



Agenda

Planning Committee

Date:	Wednesday, 24 June 2020 at 10:00am
Venue:	Remote Meeting Via Zoom
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

Please Note: This meeting is being held remotely via Zoom. To access the meeting please click on the link below.

<https://us02web.zoom.us/j/85290423264?pwd=ZjIrekJvK3ZiSGMzWCtFSFNIZTVCdz09>

Meeting ID: 852 9042 3264

Password: 915823

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members can obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 3 June 2020 a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 118
	INFORMATION ITEMS:	

5	List of Appeals Decided	119 - 123
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Planning Committee Index

24 June 2020

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	19/0541	BROOK MOUNT, 4 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1XD ERECTION OF 26 AFFORDABLE DWELLINGS WITH NEW ACCESS FROM LYTHAM ROAD	Grant	5
2	19/0544	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS ERECTION OF 6 BUILDINGS PROVIDING 3130m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Approve Subj 106	33
3	20/0060	HILL HOUSE, HILLOCK LANE, BRYNING WITH WARTON, PRESTON, PR4 1TP ERECTION OF DETACHED SINGLE STOREY GARDEN BUILDING TO PROVIDE ADDITIONAL FAMILY LIVING ACCOMMODATION ASSOCIATED WITH OCCUPATION OF HILL HOUSE	Refuse	54
4	20/0183	LAND SOUTH OF BOWDEN LANE, LYTHAM ST ANNES, FY8 3FN RESIDENTIAL DEVELOPMENT OF 28 AFFORDABLE DWELLINGS COMPRISING 22 HOUSES AND 6 APARTMENTS WITH ASSOCIATED INFRASTRUCTURE	Delegated to Approve	72
5	20/0284	FBC SNOWDON ROAD DEPOT SITE, SNOWDON ROAD, LYTHAM ST ANNES, FY8 3DP SINGLE STOREY SIDE EXTENSION TO PARKS BUILDING TO PROVIDE ADDED OFFICE SPACE AND WELFARE FACILITIES INCLUDING PROVISION OF ADDITIONAL VEHICLE AND CYCLE PARKING	Grant	111

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

Planning Committee Schedule

24 June 2020

Item Number: 1

Committee Date: 24 June 2020

Application Reference:	19/0541	Type of Application:	Full Planning Permission
Applicant:	Adactus Housing Association	Agent :	Brewster Bye Architects
Location:	BROOK MOUNT, 4 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1XD		
Proposal:	ERECTION OF 26 AFFORDABLE DWELLINGS WITH NEW ACCESS FROM LYTHAM ROAD		
Ward:	FRECKLETON WEST	Parish:	Freckleton
Weeks on Hand:	51	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Approve subject to s106

Summary of Officer Recommendation

The proposal is for the erection of 26 affordable dwellings on a 0.65 hectare brownfield site located in Warton, but directly adjacent to the boundary with Freckleton. It is located on the north side of Lytham Road, with the A584 Preston New Road to the north of the site. Either side of the site are residential dwellings. The site is located predominately within Flood Zone 2, with part of the site that is adjacent to a dyke being in in Flood Zone 3.

The proposed development is for 26 affordable rent dwellings. These will be accessed via improvement of the existing access to Lytham Road and laid out in a manner that they have an acceptable appearance given the character of the area thus complying with policy GD7 of the Local Plan to 2032. The dwellings will be constructed in brick and are all two storeys. The principle of development in the settlement is acceptable, and the site is also on the Council's Brownfield Register.

Due to the location in higher Flood Zones it is necessary to apply the Sequential and Exception tests for flood risk. As the proposal is for affordable housing the search area is limited to the local area rather than the whole of borough, in accordance with the NPPG, as it is meeting an identified local need and no alternative sequentially preferable sites are available to provide this form of development.. The development has been demonstrated to not be at risk of flooding nor increase the chance of flooding off the site.

There are no highways, ecology, tree or amenity issues with the application and as such the application is recommended for approval.

Reason for Reporting to Committee

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

Site Description and Location

The application site is a 0.65 hectare brownfield site located on the north side of Lytham Road. The site is located in Bryning with Warton, but is directly adjacent to the boundary with Freckleton. To the south of the site is Lytham Road, the main road that runs through Warton and Freckleton, and to the north is the A584 Preston New Road bypass. To the east, south and west of the site are residential dwellings. These dwellings are constructed in predominately brick and render, with occasionally use of stone features, and roofs with slate, or slate effect concrete tiles.

The site itself is currently vacant, but previously was a depot with buildings and an area of land previously used as a vehicle parking area in association with an engineering and coach business. There was also a small detached bungalow facing Lytham Road. The site is enclosed to the north and west by timber fencing, to the east it faces the culvert and is partially enclosed with timber fencing. Adjacent to the site at this point this is not classed as a 'main river', however to the south of the site from Lytham Road onwards to the River Ribble it is classed as a 3km long main river. The majority of the site is in Flood Zone 2, with a small area adjacent to the dyke in Flood Zone 3. There are no ecological designations on or near to the site.

Details of Proposal

The application is a full application for the erection of 26 affordable dwellings with access from Lytham Road. When the application was first submitted officers had various concerns, including the proximity of the development to the A585 and the visual impact and amenity issues that would create, the lack of landscaping and detail of planting on the site, the three storey block of apartments proposed being out of character, boundary treatment, blank elevations and location of parking spaces. This resulted in the scheme being significantly amended so that it has a different layout to that originally submitted.

The proposed scheme now differs from the original scheme so that it now is accessed via an improved access from Lytham Road, with a single storey bungalow positioned to the west of the access road, fronting on Lytham Road, located adjacent to the existing bungalow to the west. Within the dwellings are located either side of the main access road which leads to a further road which lies parallel to the bypass and leads to a two-storey block of apartments in the north east corner of the site.

The 26 dwellings are proposed to be all affordable dwellings, each for affordable rent. There are 10 x 1-bedroom apartments set in one block, 8 x 2 bedroom dwellings, including two bungalows, and 8 x 3 bedroom dwellings. Each dwelling will have two parking spaces.

Relevant Planning History

Application No.	Development	Decision	Date
03/0853	O/L APP. FOR RESIDENTIAL DEVELOPMENT - FOLLOWING DEMOLITION OF EXISTING BLGS	Refused	07/01/2004
92/0329	CHANGE OF USE TO PARKING FACILITIES FOR	Withdrawn by	19/06/1992

	COACHES	Applicant	
91/0654	CHANGE OF USE OF HORTICULTURAL LAND TO FORM VEHICLE PARKING AREA IN ASSOCIATION WITH ENGINEERING AND COACH BUSINESS, PLUS RE-LOCATION OF STORAGE BUILDING.	Granted	15/07/1992

Relevant Planning Appeals History

None

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 08 July 2019 and comment:

“The Council object to the proposal;

It is the view of the Parish council that while development of this site would be of general improvement of the immediate area, in principle, the proposed 26 dwellings is considered vastly excessive to the site and it raises significant Highway safety issues in proportion to the layout and nature of Lytham Road at the proposed access point.

Furthermore despite any potential benefits the application is against the principles and intentions of both the Fylde Local Plan to 2032 and the Bryning with Warton Neighbourhood Development Plan to 2032 in regard to a further significant housing development within the Parish. The Parish Council affirm that there is no need for further housing in the Parish at this time and it has been formally established there is no identified need for such type affordable housing in Warton.

Eight major housing developments have been approved in Warton over the past decade, most of which have been approved in the past three years, four of which are currently under construction. This will provide over 1300 new dwellings being built in Warton almost doubling the size and population of Warton as a consequence.

Due to the vast extent of development planned in the Parish a Neighbourhood Development Plan was produced by the community and was successfully approved and adopted in an effort to determine growth. No further land has been allocated for housing within the life time of these Plans, beyond those already designated. While appreciated this could be regarded as a 'Windfall site' it was envisioned this would be to accommodate house building on a far smaller scale than the proposed 26 dwellings.

The Parish Council are also of the view that the proposed development of 26 'Affordable' dwellings in design and makeup, inclusion of two and three storey flats, would not be in keeping with the character of the local environment and could potentially hinder integration of residents with the surrounding community. This does not align with the Sustainable Development statement 1.3 Social -'supporting strong, vibrant and healthy communities'. The application also makes reference accessible local services in support of it being a sustainable development yet it is fully acknowledged by Fylde Borough Council that Warton is lacking in appropriate infrastructure at this time for the scale of growth it is accommodating thus any additional 'housing estate' is not sustainable.

Once again there are significant traffic manoeuvre and flow implications generated from a residential estate of 26 dwellings. Reference to 1.2 Detailed Brief- Technical Attributes 'At least 100% parking for 1 and 2 beds and 200% for 3 beds' which is apportioned to 38 vehicles in the documentation. With the inclusion of routine service vehicles, contractors and visitors this accounts

for a significant amount of vehicles accessing Lytham Road, coming and going, on a daily basis in close proximity to the mini roundabout or traveling east up into Freckleton Village. Given the size of carriageway, surrounding environs and existing concerns of traffic generated at the Warton/Freckleton roundabout at the end of the bypass, and junction at Thunderbolt way, it is genuinely thought generating such level of further traffic at this location presents a clear traffic safety issue on the highway that the Planning Authority would be accountable for.

It is clearly a matter of public record that, despite the strongest of objections lodged against the sustainability of the approved developments, including the 'Land East of Warton' they were only approved on appeal subject to significant Highway improvements schemes being implemented before a significant number of those dwellings are occupied. This was in response to the County Council Highways, and the local community, concerns that the highway network through Warton is highly congested and thus was accepted by different Planning Inspectors and subsequently ratified by the Secretary of State. These Highway improvements are still years off completion and any applications that have the potential to detrimentally increase traffic in Warton should be rejected until these schemes are completed at least."

As it is directly adjacent the parish boundary **Freckleton Parish Council** have also been consulted. Their original comments from July 2019 were:

Freckleton Parish Council support this application but would like it noted they have concerns over the restricted access, the possible ecological and environmental impact on the site and that the area is a flood zone.

With regard to the revised plans Freckleton Parish Council then stated;

The above application is a revision of the application that FPC looked at in August 2019, when they expressed concern regarding the surface water drainage.

UU have re-examined the Flood Risk Assessment (revised) and have rejected the proposal as it fails to specify exactly how the surface water is to be removed. Given the significant concerns already raised by surface water excess running into the Pool Stream (a Class 1 Main River feeding the Ribble) and the flooding that Freckleton is already experiencing with this water course, the Council would have to re-iterate there concerns. They feel they are heading for a major issue in the future. The area to the north is already a Class 3 Flood Risk and this is likely to worsen the situation.

Whilst their risk assessment deals with how to protect the properties on site, by raising their level, it does not address the consequences of the surface water run-off, which will be much faster on a developed site.

Given that the surface water flow limit will be provided by the constraints of the culvert under the Warton runway, anything that increases run-off further into the Pool Stream is a concern. The EA must be re-consulted and they objected strongly last time.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

BAE Systems has no objection.

Ministry of Defence - Safeguarding

I can confirm the MOD has no safeguarding objections to this proposal.

Lancashire CC Flood Risk Management Team

No comments received.

Lancashire County Council - Highway Authority

LCC commented informally throughout consideration of the scheme without providing comments, their response being that the application is acceptable in principle but that tweaks to the layout were required. Their response to the final submitted layout plans are as follows;

With regard to your email dated the 9th June 2020 and the revised details shown on drawing 512/05(02)002 rev K "Proposed Site Plan".

Highways understands the current planning application is a full application. The Highways comments below considers the principle of the development; capacity and safety impact on local highway network; sustainability of the site; is the proposed access safe and the internal highway proposals for the site.

Highways do not have any objections to the proposed 26 dwellings and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity.

Highways have based this report on:-

- *A desk top study using our mapping system Mapzone;*
- *Brewsterbye Architects drawing 512/05(02)002 rev K "Proposed Site Plan".*
- *Carley Daines drawing 19/B/12298/2 "Autotrack Demonstrator Refuse Vehicle Manoeuvre"*
- *Sanderson Transport Statement, dated 13th March 2019;*
- *Fylde Local Plan (Adopted 22nd October 2018)*

The site will be accessed via a new access on to Lytham Road. Lytham Road is an unclassified road and is categorised as Link Road with a speed limit of 20 mph fronting the site access. A 1.75m footway fronts the site, the carriageway width is 6.5m and the opposite side of the road has a 1.7m footway at the watercourse parapet wall. The road benefits from street lighting. From our mapping system "Mapzone", the proposed development does not affect any public rights of way

Highway Capacity

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a robust TRICS report for a privately owned housing development, the proposed 26 dwellings will generate an estimated 170 two way vehicular a day with an estimated 15 two-way vehicles during the morning peak period (8am to 9am) and 17 two-way vehicles during the evening peak period (5pm to 6pm). Highways are of the opinion that the proposed 26 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site.

Site access

The Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on the 9th June 2020. The data indicates there has not been any reported incidents near the site access onto Lytham Road.

There has not been any speed surveys carried out on Lytham Road near the site access point. While the classified speed is 20mph, Highways are of the opinion that 85th percentile speeds wet road speed is about 28mph west bound due to the location of the controlled crossing for pedestrians and the mini roundabout.

Using table 7.1 from Manual for Streets and the estimated 85th percentile speed of 28mph the sight lines of 2.4 x 39m to be provided in both directions.

Highways are of the opinion that the sightlines shown drawing 19/B/12298/2 "Autotrack Demonstrator Refuse Vehicle Manoeuvre" are acceptable.

Highways are of the opinion that the proposed geometry of the site access is to prescribed design standards for this location and size of development for all highway users.

Highways are of the opinion that the proposed 26 dwellings will not have a severe impact on highway safety in the immediate vicinity of the site as detailed above.

The new site access and off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act.

Highways are of the opinion that the existing footpaths leading to the site are suitable for this location and no improvements are required, providing the footway is widened to 2m for the full frontage of the site with Lytham Road. It is accepted that the footpath cannot be widened at the culverted water course parapet wall.

Highways are not seeking any section 106 contributions as part of this development.

Highways are of the opinion that the highway layout and car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Joint Lancashire Structure and the highway layout would also be acceptable for adoption under section 38 of the highways act. Highways are of the opinion that the shown internal highway layout is to an acceptable adoptable layout for adoption under section 38 of the 1980 Highways Act.

Highways recommends the local planning authority attaches conditions requiring an agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

LCC Highways then suggest conditions in relation to the new estate road, a construction management plan, visibility splays, access and off-site works, estate streets construction and maintenance, engineering details, parking and cycling facilities.

Greater Manchester Ecology Unit

As you are aware the information submitted with the application includes an ecology appraisal. The survey found the site to have limited ecological value. The only issue would be associated with nesting birds and the clearance of tree and scrub during the bird breeding season. We would therefore recommend that the following condition be attached to any permission, should it be granted:

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

We would expect any such scheme to include measures to enhance biodiversity at the site, in line with the requirements of the National Planning Policy Framework. We would therefore recommend that the following condition be attached to any permission, if granted:

A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Comment on the revised plans;

The amended plans do not change the advice given in my email of the 24th July 2019 and I therefore have no additional comments to make.

Strategic Housing

Housing support this proposal for 100% affordable rented scheme at Lytham Road, Warton.

The site sits on the northern end of Warton, bordering onto Freckleton. I have therefore checked the housing register for information on the number of households with a preference for Freckleton/Warton. This does not necessarily reflect housing need specifically for Warton and Freckleton, but it does reflect the number of households who are eligible for social housing (Live application and able to bid – therefore they have met certain criteria around income levels, current housing circumstances and local connection to Fylde) and expressed an interest in accommodation in Freckleton and Warton.

There are 479 households who would consider affordable accommodation in Freckleton and Warton. The tenure breakdown of current accommodation is below. This illustrates a large number of households in private rented accommodation and living with relatives/friends. Of these 84 households have a priority banding reflecting their current housing need where one household is in Band A is homeless with no legal right to occupy accommodation, 29 in Band B reflecting households to whom the local authority has a statutory prevention duty to resolve their housing situation, have disrepair in their current home, under-occupancy of their current home, over-crowding, medical need and

unintentionally overcrowded. 54 households are in Band C reflecting a medical need to move, disrepair in their current home or needing to move for social/welfare reasons.

Current accommodation

215 – Tenant of a private landlord

95 – Living with friends/relatives

64 – Transfer applicant from existing tenancy with a registered provider

30 – Other type of accommodation

12 – No fixed abode

5 - Shared ownership

6 – Leaseholder

3 - Tied accommodation

Priority Banding – areas of preference Warton and Freckleton

Band A – 1

Band B – 29

Band C - 54

The majority of these households are of working age between 25-34 (124) and 35-54 (180). 48 are over 60 years old and 34 between 18-24 years old. The majority of these households require 1 bedroom accommodation. 138 households 2 bedroom accommodation and 47 households require 3 bedroom accommodation, therefore the proposed mix of 4 x 1b2p apartment, 2x 2b apartments, 2x 2b bungalows, 2 x 2b houses and 2x 3b houses would go towards meeting the needs of households on the register who have expressed Warton/Freckleton as an area they would consider to resolve their current housing situation.

The SHMA, 2016 Addendum 1 comments on Page 45, Figure 6.4 that Kirkham/Wesham and Freckleton/Warton require a net annual affordable housing need of 59 per annum. In addition the site is within Warton which is a strategic location for development within the Fylde Local Plan to 2032.

To conclude the scheme does meet the needs of affordable housing within the Borough.

Comment on the revised plans as follows;

Having looked over the revised plans for Planning Ref: 19/0541; the mix of unit size and types is good. They provide variety to meet the housing need in the area and wider Fylde. Also having looked over revised site plan it is good to note that the mix and layout of the different units is well balanced and would make for a good community. As a 100% affordable scheme, on the revised documents we would support this.

Regeneration Team (Landscape and Urban Design)

No comments received.

Regeneration Team (Trees)

Looking at the revised Proposed Landscaping Layout Drawing LAN224/998. Overall this site looks good and has introduced a diverse selection of tree species that should be in keeping with the area. The planting pits should be enough for the trees to establish their root system, reducing any future potential problems with roots surfacing and

impacting on services and hard infrastructure by installing root barrier in tree pits that are in proximity.

However, the site would look more appealing by planting some fastigate trees on the main thoroughfare in the monoculture Taxus baccata border in front of plots 2-9 & 12-15. The Carpinus betulus border by plot 12, 17/22, 18/23, 19/24. This will help to break up the frontage of the properties and make the setting of not just affordable housing but a welcoming place to live and visit.

United Utilities

No objections to the development. State that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Request a condition detailing surface water scheme to be submitted and approved prior to the commencement of development and suggest a condition with regard to the management of surface water systems.

Environment Agency

The EA initially objected to the application (23/7/19) as the submitted FRA did not comply with the requirements for site specific FRAs and did not adequately address the flood risk posed, in particular it did not consider how a range of flooding events will affect people and property throughout the site, emergency planning and evacuation and clearly state the FFL. They also advised the LPA that in order to accord with the NPPF then the applicants will need to pass the Sequential test.

On the 22 April 2020 they commented that despite the submission of a revised FRA which was accompanied by a hydraulic modelling report (ref. 2019s1527; dated 27 February 2020 that they maintain their objection as the FRA failed too;

1. Mention the flooding mechanism applicable to the site, i.e. the onset, propagation and duration of flooding likely to be encountered on site..
2. Provide an explanation regarding how the compensatory areas will function and drain down, or the duration of flooding that could be expected on site, especially to the access road and car parking area (as this is part of the compensatory storage).

The plans and information were subsequently revised with flood modelling, flood compensation area drawings and an updated FRA submitted to the LPA. The EA's final response on this state the following;

The following additional flood risk information has been submitted in response to our previous objection, dated 22 April 2020:

'FRA Support Lytham Road Warton - Flood Mechanisms Appendix' dated 29 April 2020, JBA

We have reviewed the additional flood risk information and we are now satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. As such, we withdraw our objection to the application, subject to the inclusion of the conditions set out below. The proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if the following planning conditions are included.

The conditions that the EA request are that the development is carried out in accordance with the FRA, and the following mitigation measures;

Finished floor levels shall be set no lower than 13.03 metres above Ordnance Datum (mAOD) and Compensatory flood storage shall be provided in accordance with the 'Flood Modelling Support Lytham Road, Warton' report by JBA Consulting (ref. 2019s1527, dated 27 February 2020) and flood compensation areas plan (drawing no. 12298.40; dated 4 February 2020) by Carley Daines and Partners Ltd which is appended to the FRA.

They also request a condition which states that the development cannot be commenced until a detailed scheme for the compensatory flood storage works are submitted to and approved in writing. The scheme will be required to demonstrate that the fully required volume of compensatory storage will be provided, on a level for level basis and be fully functional prior to the removal of flood plain storage and the development of the site.

They also comment that the previous use of the site as an 'auto-mechanic garage' presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Principal Aquifer. The 'Geotechnical and Environmental Investigation' report (dated February 2019), prepared Earth, Environmental and Geotechnical, submitted in support of this planning application provides the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. This report has undertaken appropriate investigation of the site and conducted appropriate sampling of soils and groundwater. This has revealed that there is no impact on the groundwaters beneath the site, and proposed suitable remediation for Plots 1-5, 10-11, and 14-17, where impact has been delineated as a human health issue.

