximately 4.4m beyond the rear elevation of No.25 thereby not complying with the SPD. However when taking into account the orientation of the properties, south facing, and the separation distance between the properties, the impact is considered acceptable. There will be no loss of privacy as there are no windows facing the neighbouring property.

The property to the rear, directly south, will suffer no detrimental impact in terms of loss of light, loss of privacy or overbearing due to its distance from the proposal.

### **Conclusions**

The proposed extension is appropriately designed and is not overly dominant within the site nor visually to the surrounding area. The property is within the Lytham Conservation Area and it is considered that the development will not have a detrimental impact on the character and distinctiveness of the area. Although there will be some impact to the amenity of the neighbouring properties this impact is considered acceptable. The proposal is therefore considered to comply with paragraphs 17 and 131 of the NPPF and policies HL5 and EP3 of the Fylde Borough Local Plan and is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building.

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 31 March 2015, including the following plans:

Proposed elevations and section - Westby 3/310 Rev C  
Proposed plans - Westby/1/110 Rev D

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0219	Address 23 Westby Street, Lytham St Annes	Grid Ref. E.3366 : N.4272	Scale 0 6 12 18 24 m 



### **List of Appeals Decided**

The council did not receive any decisions on planning appeals between the dates of 16 April 2015 and 29 May 2015.

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	10 JUNE 2015	6

## SUBSTITUTE MEMBERS AT DEVELOPMENT MANAGEMENT COMMITTEE

### PUBLIC ITEM

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

### SUMMARY

In accordance with Council Procedure Rule 25, the Committee is asked to nominate up to ten members to serve as potential substitutes on the Development Management (DM) Committee.

### RECOMMENDATION

The Committee is invited to nominate up to ten non-committee members to be Reserve DM Members at Development Management Committee under Council Procedure Rule 25.

### CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )		To Encourage Cohesive Communities ( <b>People</b> )	
To Promote a Thriving Economy ( <b>Prosperity</b> )		To Meet Expectations of our Customers ( <b>Performance</b> )	√

### SUMMARY OF PREVIOUS DECISIONS

The committee considers the appointment of reserve members from time to time

## REPORT

1. Council procedure rule 25 allows the Committee to name up to ten councillors to serve as Reserve DM Members.
2. Only a Reserve DM Member can act as a substitute at a meeting of the Development Management Committee.
3. The Committee can only name as a Reserve DM Member a councillor whom they consider (i) has a sufficient level of experience or training to enable them to contribute to the work of the committee; and (ii) is willing and available to frequently attend meetings of the committee (whether or not acting as a substitute).
4. Councillors Julie Brickles and Alan Clayton were previously Reserve DM Members. The Committee is asked to name councillors to supplement or replace those councillors as Reserve DM Members to bring the number of Reserve DM members to ten.

IMPLICATIONS	
Finance	There are no implications
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Lyndsey Lacey	01253 658504	21 May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Report to Council	1 December 2014	<a href="#">Council web site</a>

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	10 JUNE 2015	7

## EXCLUSION OF THE PUBLIC

### PUBLIC ITEM

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

### RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraph 5 of schedule 12A to the Local Government Act 1972, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.