



# Agenda

## Planning Committee

Date:	Wednesday, 3 February 2021 at 10:00 am
Venue:	Remote meeting via Zoom
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)  Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.

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Meeting ID: 814 1892 2821  
Passcode: 737626

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">20 January 2021</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	3 - 69
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5	<b>List of Appeals Decided</b>	70 - 76

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

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## Background Papers

The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

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

These Background Documents are available online at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning)

# Planning Committee Schedule

## 03 February 2021

**Item Number:** 1

**Committee Date:** 3 February 2021

<b>Application Reference:</b> 20/0542	<b>Type of Application:</b> Full Planning Permission
<b>Applicant:</b> Mr Saunders	<b>Agent :</b> Graham Anthony Associates
<b>Location:</b>	RIVERSIDE CHALET PARK, OCCUPATION LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7RA
<b>Proposal:</b>	REDEVELOPMENT OF SITE TO A HOLIDAY CARAVAN PARK INCLUDING: 1) REMOVAL OF EXISTING LODGES /CHALETS /BUILDINGS, 2) CONSTRUCTION OF 35 BASES EACH TO CONTAIN A STATIC CARAVAN; 3) RECONFIGURATION OF INTERNAL ACCESS ROAD; AND 4) PROVISION OF PARKING SPACES FOR EACH CARAVAN (RESUBMISSION OF APPLICATION 19/0875)
<b>Ward:</b> SINGLETON AND GREENHALGH	<b>Parish:</b> Singleton
<b>Weeks on Hand:</b> 25	<b>Case Officer:</b> Ruth Thow
<b>Reason for Delay:</b> Negotiations to resolve difficulties	
<a href="#">Click Here</a> for application site on Google Maps	<a href="#">Click here</a> for application on FBC website

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

The application site is an existing 'chalet' park that is located in a countryside location close to Singleton crossroads and running to the River Wyre, with its access off Mains Lane close to the junction. The existing accommodation is provided in a range of single storey structures, many of which seem to have evolved considerably over time with various extensions and alterations, although there are a small number that have been more recently constructed. Prior to the recent demolition of a small number of the 'chalets' there were 36 on site with the majority in residential use.

The application proposes the reconfiguration of the site including the removal of all the existing chalets and alterations to the roadway to facilitate its use for 35 static caravan pitches which are to be used for holiday purposes.

The site is in the Countryside where Policy GD4 applies. This is generally restrictive but does allow for some forms of development that reflect the rural character of the area and include small-scale tourist accommodation and holiday caravan sites. The proposed development of the site will not involve any extension of the area that is used by caravans, or any increase in the number of units on site above the existing arrangements. The scheme allows for some landscaping works to be secured and so will likely lead to a marginal enhancement of its appearance in the wider rural landscape. As such the proposal is in accordance with the local plan allocation for the site. The use for holiday accommodation would also not involve

any conflict with Policy EC7 which relates to tourist accommodation and is focused on ensuring that caravans sites are retained for holiday purposes.

The scheme has raised concerns from consultees relating to the appropriateness of the junction that the site has with Mains Lane, via Occupation Lane, and over the potential implications for the various higher level ecological designations around the River Wyre and Morecambe Bay Estuary. Following the receipt of additional information from the applicant that addresses these matters these consultees have withdrawn their objections.

There has been considerable public objection to the application, and an objection from Singleton Parish Council. Their concerns are principally over the implications that a grant of planning permission for this use could have for the existing occupiers of the site. This is an issue on which the council's planning, legal, housing and environmental protection teams have been working with the residents for some time and will continue to do so irrespective of this decision. However, the decision on this application is to be made on the planning merits of the proposed scheme.

The policy position with the application is that the proposal accords with the policies of the Fylde Local Plan to 2032 relating to the countryside location of the site and all other aspects and so it is recommended that planning permission be granted.

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

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

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

The application site is known as Riverside Chalet Park, Occupation Lane, Singleton. Occupation Lane is accessed from the north side of Mains Lane close to the junction of Mains Lane with Pool Foot Lane, Lodge Lane and Garstang Road East at 'Singleton Crossroads'. The site itself is situated to the north of no.s 8 - 12 Mains Lane and slopes down gently to the south side of the River Wyre.

The site contains 36 'chalets' which are individual in their design and layout, some of which have been extended at various times since they were first brought onto the site. The 'chalets' have been constructed in a mix of materials which include render, timber and upvc cladding. The majority of the units are stationed either side of the central access road, from which a small spur road links through to the neighbouring 'Pool Brow Caravan Park'. A small number benefit from a specific planning for extensions or reconstruction.

The site seems to have been established since before the Town and County Planning Act of 1947 established the modern planning system and so there are no controls over the occupation of the 'chalets', with the majority seemingly being in residential use. At officer site visit associated with this application a small number of chalets that had been present at an earlier visit had been demolished and replaced by static caravans on their concrete bases.

The site has some mature landscaping to the north and west side boundaries with the trees to the northern boundary covered by Tree Preservation Order no. 1968 No. 1 (Singleton). The site is designated as countryside on the Fylde Local Plan to 2032.

There are a range of surrounding land uses, with other caravan sites in the area including the 'Pool

Brow Caravan Park' to the immediate east and the 'River Wyre Caravan Park' to the west albeit across an intervening agricultural field. There are residential dwellings fronting Mains Lane to the north and agricultural land across the River Wyre within that neighbouring borough to the north.

### **Details of Proposal**

This application seeks planning permission for a redevelopment of the site. This involves the removal of all of the existing chalets, and the formation of 35 concrete bases in a reconfigured layout to the present arrangement. These bases are to be used to station static caravans for holiday use together with the reconfiguration of the internal access road and provision of parking spaces for each caravan. The application is a resubmission of application 19/0875 which was withdrawn prior to being determined to allow additional information to be obtained to support the application.

The site plan indicates a regular layout of 35 caravan pitches arranged either side of the access road with an area of hard standing at the entrance to the site retained for additional car parking. It is intended that each caravan unit is 12.1 metres by 6 metres with a parking space to the side/front of each unit. Additional tree planting is proposed in three locations between caravans with the existing trees and hedges retained. A revision to the original plans as added a turning head to the access road to allow refuse vehicles to turn.

The application is supported by a planning statement, an ecological report and shadow HRA, and subsequently by a highway statement to address comments that were raised by Highways England. The summary of the Planning Statement advises:

*"The application site is not specifically designated for any use in the recently adopted Fylde Borough Local Plan, although it is sited within a designated countryside area where policy GD4 is applicable. Part of the site also falls within land identified for the A585(T) Skippool – Windy Harbour Improvements (policy T1). The river to the north of the site is shown on the Local Plan proposals map as a site of special scientific interest which is subject to policy ENV2, although it is also designated as an SPA/Ramsar site. A shadow HRA assessment has been prepared to satisfy environmental concerns relating to this designation.*

*Local Plan policies S1 and GD1 restrict development proposals outside settlement boundaries, albeit excluding exemptions listed under policy GD4. These identified exceptions include uses appropriate to a rural area, such as holiday caravan sites which help to diversify the rural economy. The insertion of the word 'holiday' before 'caravan sites' is significant, clearly distinguishing that the residential use of such sites is contrary to the Development Plan.*

*We also refer to Policy EC6 and EC7. The latter policy specifically addresses tourism accommodation and contains a note under the heading Holiday Caravans and Camping Pitches. Holiday caravan pitches will be retained for holiday use. Proposals to allow residential use of existing holiday caravan pitches and holiday park homes will be resisted. Conditions will be imposed on any permissions granted for additional holiday caravan pitches and holiday park homes to ensure that they are retained for holiday use.*

*In summary, the holiday use of caravans in Countryside Areas is an acceptable form of development in principle. Looking at other issues, the site is clearly previously developed land, located within a highly sustainable urban fringe setting, reflecting the surrounding land uses. Subsequently, any associated issues such as transport, landscape and ecology are negated by the existing use of land. Simply, the approval of this application will improve the ability of the local authority to protect the*

*intrinsic quality of the countryside, through a lawful permission which grants enforceable powers. On this basis the proposal is acceptable form of development within the countryside under the terms of Local Plan policy.”*

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
19/0875	REDEVELOPMENT OF HOLIDAY CARAVAN PARK INCLUDING: 1) REMOVAL OF EXISTING CARAVANS; 2) SITING OF 34 NEW STATIC CARAVAN BASES; 3) RECONFIGURATION OF INTERNAL ACCESS ROAD; AND 4) PROVISION OF PARKING SPACES FOR EACH CARAVAN	Withdrawn	18/12/2019

### **Relevant Planning Appeals History**

None

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

**Singleton Parish Council** notified on 18 August 2020 and comment:

*“The Parish Council objects to this proposal. This site is currently a residential site for older people. If the site is turned into a holiday site there will be a lot more traffic coming and going on Occupation Lane and onto Mains Lane. The problems will increase once the new by-pass is opened as the extra traffic will probably have to come through Singleton village. The Parish Council objects on these grounds and also on the extra burden the increased users will put on already over-stretched local resources such as health centres, which this Parish Council has previously raised in regard to the growing number of caravan/chalet sites in Singleton and surrounding parishes.”*

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

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

Do not raise any objections to the application but highlight the requirement for any holiday site to accord with the licensing obligations of the Caravan Sites and Control of Development Act 1960, with this licensing process including the imposition of the Model Standards 1989 of Holiday Caravan Sites. They also refer to the need to undertake a fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005, and a copy made available to the Local Authority.

#### **Highways England**

##### Summary of Position

They were consulted as the site takes its access from Mains Lane which at that point is trunked as the A585 and so falls within their remit as the Strategic Highway Authority. They initially commented on 2 November that further information was required to allow them to fully consider the implications of the development as a consequence of the substandard width of Occupation Lane and as its junction with Mains Lane was close to the junction where turning movements could cause highway conflicts. They issued a ‘holding direction’ which prevented the council from determining the application favourably without this information being provided.

Following receipt of a 'Technical Note' presented on behalf of the applicant by his highways consultant, Highways England have provided further comments of 4 December which offer no objection to the development. Their reasoning for this is lengthy and complex and so to assist Members the key points are summarised

#### Background

*The current usage of the site does not enjoy planning consent and we understand that this application is to formalise this.*

*Access to the site is via Occupation Lane, which is a local side road access from the A585 trunk road approximately 75 metres from the centre point of the nearby Little Singleton junction. The A585 is single carriageway in either direction separated by central reserve markings and right-turning pocket. The road has a 40mph speed limit.*

*The junction of Occupation Lane with the A585 is substandard and does not reflect current design standards set out within CD123 of the Design Manual for Roads and Bridges. Occupation Lane is narrow; width estimated to be less than the standard 4 metres required, which creates the potential for conflicting movements between vehicles seeking to exit and enter Occupation Lane at the same time. This may lead to abortive turning movements into Occupation Lane from the trunk road that creates a risk of shunt-type accidents occurring. A right turn 'pocket' refuge for vehicles exists on the trunk road opposite Occupation Lane, which is intended for use by vehicles seeking to enter the fuel filling station opposite, but may equally be used by vehicles wishing to turn right from the trunk road into Occupation Lane – again, conflicts due to opposing turning movements may occur if two opposing vehicles wish to run right at this point at the same time.*

*Whilst the current site does not appear to have planning approval (this is a matter for the LPA) it has operated for many years. In seeking planning approval, what is of relevance is whether this will lead to a material increase in usage of the existing substandard junction access with the trunk road – the inherent risks associated with the existing use of the site and the road junction with the A585 are now a given and would be the case whether the proposed development was approved or not and so act as a benchmark. There is no requirement to bring junctions such as that with Occupation Lane up to current design standards retrospectively. Any requirement to upgrade the junction to current standards would be dictated by the traffic impact that a development proposal had. Consequently, what matters is whether the proposals in this planning application would significantly intensify the number of traffic movements at the junction to the extent that there would be a material detriment to safety. This is because, on any highway, every vehicle turning movement presents a risk of an accident occurring.*

*Highways England has therefore requested that the applicant undertake a traffic survey of the junction and an analysis of the accident record at that location for the last five years.*

*he applicant subsequently appointed SCP Transport to undertake this exercise and has produced a technical note reference MC/200717/TN01 dated 30 November 2020.*

#### Comments on Note content regarding Vehicle Movements

*The analysis within the technical note seeks to establish the existing number of vehicle movements associated with the existing 35 chalets and then use an accepted,*

*industry-standard tool, the Trip Rate Information Computer System (TRICS) database to predict the number of trips that 35 static holiday caravans could be expected to generate - TRICS is a database based on actual surveys of a variety of land uses in the UK and Republic of Ireland.*

*SCP Transport conducted their traffic survey over a 12-hour (7am-7pm) period on three consecutive days (Thursday, Friday and Saturday), which is accepted by us.*

*We have also considered the approach taken by SCP Transport to generating the number of trips that 35 static holiday caravans could be expected to develop and can confirm that their overall approach is reasonable and therefore accepted by us.*

The traffic count survey shows an average of 39 arrival movements and 38 departures across the 3 days surveyed. The TRICS table for a 35 pitch static holiday site indicates that there would be an average of 41 daily arrival movements through the junction and average of 39 departure movements through the junction.

*Highways England has considered this evidence, which shows that the impact the development would be likely to have on the number of vehicle movements at Occupation Lane junction (and hence risks of an accident occurring) would be insignificant; resulting in the extremes of a maximum net difference of only 8 less movements and 8 more movements compared with now (Friday and Saturday respectively). The level of difference is therefore likely to be imperceptible, and so there is no evidence that the proposed development would have any material impact upon the existing levels of safety risk at the junction.*

#### Junction Safety

In terms of the existing safety record for the junction there is a slight difference of view. Whilst the applicant's consultant claim that no incidents have occurred at the A585 / Occupation Lane junction during the last five full calendar years Highways England indicate that one incident did occur on the A585 in the vicinity of Occupation Lane junction on 8th November 2017. However, they believe that this did not involve a vehicle attempting to enter or exit Occupation Lane

*Irrespective of that difference Highways England comment that they; agree that the accident record for this junction does not support a view that the junction already has a poor safety record or that the traffic impact of the development would be likely to change that situation.*

They then refer to the future construction of the bypass and resultant de-trunking of this section of Mains Lane. As a result traffic flows on Mains Lane will fall significantly when the Bypass becomes operational and that traffic queues on the eastbound approach to the Little Singleton junction will also reduce and will not interfere with the operation of the Occupation Lane junction.

#### Occupation Lane

They highlight that any matters or concerns relating to Occupation Lane itself are matters for Lancashire County Council to comment on as highway authority for this road.

#### Highways England Conclusion and formal recommendation

*Highways England has considered the evidence presented to us by the applicant, and our*

*conclusion is that this proposed development would not be expected to result in any material intensification of the use of the site (and therefore the A585 / Occupation Lane junction).*

*The overall approach is reasonable. There are a limited number of comparable sites to this contained in the TRICS database (most are much larger sites), but SCP has used average trip rates from the available sites in order to calculate the trip generation for the proposed use, and compared this to the trips generated by the current use (recorded through traffic surveys of the Occupation Lane junction). This results in a net difference of between 8 less and 8 more movements, which is immaterial when considering the inherent imprecision when using average trip rates. From the information provided, there is no indication that the proposals would result in any material intensification of the site. We are therefore satisfied that the development would not have a severe traffic impact or have a material detrimental impact upon safety, which are the criteria set out in the governing DfT Policy Circular 02/2013 'The Strategic Road Network and the delivery of Sustainable Development'. Consequently, Highways England has no objection to this application.*

#### **Lancashire County Council – Highways**

They have reviewed the scheme insofar as it relates to their area of responsibility and confirm:

*LCC Highways does not have any objections regarding the proposed redevelopment of holiday caravan park and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*

They do make some suggestions regarding the improvement of the internal layout of the site to ensure that suitable turning areas for refuse vehicles, internal passing widths, and parking arrangements for the individual pitches are available. These have been highlighted to the applicant and revised plans sought.

#### **Wyre Borough Council**

No comments have been received.

#### **Environment Agency**

##### Summary

*We objected to the previous application 19/0875 on the basis of insufficient information submitted in relation to flood risk, however following discussion with the LPA on the resubmitted proposals, we have no objection to the revised application, but we have the following comments:-*

##### Flood risk

*The River Wyre is located along the northern boundary of the site and the application site encroaches into Flood Zone 3, on the Environment Agency Flood Map for Planning. Flood Zone 3 is land defined by the national Planning Practice Guidance as having a high probability of flooding.*

*A flood risk assessment (FRA) appropriate to the nature and scale of the development has*

*not been submitted with the application, in accordance with the requirements of the National Planning Policy Framework. However, based on our information and that proposed holiday static caravans are considered to be located in Flood Zone 1 (low probability of flooding), we are satisfied that the proposed units would not be at an unacceptable risk of flooding, given the nature and scale of the proposed development.*

*Due to the proximity of the static caravans to the River Wyre, we would recommend that the units closest to the river are anchored to the ground to prevent them becoming mobile in an extreme flood or in the future due to the impacts of climate change.*

#### Site layout

*We have no objections to the proposed layout of the caravan park, however in addition to planning permission the applicant will require a permit for any flood risk activities associated with this development within 16 metres of the top of the bank of the River Wyre, which is designated a statutory main river, and is tidal in this location.*

#### Foul drainage

*We note that the re-submitted application has clarified the method of foul drainage as a proposed connection to the nearby main public sewer network. This is the most sustainable option on the foul drainage hierarchy in the government guidance contained within the national Planning Practice Guidance on water supply, wastewater and water quality.*

They also provide advice on the need for an Environmental Permit should various works be proposed within close proximity to the River Wyre.