Environmental Protection (Pollution)

Despite the recommendations in the noise report there are concerns regarding the effect of traffic noise on any future occupier of the development particularly in properties that are greater than two storeys.

If planning permission is minded to be granted the development should be designed and constructed to ensure all dwellings meet the following noise criteria:

External areas – 50 dB(A) LAeq,16hr

Internal areas - 35 dB(A) LAeq,16hr (day) and 30 dB(A) LAeq,8hr at night

LCC Education

An education contribution is not required at this stage in regard to this development.

Neighbour Observations

Neighbours notified:	08 July 2019
Amended plans notified:	02 April 2020
Number of Responses	One letter of objection to the original plans. Five letters of objection to the revised plans (and original)
Summary of Comments	Objection to the original consultation;

- Lack of infrastructure in the area.
- Access not safe onto a busy road.

Objections to the revised plans;

- Flooding from surface water.
- Lack of capacity in foul water drains.
- Wall along the brook is unsafe and needs structural repair.
- Access and safety concerns from traffic.

Relevant Planning Policy

Fylde Local Plan to 2032:

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
DLF1	Development Locations for Fylde
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
NP1	Presumption in favour of Sustainable Development
S1	The Proposed Settlement Hierarchy
T5	Parking Standards

Other Relevant Policy:

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

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 with this development are:

- The Principle of the Development
- Flood Risk and the Sequential Test
- Design and visual impact
- Highways and parking
- Ecology / Trees / Landscaping

- Residential amenity
- Other issues

The principle of the 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.

The development plan consists of the recently adopted Fylde Local Plan to 2032 and the Bryning with Warton Neighbourhood Plan. The Fylde Local Plan to 2032 identifies the application site as being within the settlement boundary of Warton and adjacent to the boundary between the villages of Warton and Freckleton. Both Warton and Freckleton are identified as a Local Service Centres in Policy SL1 of the Fylde Local Plan to 2032 and so the application site is well placed to provide for future local housing and employment need. The Neighbourhood Plan does not provide any housing allocations or comment on the provision of housing sites and so is not directly relevant for consideration of the principle of development in this case.

The Framework encompasses the overall objective of reaching sustainable development through a plan-led system. It promotes the supply of housing, particularly on previously developed sites. Paragraph 118 criterion c) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The application site is on Fylde Borough Council's Brownfield Register and so considered appropriate for residential development. The development of the site therefore is acceptable in principle.

The proposal is for 100% affordable housing, with all the dwellings proposed to be affordable rent. Policy H4 is the Affordable Housing Policy in the Local Plan to 2032. With regard to tenure this states that it will be negotiated on a case-by-case basis having regard to the viability of sites, local need and other policies in the plan. It states that affordable housing provided for affordable rent should be 1, 2 or 3 bedroom homes. This is the mix of housing proposed here so the development complies with that aspect of the policy.

As detailed in the consultation section Fylde's Strategic Housing team support the development. At the time of their initial response there were 479 households who would consider affordable accommodation in Freckleton and Warton, with a large proportion of these people a tenant of a private landlord. A large number of these households (85) have a priority banding reflecting their current housing need, and the majority are of working age. Housing state that the proposed mix of units would go towards meeting the needs of households that have expressed Warton/Freckleton as an area they would consider to resolve their current housing situation. They also confirm that Kirkham/Wesham and Freckleton/Warton require a net annual affordable housing need of 59 per annum. In addition, the site is within Warton which is a strategic location for development within the Fylde Local Plan to 2032. They conclude that the scheme would meet the needs of affordable housing within the Borough. Therefore the principle of a 100% affordable rent Affordable Housing scheme on this site is acceptable in principle as it complies with policy H4 in that it provides a mix of house sizes in an area for which there is an identified need for this form of accommodation. This weighs heavily in the application's favour.

Flood Risk and the Sequential Test

The site is predominately located within an area identified as Flood Zones 2 with part of the site adjacent to the dyke in zone 3. Policy CL1 of the Fylde Local Plan acknowledges that planning decisions should follow the same sequential, risk based approach to the location of development, as required by the Framework. Paragraph 157 of the Framework states that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. The aim of the sequential test is to steer development to areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding, and the development passes the sequential test then the exception test may have to be applied.

Paragraph 160 provides a criteria that must be demonstrated for the exception test to pass. These are: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.

Sequential test

The applicants have submitted a sequential test which provides an assessment of the suitability of comparable sites in the vicinity of the proposed development site. The sites considered are those within a radius of 3km of the site that are capable of accommodating between 21 and 31 units, so that they are of comparable capacity to the proposed development site. This exercise found 8 sites identified in the Councils Strategic Housing Land Availability Assessment. The sites were each considered with reference to the following criteria;

- Site area;
- Site location;
- Type / scale of development appropriate to the site;
- Flood Zone;
- Flood Risk Vulnerability classification;
- Brownfield / Greenfield;
- Availability / deliverability of the Site;

The following sites were considered against this criteria and were discounted as follows:

- A) Land South of Manor Drive, Kirkham – unsuitable development due to not being available due to ownership issues, also listed in the SHLAA as ‘unsuitable’. Would not be able to purchase the land.
- B) Land off Orders Lane, Kirkham – site is already being developed.
- C) Land rear of High Meadows, Lower Lane, Freckleton – Site is already being developed.
- D) Further Hillock Farm & Barns, Hillock Lane, Warton – Site located within the countryside therefore not compliant with Local Plan to 2032.
- E) Land north of Strike Farm, Kirkham Road, Freckleton – Site is located within the green belt.
- F) Land of rear 6-16 Lytham Road, Freckleton – Access is not fit for purpose and site would not provide the same amount of development.
- G) Land adjacent to & rear of 9-25 Lytham Road, Warton – Majority of the site developed by another developer, remaining area below capacity threshold.
- H) Poolside Boat Yard, Naze Lane East, Freckleton – Site is within flood zone and therefore not sequentially preferable.

The applicants sequential test therefore concludes that a list of eight comparable sites was compiled using a methodology agreed with the council, and that none of the eight sites found were considered to provide a viable alternative due to constraints associated with the development area, residential capacity, development type, flooding, and site availability. They therefore conclude that the site would pass the Sequential test as defined by the NPPF.

The NPPF does not define a process for identifying an area for a Sequential test and neither does the Local Plan to 2032. However, the NPPG states that you should contact the Local Authority to discuss alternative sites and follow the methodology the applicants have adopted. The NPPG also states that in applying the sequential test to individual applications that the area to apply the Sequential test across will be “defined by the local circumstances relating to the catchment area for the type of development proposed” (Paragraph: 033 Reference ID: 7-033-20140306).

Therefore whilst it is officers firm opinion that as housing delivery is a strategic matter the area of search for a sequential test should be the whole of the Borough, as this this development is for 100% affordable housing, and as outlined above is meeting an identified need local to this particular area of Warton/Freckleton, the more restricted area of search and methodology carried out in this instance is acceptable. In accordance with the NPPG regarding the specific need for affordable housing, the geographical area that this need can be considered over is Warton/Freckleton and the surrounding environs. If the proposal was for market housing then the search area would be the whole of the Borough and the development would fail the sequential test as there would be other sites available.

In conclusion to this aspect it is accepted that there are no sequentially preferable sites which could be reasonably available within the agreed area of search for this development which could accommodate the proposed development and as such officers accept that the development passes the sequential test.

Exception test

Proposals for ‘more vulnerable’ development, such as residential development as proposed here, which are located in Flood Zone 2/3 that have passed the Sequential Test must also pass the Exception Test. The first part of the Exception Test to be passed is that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. Given that the proposal is for affordable housing that will bring social benefits to the community by meeting an identified local need, and that it is also on a previously development brownfield site which sits on the Council’s register of sites suitable for development, it is considered that these benefits outweigh the potential risk of flooding.

The second part of the exception test is that the development needs to be safe for its lifetime, without increasing flood risk elsewhere. To that end the applicants have submitted an FRA along with a drainage strategy, rainfall intensity data, flood modelling data and flood compensation data. The FRA has considered the existing sites parameters, finding it to be 6400sqm, with an existing impermeable area of 3990sqm. Post construction of the houses the site will have an impermeable area of 3000sq, therefore a reduction of 990sqm of impermeable area will be in place at the site following its development which is obviously a benefit..

The FRA outlines that the maximum flood level at the site for a 100 year event plus 40% for climate change would be 12.58m AOD. This is the un-defended food level. On this basis a freeboard of 450mm has been applied to provide a lowest finished floor level of 13.03m. The levels of the existing

site will therefore need to be raised in order to place dwellings higher than the maximum predicted flood level for the site. The topographical survey submitted with the application indicates that the areas where dwellings will be located are approximately 12.4m AOD, so the dwellings would be constructed approximately 0.6m higher than the existing land levels. The levels decrease as they slope towards the ditch running along the eastern boundary.

The study of rainfall intensities has found that with the existing site the run-off from the rainfall events would be 38.6 litres per second for the two-year event and 94.5 for the 100-year event. For the proposed development these figures reduce to 20 l/s for the two-year event and 70.8 for the 100-year event. However, as the site has been previously developed it is a requirement to reduce run-off rates to half that of the pre existing rates, so run-off rates will be restricted to 19.3 l/s for the two year event and 47.3 for the 100 year event. It is proposed that this be achieved by utilising an underground storage system (storm water crates or an oversized storage pipe) and connect that to the existing drainage system via a flow control device.

With regard to flood compensation data, three areas are proposed within the site, all adjacent to the dyke, and all outside any of the dwelling's domestic curtilage. These three areas provide 620 cubic metres of flood storage areas. The FRA outlines that there will no adverse off-site impacts, because the drainage designs will be such that there will be no flooding during all critical events up to and included the 30 year storm, and no overland flows from the critical 100 year storm plus 40% climate change. All on site impermeable areas will drain into the surface water drainage system, thereby ensuring there will no off-site flows generated by the development. Foul water will be connected to the existing sewer on Lytham Road at a controlled rate of 1.2 l/s, no surface water will be allowed into this sewer.

The EA and UU's responses to the proposed development are outlined above. The EA have confirmed that with the submission of the additional information they are satisfied that the development will be safe and will not exacerbate flood risk off the site if the mitigation measures outlined above are implemented. To ensure this they request a condition that requires the development to be carried out in accordance with the FRA submitted, specifically that FFL will be no lower than 13.03 AOD and that the flood storage area be provided prior to occupation of the dwellings. They require a detailed scheme to be provided for the proposed compensatory flood storage works. UU have no objections and simply request a detailed surface water scheme to be submitted. Unfortunately the Lead Local Flood Authority (LCC) have not offered comments on the application, but given the level of assessment of the FRA by the EA your officers are satisfied that the scheme can be brought for a decision without being delayed further for their input.

As an overall conclusion it is considered that the development of the site as proposed with the mitigation and flood storage as set out in the Fra being implemented can be carried out without putting the occupants at risk of flooding, and not increasing the risk of flooding off the site and there are no drainage and flooding issues with the application. The development can be considered to pass the Exceptions test in accordance with the NPPF.

Design, layout and visual impact

Policy GD7 Achieving Good Design in Development sets out the standards of design that a development should follow. Development will be expected to be of a high standard of design considering the appearance and character of the local area. It includes the following requirements which are considered relevant for this proposal; ensuring densities of new residential development reflect and wherever possible enhance the character of the surrounding area; ensuring the siting, layout, massing, scale, materials architectural character, proportion, building to plot ratio and

landscaping of the proposed development relate well to the surrounding and; taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where possible.

As stated above when originally submitted officers considered the layout to be unacceptable, primarily due to the proximity to the bypass which would make the development visually prominent and the three storey flats being out of character in the area. The layout of the site is influenced by its constraints (narrow frontage, awkward shape, dyke along eastern boundary) which dictates that the access to the site will be from Lytham Road at a narrow access point. At officers request the dwellings need to be set back from the A585; to reduce their visual impact and noise from the road, and also to set the development away from the dyke and respect the amenity of neighbouring dwellings.

The layout now incorporates the dwellings more sensitively into the existing development pattern in the area. The site is accessed via an improved access from Lytham Road, with a single storey bungalow positioned to the west of the access road, fronting on Lytham Road, located adjacent to the existing bungalow to the west. Thus, the visual impact of the development from this main public vantage point will be of a single dwelling, with glimpses of the two storey dwellings behind. Within the site a conventional layout is proposed with dwellings located either side of the main access road which leads to a further road which lies parallel to the bypass road and leads to a two-storey block of apartments in the north east corner of the site. Built development is kept away from Flood Zone 3 areas adjacent to the dyke. This area located outside of domestic curtilages can be utilised as a small area of POS. Landscaping is proposed throughout the site with critically a line of trees proposed along the boundary with the A584. This landscaping will be an increase over the existing level of cover in the area which is significantly less than the level of landscaping found to the rear of the dwellings that back onto the bypass to the east of the site and so will be an improvement in that aspect.

The proposed dwellings are appropriately laid out within the application site and are positioned to achieve the separations set out in the Council's spacing standards, and as such have an acceptable impact on the amenity of existing dwellings and dwellings proposed within the site. Parking is predominately in front of dwellings, which is to the scheme's detriment, however an appropriate landscaping scheme (discussed below) will help to mitigate that.

The dwellings proposed are two-storey which is an appropriate scale taking into account the character of the surrounding area, albeit they will appear as being taller than some properties due to the need to elevate their floor levels to accommodate the flood mitigation impacts. The design of the dwellings varies throughout the site which adds character to the development itself, with a mix of designs and materials enriching the street scene. The dwellings are relatively simple in their form, but feature details such as gable frontages, pitched roofs over porches and heads and sills which help break up their elevations. The houses will be constructed in a mix of buff and red brick with grey slate effect roof tiles, and the apartment building will be constructed in a mix of buff and red brick with the same roof material. The majority of dwellings are open plan to their frontage, prominent rear and side boundaries are formed by a brick pillars and fence panels, with fences forming boundaries not visible from the public domain.

The design and appearance of all dwellings proposed is acceptable. The development is open plan with shared surface roads and landscaping such as trees within the site proposed which will mean the development has a green appearance which is appropriate. LCC Highways have stated that the layout is acceptable and that they have no internal highway issues with the proposal. The proposed

layout and designs are appropriate and comply with the requirements of policy GD7 of the Local Plan to 2032 and the paragraphs in the design chapter of the NPPF which they relate to.

Highways and parking

The application has been submitted with a Transport Statement (TS) which contains an assessment of the existing site and highways conditions and considers the proposed development in that context. It found that the site is accessed from Lytham Road which has a 2m footpath on both sides, is lit, and is subject to a 20mph speed limit. Bus stops are located 50m and 90m away, therefore within walking distance. The TS found that there is not an inherent accident issue within the vicinity of the site. It also found that there are a range of destinations within walking distance of the site included nurseries, primary schools, retail, doctors and sports and recreation facilities. Along with the proximity of bus stops the development site can be considered a sustainable location.

The trip rates for the site as a whole found there to be 7 in the AM and 8 in the PM peak, with other residents using public transport or walking. This would equate to 1 vehicle movement every 9 minutes in the AM peak, and 1 every 8 in the PM. This level of traffic is so low that it will not be perceivable against daily traffic fluctuations and the development will have little impact on the capacity of the existing highway network.

LCC have considered this TS and the layout proposed and their views are reported above. They concur with the TS that the development will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site. They also confirm that the proposed access and sightlines available are to the prescribed design standards for sites location and size of development.

They highlight that works to construct the site access and link it to the highway will need to be constructed and explain that a s278 agreement is the technical mechanism to implement that. The off-site works comprise a 2m wide footpath for the frontage of the site. With regard to the internal layout they state that it and the car parking proposed conform to the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Joint Lancashire Structure and the highway layout would also be acceptable for adoption under section 38 of the highways act. The site access is therefore safe, the impact the development will have on the network is negligible and the site is sustainably located.

Officers consider that the views of LCC highways are appropriate in this case and agree that there are no highways issues with the development proposed that cannot be addressed by the imposition of conditions to secure the implementation of the works identified in the application.

Ecology / Trees / Landscaping

The application has been submitted with an ecological assessment of the site by Envirotech. Data searches and a desk study alongside a field visit, to undertake a botanical survey and protected species surveys were carried out as part of the assessment. This found that the plant species on the site are all common to the local area and of low ecological value meaning that gardens and areas of landscaping in the development proposed will provide habitat of equal or greater ecological value.

It found that bats may forage over the site but will not roost there, however some roosting provision can be provided in the scheme and so would also be an enhancement. It found that the adjacent stream should be protected and enhanced to retain the sloping banks at the upstream end. Birds are likely to use scrub and trees on site for nesting between March and September and therefore vegetation clearance should be undertaken outside of this period.

This appraisal was considered by GMEU the Councils ecological consultants and their views in full are reported above. They agree with its findings and recommend a condition with regard to removal of habitat outside of bird nesting season. They also highlight the benefit of including measures to enhance the biodiversity of the site in accordance with the NPPF. They therefore recommend that a condition requiring a scheme for biodiversity measures is submitted for approval, to be carried out along with a planting plan. With such conditions there are no ecological issues.

With regard to Trees and Landscaping the Councils Tree Officer's views are reported above. Policy ENV1 of the Fylde Local Plan to 2032 conditions that development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Policy ENV1 provides Criterion b), which is considered relevant for this proposal. It states that development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge/transitional areas of planting.

The latest revised plans are accompanied with a landscaping and planting plan. The Tree officer has assessed these and as they include matter that were requested in his initial comments he is satisfied that the site provides a suitably diverse range of tree species that are in keeping with the area. He has however stated that the development would be improved by planting some fastigate trees on the main thoroughfare to help to break up the frontage of the properties and make the setting of not just affordable housing but a welcoming place to live and visit. This is a matter that can be addressed by the imposition of a condition to obtain additional landscaping plans. With such a condition in place both an acceptable scheme that complies with ENV1 and provides additional biodiversity than the existing site will be achieved.

Residential amenity

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

The proposed layout shows that dwellings will be appropriately located so as not to create any unacceptable overlooking or loss of light to existing neighbouring dwellings and also those proposed on the adjacent site. The nearest property to the site to are those either side of the site on Lytham Road. To the west of the site is a bungalow, with a bungalow proposed on the application site which will be placed in a side-by-side relationship that will not harm amenity. To the north of the bungalow dwellings are set back so that their rear elevations are approximately 10m from the site boundary which provides an acceptable separation to ensure that the overlooking is not so harmful to create an undue loss of privacy.

The nearest dwelling to the west "The Orchards" is a large dwelling with substantial domestic curtilage, the set back of the dwellings from the existing dyke means that none will create any overlooking or loss of privacy. The dwellings within the site have an acceptable relationship to each other.

With regards to occupier amenity the amendments to the scheme mean that the development has

been pulled away from the by-pass to the north, however the council's environmental protection officer retains concerns despite the conclusions of the noise assessment, so has requested a condition to ensure that dwellings are constructed so that the amenity of residents within the site are not impacted upon by noise from the road. This condition will be included and with this there are no issues with regard to amenity with the proposed scheme.

Other issues

Affordable housing

The scheme is for 100% affordable housing and submitted with the application is an affordable housing statement. This statement outlines that the RP will be Adactus Housing Association (AHA) are part of Jigsaw Homes Group. They currently do not have any built developments in Fylde but have a presence in Wyre and Preston and have advertised through My Home Choice. They have also purchased units from developers in the Fylde area. Whilst originally they intend to deliver 8 of the units as shared ownerships, due to the current Covid-19 pandemic and the increased sales risk (slow down of demand, reduction in lenders) it is no longer viable for AHA to deliver any units by shared ownership. It states funding will be secured through Homes England and a requested will be made for funding through Fylde's s106 commuted sum receipts. The dwellings will all be affordable rent, with levels set at 80% of market rent, with allocations of the rented dwellings in accordance with a nomination agreement with Fylde Council. Whilst this statement outlines an acceptable approach to the letting of these units it does not include enough detail, and therefore the proposal will need to be subject to a condition that requires an Affordable Housing Statement to be submitted with an appropriate level of detail on how the dwellings will be operated and retained as affordable in perpetuity.

Public Open Space

Policy ENV4 of the Local Plan to 2032 supports new residential development subject to the provision of amenity public open space (POS), including facilities for children's play where appropriate, in accordance with standards relevant to the number of bedrooms within each dwelling provided.

The proposal includes small open areas of open space adjacent to the dyke in an area that provides the required maintenance off set along the watercourse and serves as the flood compensation area as set out in the FRA section above. It is not suitable for this area to be used as public open space as it is not readily available for play, is poorly located to the rear of dwellings and is immediately adjacent to the watercourse which presents an obvious hazard for play. It is therefore the case that no play area is provided in the development and this provides a policy conflict.

However, the site is sustainably located within a settlement with sport and recreation facilities available within a walking distance for the residents of the site, albeit not for the very young as these are around 600m away on the Barretts development on the Marconi site or 1km away at Freckleton Memorial Park and Bridges facility in Warton. To address the policy conflict it will be necessary for the development to provide a financial sum to enable the existing facilities to be enhanced as set out in Policy ENV4 and INF1 of the Fylde Local Plan to 2032, with that set at £1,000 per dwelling. A condition will also be required to outline how the communal areas will be managed and maintained.

Education

LCC Education have confirmed that they are not seeking any contributions from this development

Neighbourhood Plan

Unlike other Neighbourhood Plans the Warton Neighbourhood Plan does not provide any policies that refer to development locations but does include references to ensuring that employment sites are not lost, that shops and services are supported, that new development does not increase surface water run off, and that ecological habitats are not harmed. The proposal complies with these elements of the Neighbourhood Plan.

Conclusions

The application involves the development of 26 affordable residential dwellings on a brownfield site within the settlement of Warton, directly adjacent to Freckleton. The development is acceptable in principle in this location and is in accordance with the relevant policies of the Fylde Borough Local Plan to 2032. The applicants have demonstrated that the scheme has passed the Sequential Test, and that the scheme will not be at risk of flooding nor increase flood risk elsewhere so that it passes the Exceptions test. There are no highways, ecology or other issues with the development. As such members are recommended to approve the application.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions. (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

The S106 Agreement is to secure:

- I) a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032

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

The suggested Planning Conditions and Reasons are as follows:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 512 05 (02) 001
- Proposed Site Plan - Drawing no. 512/05(02)002 Rev K
- Boundary treatments plan – Drawing no. 512/05(02)003 Rev D
- Proposed levels plan – Drawing no. 512/05(02)006 Rev C
- Proposed roof plan – Drawing no. 512/05(02)004 Rev D
- Proposed site materials plan – Drawing no. 512/05(02)005 Rev E

- Proposed auto tracking plan – Drawing no. 19.B.12298/2 Rev B
- Type B-B1elevations – Drawing no 512 05 (02)022 Rev D
- Type H Elevations – Drawings no. 512 05 (02)027 and 028 #
- Type A Floor plans – Drawing no. 512 05 (02) 010B
- Type A1 Floor plans – Drawing no. 512 05 (02) 011 Rev B
- Type B1 Floor plans – Drawing no. 512 05 (02) 013 Rev B
- Type A- elevations – Drawing no 512 05 (02) 020 Rev B
- Type A-A1 elevations – Drawing no 512 05 (02) 021 Rev C
- Type C elevations – Drawing no. 512 05 (02) 023 Rev B
- Type C1 elevations – Drawing no. 512 05 (02) 024 Rev B
- Type C floor plan – Drawing no. 512 05 (02) 14 Rev B
- Type C1 Floor plan – Drawing no. 512 05 (02) 15 Rev A
- Type D and D1 elevations – Drawing no. 512 05 (02) 025 Rev C
- Type d and D1 floor plans – Drawing no. 512 05 (02) 16 Rev B
- Street elevations – Drawing no. 512 05 (02)030 Rev D
- Apartments GF Plan – Drawing no. 512 05 (02)040 Rev A
- Apartments FF Plan – Drawing no. 512 05 (02)041 #
- Proposed bin store – Drawing no. 512 05 (02)060 #

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

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

3. The development hereby approved shall comprise of not less than 100% affordable housing for affordable rent and development shall not commence until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme in accordance with the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. proposals for the management of the affordable housing and the arrangements for the transfer of the affordable housing to an affordable housing provider if any of the affordable housing is to be so transferred;
 - ii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and that the dwellings remain affordable in perpetuity;
 - iii. the occupancy criteria to be used to assess eligibility of potential occupiers of the affordable housing and the mechanism for the application of such occupancy criteria.

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

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

5. Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.

Reason: To protect residential amenity in accordance with GD7 of the Fylde Local Plan to 2032.

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

Reason: To protect biodiversity in accordance with the NPPF

7. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: So that there is a biodiversity net gain on the development site in accordance with the NPPF.

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

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

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

in accordance with the approved scheme and programme.

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

10. The dwellings hereby approved shall be designed and constructed to ensure that all dwellings meet the following maximum noise criteria;

External areas – 50 dB(A) LAeq,16hr; and

Internal areas - 35 dB(A) LAeq,16hr (day) and 30 dB(A) LAeq,8hr at night

Reason: To protect the residential amenity of the occupants of the dwellings.

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Carley Daines and Partners Limited (ref. 18-B-12298/Lytham Road, Revision A; dated 6 March 2020) and supporting modelling reports by JBA Consulting (dated 27 February 2020 and 29 April 2020) and the following mitigation measures as detailed:

- Finished floor levels shall be set no lower than 13.03 metres above OrdnanceDatum (mAOD)
- Compensatory flood storage shall be provided in accordance with the 'Flood Modelling Support Lytham Road, Warton' report by JBA Consulting (ref. 2019s1527, dated 27 February 2020) and flood compensation areas plan (drawing no. 12298.40; dated 4 February 2020) by Carley Daines and Partners Ltd which is appended to the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

12. The development hereby permitted must not be commenced until such time as a detailed scheme for the proposed compensatory flood storage works, in accordance with the Flood Risk Assessment by Carley Daines and Partners Limited (ref. 18-B-12298/Lytham Road, Revision A; dated 6 March 2020) and supporting modelling reports by JBA Consulting (dated 27 February 2020 and 29 April 2020), has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The details of the scheme shall demonstrate that:

- the fully required volume of compensatory storage will be provided, as stated in 'Flood Modelling Support Lytham Road, Warton' report by JBA Consulting (ref. 2019s1527, dated 27 February 2020)
- the compensatory storage will be provided on a level for level basis.
- the compensatory storage is to be provided and be fully functional prior to the removal of floodplain storage and the development of the site.

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

13. No development shall commence until a surface water drainage scheme has been submitted to

and approved in writing by the Local Planning Authority. The drainage scheme must 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.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

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

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

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

15. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Estate Roads to at least base course level up to the entrance of the site compound before any further development takes place within the site and shall be further extended before any development on the dwellings themselves is undertaken.

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

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

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing and road sweeping facilities, including details of how, when and where the

- facilities are to be used;
- e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- h) The hours of site operations which are to be limited to 08.00 -18.00 Monday to Friday; 08.00 - 13.00 Saturday and no noise/work activity on Sundays or Bank Holidays

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

Reasons: To ensure that the development can be undertaken with minimal disturbance to neighbouring amenity and the safe and efficient operation of the wider highway network

17. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 39 metres in both directions shall be provided, measured along the centre line of the proposed new access road from the continuation of the nearer edge of the existing carriageway of Lytham Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons: To ensure adequate visibility at the site access in the interest of highway safety.

18. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by the Local Planning Authority. The submitted scheme shall include the following details and the phasing of their implementation:
 - a) Site access to Lytham Road with associated works to kerbs, lining, signage, surfacing, etc
 - b) Off-site works being a 2m wide footpath for the whole of the frontage of the site with Lytham Road excluding the frontage to the watercourse parapet wall.

The approved scheme shall be implemented in accordance with the approved phasing contained in the scheme.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable and to allow the safe connection of the site to the highway network for all highway users in accordance with Policy GD7 of the Fylde Local Plan to 2032.

19. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling within each phase shall be occupied until the approved estate plan has been completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

20. Prior to the commencement of any above ground development an Estate Management Plan shall be submitted for approval in writing by the Local Planning Authority. The Estate Management Plan will include details of the maintenance of the communal areas of amenity grass space, un-adopted highway and parking areas within the site. The development shall be constructed and maintained

in accordance with the approved details.

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

21. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

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

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

23. Prior to the first occupation of the apartment building hereby approved, details of secured covered cycling facilities shall be submitted to the Local Authority for approval in writing, and those approved facilities shall be provided in accordance with the approved plan, before the apartments are occupied and shall be permanently maintained thereafter.

Reasons: To allow for the effective use of the cycle parking areas the promotion of sustainable forms of transport and aid social inclusion


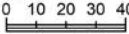
24. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development)(England) Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant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

[CLASS VARIABLES

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

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



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Application No. 5/19/0541	Address Brook Mount, 4 Lytham Road, Warton	Grid Ref. E.3420 : N.4288	Scale 0 10 20 30 40 m 

Site access from Lytham Road



Typical view within site



Item Number: 2

Committee Date: 24 June 2020

Application Reference:	19/0544	Type of Application:	Full Planning Permission
Applicant:	Mr S Fraser	Agent :	Four Architects
Location:	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS		
Proposal:	ERECTION OF 6 BUILDINGS PROVIDING 3130m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING BUILDINGS		
Ward:		Parish:	Westby with Plumptons
Weeks on Hand:	39	Case Officer:	Kieran Birch
Reason for Delay:	Delays in consultation replies		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application site is a collection of farm buildings that are no longer in agricultural use and are located off Moss Hall Lane, south of Long Moss Lane which is itself off Ballam Road at Westby. The site benefits from planning permission for the demolition of the buildings and the erection of four light industrial buildings. The existing buildings on site have previously also been granted planning permission for a change the use from agriculture to light industrial use.

The previous consent and the allocation of the site in the Fylde Local Plan to 2032 for employment purposes mean that the principle of the development is acceptable. The quantum of development, the development's appearance and layout, and its impact on the landscape has been considered and found to be acceptable and appropriate. Landscaping is appropriate in terms of species, size and location, and will help to soften and screen the appearance of development from critical view points. It will also assist in reducing lighting and noise impacts from the development on the surrounding fields that are used by wintering birds.

LCC Highways have no objections and there are no highways issues with the development, nor are there any objections from any drainage consultees. Significant amounts of surveys and additional information have been submitted to demonstrate that with appropriate mitigation there will not be a likely significant effect on wintering birds. Residential amenity will not be impacted upon due to the nature of light industrial use that is proposed and the separation distances involved.

It is therefore recommended that the proposed development is granted planning permission subject to conditions and a legal agreement to secure a contribution towards Travel Plan monitoring.

Reason for Reporting to Committee

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

Site Description and Location

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

The application site consists of 1.04 hectares and contains a number of currently unused agricultural buildings that were used as piggery buildings when the farm was in operation. The buildings range in size and shape but are predominately single storey with pitched roofs constructed with a timber frame, clad in timber and with corrugated iron roof sheets. The total floor area of the existing buildings is 2605m². To the south of the site are two light industrial buildings and to the east and west are open fields. The site benefits from extant planning permission for the erection of 1400m² of light industrial buildings set across the site in four buildings.

Details of Proposal

The application is for the erection of six buildings providing 3130m² of light industrial accommodation at the site. This therefore being an increase in floor area from the buildings currently occupying the site (2605 sqn) as well as the extant permission (1400sqm).

The previous consent was for four buildings set out in a courtyard arrangement with 71 car parking spaces and which were clad in a mix of green cladding and Yorkshire boarding. The proposal here is arranged into six smaller blocks, with two blocks of six units located parallel to Moss Hall Lane with the access between them. Within the site there is an area of landscaping, which is adjacent to two blocks of six, set adjoining each other and facing north and south respectively. Then at the north and south of the site are two longer blocks of eight units, with car parking between these blocks and the central ones. Landscaping surrounds the site and is proposed to be a native hedgerow (50% hawthorn, 50% blackthorn), with Alder, Birch, Rowan and Willow trees planted randomly but a minimum of 600mm apart.

The buildings themselves will be predominately single storey, and so smaller than the approved units, with the majority set at 5.7m and some central units at 7.3m high to the ridge. The scale of the buildings reflect those currently on the site. With regard to their appearance the predominant materials will be brickwork, timber colour cladding with a zinc roof.

Relevant Planning History

Application No.	Development	Decision	Date
19/0782	REPLACEMENT ROOF TO JOIN EXISTING 2NO LIGHT INDUSTRIAL BUILDINGS FOLLOWING REMOVAL OF THE STANCHIONS.	Granted	19/11/2019

18/0418	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 15/0151 FOR THE APPEARANCE, LANDSCAPING AND LAYOUT OF ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS	Granted	03/08/2018
17/0507	REMOVAL OF CONDITION 4 ON PLANNING PERMISSION 14/0545 WHICH APPROVES THE CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	10/08/2017
17/0501	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 14/0545 - CONDITIONS 2 (MATERIALS) ,7 (PARKING), 8 (LANDSCAPING), 10 (DRAINAGE) ,11 (ACCESS AND OFF SITE WORKS) AND 13 (BAT AND BIRD NESTING)	Advice Issued	05/09/2017
15/0151	RE-SUBMISSION OF 14/0550 - OUTLINE APPLICATION FOR THE ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS (ACCESS AND SCALE APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Granted	11/06/2015
14/0545	PROPOSED CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	21/11/2014
14/0547	PROPOSED CHANGE OF USE OF EIGHT TIMBER FRAME AGRICULTURAL BUILDINGS TO LIGHT INDUSTRIAL USE (CLASS B1c) WITH ANCILLARY STORAGE.	Granted	21/11/2014
14/0550	OUTLINE APPLICATION FOR THE ERECTION OF 8 BUILDINGS PROVIDING 2,800m2 OF OFFICE ACCOMMODATION (CLASS B1a) WITH COMMUNAL GYM, DINING ROOM AND SHOWER FACILITIES FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn by Applicant	23/10/2014
14/0554	OUTLINE APPLICATION FOR THE ERECTION OF 1 No. TWO STOREY BUILDING PROVIDING 900M2 OF OFFICE ACCOMMODATION (CLASS B1a) FOLLOWING DEMOLITION OF EXISTING STEEL PORTAL FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn by Applicant	23/10/2014
07/0794	PROPOSED CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO B1 AND B8 USE, TOGETHER WITH THE DEMOLITION OF FARM BUILDINGS AND THEIR REBUILDING FOR B1/B8 USE. NEW VEHICULAR ACCESS TO WEST MOSS LANE, & COMPREHENSIVE LANDSCAPING SCHEME	Finally Disposed Of	18/05/2011

04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) LIGHT INDUSTRIAL USE	Refused	18/08/2004
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Refused	26/05/2004
03/1110	CHANGE OF USE TO B1C, LIGHT INDUSTRIAL USE	Withdrawn by Applicant	17/03/2004
03/0893	RE-SUBMISSION OF APP. NO. 03/543 FOR CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Refused	15/10/2003
03/0725	CHANGE OF USE TO B1 C LIGHT INDUSTRIAL	Refused	15/10/2003
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Granted	10/05/2005
02/0957	RESUBMISSION OF APPLICATION 5/02/344 FOR CHANGE OF USE FROM PIG FARM TO D2 USE (PAINTBALL)	Granted	15/01/2003

Relevant Planning Appeals History

Application No.	Development	Decision	Date
16/0148	OUTLINE APPLICATION FOR UP TO 10 RESIDENTIAL DETACHED DWELLINGS WITH ACCESS (ALL OTHER MATTERS RESERVED) DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS	Dismiss	14/02/2017
04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) LIGHT INDUSTRIAL USE	Allowed	09/06/2005
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Allowed	10/05/2005
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Allowed	10/05/2005

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 30 September 2019 and comment:

It was resolved to OBJECT to the application with regards to the following concerns:

- a) The access point is currently a bridlepath*
- b) West Moss Lane is completely unsuitable as a main access road for the heavier, more frequent traffic that the development will bring*
- c) There will be an excessive amount of vehicles utilising the units*
- d) There is only one access / egress point which is inadequate for two-way traffic – the PC urge the Highways authority visit site to assess*
- e) Ballam Road to West Moss Lane is already a blind corner / hazardous junction*
- f) Lighting / water treatment / waste managements are also concerns due to the rural location*

Statutory Consultees and Observations of Other Interested Parties

Lancashire CC Flood Risk Management Team

No comments received.

Natural England

Numerous responses from NE have resulted in the submission of various documents including the HRA, lighting plans, construction statements and noise assessments. Their responses are summarised below starting with the most recent;

11/6/20 - If the applicants amend the HRA to state that in order to avoid impacts on pink footed geese refuge, they will not have construction traffic accessing Moss Hall Lane (from the south of the application site) and will draw up a travel plan (or other suitable measure) to ensure that at end use the tenants will also be encouraged to avoid using Moss Hall Lane then NE will have no objections to the development.

17/4/20 – Welcome the inclusion of evidence into the updated HRA as requested regarding lighting and noise impacts. NE agree with the conclusion of no Likely Significant Effect.

There is still insufficient assessment on traffic related impacts, the HRA needs to assess the impact of increased traffic on Pink Footed Geese using functionally linked land is still required as previously stated.

10/3/20 – Acknowledge receipt of the HRA. Do not support its adoption as there is insufficient assessment of traffic. The lighting scheme and noise reports need to be referenced as evidence in order to conclude no LSE and should be included in evidence base. Suggest that reference to wildfowl shooting is removed and the results of noise survey referred too, along with in-combination impacts and mitigation if necessary.

29/1/20 – Thank you for the additional information with regard to traffic and lighting. The lighting scheme alleviates NE concerns about the impact on ecology. This should be incorporated into the HRA. The traffic statement does not as the development will attract vehicles during construction which would impact on birds in the Farmland Conservation Area. This needs to be assessed in a HRA.

20/1/20 – Following further noise information we can confirm that the proposal will not have a likely significant effect from noise related impacts on birds. Our other concerns remain outstanding.

20/12/19 – We have previously requested further information on noise impacts, increase in traffic, external lighting and in-combination impacts. We note the submitted noise assessment and would ask that in order to assess whether noise levels are significant and likely to effect birds that the new noise level is compared to the existing one. Any increase of 3dB or more are considered significant and appropriate mitigation measures can be considered and secured by the LPA.

1/11/19 (initial response) – As submitted the application could have potential significant effects on land functionally linked to Ribble & Alt Estuaries Special Protection Area (SPA) and the Queensway Farmland Conservation Area. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

Further assessment of;

- Noise impacts
- The increase in traffic,
- External lighting,

- In-combination impacts.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Greater Manchester Ecology Unit

I am familiar with this site having conducted fieldwork and a contextual site visits in 2016.

I have considered the submitted information: -

- Ecological Appraisal (Envirotech, June 2019)
- Habitat Regulations Assessment (Envirotech, rev 04/09/2016)
- Framework Travel Plan (Hydrock, June 2019)
- Natural England consultation response (4 November 2019)

I have the following comments to make on the proposal:

Assessment of impacts on Ribble and Alt Estuaries SPA and its Functionally Linked Land (FLL)– scheme design and proposed mitigation.

- The HRA appears to be broadly similar to the one submitted for the previous proposal for residential development (16/0148 dated rev 04/09/2016). More importantly, it also appears that matters raised in relation to the previous scheme, which are also pertinent to the current proposal, have not influenced the design of the proposal currently under consideration.
- GMEU do not concur with the HRA and its assessment of the Ribble & Alt Estuaries SPA and the Functionally Linked Land (FLL) - Queensway Farmland Conservation Area, bird behaviour analysis and disturbance distances.
- GMEU does not consider that the likely impacts and any proposed amelioration has been analysed in sufficient detail and robust measures, which can be secured via the planning system, have not been presented.
- The current scheme proposes a number of light business units with circa 80 car parking places. The Framework Travel Plan does not appear to analysis the daily pattern of vehicle movements, or if there is any need to upgrade the existing access to accommodate the increased level of vehicle movements above the present levels. This may need to include alteration to the submitted proposal and introduction of features such as street lighting along with other elements.
- There is no consideration of how the proposal may be lit during either construction and operation.
- The HRA that has been submitted with the proposal includes amelioration of construction noise impacts, but makes no analysis of what light industrial uses may occur. The proposed mitigation appears to align with restrictions on wildfowl shooting. It is not clear why this form of mitigation is proposed and it is considered that further analysis and mitigation for noise impacts would be more appropriate. It is recommended that the proposed mitigation is included within a Construction Environmental Management Plan (CEMP) and submitted prior to determination (see also comments below).
- The HRA appears to suggest homeowners packs be distributed to deal with recreational impacts, but the current proposal is not for residential development. I would suggest that this element of mitigation is reconsidered against the current proposal and the likely worker and visitor occupation rates. The issuing of an information pack is unlikely to be the most appropriate way of dealing with any potential impacts.

- There is a need for the HRA to consider in-combination effects and this needs to be an up to date assessment including Reasonably Foreseeable Projects.
- It is a critical consideration in relation to impacts on the SPA and its FLL that appropriate alternative solutions and mitigation should be designed and agreed prior to the determination of the application and not left to detailed submissions via conditions. There is clear guidance from recent case law on this matter and the need for the LPA (Local Planning Authority) as the competent authority, to consider the application with sufficient detail of any necessary mitigation against the Habitats Regulations (2019).

Permitted Development Rights

Although not in GMEU's remit, we note the recent change in Permitted Development Rights, which occurred in 2017, in relation to conversion of B1C usage to residential use. I would suggest that the LPA seek advice about how these rights would relate to the current proposal, should it receive permission, and in light of the previous Appeal decision.

Other ecological matters

These are present on the site, including potential for amphibians (great crested newt) and the presence of breeding birds (incl little owl not a Schedule 1 bird). In light of recent changes to guidance relating to great crested newt, the current analysis is accepted. It is recommended that these issues can be dealt with via the CEMP (see above).

In summary and conclusion:

- The design of the scheme is not sufficiently detailed to allow the LPA to assess the scheme under the Habitat Regulations and to secure appropriate levels of mitigation for impacts on designated features of the Ribble and Alt Estuaries SPA within Functionally Linked Land.
- The submitted HRA is not fit for purpose and requires further detail of both construction and operation of the scheme.
- The key features are: -
 - Detail of alterations that may be required to highways network to gain access to the scheme, in particular the any need for the introduction of street lighting.
 - Detail of lighting of the proposal, both road and the light industrial accommodation.
 - Predicted usage of the proposal by vehicles during operation. How this can be mitigated.
 - Predicted usage of surrounding area by workers and visitors to the proposal. How this can be mitigated.
 - Consideration of type of B1C usage and noise generation.
 - Detailed CEMP to deal with construction impact mitigation for the designated features of the SPA and other ecological matters.
 - In combination assessment is necessary.
 - Recommend advice is sought by LPA on the Permitted Development Rights for change of use from B1C to residential. How this relates to the Habitats Regulations and the previous Appeal decision.