### **Natural England**

They have reviewed the submitted ecological report and shadow Habitats Regulation Assessment provided by the applicant.

#### Summary

They raise no objection with this only subject to appropriate mitigation being secured. Without that mitigation they consider that the development would :

- Have an adverse effect on the integrity of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation, and Morecambe Bay Ramsar Site
- Damage or destroy the interest features for which the Wyre Estuary Site of Special Scientific Interest has been notified.

The mitigation measures that they consider are needed are that an acoustic and visual fence is to be erected throughout the period when any construction works are undertaken during winter months. They suggest that a planning condition or obligation is needed to ensure this is in place.

#### Detailed Comments

With regards the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay Ramsar site

*Natural England has reviewed the shadow HRA by Ecology Services Ltd (April 2020) and notes that although the document date has not been amended the HRA has been updated to include consideration of potential impacts from the proposed 35 units (an increase from proposal 19/0875).*

*Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that the following mitigation measure is appropriately secured in any planning permission given.*

They then suggest a condition wording

Finally they confirm that the advice applies equally to the Wyre Estuary SSSI.

### **Greater Manchester Ecology Unit**

They have reviewed the submitted Ecological Appraisal and the submitted Habitats Regulation Assessment, and offer comments on both as follows:

#### Habitats Regulations Assessment

- The sHRA has been adjusted to include the 35 static caravans as described in the proposal.
- It is very important to note that this is not new provision of 35 static caravans, it is replacement of an existing resource. This has an important bearing on the interpretation of the recreational disturbance sHRA assessment.
- GMEU accept the conclusions of the sHRA assessment. On behalf of the Local Planning Authority, GMEU advise you that our opinion is as follows;
  - There is a low risk of a Likely Significant Effect to qualifying features of a Natura 2000 (Morecambe Bay & Duddon Estuary SPA) due to construction noise and visual disturbance. To ameliorate this risk the sHRA Appropriate Assessment concludes that a condition can be applied to ensure that the boundary of the application site should be fenced with acoustic and visual hoarding (or similar) during the autumn/winter months (October – March inclusive) when construction work is taking place. This fencing should be agreed in writing with the Local Planning Authority and be erected prior to the commencement of work on the site unless it can be confirmed in writing that no construction works at all will take place during this period as the scheme will be fully implemented.
  - The sHRA concludes beyond reasonable scientific doubt that there will be no other Likely Significant Effects from other impacts or pathways to the SPA and consequently a sound conclusion of no adverse effect on integrity (AEIOI) is valid. This conclusion is applicable to the proposal alone and in combination.
  - For the avoidance of future doubt, GMEU agree with the sHRA in respect of recreational disturbance and conclude that there is no LSE via recreational disturbance (either at the SPA or on Functionally Linked Land). This is due to the

site's current configuration and function and that the proposal will not result in any greater impact above that of the baseline condition. No further Appropriate Assessment is therefore required by the Local Planning Authority for this item.

- As a matter of good practice the applicant's ecologists have recommended standard pollution prevent measures, which are considered below. It is important to note that the impacts from the redevelopment of site on drainage and sediments/pollution adversely affecting the qualifying features of the SPA/SAC are nugatory and no LSE is identified. In this sense nugatory is taken to be indistinguishable from background.
- The LPA should make reference to the sHRA and GMEU's opinion on their behalf in their delegated officers/Report to Committee during the determination of the application.
- The LPA may wish to reconsult Natural England on the adjustments made to the sHRA and to seek their opinion on the sHRA. However, it is my view that all matters identified by NE in their letter of 18 September 2020 have now been addressed.

#### Other Ecological Matters

- The Report of the ecological assessment, appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).
- The survey was conducted in March which is recognised as suboptimal for the majority of surveys and the ponds within 250m of the site were not surveyed for amphibians, but a Habitat Suitability Index (HSI) assessment was undertaken. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.
- The Report concluded that the site supports some trees to the north west of the site have potential to support bat roosting. These trees are currently planned to be retained. The surrounding habitats within the site are of only local and in part limited value to biodiversity.
- Should the plans change to prune and or remove trees the Report identifies additional works (paragraph 7.4.1). The LPA should be notified and agreement sought for the works, which is in line with standard arboricultural recommendations. If on notifying the LPA of further tree works it is found that this includes trees to the north of the site (see Phase I Habitat Survey in Report page 19), then additional assessment should be provided to include an updated visual inspection and as necessary aerial inspection with endoscope and/or activity surveys for bats. The assessment should include the need for an EPS Licence to undertake the work and other mitigation measures that should be adopted (eg soft fell techniques and erection of bat boxes). This survey should be submitted in writing and agreed with the LPA prior to the tree works/felling taking place. This can be conditioned on any permission if granted.
- The Report concluded that given the current condition of the site the risk of inadvertently causing an offence to great crested newt in their terrestrial habitat is very low. However, the Report indicates that a Reasonable Avoidance Method Statement (RAMs) can manage this risk (section 7.6). Notwithstanding the detail provided I would recommend that a condition be placed on any permission for the submission of a RAMs Statement. This to include the provision of an ecologist to inspect the site prior to the commencement of work to identify any potential features which might be amphibian resting places (eg dense undergrowth such as

bramble, planting, log piles or loss paving materials). Any identified features should be removed under the supervision of the Ecological Clerk of Works during the site clearance phase. If great crested newt are found/suspected during site clearance or at other times works should cease until an assessment for the need of an EPS Licence has been made by the ECoW and submitted in writing to the LPA.

- There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.
- The Report's other recommendations should be adhered and implemented via condition in relation to: -
  - Use of standard pollution prevent measures (Environment Agency 2007 now withdrawn) during construction (Report para 7.2.2).
  - Protection during construction of retained habitat (Report para 7.3.1)
  - Bird breeding and vegetation clearance including trees, shrubs and undergrowth (eg bramble) avoidance of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981). (Report section 7.5)
- Additionally, it is recommended that an informative be placed on any permission if granted to advise the applicant of the protected status of bats and their roosts – even when unoccupied - even when activity is undertaken as a result of an otherwise lawful activity (eg a planning permission). Bats can be unexpectedly encountered in unusual circumstances, if they are found or suspected then all work should cease until advice has been sought and implemented from a licenced ecologist.
- As some of the recommendations outlined above are in the form of pre-commencement conditions, these items should be discussed with the applicant.
- The Report makes recommendations (paragraph 7.3.2) in respect of biodiversity enhancement as guided by the NPPF (February 2019, paragraph 175 d)) and it is recommended that an Ecological Enhancement Measures plan is provided. This can be conditioned on any permission if granted.

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

No comments have been received.

#### **United Utilities**

Raise no objection to the proposal but request that conditions are imposed to ensure that the site drainage follows the drainage hierarchy set out in the PPG.

#### **Cadent Gas**

They have identified operational gas apparatus within the application site boundary. They refer to this potentially including a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The explain that the applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

#### **Neighbour Observations**

**Neighbours notified:** 25 August 2020  
**Site Notice Date:** 04 September 2020

**Number of Responses**  
**Summary of Comments**

26 letters received, all of which raise objection

- access road is very concealed and dangerous
- holiday park would make it treacherous for the elderly
- concerned about security of home
- people will be forced to leave their homes
- rowdy with holiday makers
- own the property and concerned about what the future holds
- chalets cannot be moved
- can it be legal or humane to knock down someone's home
- making people ill, can't sell or afford to buy elsewhere
- more caravans would cause disruption
- would attract young people and children
- reassurances that it was a residential site suitable for over 55's for long term retirement
- would make people homeless
- responsibility with Fylde Council for allowing the site to be run for year without a licence
- detrimental to the interests of many elderly people
- development will have a detrimental impact on the landscape re: the loss of wildlife, flora, fauna and trees
- will increase the traffic volume
- Noise pollution will be generated if used for holidays
- 3 existing holiday sites in the immediate vicinity
- no benefits to the community if redevelopment passed
- strain on the local health centres , hospitals and amenities would be stretched
- chalets demolished and work started
- entrance can only accommodate one vehicle at a time
- waiting vehicles on Mains Lane holds up traffic
- not many vehicles currently moving in and out
- no significant public transport
- site was never holiday caravan park
- no employment would be created by change of use
- little impact on businesses
- nearest proper shops are 2 miles away
- pay rates to Fylde
- no amount of creatures living around chalets
- owner will leave everyone penniless
- chalets are most peoples only asset
- have health issues and need 1 floor accommodation
- wildlife has disappeared
- why can't council help
- chalet parks are only homes people can afford
- people have less rights than illegal immigrants
- site not as nice as it used to be with dog runs outside caravans
- replacement caravans not landscaped just plonked on stones
- bought through an estate agent, only home
- children or animals could wander on to main road
- pensioners reside on Wyre Chalet Park, holiday park unfair to elderly

- holiday visitors will get abuse
- could be 40/50 cars at peak times
- site will require toilets and disabled facilities none on plans
- only 1 bus every hour
- site now overrun with young people & children
- what compensation will we get
- you have a responsibility to your residents
- what are you going to do with all the OAP's
- building business may be operating on the overflow car park
- no regard for safety of community
- dust and debris flying around
- will applicant pay for repairs
- homes on Wyre Chalet park likely to depreciate
- will there be fencing to keep park private
- trees have been bulldozed
- 6 old caravans have been sited non are new, occupied by families
- is applicant a fit and proper person to be granted licence
- is this a travellers site
- chalet owners intimidated and frightened
- only moved in this year and were told it was for over 55's
- install an island on Mains Lane to ensure that there is only ONE Lane of traffic passing Occupation Lane
- dangers of lorries turning and pedestrians

### **Relevant Planning Policy**

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

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

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

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

### **Environmental Impact Assessment**

This development is a type listed in part 12 e) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which is the section for 'Tourism and Leisure' and relates to 'Permanent camp sites and caravan site'. The schedule sets a size threshold of 1 hectare, above which any proposal should be screened to assess whether it is possible that it could have significant effects on the environment and so require an Environmental Statement. That screening assessment is undertaken in this section of the report.

In this instance the site is located in an environmentally sensitive location being within the buffer zone of a Site of Special Scientific Interest and a European site. An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated.

The Wyre Estuary SSSI is adjacent to the northern boundary of the site and forms part of the Morecambe Bay and Duddon Estuary SPA which contains the UK's largest continuous area of intertidal mudflats and sandflats which supports a wide range of habitats. The area is of international significance for wintering wading birds and of national significance for wintering wildfowl.

In this respect the application is accompanied by a shadow HRA which has been screened by the council's ecologists who advise that there is a low risk of a Likely Significant Effect to qualifying features of a Natura 2000 (Morecambe Bay & Duddon Estuary SPA) due to construction noise and visual disturbance. However, this can be prevented with a condition requiring the fencing off of the application site from the designated site during the active autumn/winter months (October – March inclusive).

Having considered the nature of the development and its location, it is considered that the likely environmental impact would be related to ecological impact. Having considered the information submitted in regard to the Habitat Regulations Assessment, it is considered that the proposal does not involve EIA development and so an Environmental Statement is not required in this instance.

### **Comment and Analysis**

This application seeks permission for the redevelopment of the Riverside site. It is proposed that new bases are provided for the stationing of 35 static caravans for occupation for holiday purposes. The application includes the reconfiguration of the internal access road and the provision of parking spaces to serve each caravan.

### **Background information**

The proposed development requires the demolition and removal of the existing 'chalets' on the site. The chalets are in use for a mix of residential and holiday purposes, with their siting on the land for those purposes seemingly lawful through the time that the site has existed rather than any planning approval. As such there are no planning conditions or other controls over the nature of their occupation. However, it is clear from site visit and an inspection of historic aerial photographs that there has been chalet style development on the site for many years. With this context it is certainly not the case that there is any prospect of the council commencing any enforcement proceedings relating to the presence or use of the existing chalets on site.

Sitting alongside planning legislation the council generally has control over the operation of caravan and mobile home sites through its role as licensing authority for those forms of accommodation. In this case there is no modern form of licence that can apply to the 'chalets' currently on site as they are outside of the definition of a 'caravan', with this having been demonstrated by an independent surveyor who assessed the accommodation site on behalf of the council in winter 2019/20. This assessment was undertaken as the council is seeking to establish how best to respond to requests for assistance from residents on the site, and to understand which, if any, legal obligations the council has with regards to those residents and the general management of the site. This work is on-going and has no bearing on the determination of this application which can only be considered on its planning merits as set out by the policies of the development plan and other material planning

considerations.

Should the application be granted and then implemented there would be an obligation for the operator to obtain a caravan site licence which would then bring into play a series of controls available under that legislation which are not available at present, although these could only relate to the holiday static caravans and not the existing chalets.

In their comments to the council on this application a number of the current occupiers of the site contend that the application should be refused as it would result in them being made homeless. As a matter of principle the possible implications of a planning decision on the existing occupiers of the application site are not a matter that can be considered in the determination of the planning application. It is also the case that any planning permission that may be granted may not be implemented, and in cases such as this it is possible that it may only be implemented incrementally over time, or only in part with only certain pitches reconfigured to the proposed use.

As a further background consideration Members will be aware that the council is not allowed to act in a way that is incompatible with a right set out in the European Convention on Human Rights (as incorporated into UK law by the Human Rights Act 1988). Article 8 of the convention states that *“Everyone has the right to respect for his private and family life, his home and his correspondence”*, and continues: *“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”*.

The granting of planning permission for an alternative form of development at the site would not, in itself, mean that existing residents at the site would be required to vacate the site as there would be no requirement to implement any planning permission granted and the existing use could continue. Any protection the existing residents enjoy as a result of their occupation of the site and their tenancies would remain unaffected by any decision to grant planning permission. Article 8 of the European Convention is not, therefore, engaged in the decision. It is also understood that there are no children resident on the site so Article 3.1 of the UN Convention on the Rights of the Child is not engaged in this case.

### **Relevant Policies**

As the site is located within the Countryside Area defined in the Fylde Local Plan to 2032 Policies Map the provisions of Policy GD4 are applicable in this case.

Policy GD4 limits the type of development that can take place in the countryside to following 6 elements, with a) and d) being the ones potentially applicable in this case and assessed later;

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

*b) the re-use or rehabilitation of existing permanent and substantial buildings;*

*c) extensions to existing dwellings and other buildings in accordance with Policy H7;*

*d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;*

*e) isolated new homes in the countryside which meet the criteria set out in Policy H6;*

*f) minor infill development*

Policy GD7 refers to general principles of good design and includes various criteria which developments need to comply with. These are extensive and not all are relevant for every application, but the relevant ones will be assessed in this report.

Policy EC7 refers to holiday caravans and camping pitches, stating: '*Holiday caravan pitches will be retained for holiday use. Proposals to allow residential use of existing holiday caravan pitches and holiday park homes will be resisted. Conditions will be imposed on any permissions granted for additional holiday caravan pitches and holiday park homes to ensure that they are retained for holiday use. A limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements.*'

Policy ENV1 deals with landscape matters and requires development to have regard to its visual impact within its landscape context and the landscape type in which it is situated. There is an obligation for development to be assessed whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated. The policy also requires that appropriate landscaping works are undertaken to ensure development sits comfortably within its landscape setting.

Other policies of more specific relevance are ENV2 relating to biodiversity and ecological matters and Policies CL1 and CL2 refer to flood alleviation and surface water run-off.

The key NPPF section is paragraph 83 which deals with the rural economy and states that:

*Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

These policies will be assessed in more detail below in the various sections of this report.

### **Principle of Tourism Use**

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 Fylde Local Plan to 2032 is the council's adopted Development Plan. The plan is up to date and so can be afforded full weight in making planning decisions.

This proposal is for 35 static caravans for holiday use. Policy GD4a) allows for various forms of development in a rural area, and specifically refers to '*small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development.*'

Given the number of holiday caravans being proposed and the size of the site being just over 1

hectare in this application the scheme is not 'small scale'. However, the scheme does propose a holiday caravan site and is on a previously developed site that is currently in a similar use given the presence of the chalets. The parameters of GD4a are not specifically defined in the Local Plan, but the justification to the policy explains that *"It is important that the countryside is protected from unacceptable development that would harm its rural character."* It then advises that *"...certain forms of development are necessary to support rural life and maintain or enhance the rural economy"*. This indicates that the overarching intention of Policy GD4 is to protect the character and appearance of the countryside whilst supporting appropriate economic growth in line with guidance in para 83 of NPPF on this matter which is supportive of sustainable rural tourism.

The existing land use of the site for chalets is therefore a key consideration. These 'chalets' have been the subject of a survey conducted on behalf of the council to assess the status of the structures. The survey concluded that based upon the site inspections 35 of the 36 chalets are permanent fixed structures, with the majority being unique in design and with variations in the materials of their construction. In addition the existing 'chalets' are arranged in a random layout around the site, with variations in their structural condition.

The consideration of a tourism development in the countryside must involve an assessment of its visual impact to the rural character of the area. Given that the application site is previously developed with permanent structures with wide variation in their design, and this proposal would result in a fewer number of units which are temporary and uniform in nature, it is considered that their impact on the visual amenity of the area will be slightly reduced compared to the existing arrangement.