Lancashire County Council - Highway Authority

10/6/20 – The revised site plan 03-DR-002 rev. D (26.11.2018) is acceptable. The proposed bin stores have been relocated and bike stores have been provided at the end

of the buildings. The applicants have also increased the width of the driving aisles to 6m.

As previously stated, Moss Hall Lane is unadopted, therefore the provision of the 2m footpath is the applicant's responsibility.

15/5/20 – The bin stores need moving. The width between car parking spaces needs to be increased from 5.7m to 6m. The two motorbike spaces are noted but cycle stores need to be provided. The applicant will need to provide the 2m footway in front of the site since Moss Hall Lane is currently un-adopted. The approved passing places which as stated in the previous response are still relevant to this current development will be delivered through an appropriate agreement with LCC as the highway authority. The proposed development is acceptable however all previous responses should be taken into consideration.

7/11/20 – There were no highways objections to previous consents on the site subject to conditions requiring the applicant to submit a scheme for the construction of the site access and provide 3 passing places at various location on West Moss Lane.

The current proposal provides a different layout to that approved, with the number of car parking spaces more than necessary, however given the location of the site there are no objection to the over provision of parking. Provision should be made for motorcycle parking. The width of the access roads and size of the car parking spaces are acceptable, however the space between the spaces needs to be increased to 6m. The corner radii of the junction of the site access with the bridleway should also be 6m.

There are no turning hears at the end of access roads, therefore refuse storage needs to be moved so that refuse vehicles do not need to reverse long distances. The previously approved passing places are still relevant to the proposal and must be delivered by the applicant. Also the proposed increase in units at the site could attract more pedestrian movements. Therefore to avoid pedestrian/vehicle conflict it is considered that the applicant needs to extend both footways from the site along the site frontage to the north and south boundaries at a width of 2m.

The submitted framework travel plan is acceptable however a full Travel Plan would be expected with additional details. LCC also request a contribution of £6000 based on the scale of development in order to appraise and monitor the TP. Until the plans are amended to take account of the above comments, LCC Highways would not recommend approval of the application at this stage.

United Utilities

No objections. In accordance with the NPPF the site should be drained on a separate system with foul water into the public sewer and surface water in the most sustainable way. They request a condition that prevents development until a scheme for surface water drainage has been submitted for approval. They also request one that states that foul and surface water should be drained on separate systems and suggest a condition in relation to the maintenance of the surface water system.

Environment Agency

No objections but make comments. The site is within FZ2 and FZ3. The proposal is for a less vulnerable development and is therefore acceptable in these areas.

The FRA that has been submitted with the application is acceptable and the development would not be at an unacceptable risk of flooding if the proposed mitigation measures are implemented.

They state that it is for the local authority to carry out the Sequential test to determine if there are reasonably available other sites that are at a lower risk of flooding.

With regard to foul drainage they state that this should be to the mains sewer, and if this is not possible to a package sewage treatment tank or septic tank. They do not request any conditions.

Environmental Protection (Pollution)

With reference to your memorandum dated 30th September 2019, there are no objections to the above proposals

Neighbour Observations

Neighbours notified:	30 September 2019
Site Notice Date:	02 October 2019
Press Notice Date:	10 October 2019
Number of Responses	No comments received.

Relevant Planning Policy

Fylde Local Plan to 2032:

EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities
ENV1	Landscape
ENV2	Biodiversity
GD7	Achieving Good Design in Development
T5	Parking Standards

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

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

- Principle of the development
- Landscape and visual impact
- Ecology

- Highways
- Flooding and Drainage
- Residential amenity

Principle of the development

The site benefits from outline planning permission (15/0151) and reserved matters (18/0418) consent for the erection of four buildings on the site providing 1400m² of light industrial development (Class B1c). The site is also indicated as an existing employment site on the Policies Map that accompanies the Fylde Local Plan to 2032, allocating the site in its entirety although this is not reflected in policy EC1 of the text to the Plan which lists those sites but omits this one. This is likely due to the fact that the above permissions have not been implemented. However given that the site has extant permission for industrial development, which is a material consideration, and is allocated for development on the policies map of the Local Plan the principle is clearly acceptable.

Also the fact that the NPPF states that there should be a presumption in favour of sustainable development and paragraph 83– ‘Supporting a prosperous rural economy’ states that planning decisions should; *‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings’* means the proposal complies with the thrust of the NPPF which is for sustainable development and that the development would assist in supporting a prosperous rural economy. The main considerations here therefore are the implications that the increase in development at the site will have on other planning matters as are assessed in the remainder of this report.

Landscape and visual impact

In terms of landscape and visual impact the previous permission was found acceptable as whilst the proposed four buildings were to replace existing agricultural buildings, their appearance was considered to be suitable to in this rural environment. The buildings were to be set out in courtyard arrangement with parking around the buildings, and a large amount of existing hardstanding removed with landscaping in the form of hedgerows and native tree mix proposed along the site boundaries.

The residential development of the site was considered at appeal for 10 dwellings and that appeal was dismissed. One of the reasons it was dismissed was because the Inspector found that it would have unacceptable visual impact due to the sites rural character. In the decision he acknowledges the permissions granted for industrial development as described above stating that these permissions either involved the use of the existing buildings on the site or were for the erection of new light industrial buildings which would have a similar form and massing to the existing agricultural buildings and consequently a similar character. Because of its clearly different form to this he found that the residential development would cause harm to the character and appearance of the area and surrounding development. Therefore, whilst the development proposed here is acceptable in principle, the above findings remain relevant and a material consideration as it underlines that for any development on the site to be found acceptable it must not harm the rural character of the area.

The site as exiting has old dilapidated buildings with a floor area of 2605 sqm, the extant permission comprises 1400sqm of light industrial buildings and the proposal is for six buildings comprising 3130sqm of light industrial accommodation. Therefore the development proposed would increase the built development on the site by 525sqm. The development as proposed replicates the form of the original piggery buildings on the site. These are predominately long low-profile timber buildings

with pitched roofs constructed in dark materials set in rows throughout the site. Some of the existing buildings are two storey with cladding also used.

The buildings proposed in this development are set in six rows and have been designed to have the appearance of agricultural buildings. They will be constructed in brickwork, with timber colour cladding and a zinc roof to reflect materials that would likely to be found in a rural location. The buildings have been set out to provide smaller courtyards where parking will take place between the buildings to reflect the arrangements found in farms in the space where vehicles move between buildings. The layout of the buildings is considered acceptable and they have an acceptable arrangement with the two larger buildings to the south of the site as well as the cluster of buildings to the north. The buildings proposed range in height between 5.7m and 7.3m high. This provides some variety in form on the site and also reflects the existing situation. These heights will reduce the visual impact the proposed development will have and help the development blend in better with the surrounding environment.

A landscaping scheme is also proposed to assist in mitigating the impact of the development. This features a native species mix with dense vegetation and trees planted along the external area of the site in order to mitigate the impact of the development and ensure the rural character is retained. It is considered that whilst the amount of built development on the site will increase, the character of the development is rural and that the proposed landscaping will assist in mitigating its impact.

As an overall conclusion on this point it is considered that buildings of the scale proposed are typical in height and size of agricultural buildings in the wider area, and the layout shown is also appropriate. Landscaping around the site as proposed is also considered acceptable in terms of its location and the species proposed. However further details are still required with regard to how it will be planted and then maintained. With conditions in place and future control over landscaping the development will have an acceptable impact on the visual amenity and character of the open countryside.

Highways

LCC Highways response to the proposal is outlined in the consultee comment section above. They raise no objections to the development stating that it has been subject to a number of different applications which were met with no highways objections and do not raise any here. The previous consent was estimated to generate 26 vehicle movements in the morning peak and 18 in the evening, the proposed development generates 51 in the morning peak and 38 in the evening peak. LCC have not said that this is unacceptable in terms of the capacity of the local network to accommodate these vehicles.

This is dependent on a series of necessary and appropriate carriageway improvements being carried out as part of the development proposal. The scheme for highway improvements provided by the development in the form of three passing places was part of previous approvals and LCC Highways consider this still appropriate and necessary. They also require a 2m footpath at the front of the site to be provided by the applicants. They have made suggestions that have been implemented by the applicants, to ensure that there is sufficient room between parking spaces and refuse and cycle stores are appropriately located. They also require a Travel Plan and a contribution towards Travel Plan monitoring. LCC Highways have previously stated that all construction traffic and development traffic can safely be accommodated on the highway network without it having an unacceptable impact. They therefore raise no objections to this scheme subject to requiring the off site highway works being carried out prior to occupation of the units.

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. However, this needs to take into account of policies set out elsewhere in the NPPF, particularly in rural areas. This site is located in the open countryside but is located relatively close to local distributor roads. Given the lack of objection from LCC Highways there are therefore no highways reasons that could justify refusal of this application.

Ecology

There is a statutory duty for Local Planning Authority's to consider the implications of development on protected species when determining planning applications. Previous consents at the site have been found to be acceptable, including the conversion of the existing buildings, and the demolition of them and the erection of new ones, which is what is proposed here. Therefore, it has already been found acceptable from a biodiversity point of view to remove existing buildings and erect new ones. Therefore, the main issue with this application has been the implications from the increased floor area on the site, and whether or not that will lead to a likely significant effect on wintering birds using the adjacent fields. GMEU and Natural England have both consider the information submitted.

With regard to the removal of existing buildings on the site, GMEU have commented that Construction Environmental Management Plan secured by condition will deal with potential impacts on amphibians and birds and accept the findings of the submitted appraisal. It was found that the buildings were appropriately assessed and that all of the buildings on site were considered to be low risk. A condition will be required as previously to secure bird nesting opportunities within the site, as whilst none of the buildings have been found to be used by bats or birds, their removal will remove potential sites. It is also appropriate to include a condition requiring a further precautionary survey of the buildings on the site to be carried out prior to the commencement of demolition works. This demolition may not take place for a couple of years during which time birds may have occupied the buildings.

The site is located within a sensitive area identified by LERN for birds and the adjacent fields are in use as a feeding ground requiring an assessment of the likely significant impact (regulation 61) of the Conservation of habitats and species regulations 2010 for the Ribble and Alt estuaries. GMEU commented extensively on the initial submission's shortcomings, and Natural England have also requested substantial additional information.

With regard to the submitted Shadow Habitat Regulations Assessment, this considers the impact of the proposal on the site and its surroundings. Throughout the course of the application additional information in the form of noise surveys, lighting plans and the impact of traffic have been submitted so that the likely significant effect of the scheme can be considered. In-combination impacts have also been considered. The site itself which is completely developed was found to be unsuitable for overwintering wildfowl to feed. The adjacent fields were found to be suitable, but the proximity of roads and developments reduce the potential for use of the site boundaries. Birds recorded feeding in the surrounding fields were over 200m away from the development boundary. The HRA states that the following mitigation measures will be implemented during construction and operation;

- Cease construction activity if it necessary to cease waterfowl shooting with the wider area.
- Noise attenuation during construction and hoarding 2m high erected.
- Hedgerows planted around periphery will minimise light spill and noise emanating from the development site.

- The hedge will be backed with a stockproof fence which will prevent dogs straying from the site to the fields.
- Tenant packs and signage will be provided to new occupants of the site to inform them of issues.
- Access improvement works will be carried out in the summer period.
- The road will be tarmacs and passing places installed so that vehicles access the site using a smooth road and not generate excessive noise, vibration or dust. Vehicle movement will be predictable to birds.
- There will be no construction traffic along Moss Hall Lane from the south, and tenants will be encouraged not to travel that way.

Natural England have confirmed that they have accepted the noise surveys, lighting surveys and in-combination study as not having a likely significant effect on wintering birds. Their final response confirmed that subject to the HRA stating that construction traffic will not access Moss House Lane from the south of the site, and therefore past large areas of refuge area, and that a travel plan is provided to ensure that tenants of the site use Moss Hall Lane from the north that they would have no objections. The applicants have provided this in the HRA, at the time of writing NE had no confirmed they have no objections, but this is anticipated to be received prior to Committee and will be confirmed in the late observations. Therefore with appropriate mitigation secured by condition and the adoption of the HRA the development will not have an unacceptable impact on biodiversity.

Flooding and Drainage

The site is located within Flood Zone 3 and a Flood Risk Assessment has been submitted with the application. The Environment Agency have been consulted and have no objections to the development subject to the mitigation measures in the FRA being implemented. This can be subject to a condition requiring the development to be carried out in accordance with the submitted FRA, and a surface water drainage scheme is submitted for approval. The proposed use is for a less vulnerable use and is therefore permitted within this flood zone subject to acceptable drainage being proposed.

The submitted FRA states that floor levels will be 4.35m AOD and that a Suds drainage strategy will be implemented. Whilst not detailed in the FRA previous consent have ensured that surface water run-off from the development will be 20% better than existing by restricting run off from the site and that it connected surface water drainage into the existing system prior to the outfall into the ditch system to the north side of West Moss Lane. United Utilities sewer records have been obtained and identify that there is no adopted drainage infrastructure in the area of the site. It is therefore proposed that a septic tank be used for foul drainage. Conditions will to be placed on any permission granted in order for full details of surface water drainage to be submitted and approved. There are therefore no flooding or drainage issues with the application.

Residential amenity

Policy GD7 – good design in development of the Local Plan to 2032 provides different criteria that developments need to comply with. Criteria c states that new development should “*ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed*”. The nearest house is Coppice Farm House, once part of the farm. The proposed use is for light industry, which, by definition is appropriate to a residential area. Environmental Protection were consulted on the application and state that they have no objections to the proposal. Coppice Farm House was approximately 28m from the nearest building to be converted and is now to be 32m away from the proposed new buildings, with landscaping proposed between the site boundary and the building.

It is considered that this spacing is appropriate and that by repeating conditions that were placed on the previous permissions restricting hours of use and limiting the use of the buildings to use class B1(c), the residential amenity of the neighbouring property can be protected so that there is no detriment to their living conditions over and above what may be expected at an operational farm unit should therefore occur. Class B1(c) is a light industrial use rather than the office use under Class B1(a) or research and development under Class B1(b) and it is important that the use is restricted to this to ensure that there can be no change between these classes within B1 as they have different access, parking and amenity considerations.

This control will also resolve the potential for the premises to be converted to a residential use in the future using permitted development. Whilst there are permitted development rights to convert Class B1c buildings to a residential use this only relates to those in that use prior to 2014 and so would not apply here to any new buildings. Nevertheless it is possible that the regulations may be revised and so a condition would overrule any such change.

Conclusions

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

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

The S106 Agreement is to secure:

- a financial contribution of £6000 (and the phasing of the payment of this contribution) towards the appraisal and monitoring of a Travel Plan in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £300 per payment trigger upon the commencement of development towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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

The suggested Planning Conditions and Reasons are as follows:

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

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

2. This permission relates to the following plans:

- Location Plan - Four Architecture Job 18-006 Drawing 03-DR-001
- Proposed Site Plan – Four Architecture Job 18-006 Drawing 03-DR-002 Rev D
- Proposed Plans and Elevations of Block A and B - Four Architecture Job 18-006 Drawing 03-DR-003
- Proposed Plans and Elevations of Block C and F - Four Architecture Job 18-006 Drawing 03-DR-004
- Proposed Plans and Elevations of Block D and E - Four Architecture Job 18-006 Drawing 03-DR-005

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for Class B1c light industrial purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class B1 of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

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

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

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

5. A full specification of all proposed surface materials shall be submitted to the Local Planning Authority for approval prior to the commencement of the development; thereafter only those approved materials shall be used upon the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the overall quality of the finished development.

6. Prior to the commencement of any above ground works development of this planning consent and

notwithstanding any denotation on the approved plans, a scheme for the design of the external refuse stores associated to each building shall be submitted to and approved in writing. The scheme shall include details of siting and appearance. The approved scheme shall be implemented and made available for use prior to first occupation of the buildings and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policy GD7 of the Fylde Local Plan to 2032.

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

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

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

Reason: To safeguard the visual amenities of the area.

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

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

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

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

11. Prior to the first occupation of any of the building hereby approved, details of the on-going maintenance of the communal areas of the site, the areas of grass and landscaping and any other areas that are not within any building shall be submitted to and approved in writing by the Local Planning Authority. These details shall then be implemented and operated thereafter.

Reason: To ensure the on-going maintenance and management of these public areas in the interests of the character of the area and the amenity of the occupiers of the development.

12. The car parking [and unloading and loading] area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority and shall be made available for use prior to the first occupation of the first of the premises hereby approved, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking on the site, or delivery / collection vehicles.

Reason: To provide satisfactory parking to serve the development

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority with the scheme including a phasing for the construction of these works and details of their on-going maintenance.. The off-site works shall consist of the provision of three passing places along West Moss Lane, the re-surfacing of the highway along Moss Hall Lane, and the provision of a 2m wide footpath along the full extent of site's eastern boundary. None of the units hereby approved shall be first occupied until the approved scheme has been constructed in its entirety in accordance with the approved details.

Reason: In order to improve the local highway network to a standard that can safely accommodate the vehicles that are to utilise it associated with the construction and then operation of the proposed development in accordance with Policy GD7 of the Fylde Local Plan to 2032.

14. There shall at no time be any retail sales from the site.

Reason: In order to protect the vitality and viability of existing Town Centres.

15. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following:

-

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

properties.

h) Hours of on-site demolition and construction

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

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

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

17. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

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

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

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

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

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

20. The mitigation measures outlined in the Shadow HRA by envirotech Rev 20/5/2020 shall be implemented in full throughout construction and during operation of the site.

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

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed

within the FRA:

Finished floor levels are set no lower than 4.5 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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


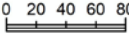
Reason: To prevent the increased risk of flooding, both on and off site.

23. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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



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Application No. 5/19/0544	Address Coppice Farm Land, West Moss Lane, Westby	Grid Ref. E.3353 : N.4303	Scale 0 20 40 60 80 m 

View of buildings and access route back to West Moss Lane



View of typical buildings on site



Item Number: 3

Committee Date: 24 June 2020

Application Reference:	20/0060	Type of Application:	Householder Planning Application
Applicant:	Mr Corbit	Agent :	PLANNING PROBLEMS SOLVED
Location:	HILL HOUSE, HILLOCK LANE, BRYNING WITH WARTON, PRESTON, PR4 1TP		
Proposal:	ERECTION OF DETACHED SINGLE STOREY GARDEN BUILDING TO PROVIDE ADDITIONAL FAMILY LIVING ACCOMMODATION ASSOCIATED WITH OCCUPATION OF HILL HOUSE		
Ward:	WARTON AND WESTBY	Parish:	Bryning with Warton
Weeks on Hand:	21	Case Officer:	Alan Pinder
Reason for Delay:	Application Deferred by Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Refuse

Introduction

This application was considered by the Head of Planning and Housing on 22 April 2020 using emergency powers delegated to him in lieu of the application being considered at the Planning Committee originally scheduled for that date but cancelled in response to the Coronavirus lockdown. That consideration followed consultation with Planning Committee members on the application and as there were a number of members who requested that the application be deferred he decided to respect those requests. The minutes record the decision made as:

“Defer for clarification of scope of application, site visit and to allow interested parties to present to Committee.”

With the relaxation of the lockdown and associated travel restrictions the application is now re-presented for Committee consideration, with a site visit scheduled to be made in the days preceding the Committee meeting. The format of the virtual meeting will also allow interested parties to make verbal presentations to Committee should they wish.

The deferral also refers to members requesting clarification over the scope of the application. This is set out in the officer report below which explains that it is submitted as a householder application and so can only relate to development that is associated with the residential occupation of the existing dwelling at Hill House as a single residential property. Having reviewed the comments from Committee members when their views were canvassed in April it appears that some members understood that this application was for the erection of a new dwelling. That categorically cannot be the case with the application being presented as a householder application, with the report explaining that the proposal is intended to provide a residential annex for that property and so if approved could only be occupied as part of the residential accommodation associated with that dwelling.

Some members also expressed a view that the site was not 'open countryside' and so was suitable for development. Whilst there has been some enclosure of the site it is factually the case that it is designated as countryside under Policy GD4 of the Fylde Local Plan to 2032 and so that is the policy basis to be used in the assessment of all applications. There are many similarly fenced and enclosed areas within the countryside across the borough and that does not remove them from that allocation or the need to assess applications on them against Policy GD4.

There is no additional information to consider since the original report was provided and the officer recommendation remains unchanged, with that being to refuse the application as the application site is not part of the residential curtilage of the dwelling and so the proposal cannot be considered as householder development, that the scale and nature of the proposal relates to the erection of a new dwelling in the Countryside which is contrary to the development strategy and countryside protection policies of the Local Plan, and that the proposal creates an unacceptable level of landscape harm.

The original report from the papers circulated for Committee member comments in April is reproduced below and is unchanged.

Summary of Officer Recommendation

The application site is presented as the dwelling at Hill House on Hillock Lane in Warton and its curtilage, with the proposal being to construct a detached bungalow within that curtilage to provide for additional family accommodation associated with the occupation of Hill House. The site is located in the Countryside outside of the defined settlement and any housing allocation in that area and so is to be assessed against Policy GD4 of the Fylde Local Plan to 2032.

Having considered the factual position with regards the status of the application site, not least that it has never formed part of the curtilage to that property in any planning application for the site from when the dwelling was built in 1974, and has for some years been physically separated from Hill House, it is considered that it does not constitute the lawful curtilage to that dwelling. As such the application cannot be supported as an application for ancillary accommodation to that dwelling due to its location on land outside of the domestic curtilage. Notwithstanding that, the scale, location and form of the development is one that is visually harmful in the relatively open rural character of Hillock Lane and so conflicts with the requirements of Policy ENV1 and Policy GD7 regarding the landscape impact of new development.

For completeness an assessment has also been made against the requirements of Policy GD4 relating to new development in the countryside, and it is concluded that the application cannot comply with the requirement for it to be 'minor infill development' under exception f) of that Policy, or any of the other exceptions. As such it is contrary to development plan policy were it to have been submitted as a new independent dwelling.

The application includes a supporting statement which references various aspects which are presented as material considerations that could outweigh the conflict with the development plan policies set out above, including the needs of the applicant, the decisions on applications for new dwellings elsewhere in the borough, and the accessible location of the site. However, none of these are of sufficient weight to overrule the need to determine applications in accordance with the development plan, and as such the application is recommended for refusal.

Reason for Reporting to Committee

The application is subject to a request from a ward councillor (Cllr Brickles) for it to be determined at Committee on the basis that she *"would like to make representation to the committee on the applications compliance with the local plan and it's visual impact on the village"*.

As she refers to planning reasons with respect to the local plan it is a valid request and so Committee determination is appropriate, and as she will be consulted on the agenda papers that are circulated then it is considered that presenting the item to 'Committee' through the delegated powers currently under operation at this time is appropriate.

Site Description and Location

The red edge with the application includes the dwelling at Hill House, its curtilage and an area of open land, measuring approximately 850 square metres in area, located between 'Hill House' and the junction of Harbour Lane with Hillock Lane in Warton. The application asserts that this area is also within the curtilage to the property. The area in question is a fenced off corner plot that directly fronts onto both Hillock Lane and Harbour Lane, and has an access gate in its Harbour Lane frontage. This area is currently undeveloped and laid to grass but it is understood two dilapidated timber buildings did previously occupy the site but have since been demolished and removed.

The property at Hill House and this land lies to the north of the Warton settlement boundary and within countryside as designated in the Fylde Local Plan to 2032.

Beyond the dwelling at Hill House to the west is an equestrian enterprise, and then beyond that is on-going residential development by Miller Homes as part of the Blackfield End Farm site. To the south is a detached dwelling that was formerly a horticultural operation and then the settlement of Warton, and to the east across Harbour Lane is a further detached dwelling that operates as a boarding kennels. Open agricultural land is to the north across Hillock Lane, albeit with the former home of AFC Fylde, Kellamargh Park, visible from the site.

Details of Proposal

The application is submitted on householder application forms and is supported with the householder application fee for 'Erection of Garden Building for the purposes of Extended Family Living Accommodation'. The council revised this description to 'single storey dwelling for additional family living accommodation' given the appearance of the building is akin to that of a dwelling. However the reference to 'additional family living accommodation remains' and confirms it is to be dealt with as a householder application.

The plans indicate that the proposal is the construction of a detached 2 bedroomed bungalow property on the fenced off area of land adjoining Hill House to provide additional family accommodation. The bungalow would have a dual pitched roof profile that is hipped on all sides and has a 5.2 metre ridge height and 2.5 metre eaves. With regard to the building footprint the application provides conflicting details with the submitted drawings indicating a width of 14.25 metres and a depth of 11 metres, but the supporting statement referring to a width of 14.4 metres and a depth of 10.8 metres. Given that a planning permission would refer to the approved drawings it is assumed that the dimensions annotated on the submitted drawings are those for which permission is sought.

The bungalow would be sited so that its rear and side elevations face onto Hillock Lane and Harbour Lane respectively. The existing site access from Harbour Lane is proposed to be closed off and a new vehicular access formed internally from the driveway that serves Hill House from Harbour Lane. Two parking spaces are proposed within the curtilage of the bungalow. In terms of materials the application states only that the finished external materials are to be brick faced elevations, grey slate roof covering, and upvc window frames and doors.

The application is supported with a planning statement that discusses the planning history to the site, the status of the area of land, and the planning merits of the application including the benefits to the applicant's family and a justification for the siting of the property in the proposed location. This explains that the property is for the benefit of the applicant's parents and a Unilateral Undertaking is referred to so as to limit the occupation of the property. The supporting statement covers the policy matters from the Fylde Local Plan to 2032 and draws a comparison with a scheme that was approved in Elswick before concluding that the application site is a suitable one for the siting of a dwelling due to its proximity to the services available in Warton. A schedule of site photos is presented to support this Statement. An Addendum Statement has also been provided which mainly draws comparison to the approval of an application for a detached dwelling on land at Singleton in 2018.

Relevant Planning History

Application No.	Development	Decision	Date
19/0361	ERECTION OF DETACHED BUNGALOW	Refused	19/06/2019
16/0310	ERECTION OF DETACHED GARDEN STORE BUILDING	Granted	19/07/2016
16/0263	CERTIFICATE OF LAWFULNESS FOR EXISTING USE FOR NON-COMPLIANCE WITH CONDITION 4 OF PLANNING PERMISSION 3/7/6713 IMPOSING AN AGRICULTURAL OCCUPANCY TIE ON THE DWELLING	Approve Certificate	09/06/2016
13/0525	ERECTION OF DETACHED DWELLING	Withdrawn by Applicant	24/10/2013
13/0185	PROPOSED HORSE BOX SHELTER	Granted	15/05/2013
04/0828	CHANGE OF USE OF STABLES, STORE, TACK AND PADDOCK, FROM PRIVATE USE TO TUITION. MODIFICATIONS OF CONDITION 3 ON 99/160 AND 2 ON 01/342	Granted	11/10/2004
01/0342	CONVERSION OF PART OF GRASS PADDOCK INTO SAND PADDOCK	Granted	18/07/2001
99/0160	ERECTION OF THREE BRICK STABLES TO BE USED BY THE OWNERS OF THE ADJOINING DWELLING	Granted	21/04/1999
74/0444	DETAILS OF DETACHED BUNGALOW IN COMPLIANCE WITH CONDITIONS 1 & 3 IMPOSED ON OUTLINE CONSENT APPLICATION 3/7/6713.	Granted	02/10/1974

Relevant Planning Appeals History

None

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 04 February 2020 and comment:

The Parish Council SUPPORT the application. Representations were made to the Council by the applicants that there is a genuine need to provide additional family living space on the property and the members were significantly satisfied with the circumstances that the application should be supported.

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections

Ministry of Defence – Safeguarding

No safeguarding objections

United Utilities

Raise no objections to the proposal subject to the implementation of an appropriate drainage strategy in accordance with the surface water drainage hierarchy set out in the NPPG.

Neighbour Observations

Neighbours notified:

04 February 2020

Number of Responses:

One letter of support from Nine Acres Nursery

Summary of Comments:

We fully support the above mentioned application. Mr. and Mrs. Corbit do need the assistance of their son at times and trust the Development Management Committee /Delegating Officer will take this fact into consideration and approve the proposal.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
DLF1	Development Locations for Fylde
H1	Housing Delivery and the Allocation of Housing Land
H6	Isolated New Homes in the Countryside
S1	Proposed Settlement Hierarchy

Other Relevant Guidance:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

Relevant Planning History

There has been a recent planning history for the erection of a bungalow dwelling on this site under reference 19/0361 which was a full application for a dwelling for independent residential use on this same site. This was refused permission on 19 June 2019 on the grounds that the proposed dwelling did not accord with any of the exceptions for rural development provided by policy GD4 of the Fylde Local Plan to 2032, and thus conflicted with the aims of policy GD4 and the development strategy set out in policies S1 and DLF1 of the Local Plan. The harm that a dwelling in this location would cause to the appearance and character of the area, and thus be contrary to policy GD7 of the Local Plan, was also cited as a reason for refusal.

The current application site is larger than that as it includes the curtilage to the dwelling at Hill House but the area of the proposed development is the same. The building is also now identified as being a family outbuilding rather than an independent dwelling, but has a similar scale, layout and location.

Policy Background

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

Para 1.1 of the submitted supporting statement and the application form asserts this application seeks permission for the erection of a garden building within the curtilage of Hill House to provide ancillary family accommodation. The application site is located in the Countryside area as defined by Policy GD4 of the Fylde Local Plan to 2032 (hereafter referred to as FLP2032). This policy is a restrictive one that seeks to control the development that is undertaken to preserve the rural character of these countryside areas in accordance with NPPF guidance to respect the value of countryside. One of the exceptions that is permitted is '*c) extensions to existing dwellings and other buildings in accordance with Policy H7*'. Whilst this does not refer to the erection of domestic outbuildings explicitly it can be interpreted that it refers to householder development in the wider sense.

Policy H7 imposes a size restriction on the scale of extensions to a rural dwelling, and a qualitative assessment that this scale does not cause visual harm. The policy is interpreted by Fylde officers as not relating to garages as these are not extensions to the dwellings.

This does leave a slight policy gap for the assessment of the scale and design of garages and other outbuildings, hence the importance of Policy GD7 which looks at the design of development proposals in a wider sense and includes an extensive series of criterion for these to be assessed against, including that it enhances the local area and that it relates well to the surrounding local context. Policy ENV1 is also relevant in this regard as it requires new development to respect the landscape setting in which it is proposed.

This policy background applies in the event that the application site is actually part of the lawful domestic curtilage to Hill House, and this is an assessment to be made in the determination of the application. In the event that it is not then there is a need to assess the proposal as if it were for a new dwelling, with the exception of Policy GD4 to apply then being '*f) minor infill development*'.

For completeness in that case, the council has recently received confirmation that a Judicial Review it lodged against the report of a Planning Inspector on the council's Annual Position Statement has been accepted and so this report quashed. This means that the council is currently able to demonstrate a 5.1 year supply of housing using the mechanism for measuring this in the Fylde Local Plan to 2032, and so the policies of that Plan which relate to housing supply should be given full development plan status.

These designate Warton as one of four Strategic Locations for Development across the borough where 90% of development over the Plan period is expected to be focused. This is brought forward in the Plan through the designation of a series of housing allocations, the nearest one to this site being the Blackfield End Farm site to the west which is under active construction. Notwithstanding this, the application site is outside of the settlement boundary and not within any of the housing allocations and so the proximity to the Strategic Location for Development has little relevance in the assessment of this application.

Is the proposal for householder development?

Legal Framework

The application is presented from the forms, plans, statement and fee paid as a householder application. This is defined in Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015 (hereafter referred to as the DMPO) as "*an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse,....*" This brings two assessments for this application: is it in the existing curtilage of the dwelling?, and is it for a purpose that is incidental to the enjoyment of the dwellinghouse?

Background to Curtilage Assessment

The area of the proposed development is under the same ownership as Hill House as evidenced by the ownership certification with this and the most recent application, and has been for some time as is set out in para 1.2 of the supporting statement with the application. However, that does not mean that it forms part of the domestic curtilage, with that assessment having two main elements:

Lawful curtilage extent from planning history

The dwelling at Hill House was constructed under planning permission 3/7/6713 as an agricultural workers dwelling, with reserved matters approved 74/0444 confirming the details of this. Whilst those records are not available to officers at this time due to them being archived in the Town Hall and so inaccessible due to travel restrictions, application 16/0623 is helpful. This is a Certificate of Lawful Development that successfully argued the agricultural tie on the property should be removed as it had been breached for a period of in excess of 10 years. The file for this confirms that the application site for the erection of the bungalow excludes the parcel of land where the building is currently proposed from the domestic curtilage of Hill House. As such it was not domestic curtilage in 2016 according to the planning history of the property.

This is underlined by application 19/0361 which sought planning permission for the erection of a dwelling on the same land that is the subject of this application and the location plan for that application clearly shows the site to be separate from the curtilage of Hill House.

Lawful curtilage extent from other evidence

The domestic curtilage to a property is generally taken to be that area of land that is closely and intimately associated with it and serves the residential purposes of that dwelling to some degree. The supporting statement references photographs from the 1940s and 1970s (when the dwelling was under construction) but these have limited value due to their age. The supporting statement

also comments at 1.7 that *“The corner area of the land at Hill House has laid vacant in recent years in terms of being any sort of formal garden use and is clearly not now a part of the main manicured garden area to Hill House.....”* This view is borne out by the officer site visit for this and recent applications which confirm that the site is physically separated from the lawful domestic curtilage (as in the planning permissions above) by a fence and has the appearance of rough and unmaintained land. Furthermore, reference to recent Google Maps images confirm that the land has had this distinctly different appearance for some time as evidenced by images that show it forming an orchard up to 2013, being unkempt and unused beyond that and being fenced off from the surrounding land from 2017.

Summary to curtilage question

From this assessment it is clear to officers that the part of the application site where the dwelling is proposed is not part of the lawful domestic curtilage of the property with reference to the planning history, and has not become part of that lawful curtilage through its use over time. Whilst the applicant could have chosen to submit a Lawful Development Certificate in an attempt to argue that the land was domestic curtilage they have not and so, with this likely to be due to the evidence set out above clearly demonstrating it is not, such a Certificate could only be refused.

Is the proposed use incidental?

The DMPO does not provide any further definition of what would be incidental development to a dwelling. However, it is key that the definition relates to the development of ‘a dwelling’ in the singular form. The submitted plans under this application indicate the erection of a detached building that is on land that is not currently in any use associated with Hill House, the site plan indicates that it will be provided with its own access that is separated from the driveway serving the existing dwelling shortly beyond the highway access and then leads to its own separate parking area. There is a suggestion that the existing fence that segregates this site from the garden to Hill House will be removed and a path constructed, but other than that the bungalow would have the appearance of a detached dwelling that is independent to the existing dwelling at Hill House. Internally, the plans indicate 2 en-suite bedrooms, a utility room, a hobby room, a bathroom, and a large dining/kitchen / lounge area. As such the internal accommodation will provide the entire range of accommodation needed to provide a self-contained unit of independent accommodation. The result of this is that both the external and internal layout of the proposal would be that which would be expected of a detached dwelling that could be occupied without any reliance on the existing dwelling at Hill House.

It is noted that there is reference in the submission to the intended occupiers being the parents of the current occupiers of Hill House and a legal agreement is presented which purports to enforce that. These aspects are discussed elsewhere in this report, but do not provide any justification that the building proposed under this application is not a detached independently occupied dwelling. As such it cannot legitimately be considered as providing development that is incidental to the occupation of Hill House.

Summary to Householder development query

Having undertaken this assessment, it is factually the case that the proposed building is not located within the lawful curtilage of the dwelling at Hill House with reference to its planning history or the use of the land. It is also the case that the form of the development is such that it is not for a use which is incidental to the residential occupation of that dwelling as ‘a dwelling’ as it involves the development a second dwelling on the site.

This means that in both respects the application cannot be accepted as being legitimately for a form of ‘householder application’ as set out in the DMPO and so a reason for refusal on that basis is

necessary.

The remaining sections of this report will assess the other possible scenarios and the planning implications of them.

Policy Merits of Erection of a Dwelling

Development Strategy

The previous application (ref. 19/0361) for a dwelling on this site was refused permission in June 2019 on the grounds that it failed to accord with any of the exceptions provided by Policy GD4 and that the visual impact of the development would unacceptably harm the character and appearance of this area of countryside, contrary to the aims of Policy GD7. This new application is essentially identical to 19/0361 and differs in that it now asserts that the proposed dwelling would be within the curtilage of Hill House and that exceptional circumstances exist that override the conflict with Policy GD4. It also proposes additional landscaping to overcome the conflict with Policy GD7.

Policy S1 of the FLP2032 sets out a hierarchy of locations where new development is to be focussed, with the intention being to direct the majority of development to Key Service Centres and Local Service Centres in urban areas which have the greatest accessibility to local services, employment and transport opportunities. A smaller proportion of development will be permitted in rural areas, with this to be directed primarily towards the Tier 1: Larger Rural Settlements and, secondarily, to the Tier 2: Smaller Rural Settlements. Policy S1 indicates that *“development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy, will be promoted in accordance with the Development Strategy.”* Policy S1 also states that *“within the rural areas, development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, except where development is allowed by Policy GD2, GD3 or GD4”*. In addition, the policy indicates that *“development will be permitted within the limits of the rural settlement boundaries where it is consistent with other policies”*.

Possible compliance with Policy GD4

In this instance the application site is outside of any settlement boundary and within countryside as allocated under Policy GD4 of the Fylde Local Plan to 2032. Policy GD4 restricts support for new development within designated countryside unless the development falls within one of six criteria listed within the policy. Given that the application is for a new dwelling only criteria 'e' and 'f' of GD4 are potentially relevant. Criterion 'e' makes allowance for isolated new rural homes which meet the criteria set out in policy H6, and criterion 'f' makes allowance for minor infill development.

With regard to criterion 'e' there are clear doubts over whether the application site could be considered isolated given the proximity of existing properties to the east, west and south of the site. This notwithstanding, in order to accord with Policy H6 the proposed dwellings would have to either: 1) be required to meet the essential needs of a rural worker, 2) be of exceptional design that raises standards of design in the countryside, 3) represent the optimal viable use of a heritage asset or is appropriate enabling development to secure the future of a heritage asset, or 4) involves the re-use of a redundant or disused building and enhances the immediate setting. In this instance the proposed development fails to accord with any of these criteria of H6 and thus cannot not fall within the exception provided by criterion 'e' of Policy GD4.

Criterion 'f' of Policy GD4 provides support for minor infill development. Policy GD4 provides no guidance on what constitutes minor infill development, although the justification for the policy explains in para 7.15 that *“Minor infill development will be of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy*

ENV3.” Hence in order to accord with this criterion the proposed development must pass three tests to be considered acceptable; it must be minor, it must be infill, and it should not have a material impact on the rural character of the area. The provisions of Policy ENV3 are not relevant in this case as that relates to the protection of identified open space under that policy of the Local Plan.

Is the development minor?

Whether a scheme is 'minor' development primarily relates to the context of the site, in particular the extent of surrounding built development. In this instance the location for the bungalow is neighboured to the west by Hill House, to the east by Pickforal Kennels, and to the south by Nine Acres Nursery. Within this surrounding context the provision of one new detached dwelling is considered numerically representative of minor development.

Is the development infill?

The National Planning Policy Framework, National Planning Practice Guidance, or other planning legislation do not provide a definition or guidance as to what constitutes infill development. Some guidance is provided by the Planning Portal's glossary which defines infill development as "*the development of a relatively small gap between existing buildings*", and by the recognised industry guide, 'Development Control Practice Online', which defines infill development as "*development inserted into a gap in an existing largely developed frontage*". These are helpful in assessing such proposals.

In this instance the frontage, within which the development would be sited, is formed by Hill House to the west and Pickforal Kennels to the east. These two properties are the only ones that front onto Hillock Lane, and whilst there is some residential development this is well to the west and is set back from the frontage. This means that as there are only 2 dwellings on the road there is no 'developed frontage' of properties.

It is also the case that there is a separation distance of approximately 115 metres between these two properties, with that including the fenced area of this proposed dwelling, the highway and associated verges of Harbour Lane, and a paddock area that appears to be associated with Pickforal Kennels. This large gap between Hill House and Pickforal Kennels, together with the intervening Harbour Lane, is such that the development of the part of it proposed in this scheme cannot be the 'infilling of a small gap'.

Accordingly, as the overall appearance is not one of a developed frontage of any great extent and the development does not infill a small gap in it the officer view is that the proposed development cannot be considered to be infill development by any reasonable interpretation of the term.

Does the development have a material impact on the rural character of the area?

The application site is a fenced area of land prominently located at the corner junction of Hillock Lane and Harbour Lane. Irrespective of the fence which impacts on very close-range views, in medium range views the site forms part of the open aspect that is generally prevalent when approaching the site from Harbour Lane and in both directions on Hillock Lane, and in longer range views it forms part of the generally soft edge to the village. As such this open character contributes positively to the wider visual amenity of this rural area.

One of the reasons for refusal of the previous application (ref. 19/0361) was the harm that a dwelling on this site would cause to the visual amenity and character of the area. This application seeks to overcome this reason for refusal by proposing tall landscaping along both the Hillock Lane and Harbour Lane boundaries to screen the dwelling from public view. However planting along

these boundaries would take time to mature and would have to be exceptionally dense to effectively screen the proposed dwelling. This notwithstanding, the proposed screen planting would still result in the loss of the open aspect of this corner plot, which is the site's main visual contribution to the amenity and character of the area. Accordingly, the proposed development would inevitably have a material impact on the landscape of this site contrary to the guidance in the supporting text to Policy GD4. The overall landscape impact will be assessed further later in this report.

Summary to Compliance with Policy GD4

Having regard for the above assessment the proposed development would not accord with any of the exceptions provided by Policy GD4 and thus would represent inappropriate development in countryside that conflicts with the aims of that policy. Given this policy conflict it is necessary to examine whether the exceptional circumstances put forward by the applicant are sufficient to override this conflict to an extent that permission should be granted.