Therefore, whilst the number of caravans being proposed is significant in number, the impact of the proposal is mitigated by the presence of the existing chalets. Consequently, it is not considered that there will be any detriment to the overall character and appearance of the countryside as a result of this development. Indeed, the application allows for some order to be applied to the current slightly random arrangement and design of the structures to allow them to be more appropriately spaced, and to allow landscaping to be secured to soften elements of the development.

Policy EC7 refers to camping and caravan pitches and so has relevance to the form of accommodation that is to be provided in this proposal. This policy allows for a limited increase in static and touring caravan and camping pitches within existing site boundaries. In this instance the number of caravans proposed at 35 is less than the existing 36 chalets on site and the proposal is within the site boundary of the chalet site. Accordingly the proposal complies with Policy EC7 of the local plan. That policy is also resistant to the loss of holiday accommodation to a residential use and so the potential for this site to increase the overall level of holiday caravans is compliant with the policy in that regard.

### **Impact on visual amenity, landscaping and protected trees**

The full implementation of the application would involve the removal of the existing 'chalets' that are currently on the site and the provision of 35 static caravans for holiday use. The development involves the re-positioning of a fewer number of caravans than the existing chalets which allows a slight increase in the spacing between caravans for additional planting around the site, albeit this is quite regimented in the submission as that follows the minimum spacing standards in the caravan licensing legislation. Whilst there is only limited landscaping information available at this stage it is possible that further planting around the site would assist to boost biodiversity in and around this part of the countryside as well as the visual benefits it would bring. As a summary on this the slight

reduction in the number of units on the site will enhance the overall appearance of the site and additional landscaping will assist in assimilating the development into the surrounding countryside without detriment to the character and appearance of the area.

The ecological section of this report advises that there is a need to erect a visual and acoustic barrier during any construction activities that take place in winter months to mitigate the potential impact of these works on the surrounding wildlife. The detailed design, height and extent of this is unknown at this stage but it will inevitably create a significant and harmful impact on the landscape and so it is important that it is retained in place for as limited a period as possible to minimise the visual intrusion on the landscape. Equally, it is not unusual for protective fencing to be erected around development sites for temporary periods whilst those works are on-going and so this in itself is not a reason that could justify a refusal of the application.

Consequently it is considered that the development is acceptable and in accordance with Policies GD7 and ENV1 of the Fylde Local Plan to 2032.

### **Housing Delivery**

Irrespective of the lawful planning status of the occupation of the chalets that are on site, it is clear from Council Tax records and the submitted comments of the residents on site that the majority of the chalets are being occupied residentially. The loss of these units to a holiday use through the grant of this application would therefore lead to a reduction in the borough's overall housing stock and needs to be counted as a negative figure in the calculation of the housing supply delivery. This is a material consideration of some weight given the importance that maintaining the growth in the housing stock of the borough has in the council's Corporate Plan and Local Plan.

Whilst the local plan seeks to ensure that sufficient housing land is delivered to maintain a 5 year housing land supply, there is no development plan policy that guards against the loss of housing units. Each year there are units lost to the supply as a result of demolition, changes of use and amalgamation of homes into single dwellings. This natural change is accounted for in the plan which makes allowances for net gains through windfall sites. There is also a qualitative assessment to be addressed in the determination of this particular application, with the properties being, in many cases, of a poor quality in terms of their size and structural condition. Discussions with the council's Housing and Environmental Protection teams have highlighted that they have concerns over the standard of accommodation that is available to residents. Whilst the loss of the number of housing units is a negative factor, with some exceptions, the housing that the site provides is not of a good quality. The council should be striving to increase the number and quality of accommodation available for the residents of the borough and so retaining poor quality housing stock should be of lesser importance.

Accordingly it is officer view that whilst the loss of a number of residential units in the borough is a harmful implication of the development proposal due to the importance in maintaining a 5 year housing supply, the loss of the residential accommodation on the site as a matter of principle is not an issue that could support a refusal of the application.

### **Impact on neighbours**

The nearest residential neighbours to the application site lie to the south side of the site on Mains Lane. They are alongside the access and the arrivals / visitor car park that is located in that area, rather than any of the proposed caravans. Accordingly, there are no privacy or other implications from the proposed siting of the caravans that could impact on these neighbours by virtue of the

proposed layout of the site.

It is considered that the proposed holiday use of the site is unlikely to result in levels of noise and disturbance above the general noise and disturbance likely to be experienced with the existing use. There is the potential for noise during the re-development phase however, this could be restricted with a condition to restrict development works to daytime only.

As a consequence of the presence of the existing site and the number and location of caravans proposed in this application it is considered that the development and proposed use of the site will not result in a detriment of the amenity of nearby neighbours and complies with Policy GD7 in this regard.

## **Ecological Implications – Off-site**

### Background

The northern boundary of the proposed development site is adjacent to the boundaries of Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI).

Morecambe Bay and Duddon Estuary SPA contains the UK's largest continuous area of intertidal mudflats and sandflats and supports a variety of infaunal communities including cockle beds. Morecambe Bay supports a wide range of habitats including saltmarsh and transitional habitats as well as sand dune systems and coastal lagoons.

The Duddon and Ravenglass Estuaries support saltmarsh, intertidal mud and sand communities and sand dune systems with small areas of stony reef. The intermediate coast comprises extensive shingle and sand beaches.

The Wyre Estuary SSSI forms an integral part of Morecambe Bay, one of the two largest areas of intertidal estuarine flats in Britain. The whole estuarine complex is of international significance for wintering wading birds and of national significance for wintering wildfowl. The River Wyre is of national importance for wintering and passage black-tailed godwit, wintering turnstone and teal especially in times of hard weather. The Wyre Estuary supports the largest area of ungrazed saltmarsh in North West England.

Article 6(3) of The Habitats Directive sets out the decision-making tests for plans and projects likely to affect Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); collectively these sites are referred to as Natura 2000 sites. *Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the sites' conservation objectives.*

### Assessment

It is accepted in the submitted documents that the proposed development of the site could have negative effects on the designated sites as a consequence of the scale, location, timing and nature of the development in relation to the sensitivity, exposure and vulnerability of the nature conservation features present within the designated sites. This is confirmed in the consultee comments that have been received from GMEU and Natural England. The leading legal case on how the local planning authority should proceed is set out in this is the 'People Over Wind' decision which directs that where there is any possibility of a 'likely significant effect' on the designated area then an Appropriate Assessment is required at the time of the decision making.

The application is accompanied by a Habitats Regulation Assessment by 'Simply Ecology Limited'. This explains at 2.2.5 that that *"The proposed development of the site could have negative effects on the designated sites' features if carried out in the wrong way, for the wrong duration or at the wrong time of year. The spatial scale, location, timing and nature of these actions are critical in relation to the sensitivity, exposure and vulnerability of the nature conservation features present within the designated sites"*. It goes on to suggest that a condition to mitigate that through controlling the method of works and their timing is needed. The shadow HRA has been assessed by the council's ecologists who agree with its conclusions and have advised that there is a low risk of a Likely Significant Effect to qualifying features of a Natura 2000 (Morecambe Bay & Duddon Estuary SPA) due to construction noise and visual disturbance.

To ameliorate this risk the applicant's consultant has also provided an Appropriate Assessment. This highlights that the site itself is already developed and so will itself provide no foraging value for the SPA qualifying species, and will provide no breeding habitat. They then analyse the relative importance of bird species that have been identified close to the site from the recognised Fylde Bird Club records. This concludes that there are 6 species (whooper swan, black tailed godwit, golden plover, pink footed goose, redshank and curlew) which have been identified using farmland around the SPA and so could conceivably be present near the site. Finally, the Appropriate Assessment runs through the various possible aspects of the development such as loss of habitat, water pollution, construction noise, etc and assesses whether they are likely to have a significant effect on the use of the surrounding farmland by SPA qualifying species.

Of these only 'Construction Disturbance' triggers a 'likely significant effect', and whilst this is assessed as being a low risk due to the existing developed nature of the site, the existing screening around its boundaries, and the likelihood that slow moving machinery will be used, the Appropriate Assessment concludes further mitigation is needed. This is in the form of an acoustic and visual hoarding (or similar) during the autumn/winter months (October – March inclusive) so that the risk of disturbance from the construction activity is reduced. A planning condition is necessary to require that this is erected and maintained. Officers are expecting to have details of the size and location of this in advance of the Committee meeting so that the condition can be tightly worded.

#### Conclusion

With the lack of objection to the development from either specialist consultee on ecological matters subject to a programme of relatively modest mitigation, it is considered that there will be no other Likely Significant Effects from other impacts or pathways to the SPA and consequently a sound conclusion of no adverse effect on integrity. This conclusion is applicable to the proposal alone and in combination with others due to the site's current configuration and function and that the proposal will not result in any greater impact above that of the baseline condition. The Appropriate Assessment concludes that the mitigation will be sufficient to ensure that the works will cause no significant disturbance, reduction in numbers, or displacement of birds

It will be necessary for the council's decision on the application to formally confirm that it is adopting the Shadow Habitat Assessment and Appropriate Assessment as its own, which will address the off-site ecological implications providing the condition is imposed and appropriately implemented.

#### **Ecological Implications – On-site**

'Simply Ecology Limited' have also carried an Ecological Assessment which has been submitted with the application and assessed by GMEU. The aims of the ecological assessment is to confirm the

presence or absence of protected species, such as badgers, bats, great crested newts, otter, etc within the proposed development site, to highlight the presence of any habitats or species of ecological importance and to identify any ecological constraints on future development.

The report concluded that the trees to the north west of the site have the potential to support bat roosting however, these trees are currently planned to be retained. The surrounding habitats within the site are of only local and of limited value to biodiversity. As such there are no adverse implications on ecological matters from the development with a series of measures needed to be secured by condition to confirm that and secure biodiversity enhancement. This will cover:

- Protection to retained habitat during construction
- Undertake work to identify any potential features which might be amphibian resting place
- To ensure pollution prevention
- To avoid the Bird breeding season (March – August inclusive)
- To provide an Ecological Enhancement Measures plan.

With the imposition of these conditions the proposal is considered to comply with the requirements of Policy ENV2 of the Local Plan and the aims of the National Planning Policy Framework.

### **Coastal location, flood risk and drainage**

The site is adjacent to the River Wyre which is to the north of the site and in Flood Zones 2 and 3. However, the proposed siting of the caravans is all within an area in Flood Zone 1. The NPPG regarding flood risk classifies various uses in accordance with their vulnerability to flooding, with caravans and mobile homes that are for residential use classified as 'highly vulnerable' whilst those for a holiday use are the in the lesser 'more vulnerable' category.

In this case as the caravans are all to be in Flood Zone 1 there is no need to assess the vulnerability of their use, although it is noted that the EA request an informative relating to the securing of those units that are located closest to the River Wyre to the ground to assist their stability in the event that it breaches its banks. Given the previous objections to the development from the EA and the proximity of the tidal River Wyre to the site it is considered to be an appropriate precaution that a condition of this nature is imposed.

The application provides no clear details over the surface water drainage of the site, and no comments on this aspect have been received from the Lead Local Flood Authority. However, a condition can be imposed to require that these details are provided prior to the commencement of development works.

The application also confirms that foul drainage of the site is proposed to connect to the existing sewers. With the developed nature of the site it is assumed that there are existing foul connections in place for this that will simply need to be amended to serve the new development layout, and accordingly a condition to require these details to be provided is sufficient.

Accordingly, the proposal is considered to comply with Policies CL1 and CL2 of the Fylde Local Plan to 2032.

### **Highway safety**

Many of the letters received from neighbours refer to the access to the site and the safety aspects of Occupation Lane and the junction with Mains Lane, along with the implications of additional traffic

movements that would come from a holiday use of the site as is highlighted by the Parish Council. Occupation Lane is part of the local highway network where Lancashire County Council provide advice, and Mains Lane is part of the strategic highway network where Highways England provide advice.

Following initial comments received from Highways England the applicant commissioned a Traffic Comparison survey to assess the existing situation in terms of traffic movements and junction safety to compare it to the proposed situation with the site in use for holiday purposes.

The survey concluded that the level of difference in vehicular movements between the existing use and that proposed is likely to be imperceptible. This is based on a traffic survey that was undertaken by the applicant's highway consultant over 3 days in autumn 2020 which indicated that the average daily level of vehicle use of the existing residential site was 39 arrival movements and 38 departures. This was compared against the TRICS database which provides nationally recognised estimates of vehicle movements and indicates that a 35-pitch holiday static site would result in 41 arrivals and 39 departures. With the similarity of these figures Highways England are satisfied that there is no evidence that the proposed development would have any material impact upon the existing levels of safety risk at the junction. Despite the concerns over this point expressed by the Parish Council and others the council has no basis to conclude that this position is unacceptable.

An analysis of highway safety records was undertaken by the developer and verified by Highways England. This confirms that there have been no accidents in that location for the past 5 years that could be attributed to the operation of the junction.

With this information Highways England have confirmed that they have no objection to the proposed development on highway safety grounds relating to the junction of the site with Mains Lane and the operation of that road. They also highlight that traffic levels on Mains Lane will be reduced in future as a consequence of the completion of the Windy Harbour bypass works.

The implications for Occupation Lane is a matter for Lancashire County Council to advise on as local highway authority. They have not raised any objections to the development on highway capacity or safety implications. They have provided some comments on the need for the internal layout to provide appropriately sized turning arrangements for refuse and other larger vehicles so that these can operate safely and a revised site layout to secure elements of this has been received with further improvements expected in time for the Committee meeting. These other minor changes relate to the layout of the carriageway and parking provision for the units to address matters highlighted by LCC.

The legislative requirement for assessing highway matters is the guidance in paragraph 109 of the NPPF which requires that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' This is supported by Policy GD7 of the Fylde Local Plan to 2032 which requires that all development is acceptable in terms of the access, parking and servicing arrangements. Having assessed the proposal your officers agree with the views of Highways England and Lancashire County Council on these matters and conclude that there are no issues with the proposal on access and parking grounds.

## **Conclusions**

The application site is an existing 'chalet' park that is located in a countryside location close to Singleton crossroads and running to the River Wyre, with its access off Mains Lane close to the

junction. The existing accommodation is provided in a range of single storey structures, many of which seem to have evolved considerably over time with various extensions and alterations, although there are a small number that have been more recently constructed. Prior to the recent demolition of a small number of the 'chalets' there were 36 on site with the majority in residential use.

The application proposes the reconfiguration of the site including the removal of all the existing chalets and alterations to the roadway to facilitate its use for 35 static caravan pitches which are to be used for holiday purposes.

The site is in the Countryside where Policy GD4 applies. This is generally restrictive but does allow for some forms of development that reflect the rural character of the area and include small-scale tourist accommodation and holiday caravan sites. The proposed development of the site will not involve any extension of the area that is used by caravans, or any increase in the number of units on site above the existing arrangements. The scheme allows for some landscaping works to be secured and so will likely lead to a marginal enhancement of its appearance in the wider rural landscape. As such the proposal is in accordance with the local plan allocation for the site. The use for holiday accommodation would also not involve any conflict with Policy EC7 which relates to tourist accommodation and is focused on ensuring that caravans sites are retained for holiday purposes.

The scheme has raised concerns from consultees relating to the appropriateness of the junction that the site has with Mains Lane, via Occupation Lane, and over the potential implications for the various higher level ecological designations around the River Wyre and Morecambe Bay Estuary. Following the receipt of additional information from the applicant that addresses these matters these consultees have withdrawn their objection.

There has been considerable public objection to the application, and an objection from Singleton Parish Council. Their concerns are principally over the implications that a grant of planning permission for this use could have for the existing occupiers of the site. This is an issue on which the council's planning, legal, housing and environmental protection teams have been working with the residents for some time and will continue to do so irrespective of this decision. However, the decision on this application is to be made on the planning merits of the proposed scheme.

The policy position with the application is that the proposal accords with the policies of the Fylde Local Plan to 2032 relating to the countryside location of the site and all other aspects and so it is recommended that planning permission be granted.

### **Recommendation**

That:

1. The submitted Shadow Habitat Regulation assessment and Appropriate Assessment be formally adopted by Fylde Council for the purposes of this decision; and
2. Planning Permission be GRANTED subject to the following conditions:
  1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. This permission relates to the following plans:

- Location Plan - Drawing no.GA3252-LP-01
- Proposed Site Plan - Drawing no. GA3252-PSP-01B
- Landscaping Plan - Drawing no.GA3252-LSP-01

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

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

3. The caravan site hereby approved shall have no more than 35 caravans on site and shall be laid out in full accordance with that indicated on drawing no. GA3252-PSP-01B as listed in condition no. 2 of this decision.

Reason: To define the permission and layout of the site in the interests of clarity and the character and visual amenity of the area. In accordance with Policies GD4, GD7, ENV1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. None of the caravans on the site hereby approved shall be occupied as a persons permanent, sole, or main place of residence.

Reasons: The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policies DLF1 GD4, GD7, contained in the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework which protects sporadic residential development.

5. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans, their main home addresses, and the period of occupancy including date of arrival and date of departure from the caravan site. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policies DLF1 GD4, GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. Prior to the first use of the site for any holiday occupation as hereby approved a 'Management Plan' for the management of site shall be submitted to the Local Planning Authority and agreed in writing. The management plan shall set out details of how and from where the site will be managed, the time periods the 'manager' is available, security arrangements for the site, locations for the display on site and availability of contact details out of hours for the Manager, procedures to be followed in the event of an emergency on site, etc. Thereafter the agreed plan shall be implemented throughout the operation of the site for the holiday purposes hereby approved..

Reason: To ensure adequate supervision and security arrangements are available for the safe and secure operation of the site in accordance with Policies GD7 and EC7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved details of a phasing plan to set out the stages of the implementation of the approved works shall be submitted to and approved in writing by the local planning authority. This phasing plan shall set out the sequence by which the clearance of the existing site, the establishment of the revised road network, and the formation of the new concrete bases, across the site is to be undertaken. The development of the site shall be undertaken in accordance with the approved phasing.

Reasons: To ensure that the development is undertaken in an appropriately coordinated way, and so that access and services are available to the existing occupiers of the site at all times in the interests of preserving their residential amenity in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

8. Notwithstanding the layout indicated on the site plan listed in condition 2 of this planning permission, prior to the commencement of any development works a site plan shall be provided which indicates the routeing, surface materials, any drainage, and any lighting for the internal access road to serve the development shall be submitted to and approved in writing by the local planning authority.

The development shall be undertaken in accordance with this approved detail so that the new road is constructed to connect each holiday static pitch to the site access point prior to the first use of that pitch for holiday static purposes.

Reason: In order to ensure that each pitch is provided with an appropriate and safe access as required by Policy GD7 of the Fylde Local Plan to 2032

9. Prior to the commencement of any development of the site as hereby approved (including the demolition of existing chalets, the removal of their foundations, the re-alignment of the roadway, the provision of additional services, or the formation of the approved concrete bases) details of a visual and acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the route, design, height, materials, acoustic protection level and colour of the fence.

The approved fence shall be erected along the entire northern boundary, the entire western boundary, and the extent of the eastern boundary extending for a distance of 40m measured from the northeast corner of the site at all times when the development works listed in this condition are to be undertaken during the months of October to March inclusive in any year.

The fence shall then be removed and the area reinstated immediately on completion of the approved construction works associated with this planning permission.

Reason: To provide a temporary boundary treatment to the site to minimise the potential for disturbance to matters of ecological importance in the wider area as required by Policy ENV2 of the Fylde Local Plan to 2032, and to ensure a limited visual impact on the landscape as required by Policy ENV1 of the Fylde Local Plan to 2032.

10. Prior to commencement of the development hereby approved a Reasonable Avoidance Method Statement (RAMs) for Great Crested Newts shall be submitted to the Local Planning Authority and agreed in writing. The statement shall include the provision of an ecologist to inspect the site prior to the commencement of work to identify any potential features which might be amphibian resting places (eg dense undergrowth such as bramble, planting, log piles or loss paving materials). Any identified features should be removed under the supervision of the Ecological Clerk of Works (ECoW) during the site clearance phase(s). If great crested newt are found/suspected during site clearance or at other times works should cease until an assessment for the need of an EPS Licence has been made by the ECoW and submitted in writing to the Local Planning Authority.

The development shall be undertaken in full accordance with the approved RAMs.

Reason: To ensure that the development does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

11. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

12. Prior to the commencement of development and notwithstanding any details shown on the approved plans a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of:
- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
  - (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development and to replace / enhance the tree belt that runs along the southern bank of the River Wyre including the northern boundary of this site;
  - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
  - (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.
  - (v) biodiversity enhancement measures.
  - (vi) A phasing scheme whereby planting can be divided into sections of the site to facilitate the phased implantation of the approved development.

The duly approved landscaping scheme shall be carried out in accordance with the approved phasing so that the planting in each section of the site is undertaken during the first planting season after the development in that phase is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into the surrounding landscape, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

13. The development hereby approved shall be carried out in accordance with 'Simply Ecology Limited' Ecological Appraisal Ref: SE/ GAAQ011/01 dated July 2020 paragraph 7.2.2 in the use of standard pollution prevent measures during construction works.

Reason: To ensure that the development does not result in pollution of the nearby statutory designations in accordance with the requirements of Fylde Local Plan to 2032 Policies CL1 and ENV2 and the aims of the National Planning Policy Framework.

14. Prior to the commencement of development hereby approved a schedule of Ecological Enhancement Measures shall be submitted to and agreed in writing by the local planning authority. These works shall include the following and a phasing scheme for their

implementation:

- a) The use of native species appropriate to the local area to enhance and replace where required the boundary planting to the site
- b) The enhancement of connective habitats through planting of new hedgerow and/ or treelines along the site boundary and appropriate locations between pitches
- c) The establishment of nectar and pollen rich plants and fruit and nut producing species within formal planting schemes,
- d) The location and design of features to support the roosting bats and nesting birds on retained trees around the site,
- e) The creation of log/ brash piles and compost heaps along the site boundary to provide opportunities for amphibians and invertebrates.

The approved details shall be established in accordance with those details and the approved phasing.

Reasons: To ensure that the development brings forward an enhancement of the biodiversity opportunities on the site in accordance with the requirements of Policy ENV2 of the Fylde Local Plan to 2032.

15. The use hereby approved shall not be brought into operation until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority; foul and surface water must be drained on separate systems. The drainage information shall include:

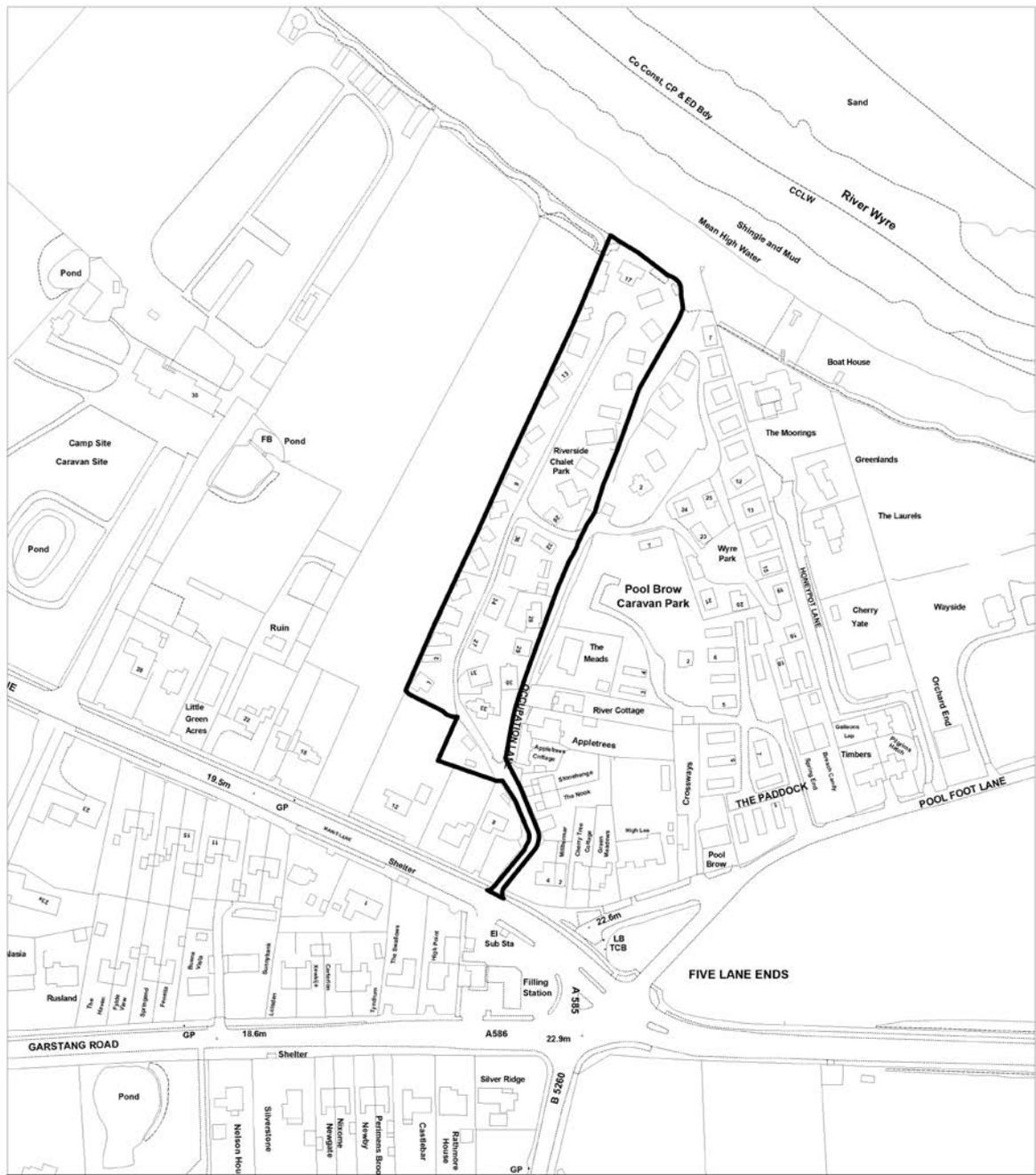
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

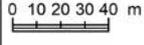
The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution to the nearby Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI).

16. That any pruning, lopping, crown-raising or other works to any of the trees on the site which are on the north west boundary of the site and those subject to a Tree Preservation Order shall only be undertaken in accordance with a written schedule of those works that has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate protection of the trees around the site and so safeguard the visual amenities of the neighbourhood and in the interests of biodiversity, in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
<b>Application No.</b> 5/20/0542	<b>Address</b> Riverside Chalet Park, Occupation Lane, Singleton	<b>Grid Ref.</b> E.3376 : N.4397	<b>Scale</b> 

**Item Number:** 2

**Committee Date:** 3 February 2021

<b>Application Reference:</b> 20/0804	<b>Type of Application:</b> Change of Use
<b>Applicant:</b> Creative Living Care Limited	<b>Agent :</b> MPD Built Environment Consultants Ltd
<b>Location:</b> RILEY HOUSE, BRYNING FERN LANE, KIRKHAM, PRESTON, PR4 2BQ	
<b>Proposal:</b> CHANGE OF USE OF RESIDENTIAL DWELLINGHOUSE (CLASS C3) TO RESIDENTIAL CHILDREN'S HOME (CLASS C2) FOR 4 CHILDREN AGED 11 - 17 YEARS INCLUSIVE	
<b>Ward:</b> KIRKHAM SOUTH	<b>Parish:</b> Kirkham
<b>Weeks on Hand:</b> 13	<b>Case Officer:</b> Andrew Stell
<b>Reason for Delay:</b> Need to determine at Committee	
<a href="#">Click Here</a> for application site on Google Maps	<a href="#">Click here</a> for application on FBC website

**Summary of Recommended Decision:** Grant

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

The application site is a residential dwelling located in a predominantly residential area within the defined settlement of Kirkham. The property is a detached two storey property with four bedrooms at first floor, a series of reception rooms at ground floor and a detached double garage to the rear. There are other detached dwellings of a similar scale on all sides.

The proposal is to change the use of the property to a care home within Class C2 of the use classes order, specifically to provide care for up to 4 young persons supported by two carers at all times with other care support as needed. No external changes are proposed to facilitate this change of use.

The proposed use of the building is as a care home and so the building would continue to be used for residential purposes. In certain circumstances, a residential dwelling can be used as a care home without the need to obtain planning permission. This application has been submitted as the applicant intends to operate the property using staff that are not resident at the property, and as they anticipate that the level of activity at the site will be such that a material change of use from the lawful residential use is involved.

With regard to the planning merits, the property is of a scale that is capable of accommodating the four young persons that are referred to in the application. It is located where there is convenient access to a choice of education, social facilities, transport, etc. within Kirkham and the wider area, and so is an appropriate location for a care facility.

There have been objections to the development from the Town Council and from a number of the surrounding residential properties. These raise a number of issues with most making reference to the highway conditions at and around the site. The property has a double garage and driveway alongside the house that is able to provide parking opportunities for at least 3 cars in addition to any use of the garage. The proposed use is likely to attract a

modest level of additional traffic over that which would be expected in a residential use due to the staffing levels and the potential for additional care visits. However with the level of on site parking that is available and the potential for on-street parking to be undertaken without risk of causing undue congestion around the property it is not considered that this could justify a refusal of the application. It is also noted that the local highway authority have no objection to the development on this basis.

Other concerns are raised regarding the potential level of disturbance that could be caused, but with the property being detached and that the scale of the care use is limited to only 4 young persons it is also not considered that these would lead to any undue disturbance that would be harmful to neighbouring amenity.

The proposal provides an opportunity to provide care for 4 young persons in a location that is highly accessible to services, and is of a scale that is not significantly different to how the property could operate as a single family dwelling house. As such it is recommended that planning permission be granted.

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

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

### **Site Description and Location**

The application property is a detached two storey dwelling that is located on Bryning Fern Lane which is a residential cul-de-sac in Kirkham. The property has a detached double garage that is set to the rear of the property and has been extended to the rear with the addition of a conservatory. The property is one of 8 large detached houses that are situated on the western side of Bryning Fern Lane. The properties on the opposite side are smaller detached dwellings, with more recently built detached dwellings on The Ferns which is a cul-de-sac off Bryning Fern Lane to the rear of the application property and its neighbours on the western part of the Lane. Bryning Fern Lane was severed by the construction of the Kirkham bypass and so now terminates with a large turning head feature immediately alongside the bypass. The only vehicle access is from the opposite end which connects to Ribby Road, although pedestrian and cycle access is available direct from the bypass.

The properties surrounding the application dwelling are all in residential use, with that continued into the wider area, although The Willows Club (a social club/drinking establishment) is accessed from Bryning Fern Lane close to its junction with Ribby Road, and the primary school grounds are to the rear of the properties on The Ferns which are to the rear of the application property.

The site is part of the designated settlement area of Kirkham and is not subject to any constraints such as TPO, listed building or conservation area.

### **Details of Proposal**

The application seeks planning permission to change the use of the property from its current residential (Class C3) use to a Class C2 use so that it can operate as a children's home. The application form explains that the intended capacity of this is to accommodate up to 4 children (aged 11-17 inclusive) along with their carers.

No extensions or alterations to the property are proposed. The submitted plans indicate a lounge, kitchen, dining room, study and utility at ground floor. At first floor are four bedrooms, one with an en-suite, and a bathroom. Externally the property has a lawned area to the front and rear with a driveway running alongside the property to the detached garage set to the rear of the dwelling in the rear/side corner of the rear garden.

The supporting statement explains that *“the use of the property as a residential home (Class C2) will provide care to children and young people who require assistance in their day-to-day lives as well as a permanent and supportive home environment for them, to live stably until they are ready to venture out into the world of independence.”* It then provides an explanation of the relevant use class definitions, the legal case law that has established whether the proposal requires planning permission or not, and then looks at the local and national planning policy position, before concluding that the scheme is in accordance with those policies and other material planning considerations and so should be granted planning permission. The only other supporting information is an indicative staff rota which shows that there will always be two staff present at the site with a Manager also present between 8-17.30 weekdays.

The application has been subject to a re-notification process as there was an error with the original ownership certification and some elements of the supporting Planning Statement that were initially presented were incorrect.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/1225	CONSERVATORY TO REAR	Granted	27/01/2005

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

None

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

**Kirkham Town Council** notified on the application with the original information on 10 November 2020 and then when the corrected certification and supporting statement was provided. Comments were provided to both consultations as follows:

##### Original Comments

*The Town Council wishes to see the application refused, it believes that this application, if approved, is introducing a business use into a residential area, there is also concern about parking for Staff members and visitors to this home, local knowledge tells us that businesses of this nature generate a lot of traffic, as well as those staff who will be employed at the home, there are regular staff meetings and visits from various bodies, as well as family members. Bryning Fern Lane is a cul-de-sac, is a very narrow road, necessitating a turning circle at its head, parking on street will make the road narrower and inconvenience existing residents.*

*A planning application was approved last year for The Willows Club, this has caused considerable inconvenience to residents of Bryning Fern Lane and The Ferns, insufficient parking is available at the Club and overspill traffic is parking on Bryning Fern Lane, and The Ferns, and this is resulting in the road becoming too narrow for cars to pass, residents are becoming increasingly upset as they are*

unable to access their homes.

#### Re-consultation comments

*The Town Council wish to see this application refused for the same reasons as previously advised, inadequate car parking, disruption to existing residents, changing the use from residential to business use in a quiet residential area, effect on the quality of life for residents.*

#### Neighbour Observations

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

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

*LCC Highways does not have any objections regarding the proposed change of use of residential dwelling house (Class C3) to residential children's home (Class C2) for 4 children aged 11 - 17 years inclusive, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*

*The site has a long driveway leading to the garage at the rear of the site. This driveway can accommodate one car in the garage with one in front of the garage and a further two cars on the driveway fronting the house into the narrower section adjacent the house where a large car may struggle to open the car doors.*

*It is expected that there will be a minimum of two members of staff on site with a short hand over period. There is likely to be a short period of time where cars are moved on and off the driveway at the end of the hand over periods. The temporary parking of cars on the road is acceptable for this short period of time.*

*This movement of vehicles is the same of other households on the street within similar long driveways where there are multiple car ownerships.*

*If a member of staff was cycling the garage can be used to store the bicycle which is secure and covered storage.*

##### **Cllr Oades (Ward Councillor)**

*Please see my own comments as Ward Councillor.*

*I refer to the Planning Statement which stipulates that the responsible authority must ensure that, as far as reasonably practicable, any placement allows children to live near their home and is within the Local Authority Area, it also states that the Home will be utilised to house suitable children from Fylde and Lancashire, instead of them being transported miles away from families and friends.*

*Lancashire County Council do not commission Creative Living Care, they are however part of the North West Registered Purchasing Framework which LCC is party to, LCC note that the applicant say that placements would be for LCC and Fylde children, the applicant has not approached LCC's Senior Commissioning Manager for discussion about this application.*

*LCC's preference is for smaller homes, 3 bedrooms or less, as they are looking to*

*improve options to support our local children and young people with more complex needs.*

*The dwelling in question will be changed from a dwelling for domestic use to a business use, no adult will be resident full time so the children and young children will be looked after by a variety of people working shifts and some of the children may have complex needs, therefore there could be an increased amount of coming and going and disturbance. Kirkham already has dwellings of this nature in the town and experience has shown that there is considerable vehicular traffic associated with this use, Bryning Fern Lane is a narrow road with a turning circle at its head, this is necessary because if cars are parked on street it is not easy to turn within the road. I have concerns about the number of vehicles which could visit the Home and the lack of capacity for parking which could adversely impact on the amenity of the area.*

*This application is not the re-use of underused existing buildings, it is already quality housing, the town also has a provision of this type of Home in the town.*

*It is suggested that alarms of various kinds will need to be installed, this could also impact on existing residents of this area and their amenity.*

## **Neighbour Observations**

<b>Neighbours notified:</b>	10 November 2020
<b>Amended plans notified:</b>	14 December 2020
<b>Number of Responses</b>	A total of 31 representations have been received from 10 households with the notification on the clarified details and multiple comments from some households accounting for this difference.