Are there exceptional circumstances?

For this application the applicant asserts that the dwelling is required to *"allow the occupation by the applicant's closest relatives who seek to live with a wider family group at the property but still live independently and not in an extended portion of Hill House"* (para 3.2 of the submitted supporting statement). This need has been evidenced with the submission of various medical statements from both the applicant and doctors of the applicant's parents advising that a move into extended family accommodation, in order to be closer to family, would be in their best interests.

Whilst the personal circumstances of an applicant can be a material consideration they must be weighed against the availability of more appropriate options to meet that need, and be of a significance that outweigh the general need to comply with the development plan.

In this instance the applicant states the new dwelling is required to allow his elderly parents to live in close proximity of his family home, Hill House. Hill House benefits from a large garden curtilage, comprising a mix of trees and a large open grassed area. With this in mind a more appropriate option would be to consider either extending the existing property to provide additional accommodation, or provide a small detached unit of ancillary accommodation within the lawful curtilage that could be utilised for other ancillary purposes when it is no longer required as accommodation for the parents.

This option is discounted in para 3.3 of the supporting statement which states: *"There would be no sense in digging up lawned areas which provide a pleasant vista for the existing dwelling, and even less in felling well established trees or scrubbing up other denser landscaped areas"*. However, this is not accepted as being a robust reason for the dismissing of these options and it is officer view that whilst the proposed new dwelling may provide benefit to the applicant and his extended family (in terms of enabling his elderly parents to live in closer proximity) this benefit is not an exceptional circumstance that overrides the development plan presumption against the proposal, particularly when alternative and more appropriate options (as discussed above) could be further explored to meet that need.

Accordingly it is not accepted that the application presents any robust supporting reasons that the health, welfare and other needs of the applicant's relatives can only be satisfied by the erection of a new bungalow in the location that is proposed in this application.

On this basis if it were the case that the proposal was to be assessed as a new development in the countryside under Policy GD4 then there is no justification for not determining the application as being in conflict with that Policy and so a reason for refusal on this basis is appropriate.

Landscape Character Impact

As discussed earlier, the area where the bungalow is proposed makes a positive contribution to the character of the wider area in close, medium and far views. The construction of the bungalow will have an impact on that character by replacing the openness with the inevitably urbanised development involved with a residential property, by the associated paraphernalia around a dwelling, and in this case the intention to erect extensive planting around all sides in an effect to mitigate against this urbanising form of development. The fact that the property is designed as a bungalow reduces the impact to a degree, but this will still provide a harmful impact as set out in the reasons for refusal of the 2019 application for a dwelling on the site.

The landscape character of the borough is a matter that is assessed under Policy ENV1 and elements of GD7 of the FLP2032. Policy ENV1 requires that development has regard for the landscape setting of the area and this is reflected in criteria a), d), h) and i) of Policy GD7.

The construction of a dwelling in this location will result in the loss of an area of land which provides an open aspect that contributes to the wider visual amenity and character of this rural area, with the similar open aspect across Harbour Lane at the junction complementing it. Whilst the proposed screen landscaping along the Hillock Lane and Harbour Lane may reduce the visual impact of the dwelling to a degree (as supported by aspects of Policy ENV1) it would not overcome the harm caused by the loss of this contributing open aspect. Accordingly, the development would also be contrary to the aims of Policy ENV1 and the criteria of policy GD7 of the FLP2032 set out above.

This landscape harm justifies a further reason for the refusal of the application and applies equally to the scheme as an ancillary residential building as presented or if it were to form an independent dwelling as it appears to be.

Neighbour amenity

The proposed bungalow would be sufficiently distant from all neighbouring dwellings as to have no impact on neighbouring residential amenity.

Access & parking

The dwelling at Hill House takes its access from Harbour Lane to the south of the location of the area where the dwelling is proposed. The intention is that the bungalow would be served from this access point with the proposed site layout indicates that at least two parking spaces would be provided within the curtilage of the proposed bungalow. County highways have not been consulted on this application but were consulted on the previous application which proposed the same access arrangement, and they raised no objections on that occasion, opining that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Accordingly there is no reason to consider that the proposed access and parking arrangements are now unacceptable. As such the proposed development is considered to accord with those criteria of policy GD7 that relate to highway and parking impacts.

Pedestrian Connectivity

The application site has an access to Harbour Lane, which at that point has the appearance of a rural lane with no lighting, no footways, and grass verges and hedgerows to both sides. It is close to the junction with Hillock Lane which shares those characteristics. The application statement highlights the proximity and availability of a range of services in Warton and suggests that this makes the site a suitable one for development as a result.

It is the case that Warton does offer a range of services, employment opportunities, schools, etc as well as a frequent bus service to other settlements, and it is on this basis that it was designated for strategic levels of growth in the Fylde Local Plan to 2032. However the accessibility of this site to these services is restricted by the separation of the access on Harbour Lane to the footpath on that road which terminates around 110m to the south of the application site access point at Snowdrop Grove. Whilst there is a continuous connection from that point this will only be accessible from the application site by pedestrians walking in the rural road for that distance, and with the absence of lighting or a footway this is not a safe or attractive route for pedestrians to utilise and so diminishes the accessibility credentials presented in the application.

Other matters

The following issues are considered to be of most relevance to the determination of the application and are matters raised in the supporting statements.

Previously developed land

The applicant's supporting statement asserts that the application site represents previously developed land and as such its development for residential use is supported by the NPPF. Annex 2 of the National Planning Policy Framework excludes from the definition of 'previously developed land' land that was previously developed but where the remains of the permanent structure or fixed surface have blended into the landscape. In this instance whilst the application site has been occupied by buildings in the past there is no evidence that these were anything other than agricultural / horticultural in their nature and so would be excluded from the definition of 'previously development land' as a result. Furthermore, these buildings are not present and the land now has the appearance of being fully grassed over with little, if any, evidence of previous development and thus has regenerated to a point that would also exclude it from the definition of 'previously developed land'.

Notwithstanding the above, paragraph 117 of the NPPF expands on this by stating that "*Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land*" and paragraph 118(c) requiring planning policies and decisions to "*give substantial weight to the value of using suitable brownfield land within settlements for homes or other identified needs*". The Fylde Local Plan to 2032 is consistent with the NPPF and Strategic Objective 1 of the Plan (para 4.5) seeks to locate all development primarily within the four strategic locations (set out in policy DLF1) where it makes "*the best use of previously developed land and buildings.....to reduce the loss of greenfield land*". The justification for policy GD1 of the Plan adds that GD1 supports development of previously developed land within settlements subject to other relevant Local Plan policies being satisfied. In this instance the proposed development site lies outside of any settlement (and strategic location) and thus fails to accord with requirements of both the NPPF and the Fylde Local Plan to 2032.

Having regard for the above it is the council's view that the development site does not fall within the scope of previously developed land, and that even if it did the site lies outside of any of the strategic locations set out in policy DLF1 and outside of any designated settlement. For these reasons the proposed development fails to be supported by either the Local Plan or the NPPF in respect of the site being previously developed land.

Unilateral undertaking

The applicant has submitted a 'unilateral undertaking' (i.e. a planning obligation) in support of the application that pertains to restrict occupation of the dwelling in the first instance to the applicant's parents and then subsequently, on the death of both parents, to the applicant and his spouse. The

purpose of a planning obligation is to make otherwise unacceptable development acceptable.

In this instance the proposed development is unacceptable for three reasons; the first that it does not constitute householder development as it is not within the defined curtilage to the dwelling, the second that as a result it is effectively proposing the creation of a new dwelling within countryside contrary to policy GD4 of the Fylde Local Plan to 2032, and thirdly that it would cause unacceptable harm to the visual amenity and character of this rural area irrespective of the form of occupation of the building.

The submitted planning obligation does not address any of these issues but merely dictates who will occupy the bungalow in the first instance and who will occupy it following their death. It is silent on what happens to the dwelling thereafter, and does nothing to prevent a new market dwelling ultimately being allowed in the countryside or to address the harm caused to the visual amenity of the area. Notwithstanding these issues, the submitted planning obligation does not specify the planning application to which it relates (and so is not linked to the issue of a planning permission), and also has no red edge location plan to identify the land to which it relates. It is therefore a legally ineffectual document and can be given no weight in the determination of this application.

Consistency with other decisions

Whilst it is the case that all planning applications are determined on their own merits, it is also important that applications are determined consistently with other similar proposals where they raise the same planning issues and context. With that in mind the applicant's supporting statements highlight two recent decisions which it is argued are similar to the proposal here.

The supporting statement refers to planning permission 19/0123 which supports the erection of 3 dwellings on an area of land at Gorst Farm which is outside the village of Elswick. In that case the application was for planning permission for 3 dwellings (not ancillary accommodation to an existing dwelling) and so is a different form of development to that proposed here. There are similarities in the site in that both are allocated as countryside and are outside of the defined settlement boundary, but the key reason that the development at Gorst Farm was supported was that it involved the reinstatement of an extensive area of that former farm to an appearance that would reflect its position on the approaches to the village. This brought wider landscape benefits that were such that the scheme was supported despite the failure to accord fully with development plan policy. The statement also argues that the Gorst Farm site is more distant from the centre of the village than is the case at this site, and whilst that may be the case in distance terms the Gorst Farm scheme also provided a continuous pedestrian footway connection to the village whereas the Hill House property is separated from the edge of the village footway network by a 110m gap which will require pedestrians to walk in the carriageway to access those services so is less safe and convenient than at Gorst Farm. Accordingly there are key differences between the planning merits of the two schemes.

In an addendum to the supporting statement the applicant compares the circumstances of this proposed development to that of an earlier planning permission (ref. 18/0144) granted in April 2018 for a new dwelling within the countryside at Mains Lane in Singleton. That approved scheme has similarities to this proposal as it was for a single dwelling located within countryside and was determined at a time when the council was able to demonstrate a 5 year housing supply. There are however key differences: Firstly 18/0144 pre-dated the adoption of the Fylde Local Plan to 2032 and the conclusion of the examination of that Plan which means that the weight to be attributed to its policies must be reduced and so Policy GD4 was not a policy test during its consideration. Secondly, the assessment that was made of the visual impact of this development was less specially defined than that laid down in Policy GD4, and was aided by the removal of the

existing buildings on the site to facilitate the dwelling, which reduced the visual impact in the rural landscape. Thirdly the Mains Lane proposal was for a dwelling (not ancillary accommodation) which is located in a small gap in an otherwise built upon frontage and so constitutes 'minor infill development' as this scheme patently doesn't as set out earlier in this report. Accordingly it is incorrect for the assertion to be made that the council's granting of planning permission for 18/0144 should support the granting of permission for dwelling proposed by this application as there are key differences between the two cases.

Conclusion

The application site is presented as the dwelling at Hill House on Hillock Lane in Warton and its curtilage, with the proposal being to construct a detached bungalow within that curtilage to provide for additional family accommodation associated with the occupation of Hill House. The site is located in the Countryside outside of the defined settlement and any housing allocation in that area and so is to be assessed against Policy GD4 of the Fylde Local Plan to 2032.

Having considered the factual position with regards the status of the application site, not least that it has never formed part of the curtilage to that property in any planning application for the site from when the dwelling was built in 1974, and has for some years been physically separated from Hill House, it is considered that it does not constitute the lawful curtilage to that dwelling. As such the application cannot be supported as an application for ancillary accommodation to that dwelling due to its location on land outside of the domestic curtilage. Notwithstanding that, the scale, location and form of the development is one that is visually harmful in the relatively open rural character of Hillock Lane and so conflicts with the requirements of Policy ENV1 and Policy GD7 regarding the landscape impact of new development.

For completeness an assessment has also been made against the requirements of Policy GD4 relating to new development in the countryside, and it is concluded that the application cannot comply with the requirement for it to be 'minor infill development' under exception f) of that Policy, or any of the other exceptions. As such it is contrary to development plan policy were it to have been submitted as a new independent dwelling.

The application includes a supporting statement which references various aspects which are presented as material considerations that could outweigh the conflict with the development plan policies set out above, including the needs of the applicant, the decisions on applications for new dwellings elsewhere in the borough, and the accessible location of the site. However, none of these are of sufficient weight to overrule the need to determine applications in accordance with the development plan, and as such the application is recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The application form, plans, supporting statement and application fee paid reference that the applications is presented as a 'householder application' in accordance with the definition set out in Article 2 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. However by reference to the site history of the land (including that for the development of Hill House, Hillock Lane, Warton), its physical separation from the applicant's dwelling, and the lack of any clear association with that dwelling in either its location or current/past use it is the case that the land where the bungalow is proposed to be constructed does not form part of the lawful domestic curtilage to the property. It is also the case that the scale, layout, form, interned operation and arrangement of the bungalow within the site are such

that it would not be used for a purpose that is incidental to the enjoyment of the dwellinghouse at Hill House. Accordingly the proposal fails to meet either of the requirements set out in the definition of a householder application in that legislation and so cannot be determined as such.

2. Notwithstanding the fact that the application is presented as a householder application it appears as an application for the erection of an independent dwelling and so should be assessed as such. The site is located within the Countryside as designated in the Fylde Local Plan to 2032. The proposal does not fall within any of the categories of development which are appropriate in the Countryside as set out in Policy GD4 of the Fylde Local Plan to 2032. As the Council has an up-to-date Local Plan and is able to demonstrate a five year supply of deliverable housing sites, the restrictive approach to new residential development in the Countryside Area set out in Policy GD4 is not out-of-date. Accordingly, it is in conflict with the development plan taken as a whole, in particular Policy GD4, and is contrary to paragraphs 2 and 15 of the National Planning Policy Framework, which require decisions to be taken in the context of a genuinely plan-led system.
3. The site is not located within a defined settlement, nor is it in any of the Strategic or Non-Strategic Locations for Development identified in the Fylde Local Plan to 2032. As the proposal does not meet any of the criteria where development is permissible in the Countryside Area under policy GD4 of the Fylde Local Plan to 2032, the introduction of residential development in this location would conflict with the development strategy in policy DLF1 of the Fylde Local Plan to 2032 by diverting development away from the Strategic and Non-Strategic locations which should be the focus for new residential development, including small windfall sites. Accordingly, the site is not a suitable location for housing and the development is in conflict with the requirements of Fylde Local Plan to 2032 policies S1 and DLF1, and paragraphs 2 and 15 of the National Planning Policy Framework, which require decisions to be taken in the context of a genuinely plan-led system.
4. The application site is a prominent corner plot with an open aspect that contributes to the overall visual amenity and character of this rural area in close, medium and far range views. The siting of the proposed building on the land, be it as either incidental accommodation associated with Hill House or as a separate dwelling, would greatly diminish this contribution and cause inappropriate harm to the character and appearance of this area through the inevitable urbanising impact that residential development will bring with this not adequately mitigated by the scale of the proposed dwelling or the nature and extent of proposed landscaping. The development will create a level of harm that is contrary to the aims of Policy ENV1 regarding the landscape quality of the borough and the associated criteria a, 'd', 'h' and 'i' of Policy GD7 of the Fylde Local Plan to 2032.



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Ordnance Survey (100006084).

Application No.
5/20/0060

Address
Hill House, Hillock Lane, Warton

Grid Ref.
E.3409 : N.4292

Scale
0 10 20 30 40 m

View of site from Hillock Lane



View of proposed location of outbuilding from within site



Item Number: 4

Committee Date: 24 June 2020

Application Reference: 20/0183		Type of Application: Full Planning Permission	
Applicant:	Great Places Housing Association	Agent :	Smith & Love Planning Consultants
Location:	LAND SOUTH OF BOWDEN LANE, LYTHAM ST ANNES, FY8 3FN		
Proposal:	RESIDENTIAL DEVELOPMENT OF 28 AFFORDABLE DWELLINGS COMPRISING 22 HOUSES AND 6 APARTMENTS WITH ASSOCIATED INFRASTRUCTURE		
Ward:	HEYHOUSES	Parish:	St Anne's on the Sea
Weeks on Hand:	14	Case Officer:	Matthew Taylor
Reason for Delay:	Design Improvements		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to a central, *circa* 0.6 hectare parcel of the former Electronic Data Systems (EDS) site located between the southern end of Bowden Lane and Shepherd Road, Lytham St Annes. To the north the site is bordered by existing dwellings forming the first, recently completed phase of Morris Homes' Clifton View development ('Phase 1'). To the south, east and west the site adjoins an irregularly-shaped parcel of land which benefits from extant permissions (15/0787 and 19/0815) for a further development of 146 dwellings which forms Morris Homes' second phase of Clifton View ('Phase 2').

The wider EDS land is allocated as a strategic housing site (reference MUS4) on the Fylde Local Plan to 2032 Policies Map and the application site benefits from an extant planning permission for a residential development of 30 dwellings pursuant to reserved matters approval 13/0448. Collectively, that approval allows a total of 162 dwellings to be constructed – 132 dwellings by Morris Homes at Clifton View Phase 1 (now completed) and a further 30 dwellings by Hollinwood Homes on the application site (known through that permission as the 'Worthington Land'). While the latter phase of 30 dwellings has not been brought forward to date, the permission remains extant by virtue of Morris Homes having implemented Phase 1. Accordingly, the extant permission for 30 dwellings on the site represents the 'fallback' position for residential development on the land and establishes the principle of development for this purpose.

The current application seeks full planning permission for a residential development of 28 dwellings on the Worthington Land. The development would comprise 22 two-storey houses and a block of 6 two-storey apartments. All of the dwellings are to be constructed by a Registered Provider (Great Places Housing Association) to meet the definition of 'affordable housing' given in Annex 2 of the National Planning Policy Framework. The dwelling mix would comprise:- 6 x 1 bed units; 14 x 2 bed units; 6 x 3 bed units; and 2 x 4 bed units. The

affordable housing tenure split includes a mix of 12 units for affordable rent and 16 for shared ownership. The mix of dwelling sizes and provision of 6 units designed to provide specialist accommodation for the elderly would comply with the requirements set out in policy H2 of the local plan.

The development would be accessed via a southerly/south-westerly extension of Bowden Lane along a 5.5m wide estate road with 2m footways on both sides. The carriageway would narrow to 4.8m on its western flank before reaching the boundary with Phase 2 where a bollarded link (to be constructed by Morris Homes pursuant to conditions 10 and 2 of planning permissions 15/0787 and 19/0815) will prevent vehicle access through to Shepherd Road via Phase 2. Accordingly, vehicle access to the site will be via Bowden Lane (which links with Main Drive and Heyhouses Lane further to the north). This access strategy replicates that of the 30 dwelling development approved by application 13/0448 (though the estate road proposed in this scheme achieves a superior design to allow adoption by the Local Highway Authority) and would not give rise to any severe residual, cumulative effects on network capacity or adverse impacts on highway safety. The development's relationship with the pedestrian and cycle link through to Phase 2 would also incorporate sustainable connections and permeability for pedestrian and cycle traffic. Accordingly, a safe and suitable means of access for all users would be achieved.

The layout of the dwellings would follow the highway frontage of the estate road, resulting in a consistent building line and ensuring a mix of hard and soft landscaping which achieves a spacious, garden fronted aspect to the roadside and a continuation of the general pattern, density and layout of development on Phases 1 and 2 of Clifton View. The dwellings would comprise simple, but well-proportioned elevations with generous-sized window openings orientated to address key vantage points and corner aspects both within and outside the site. All buildings would be two storeys in height and finished in red brick walls below grey tiled roofs to follow those of the Clifton View development.

Spacing distances achieved between dwellings would replicate those achieved on Phases 1 and 2 of Clifton View and would ensure that the development has no undue effects on the privacy and amenity of neighbouring occupiers due to loss of outlook, overshadowing or overlooking, while also ensuring a good standard of amenity for future residents. Appropriate levels of car parking and garden space would be provided commensurate with the site's accessible location within the settlement of St Annes.

As 100% of the proposed dwellings will comprise affordable housing, it is not viable for the scheme to make contributions towards open space, education or any other infrastructure provision. This has been evidenced through the submission of a viability appraisal and similar concessions were also applicable to the market housing schemes forming Phases 1 and 2 of Clifton View, where reduced contributions towards on-site affordable housing (at rates of 10% and 15% respectively) and open space provision were accepted on viability grounds (though education contributions were secured in full as part of those developments). As this scheme would make a substantial contribution towards addressing the shortfall in affordable housing provision arising across the EDS site stemming from viability issues on Phases 1 and 2, it is considered that the benefits of securing 100% affordable housing provision on this site would outweigh any harm arising from the absence of contributions towards open space and education in this case.

The site is at a low risk of flooding and has limited ecological value. Appropriate measures can be put in place as part of the development to ensure that future occupiers are not at risk

due to contamination or surface water flooding, and suitable biodiversity enhancements would be achieved.

Taken as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the St Annes on the Sea Neighbourhood Development Plan, the Fylde Local Plan to 2032 and the provisions of the National Planning Policy Framework.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to a central, irregularly-shaped parcel of the former Electronic Data Systems (EDS) site which extends to *circa* 0.6 hectares between the southern end of Bowden Lane and Shepherd Road, Lytham St Annes. The land currently comprises a combination of bare ground and scrubland following the clearance of former office buildings and its boundaries are enclosed by a combination of mesh and close-boarded fencing reaching approximately 3m in height. Scattered semi-mature trees are located along the southern perimeter.