<b>Summary of Comments</b>	All comments raise objection to the proposal with the points raised summarised as follows:
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### Procedural issues

- Residents query the ownership certificate that has been completed with the application. Initially this stated that the applicants owned the property, but this was not thought to be the case (Officer note: the certificate was incorrectly completed initially but has since been remedied)
- Residents query claims in the Supporting Statement regarding the time that the applicant business has been trading as being a significant over-exaggeration. (Officer Note: This was incorrect in the initial statement has been corrected in the revised document)
- Residents question the suitability of the applicants to operate a children's home and question their experience at successfully managing the business (Officer Note: As with any planning application the proposal is to be considered in the land use planning merits rather than the applicant)
- Reference is made to a restrictive covenant on the property that prohibits the use of the property for any purpose other than as

a dwellinghouse (Officer Note: This is a separate matter to a planning decision and would be for those benefitting from the covenant to enforce)

- The application company does not appear to operate any other homes and so it is questioned whether they are able to successfully operate such a large home.
- Claims regarding the regulation of the application business by Placements North West are questioned as there is no evidence provided to support the claims regarding staff retention and training.

#### Highways Matters

- Bryning Fern Lane is narrow and when there are parked cars on the road it becomes difficult for other vehicles to pass. This is of a particular concern in respect of emergency vehicle and larger vehicles such as refuse wagons
- Residents suggest that there would be up to 10 vehicles at the property if all children were to require 2:1 care and all staff were to have their own vehicles.
- The application property is on a part of Bryning Fern Lane where there are no footpaths. In the part nearer to Ribby Road the footpaths are only narrow and so unable to be safely used
- The proposal will bring an increase in the number of vehicles to the property over the existing due to the need for support staff, carers, cleaners, school taxis, etc.
- The parking levels on the property are limited and as there is only a single width drive there will be 'shuffling' of cars at shift change to enable the use of this driveway for parking
- The turning area at the end of Bryning Fern Lane is regularly fully occupied by parked vehicles making it difficult to use this area for vehicle turning
- The road is well used by pedestrians, cyclists and runners as a recreational route in addition to the resident use
- The proximity to The Willows School and Kirkham Grammar School ensures that the road is frequently used as a parking location for parents at drop-off/collection times which exacerbates the congestion and safety concerns
- There is a restriction on the use of the garage for business purposes from the original planning permission for the development and so any staff parking in this area would breach that control
- The road is adopted but is owned by the frontage properties to the centre line. It is suggested that any long-term parking on the road would be in breach of the right of way established by the adoption.
- Residents have written to argue that the comments by the local highway authority are incorrect. They highlight the narrow width of the driveway which will lead to frequent moving of vehicles and that the parking in the area is temporarily eased by the COVID implications reducing the activity to the schools and Willows Club

- Requests are made for yellow lines to combat the perceived congestion caused by the level of parking on Bryning Fern Lane and The Ferns.
- Residents provide photos to illustrate that vehicles are frequently parked along the entire length of one side of the road and that this restricts access by HGVs and other large vehicles and that other vehicles are unable to pass. Photos are also supplied showing numerous vehicles parked in the turning head which reduces the ease of its use.

#### Noise and Disturbance \ Character of Area

- The regular staff change over activities will involve vehicle movements and other disturbances, with some of these late at night and early morning
- Despite the proximity to the bypass and Ribby Road residents advise that the area is generally a quiet area making the noise from evening shift changes or other activity at the property particularly noticeable.
- There are several elderly residents in the vicinity who will be particularly susceptible to any noise disturbance.
- There are young children resident in two properties close to the application site and at many properties on The Ferns. Concerns are expressed about vulnerable young people living in the area as they will have emotional, social or behavioural issues.
- There are no children on this part of the lane at present and so the use of the property for 4 children would change its character
- There is the possibility that security lighting will be needed which could shine into neighbouring properties
- Children inevitably generate higher levels of noise than adults, and whilst this is a normal part of family life that does change as children age at a property, whereas at this case the levels of noise will remain high as older children are perpetually replaced by younger ones.
- There is reference to gates and other security features in the submitted documents and these would conflict with the character of the area
- There is the possibility that the children from the home will cause an increase in anti-social behaviour in the area when they are out of the home
- The children living at the home are of an age that are likely to have friends visiting them and if these are not allowed in the home then they will congregate outside with the potential for this to lead to noise and anti-social behaviour

#### Other Matters

- There are no children on this part of the lane at present and so the use of the property for 4 children would change its character, and also be an unusual environment for the children who should be placed in a location where there are a range of

ages

- The establishment of a children's home in an elderly area would increase the fear of crime for existing residents and so reduce their quality of life and would not promote social interaction.
- Reference is made to other children's homes of a similar nature to that proposed here near the application property, with addresses on Ribby Road in Kirkham and Thompson Street in Wesham cited. The resident argues that planning decisions should spread these uses around and that to establish this further home in the area would lead to an over-concentration of them. Reference is made to local job advertisements for care staff highlighting the level of such operations in the area.
- The application does not provide any proof that there is a need for the establishment of an additional home in Kirkham.
- The children in the home may be placed in the property by Blackpool Social Services or be from other parts of Lancashire. As such the home is not meeting a local need for its local community.
- Allegations of drug use in the area are made with the proximity to The Willows Club and Kirkham Prison cited as possible causes of this. The suitability of housing potentially vulnerable children in this environment is questioned. Records of allegations regarding anti-social behaviour at The Willows Club are referenced.
- The children who are placed in the home are likely to be vulnerable and have complex needs. It would be preferable for these to be cared for in a location that is better suited to their needs and where support can be more readily available than in a quiet residential street.
- The property will inevitably see a high turnover of staff and children resident in it, meaning that they are less likely to feel connected to the area and so less respectful of its existing occupiers.
- The proposal will remove a residential dwelling from the local housing stock despite the delivery of housing being a key local and national priority.
- Residents have criticised the statements made in the supporting statement about the strength of the business and abilities of its directors to operate a home of this nature due to the recent establishment of the business.
- Analysis is presented of the expected level of children in Fylde borough with care needs, and the available capacity of existing and new homes in the borough to meet that need. The residents argue that there is a need to place 15 children from Fylde in care homes and that this is more than met by the homes that have been granted consent in the past 18 months.

**Relevant Planning Policy**

**Fylde Local Plan to 2032:**

GD1

Settlement Boundaries

GD7                      Achieving Good Design in Development  
HW2                      Community Facilities

**Other Relevant Policy:**

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

**Site Constraints**

None

**Environmental Impact Assessment**

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

**Comment and Analysis**

**Policy Background**

The application property is within the settlement of Kirkham as defined by Policy GD1 of the Fylde Local Plan to 2032. This policy directs the use of the other policies of the Local Plan to assess development proposals in those areas. Kirkham (and Wesham) is one of the 4 Strategic Locations for Development as set out in policy DPF1 and so is one of the locations where the majority of growth is to be focused. This is based on these settlements being the most sustainable locations in the borough for that growth.

There are no specific policies in the Local Plan that relate to care home provision, other than general housing policies which promote the provision of accommodation for the elderly in need of care which are clearly not relevant to the specifics of the care home proposal in this application. There is general guidance available on the design implications of this proposal through Policy GD7 relating to the design of new developments and this will be referred to in the relevant sections of this report.

Neither the Fylde Local Plan to 2032 nor the NPPF provide specific guidance on the delivery of care homes, other than the themes which run through both documents that planning decisions should promote sustainable development, facilitate social interaction and mixed communities, and encourage the efficient use of land and buildings.

**Need for Planning Permission**

Planning legislation in the form of the Town and Country Planning (Use Classes) Order 1987 (as amended) categorises uses of land and buildings into a series of use classes. This approach was introduced to simplify the planning system with the legislation then confirming that planning permission is not needed to change the use of land and buildings between uses that fall within the same use class, and further legislation confirming that there are permitted changes between some of the use classes. However, where there are no permitted changes then a proposal that involves a material change of use from one use class to another requires planning permission.

In this case the application property is a residential dwelling, which is a use that falls under Class C3. That relates to 'Dwellinghouses' and is defined as:

*Use as a dwellinghouse (whether or not as a sole or main residence) by—  
(a) a single person or by people to be regarded as forming a single household;*

*(b) not more than six residents living together as a single household where care is provided for residents; or*

*(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

The application proposes that the use be changed to Class C2 which relates to 'residential institutions' and is defined as:

*Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*

*Use as a hospital or nursing home.*

*Use as a residential school, college or training centre.*

There are clear overlaps between the C3 and C2 uses. They both involve residential occupation, and are both able to include elements of care as part of that residential use, with the care that a resident may provide for their children or elderly relatives being similar in many ways to the care that an employed carer would provide to a young or elderly person in a care home setting. As a result of these overlaps there is extensive case law on what establishes when planning permission is needed, with this only necessary where there is a 'material change of use' involved.

In this case the applicant considers that their proposed use of the property would fall within class C2 and has submitted an application for planning permission. Their reasons for doing so are set out in the supporting planning statement which discusses the key case law judgements and correctly identifies that the issue of whether a particular use of a particular property to provide care is a matter of fact and degree based on the circumstances at the site in question. This is because it is possible for care to be provided in some cases without triggering a material change of use of the property. However, they believe that in this case a material change of use is involved in their proposal because staff are employed and so are not full-time residents at the property, they are working shift patterns, and that there is a likelihood that the operation will lead to increased coming and goings and disturbance.

### **Highways and Parking**

The issue that has been raised by the Town Council and most residents is that of the adequacy of the parking arrangements and the access to the site.

The property fronts onto Bryning Fern Lane which is an adopted highway with a width of around 6m outside the site and between 4.5m – 5m closer to Ribby Road but has no parking restrictions. Bryning Fern Lane has a priority junction access to Ribby Road and the wider highway network beyond. There are no footways on the part of Bryning Fern Lane that serves the application dwelling, but there are closer to Ribby Road.

The property is a large detached house with 4 bedrooms. As such it is likely to be occupied by a family and is likely to generate several vehicle movements each day consequential with that size of dwelling. The proposed use will also generate a number of vehicle movements and whilst the level of accommodation is to remain the same, from a review of the submitted information it is expected that these will be slightly increased in number due to the staff changes (care staff, support workers) and other visits throughout the day. It is also likely that the number of movements will vary dependent on the care needs of the children, with some perhaps requiring home schooling support or other care support that will also increase vehicle movements. However, it may also be the case that they do not require these additional needs, or that children or other residents of the property as a Class C3 dwelling would have similar needs and so lead to a higher consequential number of

movements to and from the property.

The key planning assessment is not whether there will be more or less movements, but whether the level of movements is likely to be such that they will be capable of being accommodated on the surrounding highway network without creating a severe impact on highway safety in the vicinity of the site.

Given the width of Bryning Fern Lane and its suitable access to Ribby Road it is considered that the access arrangements are acceptable for the use proposed. It is noted that this is the position taken by the local highway authority in their consultation response and your officer concur with their view having made several visits to the site to assess activity levels on the road.

With regards parking levels the property has a double garage and a driveway that is clearly capable of comfortably supporting 3 vehicles and could potentially accommodate a fourth. It is also noted that the width of Bryning Fern Lane is around 6m outside the property which is sufficient to allow roadside parking to be undertaken on one side of the road whilst allowing traffic to comfortably pass, albeit only in one direction at once. Two way traffic is possible where there is no roadside parking such as in the property driveways which allows for easy use of the road by vehicles with little obstruction, although with their only being 9 properties on the Bryning Fern Lane cul-de-sac beyond the application property the level of passing movements will be limited.

As with the number of traffic movements, the parking needs of the proposed use are likely to be slightly higher than if the property were to remain in use as a large family dwelling. However, even without the use of the garage for parking the property can meet the reasonable parking needs of the use that is proposed without there being a need for significant overspill onto the highway, and even if that were required there is space for this to be accommodated without causing any highway safety implications.

Officer observations from various site visits undertaken at differing times since the application was submitted have noted that there is a regular use of the driveway for parking of 2 vehicles with a further vehicle on the road outside. This level of parking does not create any obstruction to the highway and is a similar arrangement to observations of other properties in the Lane. The turning head is used for parking at times, but even with several vehicles it remains possible for a turning manoeuvre to be undertaken without any difficulty due to the large size of this turning head.

As there is pedestrian/cycle access to the Lane from the bypass it is inevitable that it will be used by those not resident on the road, such as the joggers highlighted by residents, but with the limited length of the road preventing any significant speed being obtained, the presence of roadside parking subconsciously slowing speeds, and the low levels of resident traffic from the limited number of properties served on Bryning Fern Lane there will not be any adverse safety implications from the proposed use on these road users.

There is a section of Policy GD7 to the Fylde Local Plan to 2032 which relates to highway safety, with item q) the key element as it requires that *“development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users”*. This reflects the guidance in para 109 of the NPPF which states: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*

It is considered that Bryning Fern Lane is able to accommodate any additional vehicular highway movements that will arise from the change of use that is proposed, and that the parking

requirements of the new use can adequately be met at the site without prejudice to highway safety. Accordingly the proposal complies with the requirements of the planning policy and guidance set out above.

### **Character of Area**

It is also important to assess whether the proposed use will lead to any harms being caused to the character of the area. The property is a detached property in an area of properties of a similar scale and appearance, and so appears as an established and integral part of the streetscene. The application does not involve any extensions to the property or other alterations to it, and so physically the application will introduce no changes to the character of the area.

As it provides four bedrooms the property is obviously of a scale that makes it suitable for family occupation, and with that there will be a commensurate level of activity with the likely use of several vehicles and other comings and goings from the property. Whilst the proposed use will likely increase this by a modest amount it is not the case that this will be to the detriment of the character of the area. As a result of the open pedestrian / cycle access to the bypass, the presence of The Willows Club on Bryning Fern Lane, and the proximity to Ribby Road the site is not on a secluded cul-de-sac where there is no passing traffic. Case officer observations have found that there are levels of passing foot traffic along the road that are reflective of this arrangement.

The proposed use of the application property is likely to bring a slightly elevated level of activity over a residential use due to the stated staff levels and likely care needs of the residents as set out in the supporting information. However, at the 4 young person scale of the use that is proposed, which cannot increase in the future due to the constraints of the property, it is not anticipated that the level of additional activity associated with the use will be such that it is harmful to the character of the area or harmful to the amenity of neighbouring residents.

In their representations several residents have referred to the existing population being elderly and so the establishment of a children's home in this setting would be out of character with the existing population. Whilst there are likely to be some elderly residents in the area, the properties on Bryning Fern Lane and The Ferns are all large detached houses that are suitable for family occupation and so it is expected that they are more likely to be occupied by such households. In any event the NPPF is supportive of planning decisions promoting social inclusion so the provision of a children's home in an area where there are other family dwellings as well as properties that are occupied by other age ranges is a positive aspect.

The property is a detached house with a rear garden that is enclosed by a 2m high fence. As with the current dwellinghouse use this will provide an area for the resident children to utilise for outdoor play. This is a positive feature that allows this property to be well suited for the care home use as the garden is separated from others on all sides other than the side with the garage to it. This layout helps minimise the potential for impact on the character of the area in more general terms.

There are various sections of Policy GD7 which require that new developments do not have harmful impacts on the character of the surrounding area. These include:

- a) In order to promote community cohesion and inclusivity, new development will be expected to deliver mixed uses, strong neighbourhood centres and active street frontages which bring together all those who live, work and play in the vicinity.*
- c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*

*h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*

In this case the property is a 4 bedroomed dwelling that is clearly designed for family occupation, The proposed use is likely to be slightly more intensive than that due to the number of children proposed and the likely increased activity associated with the staff and carer movements. However, these increases are not expected to be of a level that will create harm to the character of the area that would conflict with the requirements of Policy GD7 as set out here. Furthermore, a residential area is the ideal location for the establishment of a residential care facility as it provides an environment that helps deliver an integrated community as promoted through para 91 of the NPPF which requires that planning decisions help deliver healthy, inclusive and safe places that promote social interaction.

Notwithstanding this position it is considered appropriate to impose condition to ensure that the use is undertaken at the level set out in the application. This will ensure that any future changes to the scale or nature of the use, such as caring for more children or changing the age ranges of those cared for, can be properly assessed at that time.

### **Accessibility to Services**

The proposed use will provide a home for up to 4 young persons. As such it is clearly beneficial to them for it to be in a location where there is a convenient access to a range of education, social, retail, recreational, etc opportunities. Kirkham is one of the main settlements in the borough providing all these facilities and so is an ideal location for a young person to live.

This property is conveniently located for those services being in an easy walking distance of the town centre and other facilities as well as the bus route connections on Ribby Road which leads to wider destinations. As such the property is well suited for the use that is proposed for the benefit of staff and the resident young persons.

### **Other Matters**

Alongside these main planning matters the proposal raises a number of other issues which are briefly discussed in this section of the report to assist members.

#### Noise

A number of residents have raised concern that the level of use of the property that is involved in the application will give rise to increased noise, and noise at unsociable times through the proposed shift changes including one at 10pm each day.

The similarity of the level of activity involved in the proposed use to the existing residential use is discussed earlier in this report, where it is concluded that this is not likely to be significantly greater than that residential use. The vehicle movements, car door closing, and other activity occurring at 10pm is not likely to be particularly noisy and is not particularly late given the level of background noise that will be evident in this settlement location. As such it is not considered that it could justify a refusal of the application.

Para 170 of the NPPF explains that planning decisions should not lead to existing development from being put at unacceptable risk from noise pollution, and para 180 requires that planning decision take account of the noise generating aspects of new development and how it affects the location. Considering the scale and nature of the use that is proposed and the existing arrangements within and around the site it is not considered that there can be any conflict with those requirements.

In the event that issues of this nature were to arise then the NPPF is clear (in para 183) that the council has to expect that the related legislation will be operated effectively to control those issues. In the case of noise nuisance that is the Environmental Protection Act which the council enforces through the Environmental Protection officers.

#### Light

It is assumed that the intention of the applicants is that the property will provide care for the young persons in an environment that is as 'home like' as possible and so it is not expected that there would be any more of a need to fit security or other lighting to the property than is likely in any domestic dwelling.

Whilst it would not be development for lighting to be added to the external walls of the building, this is a further area where the council has control through its Environmental Protection powers to prevent nuisances, with this as applicable to the building in a care home use as they are to it in a residential use.

#### Competency of business

A number of residents highlighted that claims that were made in the supporting document about the reputation of the business over an extended period could not be correct as the Companies House records confirmed that the business had only been formed within the last 12 months or so. This was raised with the applicant's agent and a revised supporting document was received which redrafted this section of the submission.

Clearly it is far from ideal for any planning application to be submitted with supporting documentation that is proven to be inaccurate. However, this is not particularly relevant in this case as the false information related to the status of the application business only, rather than the planning elements of the use that is proposed. It is a basic principle of planning legislation that the decision on a planning application is, in most cases, related to the application site rather than the applicant. This means that the name on the application form, and the companies of them to undertake the works that are proposed, is of no real relevance in the determination of the application. Accordingly the failure to provide accurate information initially has no weight in the overall decision on the application.

#### Ownership arrangements

One issue that was initially incorrect and is important is that the application forms initially supplied indicated that the applicant owned the property. It is a legislative requirement that the application includes either a confirmation that the applicant owns the property or that the applicant has been made aware of it if the owner is not the applicant. That inaccuracy was corrected with the submission of a revised ownership certification and so this procedural issue has been remedied.

#### Concentration of Care Homes / Need for Additional

One of the comments made by residents relates to the presence of other care homes within the Kirkham and Wesham area, and that there is no proven need for an additional care home to serve the needs of the local population.

It is undoubtedly the case that there are other care homes in the town, although the number and location of these is not information that the council has access to as it is likely that many of these will be operating in a way that means they do not need planning permission. A review of the council's planning application records reveals only a handful of applications relating to care homes or Class C2 uses, including those providing elderly care, in the town. Furthermore it is the case that as one of the Strategic Locations for Development Kirkham and Wesham is a part of the borough

that is best placed to support the care needs of the borough and beyond. The combined population of Kirkham North ward and Kirkham South ward is around 7,500 and it is difficult to see how one additional care home providing care for 4 young persons could lead to a concentration of residents in care accommodation against that overall scale of population.

#### Management Arrangements

Alongside the need for planning permission for the care home use that is proposed, the operators of the care home will need to comply with the regulatory frameworks and inspection regime operated by OSFTED. These focus on the welfare needs of the young persons and so the management arrangements of the business will be a key factor in that.

Planning guidance in para 183 of the NPPF explains: *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions.”* Whilst this para is directed at pollution control arrangements, it is applicable here as the same principle applies. The council should not be refusing an application due to doubts over the management practices of the operating business when this is an aspect that is most properly controlled by other agencies, i.e. OFSTED.

The young persons placed into the home will also be under the care and supervision of a local social care authority, most likely Lancashire County Council or Blackpool Council, and so these also have a responsibility for ensuring that the young persons are provided with appropriate levels of care, support, security, education, etc.

This is not a matter that Fylde Council needs to consider in its determination of this planning application.

#### Service Provision

As an existing dwelling the application property will have established connections to water supply, drainage, power, etc services, and existing facilities for waste collection. These are anticipated to be suitable to meet the needs of the property under the revised use and so there are no concerns in this regard.

#### **Conditions**

Planning permissions are typically granted with conditions that are used to ensure control is applied to make the development acceptable. In this case several conditions are appropriate as follows:

Firstly there are standard conditions to impose the time limit by which the development should be implemented and to ensure that it relates to the plans that have been submitted with the application.

A condition is also needed to control the use to the Class C2 children’s home of the scale and age ranges proposed in the application. This is needed to ensure that the use is not revised to an alternative one using any permitted development rights that exist at present or in the future and is a standard approach in cases such as this. Class C2 relates to a range of care uses, including elderly care, and without a condition of this nature it would be possible for the use to expand to accommodate more children or the use to change to accommodate different age ranges which potentially bring different care needs and so planning implications.

The final condition suggested is one that requires that the parking area that is available on the driveway is retained so that at least 3 vehicles can park at the property without use of the highway on Bryning Fern Lane. The level of vehicle movements to the property and the implications that

this has for local parking arrangements is a key issue raised in the assessment of the application. That means it is important to ensure that those spaces remain available to enable their use during the operation the care home use so that daytime staff and manager vehicles can to be parked off the highway wherever possible.

The inclusion of a condition to require that the management arrangements of the property (staffing levels, staff shift changes, education provision, care support, visitor arrangements, etc.) has been considered but is discounted. This is because it is unlikely to meet the legislative tests required for a condition (that they are necessary, that they are directly related to the development, and that they are fairly and reasonably related ins scale to the development) and that the reason for including it is likely to be satisfied by the inspection regimes or other controls available to the council's Environmental Protection team.

## **Conclusions**

The application site is a residential dwelling located in a predominantly residential area within the defined settlement of Kirkham. The property is a detached two storey property with four bedrooms at first floor, a series of reception rooms at ground floor and a detached double garage to the rear. There are other detached dwellings of a similar scale on all sides.

The proposal is to change the use of the property to a care home within Class C2 of the use classes order, specifically to provide care for up to 4 young persons supported by two carers at all times with other care support as needed. No external changes are proposed to facilitate this change of use.

The proposed use of the building is as a care home and so the building would continue to be used for residential purposes. In certain circumstances, a residential dwelling can be used as a care home without the need to obtain planning permission. This application has been submitted as the applicant intends to operate the property using staff that are not resident at the property, and as they anticipate that the level of activity at the site will be such that a material change of use from the lawful residential use is involved.

With regard to the planning merits, the property is of a scale that is capable of accommodating the four young persons that are referred to in the application. It is located where there is convenient access to a choice of education, social facilities, transport, etc. within Kirkham and the wider area, and so is an appropriate location for a care facility.

There have been objections to the development from the Town Council and from a number of the surrounding residential properties. These raise a number of issues with most making reference to the highway conditions at and around the site. The property has a double garage and driveway alongside the house that is able to provide parking opportunities for at least 3 cars in addition to any use of the garage. The proposed use is likely to attract a modest level of additional traffic over that which would be expected in a residential use due to the staffing levels and the potential for additional care visits. However with the level of on site parking that is available and the potential for on-street parking to be undertaken without risk of causing undue congestion around the property it is not considered that this could justify a refusal of the application. It is also noted that the local highway authority have no objection to the development on this basis.

Other concerns are raised regarding the potential level of disturbance that could be caused, but with the property being detached and that the scale of the care use is limited to only 4 young persons it is also not considered that these would lead to any undue disturbance that would be harmful to

neighbouring amenity.

The proposal provides an opportunity to provide care for 4 young persons in a location that is highly accessible to services, and is of a scale that is not significantly different to how the property could operate as a single family dwelling house. As such it is recommended that planning permission be granted.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - BuyAPlan drawing dated 28 Oct 2020 supplied with application when validated 5 Nov 2020
- Site Plan - Unreferenced drawing supplied with application when validated 5 Nov 2020
- Ground Floor Layout - Unreferenced drawing supplied with application when validated 5 Nov 2020
- First Floor Layout - Unreferenced drawing supplied with application when validated 5 Nov 2020

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

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

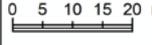
3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the premises shall only be used to provide residential care for no more than 4 young persons aged 11 to 17 years inclusive and for no other purpose (including any other use falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: To ensure that the future use of the premises is limited to one which can be carried out at the application site without detriment to the amenity of that area in order that it remains compatible with and does not have any adverse amenity impacts upon the occupiers of nearby dwellings, and to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety in accordance with the requirements of policies GD7 of the Fylde Local Plan to 2032, and the National Planning Policy Framework.

4. That the area indicated as driveway on the site plan listed in condition 2 of this planning permission shall remain available for the parking of no less than 3 motor vehicles at all times that the Class C2 use hereby approved remains operational at the property

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7, and the National Planning Policy Framework.



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Application No. 5/20/0804	Address Riley House, Bryning Fern Lane, Kirkham	Grid Ref. E.3418 : N.4318	Scale 0 5 10 15 20 m 

**Item Number:** 3

**Committee Date:** 3 February 2021

<b>Application Reference:</b> 20/0846	<b>Type of Application:</b> Outline Planning Permission
<b>Applicant:</b> Richard Dumbreck's Singleton Trust	<b>Agent :</b> De Pol Associates
<b>Location:</b> LAND SOUTHWEST OF WEETON ROAD (OPPOSITE THE MILLERS ARMS) SINGLETON	
<b>Proposal:</b> OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGS	
<b>Ward:</b> SINGLETON AND GREENHALGH	<b>Parish:</b> Singleton
<b>Weeks on Hand:</b> 11	<b>Case Officer:</b> Alan Pinder
<b>Reason for Delay:</b> Need to determine at Committee	
<a href="#">Click Here</a> for application site on Google Maps	<a href="#">Click here</a> for application on FBC website

**Summary of Recommended Decision:** Grant

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

This application seeks outline planning permission, with all matters reserved, for the construction of up to 4No. dwellings within the settlement boundary of Singleton Village. The application site forms part of a larger non-strategic housing site (HS53) as allocated on the Fylde Local Plan to 2032 Policies Map. Accordingly the development of the site for housing would be in line with policies S1, DLF1, and H1 of the Fylde Local Plan to 2032. The site lies within Singleton conservation area and thus would undoubtedly impact on its character and appearance, however as all matters have been reserved these impacts cannot be appropriately assessed at this outline stage but rather fall to be fully assessed as part of any future reserved matters application.

Notwithstanding the outline nature of the application, a revised illustrative site layout has been presented to indicate an option for the development of the site to demonstrate an option for the development of the site in a manner that reflects the character established by existing development in the conservation area. This also indicates that it would be possible to develop the site without compromising neighbouring residential amenity. It is also considered that any identified drainage and ecology issues can be adequately addressed by the imposition of conditions.

Having regard for the nature of the proposed development and its location within an allocated non-strategic housing site it is considered that the principle of the development, which is the only aspect for which permission is sought in this application, is acceptable and the application is therefore recommended for approval.

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

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

## **Site Description and Location**

The application site consists of *circa* 0.39 hectares area of open grassland on the south eastern periphery of Singleton Village and immediately adjacent to Weeton Road (B5260). The majority of the site falls within the settlement boundary of Singleton and is allocated as a non-strategic housing site (HS53) on the Fylde Local Plan to 2032 Policies Map. However due to an apparent mis-alignment of the allocation with the boundary of a previous application site it is the case that part of this application site is outside of that allocation, although it remains within the settlement boundary that was extended by the Fylde Local Plan to 2032.

The site is roughly rectangular in shape, measuring *circa* 77 metres along its Weeton Road frontage and having a depth of *circa* 50 metres, and is comprised of flat grassland set behind a grass verge and hedgerow that is punctuated by an existing field gate at the south east corner that provides access to the land from Weeton Road (this access is to be closed as part of the proposed development). Hedgerows marks the rear and south east boundaries of the site, and the north west boundary is marked by a 'post & wire' fence. The Miller Arms public house lies almost directly opposite on the other side of Weeton Road and Worswicks Farm neighbours to the north. Immediately to the rear of the site is a parcel of land, *circa* 0.19 hectares in area, that is within the ownership of the applicant but does not form part of the application site and thus is highlighted by a blue edge on the submitted location plan.

The site lies within Singleton conservation area and is classified as flood zone 1 (low probability) on the Environment Agency (EA) flood map with a 'Low Susceptibility to Surface Water Flooding'.

## **Details of Proposal**

The application is submitted in outline, with all matters reserved, for a development of up to four dwellings.

Illustrative site layout and illustrative street scene drawings have been submitted with the application. The initial plan was for a development of four x 2 storey dwellings with the two central properties featuring detached garages, but as an illustrative plan this has no weight in the decision. In any event it is to be revised to provide more modest properties that are to be sited within the allocation element only so that there can be no doubt that there is a potential to site the proposed dwellings within the site.

It is indicated that the dwellings would be served by a single new access point formed centrally within the Weeton Road frontage, necessitating the removal of a section of hedgerow. With the exception of this removal, the remainder of vegetation to the other perimeter boundaries appears to be retained or feature new planting.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the submitted site layout and street scene drawings are purely illustrative and are not for detailed consideration as part of the proposal. The application seeks permission for the principle of residential development for a maximum of 4 dwellings only.

The following documents have been submitted in support of the application:

- Land Quality Assessment

- Highways Note
- Heritage Statement
- Flood Risk Assessment & Drainage Strategy
- Ecological Impact Assessment

A further submission has been made by the applicant's agent in response to the comments of the Parish Council as are summarised in the report below. Their points in this submission are:

- To highlight that the application site is allocated for housing in the Fylde Local Plan to 2032 as part of the wider HSS3 allocation
- that the allocation demonstrates that the land is suitable for residential development
- that the land is not open space and currently has no public access
- any concerns over the scale or character of the dwellings are irrelevant at this stage as the application is made in outline only
- the Parish Council's concerns regarding the impact on the conservation area and the rebuilt Worswicks Farmhouse are ill-founded

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0652	OUTLINE APPLICATION FOR ERECTION OF 15 No. DWELLINGS (ON WEETON ROAD, STATION ROAD AND OFF CHURCH ROAD), 1 No. RETAIL UNIT, PROVISION OF MUGA AND PLAYING FIELD TO REAR OF SCHOOL, FORMATION OF VILLAGE GREEN AND FORMATION OF PEACE GARDEN AND FOOTPATH CONNECTIONS FROM WEETON ROAD. (ACCESS APPLIED FOR ALL ELEMENTS WITH OTHER MATTERS RESERVED)	Withdrawn (following Committee consideration but prior to s106 completion)	27/04/2016

### **Relevant Planning Appeals History**

None

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

**Singleton Parish Council** notified on 24 November 2020 and comment:

Given the depth of the comments that have been provided by the Parish Council to this application, and the reference in those comments to them providing a collation of the views of residents who may include tenants of the applicant, it is considered appropriate to provide a specific section in the report to cover those points. This section therefore summarises the points made by the Parish Council under the numbered headings they provide before an officer response is provided.

#### **3) SPC and Planning Process**

In this section the Parish Council explain that they rarely object to a planning application and would only do so in the most serious situation. They refer to this application as such a situation and so ask that their comments are given greater weight as a result.

Whilst it may be the case that they only offer infrequent objections the council has to determine the

applications on the planning policy and other merits of the submission and so the Parish Council's comments can only be considered in that context.

#### 4) Previous Application 14/0652

They refer to the emphasis placed in the supporting information with the current application to the previous application on the site which was for a larger site but did include the current application site. This application was recommended for approval to Committee, and a resolution passed to grant permission, only for it to be withdrawn prior to the planning permission being issued. The Parish Council dismiss the relevance of this based on the time that has passed since that application was considered and the development that has occurred in the parish since that time. They also refer in this section to the previous application being supported by officers and not by the actual decision makers of the Planning Committee and the extent of the consultation process that the developer has undertaken.

Factually it is the case that the previous application was considered by the Planning Committee on 1 April 2015 who resolved to grant planning permission, and so the Parish Council are incorrect to state that it was only the council officers that supported the application. However, they are correct that this application was considered some time ago, and that it was not approved. This means that it does have limited relevance to the consideration of the current application as it cannot represent any fall-back position for the developer and was assessed against a different policy background to that which the current application has to be assessed against.