To the north, the site is bordered by existing two storey dwellings on Bowden Lane and Buckley Grove which form part of the first, recently completed phase of Morris Homes' Clifton View development ('Phase 1'). To the south, east and west the site adjoins a large, irregularly-shaped parcel of land which benefits from extant permissions (15/0787 and 19/0815) for a further development of 146 dwellings to form Morris Homes' second phase of Clifton View ('Phase 2').

The wider EDS land is allocated as a strategic housing site (reference MUS4) on the Fylde Local Plan to 2032 Policies Map. This allocation also includes a care home (The Hamptons), supermarket (Booths) and public house (Water's Edge) located to the northern end of the site towards the roundabout junction of Main Drive with Heyhouses Lane. The application site itself benefits from an extant planning permission for a residential development of 30 dwellings pursuant to reserved matters approval 13/0448. Collectively, that approval allows a total of 162 dwellings to be constructed – 132 dwellings by Morris Homes at Clifton View Phase 1 (now completed) and a further 30 dwellings by Hollinwood Homes on the application site (known through that permission as the 'Worthington Land'). While the latter phase of 30 dwellings has not been brought forward to date, the permission remains extant by virtue of Morris Homes having implemented Phase 1. Accordingly, the extant permission for 30 dwellings on the site represents the 'fallback' position for residential development on the site.

Details of Proposal

The application seeks full planning permission for a residential development of 28 dwellings on the site. The development would comprise 22 two-storey houses and a block of 6 apartments (3 at ground floor and 3 at first floor) in a detached, two-storey building. The dwelling mix would comprise:- 6 x 1 bed units; 14 x 2 bed units; 6 x 3 bed units; and 2 x 4 bed units. In addition, 6 (equating to 21% of the total) of the proposed dwellings will be constructed as wheelchair adaptable homes to meet the optional technical standard in Part M4 (3(2a)) of the Building Regulations.

All of the dwellings are to be constructed by a Registered Provider (Great Places Housing

Association) to meet the definition of “affordable housing” in Annex 2 of the National Planning Policy Framework and so the scheme will deliver 100% affordable housing provision. The affordable housing tenure split includes a mix of 12 units for affordable rent and 16 for shared ownership.

Access – The development would be accessed via a southerly/south-westerly cul-de-sac extension of Bowden Lane comprising a 5.5m wide estate road with 2m footways on both sides. The carriageway would narrow to 4.8m on its western flank before reaching the boundary with Phase 2 where a bollarded link (to be constructed by Morris Homes pursuant to conditions 10 and 2 of planning permissions 15/0787 and 19/0815) will prevent access through to Shepherd Road via Phase 2. Accordingly, all vehicle access to the site will be via Bowden Lane (which links with Main Drive and Heyhouses Lane further to the north), with a pedestrian/cycle connection to Shepherd Road being available via the bollarded link with Phase 2.

Layout – The layout of the dwellings would follow the highway frontage of the estate road in a linear pattern ensuring a consistent building line throughout the development and the provision of landscaped front gardens to the roadside balanced by parking spaces to the front and side of individual houses. A parking courtyard to the rear of the apartment building would 7 spaces for these units, along with a separate cycle store.

Scale – All buildings would be two storeys in height and, aside from the detached apartment block, would be semi-detached in character. Including the apartments, a total of 6 different house types are proposed.

Appearance – The dwellings would comprise simple, but well-proportioned elevations with protruding canopies to the ground floor and generous-sized window openings orientated to address key vantage points and corner aspects both within and outside the site. While precise details of materials have not been provided at this stage, the buildings are to be finished in red brick walls below grey tiled roofs.

Landscaping – Existing scattered trees along the southern edge of the site are to be removed as part of the scheme. New planting will comprise a combination of ornamental tree, hedge and shrub planting within front/side gardens of individual dwellings to reflect the urban, tree-lined boulevard concept on Clifton View. Planting will be used to screen frontage car parking spaces and soften the roadside edge. Frontage boundary treatments would be kept to a low level through the use of 0.6m high railings and hedging, with taller fences set back from front elevations in order that these are screened by a combination of the buildings themselves and/or foreground planting. The height, style and materials of boundary treatments have been designed to replicate those on the adjoining Phase 1 and 2 developments. No specific provision for on-site open space is made as part of the scheme.

Relevant Planning History

Application No.	Development	Decision	Date
15/0586	APPLICATION TO DISCHARGE CONDITIONS 2 (MATERIALS) AND 4 (HARD SURFACING MATERIALS) OF PLANNING PERMISSION 13/0448	Advice Issued	15/02/2016
13/0448	APPLICATION FOR THE APPROVAL OF ALL RESERVED MATTERS (LANDSCAPE, LAYOUT, ACCESS, APPEARANCE, SCALE) PURSUANT TO APPLICATION 12/0465 FOR THE DEVELOPMENT OF 162 RESIDENTIAL DWELLINGS	Approved with 106 Agreement	23/12/2013
12/0465	RESUBMISSION OF APPLICATION 11/0173 FOR	Approved with	02/10/2012

OUTLINE APPLICATION FOR THE
REDEVELOPMENT OF THE SITE FOR A 1,860 m2
RETAIL FOODSTORE (CLASS A1); 930 m2
COMMERCIAL FLOORSPACE TO BE OCCUPIED
BY A RANGE OF POTENTIAL USES INCLUDING
RETAIL (CLASS A1) AND/OR FINANCIAL &
PROFESSIONAL SERVICES (CLASS A2) AND/OR
RESTAURANTS & CAFES (CLASS A3) AND/OR
TAKEAWAYS (CLASS A5) AND/OR COMMUNITY
USES (CLASS D1); A RESIDENTIAL
DEVELOPMENT OF UP TO 250 DWELLINGS; A
RETIREMENT VILLAGE (CLASS C3) COMPRISING
UP TO 85 DWELLINGS AND ASSOCIATED ACCESS
WORKS, ROADS, CAR PARKING, OPEN SPACE
AND HARD & SOFT LANDSCAPING INCLUDING
THE ERECTION OF A SECURE FENCE BETWEEN
THE PROPOSED DEVELOPMENT & THE
RETAINED OFFICE ACCOMMODATION
ADJACENT TO THE SITE.

106 Agreement

DEM/11/0003	DEMOLITION OF EXISTING SINGLE AND TWO STORY PRE-FABRICATED AND BRICK BUILDINGS, TIMBER BUILDINGS.	Approve Prior Determination	20/12/2013
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.	Refused	08/03/2012

Relevant Planning Appeals History

Application No.	Development	Decision	Date
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES	Withdrawn	14/01/2013

(CLASS A2) AND/OR RESTAURANTS & CAFES
(CLASS A3) AND/OR TAKEAWAYS (CLASS A5)
AND/OR COMMUNITY USES (CLASS D1); A
RESIDENTIAL DEVELOPMENT OF UP TO 250
DWELLINGS; A RESIDENTIAL CARE INSTITUTION
(CLASS C2) OR A RETIREMENT VILLAGE (CLASS
C3) COMPRISING UP TO 85 APARTMENTS AND
ASSOCIATED ACCESS WORKS, ROADS, CAR
PARKING, OPEN SPACE AND HARD & SOFT
LANDSCAPING INCLUDING THE ERECTION OF A
SECURE FENCE BETWEEN THE PROPOSED
DEVELOPMENT & THE RETAINED OFFICE
ACCOMMODATION ADJACENT TO THE SITE.

Parish/Town Council Observations

St Annes on the Sea Town Council – Notified of the application on 17.03.20 and commented 24.04.20 indicating that they support the scheme for the following reasons:

- Hollinwood Homes' Reserved Matters scheme is extant and therefore carries considerable weight.
- 100% Affordable therefore no Planning Obligations.
- Meets criteria of Neighbourhood Plan Policies outlined in 'planning statement' document, section 5.5 and increases supply of a range of dwellings, 41 cps + 6 cycle. (good mix of house types).
- Provides connectivity between community ph1 and ph2 of Morris Homes development.
- Within Settlement Boundary utilising Brownfield Land.
- Good example of housing provision meeting housing needs.
- Application Form 6) Contamination issues addressed in Planning Statement.
- This has been supported through Environmental Health and Housing Committee at Fylde Council, as part of its commitment to provide affordable housing.
- The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (FBC) – Comments as follows:

- No objections in principle. Conditions are recommended relating to: (i) restricting hours of construction to between 8am and 6pm Monday to Friday and between 8am and 1pm on Saturdays; (ii) A requirement for all recommendations in the Phase 1 desk study to be implemented in full and details of monitoring, remediation, sampling and verification submitted before development begins, especially regarding gas protection measures; (iii) internal and external noise levels to be achieved for each dwelling; (iv) the submission of a construction management plan prior to development commencing.

Greater Manchester Ecology Unit – Comments as follows:

- **Impacts on European protected sites (HRA Screening Assessment)** – For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). The application site at the

centre of the new, mixed-use community created at Heyhouses Lane on the previously developed site of the former Government Offices. It is located in the northern part of Lytham St Anne's, approximately 1.5 km northeast of St Anne's town centre and 3.5 km from Lytham. Due to the small nature of development proposals, the isolation of site and the recent completion of residential development adjacent to the north of site, no impacts on European designated sites are considered likely. Increases in recreational disturbance on the Ribble Estuary from such a small scheme located in an already built-up and well-established residential area are considered to be nugatory. Accordingly the application can be Screened Out as having no Likely Significant Effects on any European sites and no Appropriate Assessment is required.

- **Other ecological considerations** – The application site comprises the land between the completed Phase I Morris Homes' development to the north and the proposed Phase II development to the south for which the reserved matters scheme (ref. 19/0815) was recently approved. The site is the sole remaining part of the former Government Offices complex that has not been developed and is currently derelict. The site does not support any important habitats and is considered to be unlikely to support any specially protected or priority species. The creation of garden spaces for the proposed new dwellings and (necessarily limited) tree planting proposals will maintain the ecological value of the area. I would therefore offer no objections to the application on Ecological grounds.
- **Conditions** – No removal of or works to any hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. Reason – all nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Housing (FBC) – Comments as follows:

- The phasing and letting criteria, including the tenure mix which is slightly in favour of shared ownership, has been agreed prior to submission of the application. In addition, Housing have approved the property sizes.
- There is an outstanding issue with the "mortgagee exemption" clauses of the submitted Affordable Housing Statement which needs to be resolved before the Affordable Housing Statement can be agreed.

LCC Education – Comments as follows:

- **Primary School Places** – There are 7 primary schools located within a 2 mile radius of the site. It is estimated that 281 places will be available in these schools in 5 years' time. There are, however, pending planning applications expected to generate demand for 184 school places. Nevertheless, with an expected pupil yield of 3 pupils from this development, LCC would not be seeking a contribution from the developer in respect of primary places.
- **Secondary School Places** – There are 2 secondary schools located within a 3 mile radius of the site. It is estimated that there will be a shortfall of 274 places in these schools in 5 years' time. With an expected yield of 1 place from this development the shortfall would increase to 275. Accordingly, LCC will be seeking a contribution towards the delivery of 1 secondary school place. Based on current rates this contribution would be £24,185.

LCC Highways – Comments as follows:

- **Summary** – LCC Highways do not have any objections to the proposed 28 dwellings and are of the opinion the development will not have a significant impact on highway safety,

capacity in the immediate vicinity of the site. The planning department is advised to consider the impact on highway amenity and cycle storage.

- **Access** – The site will be accessed by extending Bowden Lane. Bowden Lane is an unclassified road and is categorised as a local cul-de-sac with a speed limit of 30 mph leading to the site access. A 2m footway is provided along the western kerb line of the as built section of Bowden Lane and the carriageway is 5.5m wide. Bowden Lane is a private road and is not subject to any future adoption agreement. The site will also connect with the un-built highway associated with planning application 19/0815, to the west. This highway is still to be built and is to form an emergency and sustainable link only. Bollards are to be provided as part of planning application 19/0815 to prevent vehicular access.
- **Capacity** – Highway capacity and access was determined as part of planning application 13/0448 for 162 dwellings and no further improvements are required.
- **Sustainable links** – LCC Highways are of the opinion that the proposed connectivity with the as built Bowden Lane and the un-built highway associated with planning application 19/0815 are suitable and no improvements are required.
- **Travel Plan** – LCC Highways recommend the approved Travel Plan for planning application 13/0448 is to be applied to this application.
- **Cycle storage** – LCC Highways recommend the applicant provides details for cycle storage for the apartments. This should include a minimum of 1 secure cycle space for each one-bed apartment.
- **Parking** – LCC Highways are of the opinion that the under of provision of parking for plots 9 to 13 will restrict access to plots 9 to 13 and the adjacent properties with the likelihood that vehicles will park on the footway restricting access for mobility impaired and people with prams. As this route is a sustainable link from the site to the west pedestrian movements will be more than expected on this scale of development. The under provision of parking for plots 18 and 19 will encourage parking in the and around the turning head affecting access for manoeuvring of refuse and emergency vehicles. The under provision of off-street parking for these plots will have amenity issues for refuse collection, access for emergency vehicle, restrict manoeuvring from drives and restrict pedestrian and mobility impaired movements. Accordingly, the planning department is advised to consider the amenity impact of the current, below-standard parking provision.
- **Highway adoption considerations** – The internal highway layout is to an acceptable adoptable layout for adoption under section 38 of the 1980 Highways Act.
- **S106 contributions** – LCC Highways are not seeking any section 106 contributions as part of this development.
- **Conditions** – Recommended to secure: (i) a scheme for the construction of the new estate road (including full engineering, drainage, street lighting and constructional details of the streets proposed for adoption); (ii) a construction management plan; (iii) an estate street phasing and completion plan setting out the development phases and the standards that each estate street serving those phases will meet. No dwelling within each phase should be occupied until each estate road has been completed; (iv) no development shall take place until details of the arrangements for the future management and maintenance of streets within the development has been submitted and approved; (v) all private car parking and manoeuvring areas for each dwelling shall be marked out before each is first occupied; and (vi) the provision of secured covered cycling facilities.

National Air Traffic Services (NATS) – The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS' safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Natural England – Comments as follows:

- For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations').
- Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. Where the HRA Screening cannot rule out a likely significant effect on the coastal designated sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

United Utilities – Comments as follows:

- In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- Following our review of the submitted Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities.
- Conditions should be attached to any permission granted requiring: (i) the drainage for the development to be carried out in accordance with the principle set out in the submitted flood risk assessment (Ref No.: 19-B-12534, Dated: February 2020); and (ii) a suitable management and maintenance scheme for any sustainable drainage systems.

Neighbour Observations

Neighbours notified:	17 March 2020
Site notice posted:	23 March 2020
Press notice:	2 April 2020
Amended plans notified:	N/A
No. Of Responses Received:	4
Nature of comments made:	4 objections

The appropriate neighbouring properties were notified of the application by letter on 17 March 2020. In addition, as the application involves major development notices have been posted on site and in the local press. A total of 4 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Highway issues:

- The comments from LCC Highways which state that no further improvements are needed to the highway infrastructure on Clifton view due to the approval of 162 dwellings under application 13/0448 do not take into account current circumstances at the site. The highway of Main Drive is overloaded due to on-street parking and vehicle trips associated with the supermarket, care home and public house in addition to the existing dwellings. The traffic generated by these uses is not, however, acknowledged in LCC's comments.
- Other than a few houses fronting Main Drive, all traffic travelling through to the housing estate is required to navigate the crossroad junction of Main Drive/Bowden Lane/Buckley Grove/Unsworth Way. There are no 'give way' markings at this crossroad junction and it is incapable of accommodating the additional traffic that would be generated by this development.
- The proposed development of 28 dwellings will add further traffic, possibly in the region of

- 40 to 50 vehicles, which will increase the likelihood of accidents.
- Bowden Lane is of a narrow width that is only suitable for one-way traffic. Vehicles often travel along Main Drive and Bowden Lane at speed looking for a cut-through to Shepherd Road, but as this does not exist they are then forced to turn around within resident driveways. This will only increase if access and egress to the development is granted via Bowden lane, and will present a clear and increased danger to residents of Clifton View.
 - The bollards restricting access between Shepherd Road and Main Drive should be re-located to the Bowden Lane end of phase 1 (at the northern edge of this site) in order that access is taken via Shepherd Road rather than Bowden Lane.

Officer note: The positioning of the bollards which are to restrict access between Bowden Lane and Shepherd Road has been established through planning permissions 15/0787 and 19/0815 in connection with Morris Homes' Phase 2 development. That bollarded link falls outside the red line boundary for this application and is to be delivered separately by Morris Homes in connection with those extant permissions. Accordingly, the position of the bollards cannot be altered in retrospect as that would have the effect of removing the benefit of the current permissions and require revisions to extant planning permissions which are outside this applicant's control.

Construction traffic:

- Bowden Lane is not a suitable route for construction traffic. This has been illustrated by recent activities undertaken by Fox Brothers in connection with clearance of material from the site. HGVs waiting on Bowden Lane have blocked resident's driveways, caused damage to the unadopted highway and left debris on the road. All access for construction vehicles should be taken from Shepherd Road and the applicant should work with Morris Homes to allow for that.

Officer note: It is not feasible to restrict the applicant's construction access in a manner that requires this to be taken via third party land which they do not own, control or have any specific rights of access over. A condition has been recommended requiring the submission of a construction method statement which will set out the measures to be put in place in order to minimise impacts on existing residents, including those on Bowden Lane. A certain degree of disturbance is unavoidable during the construction period, but this can be appropriately mitigated through the construction method statement (which was not in place in connection with the Fox Brothers site clearance works).

Safety of open space:

- The proposed access from Bowden Lane would result in construction and future resident vehicles travelling past the unfenced area of open space adjacent to the site. This open space area also lacks a footway to its perimeter with the roadside. This is a health and safety risk and puts children in danger (including due to the increased usage of the open space which would arise from Phase 2 and this development).

Officer note: The siting of the open space adjacent to the crossroad junction of Main Drive/Bowden Lane/Buckley Grove/Unsworth Way means that this area is already passed by the majority of resident traffic entering Clifton View Phase 1 – principally along the northern flank with Unsworth Way, and to a lesser extent along the western flank with Bowden Lane. The open space has good visibility along its perimeter (the existing close-boarded fence along its southern edge is also to be removed as part of Phase 2 which will extend the open space southwards), play equipment is set away from the roadside edge and a surfaced footpath runs northeast-southwest through the open space to form a pedestrian desire line

between Unsworth Way and Bowden Lane. While there is no footway to the roadside perimeter of the open space, a kerb face separates it from the carriageway. Accordingly, there are no specific, physical characteristics associated with the layout or design of the open space (e.g. a lack of visibility) which would result in users being put at an unacceptable risk as a result of the additional traffic arising from this development (both in the construction and operational phases). In particular, it cannot be assumed that an increase in traffic using Bowden Lane would automatically result in an unacceptable safety risk to users of the open space.

Open space and highway maintenance:

- Occupiers of the new development should be members of the Clifton View Management Co Ltd and Heyhouses Management Co Ltd and, in turn, be required to contribute to the maintenance of the area of public open space that will also serve this development, along with the SSSI landscaping around Water's Edge. This should also apply to the highway of Bowden Lane as this is an unadopted road and maintenance is currently paid for by existing residents. Any new occupiers also taking access from Bowden Lane should, therefore, be required to pay towards its upkeep.

Officer note: As is commonly the case for all housing developments in Fylde, the maintenance of on-site open space is carried out by a private management company. While it may well be the case that future occupiers of this development will utilise the open space for Phases 1 and 2 of the Clifton View development, it is not within the gift of the Council to require subsequent occupiers on one development to become part of a management company or contribute financially towards the maintenance of an area of open space on another. Such arrangements are, instead, private matters that sit outside the remit of the planning system. The same is also true for the unadopted highway of Bowden Lane though, unlike the existing stretch of Bowden Lane on Clifton View, it is the applicant's intention that the highway for this development will be adopted by the Local Highway Authority.

Relevant Planning Policy

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site also falls within the boundaries of the Saint Anne's on the Sea Neighbourhood Development Plan (SANDP), the Neighbourhood Plan is also part of the statutory Development Plan.

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL1	Lytham and St Annes Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD9	Contaminated Land

H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Policy context and main issues:

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

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

Given the site's allocation in the local plan, its planning history and the comments received in public representations and from statutory consultees, the main issues for consideration in the application relate to:

- The principle of residential development on the site.
- The scheme's effects on the character and appearance of the area.
- The development's impact on the amenity of surrounding occupiers.
- The scheme's effects on highway safety.
- Whether the proposal makes appropriate infrastructure contributions as required by the

development plan and, if not, whether there are sufficient grounds to allow an exemption from these contributions on viability grounds.

- Other relevant matters including those relating to the mix of dwellings provided and the development's effects in respect of contamination, flood risk and ecology.

Principle of development:

The site falls within the settlement boundary of St Annes and comprises "previously developed land" for the purposes of the definition in Annex 2 of the NPPF. FLP policy GD1 and SANDP policies GP1 and HOU1 are permissive of schemes for residential development on sites within settlement boundaries providing that these comply with all other relevant local and Neighbourhood Plan policies. In particular, SANDP policy HOU1 states that housing development on previously developed land and land within the settlement boundary will be positively supported subject to other development plan policies being satisfied.