#### 5) Application in Relation to Fylde Local Plan

The Parish Council highlight that the Fylde Local Plan to 2032 designates Singleton as a Tier 2: Smaller Rural Settlement and quote the section of that Plan which requires development in such areas to be of an appropriate scale and character to be supported. They then argue that the development proposed in this application is not of an appropriate scale or character for this rural agricultural setting. They highlight that the allocation on the Policies Map (HS53) refers to a target figure of 15 dwellings, but advise that since that allocation was made there have been almost double that number of properties approved, with the majority located around the Singleton crossroads and Mains Lane. They also refer to the impacts that the A585 Skippool to Windy Harbour improvements will have and highlight that this creates a potential development site that could better accommodate any new development.

The Parish Council are correct that the village is designated as a Tier 2: Smaller Rural Settlement, which is the lowest level of settlement in the settlement hierarchy of the Local Plan, but does bring with it an expectation that the village is able to accommodate some growth. Moreover, and critically, the Policies Map designates an area of the village for residential development as allocation HS53. This designation includes the current application site and indicates that a total of 15 dwellings is expected on that site. As this application is for a small proportion of that number on a small proportion of the overall allocation it is compliant with the allocation in the Fylde Local Plan to 2032. Whilst there has been other growth within the parish (such as that around Singleton crossroads and on Mains Lane that the Parish Council refer to), and there is a possibility that other sites could come forward in the Plan period to deliver further growth, the designation of the application site for residential development in the Fylde Local Plan to 2032 is a key factor in the assessment of the application. This is set out in more detail elsewhere in this report.

Whilst the residential development of the site will have clear and significant implications for the rural character of the site and the approaches to the village, its allocation through the local plan process must have considered those implications and it would be inconceivable that this application could be refused on this basis given the local plan designation. Having said that, the current

application is in outline only and so whilst there is an illustrative plan that indicate a series of large dwellings this forms no part of the current application with the layout, scale and appearance of the dwellings all being matters that are reserved for further consideration.

#### 6) The application in relation to Policy ENV5

This policy relates to the assessment of applications that impact on heritage assets. The Parish Council run through the part of this policy that relates to conservation areas and emphasise various sections of the policy. They then explain their view that the proposed application breaches every highlighted section of the policy, concluding that if it were to be granted it would irreversibly degrade the rural character of the conservation area. They also highlight that 'character' is a subjective term and that the residents of the area are best placed to judge what defines its character.

It is the case that the application site is within the conservation area and so the application must be assessed against Policy ENV5. However, it is also the case that the whole of the HS53 allocation is within the conservation area and so the delivery of the dwellings that are confirmed by that allocation must be located somewhere within the conservation area, with some of them logically on this site as is set out above. The current application is in outline and so without there being any layout, sale or design of the dwellings to consider it is therefore not possible to make any further informed consideration of the compliance with this policy at this stage.

#### 7) Specific Location

The Parish Council highlight that the land of the application site is of limited scale, but not of limited importance. They give two reasons for this: that it serves as the entrance to the village, and that it is opposite the Miller Arms.

With regards to the first of these they believe that the site is important, and an important part of the conservation area, due to the setting it provides to Worsicks Farm (which has been recently rebuilt) and that it forms an important open space area that follows a 'zig zag' pattern of development on alternating sides of the road when approaching the village from that aspect. With regards the second they highlight the historic nature and important community role of the Miller Arms which has been placed on the register of Assets of Community Value in recognition of that role. The development of this site would impact on the views available from, and the setting to, this pub as a rural village pub with views of the surrounding countryside and beyond. The Parish Council argue that the development would obstruct these views and result in the pub being more urban in character.

In response to this it has to be recognised that the allocation of the site for housing in the Fylde Local Plan to 2032 must have considered the implications of its development both on the setting of the village and the neighbouring buildings. With this being an outline application there is no details available for consideration of the scale or location of the dwellings and so it cannot be confirmed that the development will definitely obstruct views of Worsicks Farmhouse and from the Miller Arms, although it is inevitable that any development will have some impacts on these.

#### 8) Singleton the Model Village

They refer to the village being developed as such by Thomas Miller after he bought the estate in 1853, and that he had the resources available for it to be the ultimate size and design for the area. The Parish Council believe that there is no justification for expanding on the village as that would compromise this original ideal. However, they express the view that if there is a need for growth in the area then there are alternative sites available that would be less damaging.

The historic origins of the village are not directly relevant to the consideration of this application. Instead it is the policies of the current Fylde Local Plan to 2032 that are of direct relevance and as these designate this site for residential development then the application must be assessed against that policy context.

9) SPC response

*For the above reasons Singleton Parish Council's response to this consultation is to object for the above reasons.*

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

**Regeneration Team (Heritage)**

*The Regeneration and Urban Design Team has been consulted on this application, requesting comments from a conservation aspect and an assessment of the proposal relative to these interests.*

*I have not rehearsed the relevant policy framework, both nationally and locally, since these matters are fully understood by the applicant and of course ourselves. The relevance and interpretation of these policies results in a judgement as whether particular proposals are compliant or not. Likewise, Historic England Guidance leads to a similar conclusion, which is one of interpretation and applying the principles. This guidance does not lead to nor is intended to lead to prescribed decisions, rather identify key issues.*

*I have had regard to the material submitted with the application, including the Heritage Statement and other correspondence, which has resulted from the consultation process.*

**PRINCIPAL**

*As we know, Singleton is a designated conservation area, declared in 1979. This designation was in my view well justified. The Conservation area Appraisal/Management Plan, whilst many years old, nonetheless contains some valuable information as to the designation justification. In addition to this document, a review of the CAA/MP, which is currently under consideration, as with others across the Borough, would include a full review and more in-depth character analysis. One important aspect of such a review would be one of assessing the setting of the Conservation Area. The issue of the setting of heritage assets has emerged as a major consideration and in addition to national and local guidance in this respect, Historic England GPA 3 – also referenced in the Heritage Appraisal – proffers advice and guidance.*

*Taking this into account, it is necessary to assess the impact of the development on the setting of the village/conservation area. Since Singleton is essentially a small rural 'planned village' it owes its existence to the Singleton Estate and the surrounding agricultural fertile landscape. This primary relationship does in my opinion, necessitate an evaluation of the existing relationship of the built form of the village and its constituent elements within its landscape setting.*

*The applicants Heritage Statement does not make a thorough assessment of this issue in the form of a Visual Assessment and the conclusion that the site is an innocuous field that has little value is not shared. The visual context of the site is very wide and it would have been useful to assess the visual significance of the site – through a selected series of*

*receptor points to form an analytical visual sequence - which would set out a rationale for highlighting key visual impacts. This in turn should result in a particular design enquiries and responses to address landscape and conservation area effects, addressing design opportunities and to the contrary, any mitigation measures deemed necessary. Had this occurred, it would be concluded that the site has the potential to have particular detrimental effects, by introducing relatively significant built development into the open foreground landscape setting of the conservation area when approached from the southerly side, in particular, which is the most significant visual approach. I am not sure whether there are any other vantage points e.g. footpaths but if there are that should be part of the consideration also.*

*This site sits on the edge of the conservation area and forms part of a larger tract of landscape, delineated by relatively insignificant hedgerow and a randomly located fence. When viewed from the south, the village form, as an entity, sits within an open landscape setting, for the most part clustered together and significantly enhanced by a dramatic backdrop of tree plantations. The open rising land to the south and west is open landscape with a large woodland, in combination, accentuating the rural setting and relative isolation of the village.*

*The open setting as described is also important when considering the built form of the village. The clustered core extending along the main street becomes punctuated with important open spaces, providing glimpsed views into the surrounding landscape. This 'loosening' of developed frontage and the variety of built form creates a transition into the open landscape. One of the issues surrounding the development of this site is the fact that it would introduce intense built 'suburban' development in an area of open frontage, detached from development to the west for no obvious reason and beyond the defined existing development limits or edge. This would not logically follow the historical organic and evolutionary development of the village. The potential introduction of extensive tree planting around this site would result in an enhancement since its tree cover is rather less than other parts of the conservation area, which is such an essential part of its character. As far as it is known land ownership patterns would allow for landscape gain on and off site helping assimilate this development but also having broader visual and ecological benefits.*

*Taking these factors into account, from a conservation point of view, I do not regard this as an appropriate site for development if this were under consideration for the first time. I do regard the site as important to the open landscape setting of the village notwithstanding the fact that of itself it might seem a rather none descript 'field'.*

*However, I am aware that the site is 'allocated' as a Non-Strategic Housing Site, HS53 in the adopted Local Plan and so I am assuming the principal is deemed to be acceptable.*

#### **SITE PLANNING**

*It will be possible to undertake a full visual assessment and urban design analysis in the context of this application. This would result in a detailed appraisal that in turn should result in an appropriate design response. Given that the site is so sensitive I would expect that to have been undertaken to support this application and incorporated as part of the Heritage statement. Whilst this is an application, with all matters reserved, nonetheless the conceptual layout and built form, which forms part of the application should be seen as carrying some weight because the Heritage Statement seems to conclude that this*

*form of development, with its vernacular references, is a suitable approach to the development of this site.*

*I would not agree with that analysis and would expect, at the detailed stage, a very thorough landscape/townscape assessment which would lead to an appropriate form of development that befits this conservation area both external to and within.*

*Singleton has a unique character and this is the result of its historical development and a fascinating interplay including its building hierarchy, variety of form, space, building alignment and juxtaposition, roofscape, proportion, unity the impact of strategic landscape and domestic landscape, skyline, materials etc. etc.*

*In respect of the plans submitted (bearing in mind this is purported to be indicative) there are various aspects that at initial consideration cause me concern. These include – but not exclusively.*

- The intensity of the built frontage*
- The building line position*
- The alignment of the buildings*
- The form and scale of the built elements not demonstrated to be based on an analysis of historical form that should be seen as evolving from a detailed analysis*
- No reference to landscape curtilage subdivision – a key characteristic of the local character*
- The dominance of the associated 'highway works' and the dominating impact*
- The lack of a consideration of landscape integration into the broader landscape*
- The visual impact of exposed gable ends and their depth and potential dominance*
- Concern about the 'scaling up' of vernacular elevation design elements based on cottage scale development and applied to large dwellings*
- An assessment of building hierarchy and its variety and the potential for enhancing the development based on this understanding*
- The potential impact of domestic curtilages and associated impacts*
- The potential to introduce site or off site tree plantations to embrace the site and integrate it into the village – a key characteristic – not considered*
- Views from within the village envelope of the conservation impacts of the site development require assessment*

*This is not an exhaustive list and but points to the potential practical impact of allocations. This sort of analysis should form part of a Heritage Statement*

## **CONCLUSION**

*On the basis that this is an allocated site, it would seem that the principle is acceptable. However, in my opinion, the detailed solution could be detrimental and potentially damaging to the character and appearance of the conservation area and its setting. This will be a permanent prominent edge of village site, creating a first impression that compliments its location. The objective should be one that results in a development that appears as part of a natural evolution, rather than an inappropriate addition.*

*I would suggest that as all matters are reserved, perhaps a note or separate communication be relayed to the applicant that would require a particular detailed analysis. I would be more than happy to participate in the exercise with the developer. I*

*think it should be made clear that the proposed plans as submitted does forms any part of any implicit approval, which I am sure you would have thought about in any case.*

*I also note that the Parish Council and a number of nearby residents have made detailed comments. Whilst many of these relate to the principle of development, nonetheless, I consider many of the detailed comments to be well founded. This points to the values locally associated with the character of the village and that development should be well founded and justified by way of a thorough consideration. The input of local views on development 'appropriateness' is of course a key theme of national design guidance and the Planning White Paper.*

#### **Historic England**

*On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

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

No objection and support the single point of access subject to sight lines of 2.4 metres by 55 metres being provided, given that the most recent survey data (October 2019) indicates 85 percentile speeds at 36 mph in both directions of this stretch of the B5260 (Weeton Road). Furthermore, the development should provide a 2 metre wide footway across the full frontage of the site that links to the existing footway to the north on the same side of the B5260.

#### **Environmental Protection (Pollution)**

No objections subject to conditions relating to the following:

- With reference to the report "Richard Dumbreck's Singleton Trust Land off Weeton Road, Singleton Phase 1 Land Quality Assessment 21st October 2020" its conclusions and recommendations in terms of contaminated must be implemented
- The submission and approval of a site specific Construction Environmental Management Plan prior to the commencement of any development.
- Noise levels during the construction phase

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

- GMEU have provided a Screening Opinion which indicates that all identified matters that might have a Likely Significant Effect on the qualifying features of the SPA as identified by the IRZ, can be screened out.
- As a matter of best practice it is recommended that a Homeowners pack is provided prior to each property's occupation in order to encourage appropriate wildlife friendly recreational behaviour of new residents.
- Other matters of biodiversity impacts can be adequately dealt with via conditions.
- Subject to the attachment of the recommended conditions the application can be forwarded for determination in respect of biodiversity.

#### **United Utilities**

*Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities.*

They then request that a condition be imposed to control the development to that set out in the submitted FRA and Drainage Strategy.

## **Neighbour Observations**

<b>Neighbours notified:</b>	24 November 2020
<b>Site Notice Date:</b>	02 December 2020
<b>Press Notice Date:</b>	26 November 2020
<b>Number of Responses</b>	Three
<b>Summary of Comments</b>	<p>The letters received all raise objection to the development for reasons which are summarised as:</p> <ul style="list-style-type: none"><li>• The development would result in unacceptable overlooking of, and loss of privacy to, the dwellings 'Ken View' and 'Rose Cottage' located opposite the application site</li><li>• The development would harm the visual amenity of the area by way of removing a picturesque backdrop to the village</li><li>• The development would significantly impact on highway safety. Whilst the speed limit through Singleton Village is 20 mph this is rarely adhered to.</li><li>• The value of existing village dwellings would fall as a result of the development</li><li>• The development would block views across open countryside from Kenview and Rose Cottage</li><li>• The development would result in the loss of wildlife habitat</li><li>• Large detached dwellings would be out of keeping with the character of the village</li></ul>

## **Relevant Planning Policy**

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

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
ENV5	Historic Environment
SL5	Development Sites outside the Strategic Locations for Development

### **Other Relevant Policy:**

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

### **Site Constraints**

Conservation area site

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The main issues when considering this development are as follows;

- Principle of development
- Impact on character of the area
- Impact on the Conservation Area
- Residential amenity
- Highways issues
- Ecology
- Drainage

### **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 NPPF advocates a presumption in favour of sustainable development, and the development of land in accordance with the policies of the development plan..

The development plan consists of the Fylde Local Plan to 2032 (hereafter referred to as FLP32). Policy S1 of the FLP32 designates Singleton Village as a Tier 2 Smaller Rural Settlement which is the lower of the two tiers of rural settlement in the borough. Policy DLF1 then sets out the development framework of the FLP32 which concentrates development in the strategic locations (Lytham St Annes, Kirkham and Wesham, Blackpool periphery and Warton) but confirms that development will be supported elsewhere through a series of non-strategic allocations across the borough, and through other windfall sites that come forward.

Policy SL5 identifies the location of these non-strategic allocations, with the majority of the application site forming part of HS53 which is the site allocated in Singleton and extends to other parts of the village to the opposite side of Weeton Road and elsewhere for an anticipated target of 15 dwellings. This figure is seemingly based on the scale of application 14/0652 which was eventually withdrawn but did receive Committee support in advance of that. That scheme saw 4 dwellings proposed on this parcel of that wider site.

With the majority of this site being allocated for development in an up-to-date development plan, and the scale of the development being proposed at 4 dwellings reflecting the level of development that was shown on the application which led to that allocation, it can only be considered that the principle of the development proposal is an acceptable one.

As part of the preparation of this report it has come to light that the site extends beyond the actual allocation and so a revised plan is to be provided by the applicant before the Committee meeting to be used to support a condition to constrain the actual development to that part of the site that benefits from the allocation.

### **Impact on the Character of the Area**

Whilst the principle of the development is acceptable a further consideration for this application is the potential impact of the development on the character of the area. In this instance the development site currently comprises an area of open agricultural land. With the outline nature of the development it is difficult to assess the impact of the development on the character of the area with any precision, but it is acknowledged that the development could have a negative impact on this. However, this is a factor that would have been most properly considered at the time that the

Fylde Local Plan to 2032 was being prepared as the residential allocation of the land in that Plan effectively confirms that it will be developed at some point in time, meaning that its character will be changed from the current agricultural landscape.

The submission of a revised plan which confirms that the development parcel will be limited to the allocation part of the site only helps provide space around that to effectively landscape the new edge to the village boundary, and a condition can be imposed to enforce that. Beyond that aspect, the outline nature of the application means that no details of the design, location, scale and landscaping of the dwellings themselves are available at this point and so a detailed consideration of the impact of these is not possible. Should planning permission be granted these would be considered as part of a subsequent reserved matters application. As such this issue will be fully considered at that time.

### **Impact on the Character of the Conservation Area**

The site is located within Singleton conservation area and as such due consideration must be given to the impact on the character and appearance of the development on this heritage asset. The council's conservation officer has submitted extensive comments in respect of the potential harm the development would have on the character of the village and the conservation area. However, they recognise that given that the site forms part of allocated housing land HS53, then the principle of the development is deemed to be acceptable.

The initially submitted illustrative site layout and street scene indicate four dwellings of a scale that would be at odds with the character of existing dwellings that characterise Singleton village, particularly in this eastern approach. They are presented as large detached properties with double garages located to the side or front of each which provides a continuous run of development across the site. This is a harmful contrast with the arrangement in the surrounding parts of the village where the properties are more modest semidetached dwellings with sizeable gaps between. It is expected that any successful development on the current site will reflect that character and so allow the site to retain a measure of openness that is reflective of the conservation area.

With the outline nature of the application these drawings are purely for illustrative purposes only. A revised version has subsequently been provided which gives a more appropriate possible layout and is helpful in that it indicates that it will be possible to provide 4 properties on the site, but it is the case that this layout is not for consideration under this outline application.

Due to the nature of the application it is not possible (or necessary) to make an informed assessment of the impacts on the development on the conservation area; as this consideration forms a critical element of the assessment of a reserved matters application which will be submitted following the grant of an outline planning permission and is to confirm the scale, layout and appearance of the dwellings within the context of Singleton conservation area.

### **Residential Amenity**

The closest dwellings to the application site are those that form the Dumbrek Court residential development, approximately 54 metres north west of the site, and the pair of semi-detached dwellings 'Ken View' and 'Rose Cottage' which lie on the opposite side of Weeton Road approximately 22 metres distant from the site's road frontage.

Concerns have been raised that the development would result in unacceptable overlooking of, and loss of privacy to, the habitable rooms of Ken View and Rose Cottage. Whilst the submitted site layout is illustrative only it is logical that the dwellings on this site will feature front garden areas and thus be set back from the site frontage, in keeping with the existing pattern of residential

development in the village. Accordingly it is expected that the separation distance between the proposed dwellings and Ken View/Rose Cottage will be such that it avoids harmful privacy or other amenity implications when that aspect is assessed at reserved matters stage.

The separation distance between the application site boundary and the Dumbrek Court development is sufficient to ensure that the amenity of residents of Dumbrek Court would not be unduly prejudiced.

### **Highways**

The site has a direct road frontage with Weeton Road which is the main road serving the village and so clearly has the capacity to accommodate the additional traffic that would be generated by the construction and occupation of the proposed dwellings.

Lancashire County Highways have been consulted on the application and raise no objection to the proposal on that point or any other. They are supportive of the single point of access shown on the illustrative plan subject to the provision of 2.4 metres by 55 metres sight lines, based on the most recent survey data that shows 85 percentile speeds of 36 mph in both directions along this stretch of Weeton Road in 2019. They also request the provision of a minimum 2 metre wide footpath across the full frontage of the site to link into the existing footpath to the north.

Whilst access is a reserved matter it is clear that there are no highway objections to the access to the development subject to these requirements and it is appropriate that these be incorporated into planning conditions to require that any reserved matters application includes these elements. The single point of access will be helpful in highway safety and visual impact terms by minimising the point where turning manoeuvres will be performed and retaining the longest possible planted frontage to the site. The provision of a pedestrian footway will also be helpful in linking the site to the existing footpath network in the village and so the services that area available such as the school, church, village hall, shop, bus stops, etc. This can likely be accommodated over the grass verge that lies between the carriageway and site boundary hedge, although it is possible that sections of this will need to be removed or repositioned to achieve visibility.

### **Ecology**

Looking at the ecological implications in the wider sense the application site lies within the Impact Risk Zone for Morecambe Bay & Duddon Estuary SSSI and an Ecological Impact Assessment has been submitted in support of the application. The Greater Manchester Ecology Unit have provided a Screening Opinion indicating that all identified matters that might have a likely significant effect can be screened out.

More locally there are two ponds, to the west and south, within 250 metres of the site boundary that provided a positive identification for Great Crested Newts. To assess these Natural England's 'Rapid Risk Assessment Calculator' has been used and indicates that development of the site is unlikely to cause an offence to be committed but that the reasonable Avoidance Measures identified the Ecological Impact Assessment should be conditioned as part of any permission. Similarly a standard condition should be used in respect of nesting birds. Subject to these being incorporated the development will not create any ecological issues.

### **Drainage**

The development would have an impact on the natural drainage of the site by reason of the addition of hard standing and other built development. This notwithstanding the site is within a flood zone 1 area, and identified as having a 'Low Susceptibility to Surface Water Flooding'. United Utilities have commented on the proposal and raised no objections, opining that the submitted drainage strategy

is acceptable and that the drainage of the site should be conditioned to accord with the principles set out in the submitted drainage strategy. This is an appropriate solution, with the site's allocation in the FLP32 addressing any wider drainage issues as it would have been considered as part of the Strategic FRA that underpins that plan.

### **Conclusions**

This proposal is an outline application for the development of up to 4No. dwellings within the settlement of Singleton Village. As the application is outline, with all matters reserved for future consideration, the design/appearance of the dwellings is unknown but the submitted illustrative layout confirms that a development can be achieved that both protects residential amenity and respects protected trees and biodiversity, with conditions used to ensure this.

The site is located within a conservation area and therefore special regard must be given to the character and appearance of the Conservation Area. This notwithstanding, the application site forms part of the larger non-strategic housing site, HS53, allocated within the Fylde Local Plan to 2032. As such whilst the development of the site would undoubtedly impact on the character and appearance of the wider conservation area these impacts would be appropriately considered and dealt with under any future reserved matters application.

Given that the application is in outline only, with all matters reserved, and that the site forms part of the larger non-strategic housing site, HS53, it is considered that the principle of the development proposed by this application is acceptable and that outline planning permission should be granted.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

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

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

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

4. This permission relates to the following plan:

- Location Plan - Drawing no. 366-01

Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on this approved plan insofar as it relates to the site area, the area where the development will be situated, and shall not exceed the maximum number of dwellings applied for.

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

5. Notwithstanding the outline nature of this application, the subsequent applications for the reserved matters of layout, landscaping and scale shall indicate no more than 4 dwellings which shall each not exceed two storeys in scale, with these properties and their gardens indicated only on the area of the application site that falls within the allocation for residential development under Policy SL5 of the Fylde Local Plan to 2032 as highlighted on the plan listed in condition 4 of this planning permission. The remainder of the area edged red shall only be indicated as providing strategic landscaping only so as to soften the appearance of the site and the settlement beyond on the approaches to the village from the south and east.

Reason: In order to provide a suitable extent, scale and location of development given the prominence of the site on approaches to the village of Singleton and the extent of the area that is allocated for development in the Fylde Local Plan to 2032.

6. Any application which seeks approval for the reserved matter of access pursuant to condition 1 of this permission shall include details of:
  - a) The layout, design and construction of the site access which shall make provision for a single point of access with minimum visibility splays of 2.4 metres x 55 metres (measured along the centre line of the proposed new driveway from the continuation of the nearer edge of the existing carriageway of the B5260) in both directions at its junction with the B5260.
  - b) The layout, design and construction of a turning area to be provided within the site which will allow vehicles to enter and exit the site in forward gear.
  - c) Provisions for that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site to be appropriately paved in tarmac, concrete, block pavements, or other approved materials.
  - d) Provision of a new footway, of a minimum 2 metre width, across the site frontage to link into the existing footway to the north on the same side of the B5260.

The site access, turning area and any associated gates shall be constructed in accordance with the duly approved details and made available for use before the dwelling hereby approved is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay in (i) shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

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

7. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a landscaping scheme that provides details of:

- (i) any trees, hedgerows and any other vegetation on the site to be retained;
- (ii) compensatory planting to replace any trees or hedgerows to be removed (which shall include at least one extra heavy standard specimen of 14-16cm girth of an appropriate species to replace those trees which may be removed);
- (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
- (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure suitable retention and strengthening of existing landscaping on the site in the interests of visual amenity and to secure appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

8. Site preparation, delivery of materials and construction works shall only take place between 08:00 hours and 18:00 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1st March and 31st August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

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

10. No above ground works shall take place until full details of the finished levels, above ordnance datum, for the proposed buildings and external areas of the site in relation to existing ground levels 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: To ensure a satisfactory relationship between the dwellinghouse and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

11. No above ground works of development shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles set out in the submitted 'Flood Risk Assessment & Drainage Strategy, Rev D3332-FRA-01, dated October 2020. The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

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

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: 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 Singleton Conservation Area, in accordance with policies ENV5 and GD7 of the Fylde Local Plan to 2032.

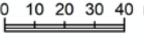
13. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no gates, fences, walls or other means of enclosure shall be erected, constructed, improved or altered within the area outlined in red on the approved location plan (drawing no. 366-01)

Reason: To ensure that any boundary treatments provided are of an appropriate design that is sympathetic to the character and appearance of Singleton Conservation Area in accordance with policies ENV5 and GD7 of Fylde Local Plan to 2032.

14. The development shall be carried out in full accordance with the mitigation measures detailed in section 4.2 of the submitted "Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment" (report version 1.3, dated October 2020).

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
Application No. 5/20/0846	Address Land southwest of Weeton Road, (opposite The Millers Arms), Singleton	Grid Ref. E.3382 : N.4381	Scale 0 10 20 30 40 m 

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	3 FEBRUARY 2021	5

### LIST OF APPEALS DECIDED

#### PUBLIC ITEM

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

#### SUMMARY OF INFORMATION

The Council received the following appeal decisions between 18/12/2020 and 22/01/2021.

#### SOURCE OF INFORMATION

Development Services

#### INFORMATION

List of appeals decided attached

#### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

#### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## Appeal Decisions

The council received decisions on the following appeals between 18 December 2020 and 22 January 2021. The decision notices are attached to the report as an appendix for reference.

Rec No: 1

28 September 2020 20/0305

5 KINGSWAY, LYTHAM ST ANNES, FY8 1AB

Householder  
Appeal

RESUBMISSION OF APPLICATION 20/0179 FOR THE  
ERECTION OF A 1.55M HIGH TIMBER FENCE BEHIND  
AN EXISTING WALL (TOTAL HEIGHT OF 1.55m) TO SIDE  
AND 2M FENCE ADJACENT TO DRIVE (RETROSPECTIVE)

Case Officer: RT

Fylde Dec. Level DEL

Appeal Decision: Dismiss: 21 December 2020

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Rec No: 2

07 December 2020 19/0825

1 HIGHGATE CLOSE, NEWTON WITH CLIFTON,  
PRESTON, PR4 3RP

Householder  
Appeal

RETROSPECTIVE APPLICATION FOR ERECTION OF 1.7M  
HIGH CLOSE BOARDED TIMBER FENCE TO EASTERN  
BOUNDARY WITH BRYNING LANE AND NORTHERN  
BOUNDARY WITH HIGHGATE CLOSE

Case Officer: KLH

Fylde Dec. Level DEL

Appeal Decision: Allowed: 11 January 2021

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## Appeal Decision

Site visit made on 25 November 2020

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> December 2020**

**Appeal Ref: APP/M2325/D/20/3257663**

**5 Kingsway, Lytham St Annes FY8 1AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr & Mrs Ellison against the decision of Fylde Council.
- The application Ref 20/0305, dated 5 May 2020, was refused by notice dated 12 June 2020.
- The development proposed is described as a retrospective application for the erection of a 1.55M high timber fence behind the existing wall (total height of 1.55M) to side.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There is an existing solid wooden fence on site along a section of the side and along the rear of the property. This fence is around 2 metres in height. Nevertheless, the development proposal subject to this appeal is a solid wooden fence measuring 1.55 metres high along the same section on the side of the property and 2.0 metres high along the rear section.
3. The existing fence is set back from the low brick-built wall adjacent to the highway by about 20-25 cm. However, this gap is negligible and for the purpose of this appeal the fence is treated as being adjacent to the highway. Thus, by virtue of its height and location, it is a development that requires planning permission.

### Main Issues

4. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area with particular regard to the front and side gardens.

### Reasons

5. The appeal site is a terraced dwelling located on the corner of Kingsway and Princess Road in Lytham St Annes which forms part of a wider established residential area. Both roads are quite wide. The dwellings along Kingsway and the surrounding roads are generally large brick built with front gardens.
6. Virtually all the front gardens are separated from the pavement by a low red brick wall which is punctuated by chest high brick pillars framing the gateway. The low brick walls ensure that the neighbourhood has a largely open appearance allowing uninterrupted views of the front of each dwelling. These

- low red brick boundary walls and pillars are an intrinsic element of the character of the area.
7. On the other side of Princess Road is a car sales room which occupies a large, barnlike building. It is set back from Kingsway and Princess Road with cars parked to the front and side. There is vehicle access also to the front and to the side.
  8. The proposed development is a 1.55 metres tall solid wooden fence running about two-thirds the length of the side and rear garden of No 5 and a shorter section of 2.0 metres high solid wooden fencing along the rear of the property. The section of fencing along the side of the property faces the side entrance to the car sales room on the opposite side of the road.
  9. Adjacent to the rear of No 5 is a small bungalow on Princess Road. That property has a convex-shaped solid wooden fence to the front that extends about twice the height of the low brick wall. Nevertheless, other than the appeal property and the adjacent bungalow most of the other properties on both sides of Princess Road and virtually all of those along Arundel Road (running parallel with Kingsway) have low walls to the front and no fencing.
  10. There are some other properties in the wider area that have solid wooden fences to the front and / or sides of the front garden. These include 2 other dwellings on Kingsway, 3 on Lake Road closer to the sea front, 1 on Buckingham Road, 2 at Miletas Place and another at Clifton Drive.
  11. These cases do not form a binding precedent since each development proposal must be treated on its own merits having regard to the specific characteristics of the site and its surroundings. Furthermore, no details were provided about the planning histories of the cases.
  12. The side elevation of the car sales room is about 15 metres from the boundary of the appeal site. Nevertheless, there appears to be no reason to suggest that this business operation might affect the privacy or the usability of the side or rear garden of No 5.
  13. The proposed fence would look utilitarian and incongruous. It would be clearly visible above the low wall and would therefore disrupt the generally open character of the front gardens of the dwellings within Kingsway and Princess Road.
  14. For the reasons set out above the proposed development would harm the character and appearance of the surrounding area, in particular the street scene. It would thus fail to accord with Policy GD7 (b; d; h; and i) of the Fylde Local Plan To 2032 2018 which seek to ensure jointly and severally that new development is of a high quality that reflects and enhances the local character of the area, is of a scale and material sympathetic to its surroundings.
  15. Furthermore, the proposal would fail to accord with the advice handed down at paragraphs 127d) and 130 of the National Planning Policy Framework that new development should, respectively, maintain a strong sense of place and be of a high quality.

**Conclusion**

16. For the reasons set out above the appeal should be dismissed.

*William Walton*

INSPECTOR



# Appeal Decision

Site visit made on 5 January 2021

**by R Walker BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 January 2021**

**Appeal Ref: APP/M2325/W/20/3259474**

**1 Highgate Close, Newton with Clifton, Preston PR4 3RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Claire Porter against the decision of Fylde Borough Council.
- The application Ref 19/0825, dated 9 October 2019, was refused by notice dated 3 July 2020.
- The development proposed was originally described as 'erection of a close boarded fence around the perimeter of the garden on two sides at a height of 1.6m and painted forest green'.

## Decision

1. The appeal is allowed and planning permission is granted for an erection of a close boarded fence around the perimeter of the garden on two sides at a height of 1.6m and painted forest green at 1 Highgate Close, Newton with Clifton, Preston PR4 3RP in accordance with the terms of the application, Ref 19/0825, dated 9 October 2019.

## Procedural Matter

2. The description of development in the planning application form, decision notice and appeal form differ slightly. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application. I note the small discrepancy between the Council's and the appellant's description of the height of the fence subject of this appeal. However, the fence is in situ therefore, I am considering the appeal retrospectively and have assessed the development on this basis.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

4. The appeal property is a detached dwelling located within a residential area. It is positioned on a corner plot at the entrance to a small cul-de-sac. There are a variety of boundary treatments within the area including open plan frontages, low boundary walls, fencing and hedges.
5. Although the fence encloses the property from the streetscene from Bryning Lane and the entrance into the cul-de-sac, views are possible over the top with the upper portions of the ground floor windows clearly visible. Moreover, the natural material, position set back slightly from the footway edge and presence

of several maturing trees behind the fence softens its presence in the street scene. As such, although a reasonable length, it does not appear oppressive in scale.

6. From within the cul-de-sac, the property has a wide driveway allowing views of most of the dwelling's frontage and maintaining a spaciousness to that part of the cul-de-sac.
7. The low number of high fences or walls in the streetscene does contribute to a positive open environment generally within the area. However, several other corner properties in this residential area have fences along the boundaries with footways. I do not have any details of the circumstances surrounding other fences. However, given the variety generally of boundary treatments and my findings above, the fence, subject of this appeal, does not appear an incongruous feature in this particular location.
8. The Council refer to an appeal decision for a fence which was recently dismissed at a corner property. Whilst I do not have the full details of that case, this was in a different part of the Borough and I have assessed this application on its own merits having regard to the particular characteristics of the appeal site and its surrounding residential area.
9. I therefore conclude that the development does not harm the character and appearance of the area. The development therefore accords with the requirements of Policy GD7 of the Fylde Local Plan (2018) and the National Planning Policy Framework. These stipulate, amongst other things, that development will be expected to be of a high standard of design, taking account of the character and appearance of the local area
10. The Council highlight that there is no compelling justification for the development. However, given my findings on the main issue I do not consider the other matters in support of the fence to be determinative in this case.
11. The Council has not requested that any planning conditions be imposed and as the development is retrospective, I do not consider that any conditions are necessary in this instance.
12. For the above reasons and having regard to all matters raised the appeal is allowed.

*Robert Walker*

INSPECTOR