Paragraph 59 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes". FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the local plan will provide sites for a minimum of 8715 new homes in accordance with a development strategy which follows the four-tier settlement hierarchy set out in policy S1. FLP policy S1 identifies St Annes as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development". Policy DLF1 indicates that 90% of new homes delivered over the plan period will be located in the four Strategic Locations for Development (SLD).

FLP policy H1 c) stipulates that the Council will provide for and manage the delivery of new housing by "ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the "Liverpool" method from the start of each annual monitoring period and in locations that are in line with the Policy DLF1". FLP policy SL1 identifies strategic and non-strategic locations for housing and employment development in the "Lytham and St Annes" SLD, one of which is site reference "MUS4 – Heyhouses Lane, St Annes" which is allocated for the completion of approximately 322 homes over the plan period.

The application site comprises an area of previously developed land located between Phases 1 (completed) and 2 (approved and commenced) of Morris Homes' Clifton View development. It falls within the settlement boundary of St Annes and within the "Lytham and St Annes" SLD. In addition, the site benefits from an extant planning permission (13/0448) for a residential development of 30 dwellings – a 'fallback' position which could be implemented without delay. Accordingly, the principle of residential development on the site is wholly in accordance with the development strategy set out in the FLP and SANDP. Therefore, the remainder of this report is focussed on matters relating to the scheme's detailed design in order to assess its compliance with other relevant policies of the development plan.

Character and appearance:

SANDP policy DH1 states that "all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods". The policy goes on to indicate that "development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards."

Alongside this, policy HOU4 stipulate that “all new residential development must be designed in accordance with the principles set out in a separate Design Guide SPD.” Policy HOU4 also requires that applications for major developments involving over 25 dwellings should be “accompanied by an illustrative masterplan showing the layout and distribution of housing and other uses, proposed vehicular access arrangements, open space, recreation and green infrastructure provision, landscaping, relationship with existing development, proposed pedestrian, cycling linkages to adjoining neighbourhoods and networks, and response to climate change in terms of micro-climate and seaside location.”

FLP policy M1 sets out a master planning approach for the development of strategic sites (involving 100 or more homes) within the strategic locations for development named in policy DLF1 (one of which is “Lytham and St Annes”). The policy identifies 24 criteria (a) – x)) that masterplans for developments in these locations should achieve, along with the need for a design code to be prepared.

FLP policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 15 guiding principles (a – o).

FLP policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare. The policy goes on to state that high density development should be very carefully designed to relate well to its surroundings, be orientated towards and have principal entrances facing towards the street, and should include sufficient usable amenity space to provide for the needs of residents

FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six general principles of good design (a – f) and paragraph 129 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for Life”. Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Masterplanning principles:

The application land occupies a central location within allocated strategic housing site MUS4 between two phases of Morris Homes’ Clifton View development which, collectively, will deliver 278 dwellings. As this site provides a central link between the two phases of Clifton View, it is important that it relates well to and follows the general design principles of that development, including by providing suitable connections between them.

Accordingly, this application must be considered in relation to the approved layouts for Phases 1 and 2 of Clifton View in order that a consistent, joined-up Masterplanning approach is taken across strategic housing site MUS4 for the purposes of FLP policy M1 and SANDP policy HOU4.

Whilst the current scheme follows a different highway and building layout to that previously approved on the same site under 13/0448, that permission establishes the principle that vehicle access into this site is taken from Bowden Lane, with a cul-de-sac terminating in the southwest corner where the land adjoins Phase 2. Morris Homes' approved Phase 2 development includes a bollard-controlled link to the northeast corner where the highway of that development adjoins the application site in order to restrict vehicle access through this site between Heyhouses Lane and Shepherd Road, and so limit access to pedestrian and cycle traffic only.

Great Places' scheme follows that Masterplanning approach by showing a cul-de-sac estate road for the proposed 28 dwellings which will terminate to the southwest corner where it adjoins Phase 2 of Clifton View. The bollarded link with that development will be delivered by Morris Homes on their land, as required by conditions 10 and 2 of planning permissions 15/0787 and 19/0815 respectively. Accordingly, while vehicle access through to Phase 2 will be restricted, there will be permeability for pedestrians and cyclists to encourage travel through the site (e.g. towards the supermarket and pub at the Heyhouses Lane end) by sustainable modes in accordance with the objectives of SANDP policy HOU4, and FLP policies M1 and T4. The other Masterplanning approaches applicable to the development relate to its detailed design as set out below.

Density:

The proposed development would deliver 28 dwellings across a *circa* 0.6 ha site, resulting in a net residential density of 47 dwellings per hectare (dph). While this exceeds the "normal" target of 30 dph in policy H2, it should be noted that this target is expressed as a "minimum net residential density" and the policy makes provision for higher (and lower) densities to be permitted depending on site-specific circumstances.

In this case, the site already has an extant permission for a development of 30 dwellings which would result in a density of 50 dph. The land occupies an urban setting amongst and between well-established areas of housing built to varying, but general moderate densities. As required under policy H2 for higher density schemes, the layout orientated dwellings to have principal (front and side in this case) elevations facing towards the street and other prominent external vantage points – specifically the open space to the northeast of plot 1 – and garden sizes for the dwellings are commensurate with those provided on Phases 1 and 2 of Clifton View. Accordingly, given the site's urban setting and the character of other existing development that surrounds it, the density of the development relates will to its surroundings in accordance with the requirements of SANDP policy DH1 and FLP policy H2.

Layout:

The site comprises previously developed land occupying an urban setting amongst areas of housing from different eras and reflecting a range of styles and scales. However, the site's close relationship bordering Phases 1 and 2 of Clifton View on all sides means that it would be seen as a continuation of, and being intrinsically linked to, the dwellings forming part of that development.

Dwellings on Clifton View follow a strong and consistent building line which results in a degree of linearity to the layout, but also follows the curvature of estate roads on those developments. The overriding theme to the layout of Clifton View is one of consistency and rhythm with respect to the depth of garden frontages, genuine corner turners addressing junctions and key nodal points, and a soft-landscaped edge to estate roads through the use of tree planting and hedged front garden boundaries.

The proposed development carries through the established principles of the layout evident on Phases 1 and 2 of Clifton View. In particular, dwellings would be arranged to follow a consistent building line on each side of the estate road with an outward, front-facing aspect to the roadside and other prominent vantage points – including dual-aspect elevations to plot 1 (facing the open space for Phase 1) and the apartment block (facing two stretches of the estate road). Parking space would either be concealed alongside gable ends or balanced by soft landscaping within garden frontages so as to avoid an over-engineered appearance to the street scene. Front garden boundaries would be characterised by hedging (backed by 0.6m high metal railings on a handful of plots). Accordingly, the development would be seen as a sympathetic and consistent transition between Phases 1 and 2 of Clifton View by replicating the same positive principles of the layout common with those developments.

Scale:

All buildings within the development would be two storeys in height and so would follow the prevailing scale on Phase 1. Although all individual houses would be semi-detached, the spacing between them varies according to their size. While the larger 3 and 4 bed units to the eastern areas of the site achieve greater spacing in wider plots with driveways intervening between the sides of the houses, the smaller two bed units to the southwestern flank of the estate road are more closely spaced to appear as a terrace with parking to the front.

The apartment block follows a staggered, L-shaped layout on the corner of the estate road and steps up towards the bend (though its ridge height is the same as that of the other dwellings). The use of a lowered, hipped roof to the longest (eastern) elevation of the apartment building assists in reducing its massing on the corner in order that this does not appear as a dominant feature in relation to neighbouring dwellings.

The development delivers a good blend of housing in a range of sizes, including a number of smaller units, in order to meet the dwelling mix requirements of policy H2 while respecting the scale and character of neighbouring dwellings on Clifton View.

Appearance:

Six different house types are proposed across the development. While façades would be generally flat and without protruding features (except for canopies to ground floors and eaves-level pediments), the use of generous, well-aligned window proportions with header and sill detailing would ensure a strong sense of rhythm and symmetry across all house types and give the appearance of attractive, well-balanced elevations organised in clearly disguisable ‘bays’.

Both the side (north facing) and front (west facing) elevations of the dwelling on plot 1 would have a prominent aspect to surrounding public vantage points, with the northern elevation visible across the adjacent open space for Phase 1 and the western elevation fronting onto the estate road. Accordingly, this dwelling is arranged with a ‘dual aspect’ to both elevations which affords the appearance of two front elevations facing each vantage point. This would be achieved through the use of generous window proportions and roof-level pediments to both elevations and a recessive hip to the north facing roof slope. Similarly, fenestration to the northern, eastern and southern elevations of the apartment block would ensure an active frontage to the estate road where this building turns the corner and faces onto the access to the parking courtyard at the rear.

Facing materials would comprise red brick walls beneath grey tiled roofs. This would reflect the

prevailing palette of materials used in Phases 1 and 2 of Clifton View where the site adjoins those developments.

Landscaping:

The proposed landscaping scheme would follow the linearity of the layout by introducing trees and hedges to roadside frontages in the style of a soft-landscaped boulevard. Garden areas to the front and sides of dwellings would ensure a spacious, open aspect to the estate road and private amenity areas at the rear of dwellings would be screened from the roadside and organised to adjoin back-to-back gardens on Phases 1 and 2. The type, siting, extent and density of soft landscaping reflects the site's inherently urban setting by focussing on adding structure and legibility rather than a need to create a screening buffer to the site boundaries. Importantly, however, the siting, depth and character of garden frontages would follow and flow with those of adjoining houses on Phases 1 and 2.

In terms of hard landscaping, the height, materials and siting of boundary treatments would be arranged to respect the spacious highway frontage of the layout through the use of low-level hedging and 0.6m railings to front boundaries, with taller fences concealed to the rear/side of buildings. The rearward side boundary to the northeast corner of plot 1 would comprise a 1.8m high brick wall to follow the height and finish of the adjoining boundary treatment to plot 42 on Phase 2 of Clifton View in order to ensure a consistent transition and appearance facing onto the open space. Similarly, low-level (0.6m high) railings to the front/side of plots 14 and 15 would mark the boundary to either side of the bollarded link on Phase 2 to provide definition of the boundary between the two developments and a hard border to prevent any possibility of vehicles circumventing the bollarded link through the front gardens of those plots.

For the reasons given above the proposed development, by reason of its density, layout, scale, appearance and landscaping, would assimilate sympathetically with its surroundings and integrates successfully with the Phase 1 and 2 developments on Clifton View which it borders on all sides. Accordingly, the scheme is considered to comply with the principles of good design set out in SANDP policies DH1 and HOU4, FLP policies M1, GD7, H2 and ENV1, and the NPPF.

Impact on amenity:

FLP policy GD7 c) requires that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed". In addition, criterion o) states that "all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents."

Furthermore, paragraph 127 f) of the NPPF indicates that planning decisions should ensure developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

Existing occupiers:

To the north, the site borders existing two storey dwellings on Bowden Lane and Buckley Grove forming part of Clifton View Phase 1. The eastern, southern and western boundaries of the site border Phase 2 which, while commenced, is at the very early stages of construction (site preparation works). The approved layout for Phase 2 is, however, shown on the submitted layout for this scheme

to allow an appreciation of the development's relationship with those approved dwellings.

The orientation of the dwellings facing onto the estate road results in a 'back-to-back' or 'back-to-side' relationship with existing and/or approved dwellings on Phases 1 and 2. In terms of spacing, the layout shows that the following minimum separation distances would be achieved between the existing/approved (Phase 1 and 2) and proposed dwellings:

- Northern boundary – 2.4m between the flanking side elevations of plot 28 and no. 15 Bowden Lane & 10m between the rear of plots 17/18 and the side of no. 34 Buckley Grove.
- Western boundary – 6.6m between the flanking side elevations of plot 15 and the dwelling on plot 20 of Phase 2.
- Southern boundary – 18m between the rear of plots 5-14 and the rear of plots 26-34 on Phase 2.
- Eastern boundary – 13m between the rear of plots 1-4 and the rear of plots 39-42 of Phase 2.

As identified above, there are two main instances where the proposed dwellings border existing houses on Bowden Lane and Buckley Grove the north. The first is with respect to plot 28 where this would flank the southern gable of no. 15 Bowden Lane. Plot 28 would be staggered in relation to the rear of no. 15 Bowden Lane, with approximately half its rear elevation (a length of *circa* 4m) extending beyond the rear elevation of no. 15. While this staggered relationship and the southerly position of the dwelling on plot 28 would result in a degree of overshadowing to the rear garden of no. 15, this would be tempered by the *circa* 2.4m gap between the dwellings, the narrow width of the dwelling on plot 28 compared to no. 15 (that has a wider garden, much of which would not be affected), the sloping profile of the rear roof plane to plot 28 and the otherwise open aspect to the rear of no. 15 afforded by the absence of any other buildings along this part of the northern boundary. Accordingly, any overshadowing would be minimal and occur for a limited period of the day. Similarly, there would be no undue effects on the outlook from the rear-facing windows of no. 15 as the side of plot 28 would only be visible in oblique views across the boundary line, thus avoiding any harmful, overbearing visual impact.

The level of spacing and 'back-to-side' relationship between plots 17-18 and the gable end of no. 34 Buckley Grove would avoid any adverse impacts for the occupiers of that dwelling, and the remaining buildings flanking the northern boundary (plots 15, 16, 19 and 20) would back onto either the parking courtyard to the rear of the apartments or the cul-de-sac between nos. 34 and 55 Buckley Grove.

The side-to-side relationship, spacing and window arrangements between dwellings on plots 14-15 and those approved on Phase 2 to the west would avoid any harmful effects on the future occupiers of these dwellings. Along the southern boundary, the dwellings would have a 'back-to-back' relationship with dwellings on plots 26-34 of Phase 2, with the proposed 18m spacing being commensurate with separation distances achieved across Clifton View. The outlook to the rear of plots 35-38 on Phase 2 would either be obliquely towards the side elevations of dwellings on plots 4-5 over a minimum distance of 11m or across the open area of the estate road towards the apartment block over a distance of approximately 28m.

The shape of Phase 2 narrows towards the northern edge where it borders the eastern boundary of the site. This results in sharply chamfered gardens of varying length to plots 38 and 39, before this widens out across plots 40-42 of Phase 2. This results in a minimum spacing between plot 39 (phase 2) and plot 4 of this development at 13m when measured from the southwest corner of plot 39. This does, however, increase to 18m when measured from the northwest corner of plot 39. The marked change in separation distances arises from the chamfered profile to the rear garden of plot 39 which also occupies an oblique layout in relation to plot 4 in order that direct views from the rear of plot 39

are actually angled towards plot 3 of the proposed development over a minimum distance of 16m rather than an oblique distance of 13m. Accordingly, the minimum spacing distance of 13m between plot 39 of Phase 2 and plot 4 of the proposed development is not truly representative of the outlook that would be experienced by future occupiers of this dwelling which would, instead, be far more spacious and less enclosed due to the juxtaposition of these buildings.

While windows in side elevations of dwellings facing towards neighbouring gardens (plots 4, 5 and 28) are limited to bathrooms at first floor level (with ground floor windows screened by intervening boundary treatments), a condition has been imposed requiring these to be fitted with obscured glass and top opening lights in order to safeguard the privacy of existing and future occupiers.

Given the above, the proposal would achieve an appropriate standard of amenity for existing and future occupiers commensurate with the density and character of surrounding development on Clifton View, and would not have any unacceptable impact on the privacy and amenity of surrounding occupiers due to loss of outlook, overshadowing or overlooking. Similarly, a good standard of amenity would be achieved for future occupiers of the proposed dwellings.

Representations submitted in connection with the application raise amenity issues in terms of potential for noise, dust and traffic nuisance during the construction phase. These are, however, unavoidable consequences of any development that takes place in close proximity to existing dwellings and so the focus is on minimising these effects through appropriate mitigation. Accordingly, a condition has been imposed requiring the submission of a construction management plan to set out these mitigation measures before any development takes place.

Highways:

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that they prioritise the needs of non-motorised users through design measures and do not prejudice highway safety.

FLP policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes. Policy T5 relates to parking provision and indicates that “a flexible approach [will be applied] to the level of car parking provision, dependent on the location of the development”. Paragraph 11.61 of the local plan indicates that the Council “will prepare a Supplementary Planning Document (SPD) on parking standards”. However, as this has not yet been adopted the standards contained in the Joint Lancashire Structure Plan are of greatest relevance in this case.

SANDP policy TR3 relates to residential car parking and states that “wherever possible car parking should be accommodated within the curtilage of the dwelling in the form of a garage, parking space, or both.” The policy then sets out four principles for in-curtilage parking relating to the size, design and siting of garages (a-c) and the siting of in-curtilage parking spaces to avoid “excessive hard surfacing” in front gardens.

Criteria a) – c) to paragraph 108 of the NPPF indicate that in assessing applications for development, it should be ensured that:

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

In addition, paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of parking, paragraph 105 of the NPPF indicates that local parking standards for residential and non-residential development should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Background:

Planning permission 13/0448, in tandem with outline permission 12/0465 which preceded it (and also included a much greater quantum of both residential and non-residential development than has actually been brought forward on the site), establishes the principle that the existing highway infrastructure both within and outside Phase 1 of Clifton View is capable of accommodating the cumulative traffic generated by the supermarket, pub, care home and 162 dwellings (including 30 on the application site) across the northern phase of site MUS4.

Planning permission 13/0448 remains extant and so the approved 30 dwelling development on the site could be implemented without the need for any further consent. The Local Highway Authority's (LHA) comments also acknowledge that fallback position. As this application involves 28 affordable housing units – which are acknowledged by the TRICS database as generating less traffic in comparison to market dwellings due to lower car ownership levels – it follows that the level of traffic generation arising from this scheme will be less than that associated with the 30 market dwellings already approved on the site by 13/0448. It is also the case that the internal highway layout proposed by this application achieves a superior specification to that proposed by 13/0448 as, unlike the previous application, the estate road now proposed is to be constructed to a standard that is capable of adoption by LCC (as confirmed by the LHA).

Access:

Access to the site is proposed via a southerly/south-westerly extension of Bowden Lane to form a cul-de-sac up to the boundary with Phase 2. The estate road would vary in width between 5.5m (to the Bowden Lane end) and 4.8m (where it meets Phase 2) and includes a continuous, 2m wide footway on both sides. A turning head would provide manoeuvring space for a refuse wagon and a separate access branching off the northern stretch of the estate road would open onto a communal parking courtyard for vehicles and bicycles, associated principally with the apartments.

The LHA have confirmed that the proposed means of access to the site via Bowden Lane remains equally suitable for this development of 28 dwellings as the 30 dwelling development approved by application 13/0448 and note the pedestrian/cycle connection with Phase 2 will provide enhanced opportunities for travel by sustainable transport modes. The LHA also opine that the proposed internal road layout is to an acceptable standard for adoption under S38 of the Highways Act 1980. Accordingly, the development is considered to achieve a safe and suitable means of access for all users which would have no adverse effects on highway safety.

Capacity:

Outline planning permission 12/0465 allowed a mixed-use development on the northern part of the EDS site (including the application land) comprising: 1) 1,860 sqm of retail foodstore floorspace; 2) 930 sqm of mixed commercial floorspace in classes A1, A2, A3, A5 or D1; 3) a residential development of up to 250 dwellings; and 4) a retirement village comprising up to 85 dwellings. Access to all of these uses was approved via a shared junction off Heyhouses Lane.

Subsequent to this, the following mix of uses have been approved through separate applications on the site:

- A 3,319 sqm retail foodstore (application 13/0450).
- A 1,048 sqm public house (application 13/0635).
- A 76 bed care home (application 15/0310).
- A residential development of 162 dwellings (application 13/0448).

With the exception of the 30 dwellings approved on the application site under 13/0448, all the other uses have now been constructed. While the amount of retail and commercial floorspace brought forward by subsequent applications is 1577 sqm greater than that envisaged in the outline consent, the care home takes a different form as a communal facility (rather than individual dwellings) with 9 fewer bedrooms and, most significantly, the number of dwellings presently constructed on the site is 118 fewer than was granted by the original outline permission (with more of the site given over to retail/commercial floorspace).

The 28 affordable housing units proposed by this application would generate less vehicle traffic than that of the consented 30 market houses approved by application 13/0448 which also took access via Bowden Lane. Accordingly, the principle for this part of the site to be accessed via Bowden Lane (and on to Main Drive and Heyhouses Lane) has been established by planning permission 13/0448. Similarly, the approved highway layout for 13/0448 has already been found to have sufficient capacity to accommodate an additional 30 dwellings on the application site. Given these circumstances, it could not be reasonably contended that a proposed development of 28 dwellings – all of which will comprise affordable housing and so are likely to have lower levels of car ownership – on the same site where 30 market dwellings have already been approved would give rise to a severe, residual cumulative impact on the surrounding highway network. The same conclusion is reached by the LHA.

Parking:

All 8 of the proposed three and four bed dwellings would benefit from two in-curtilage parking spaces, as would 5 of the proposed two bed dwellings. The remaining properties (9 two-bed houses and the 6 one-bed apartments) would have a single parking space. The parking standards in Table A of the Joint Lancashire Structure Plan (JLSP) include the following baseline parking standards for individual dwellings based on the number of bedrooms:

- Single bed houses – 1 space per dwelling.
- 2-3 bed houses – 2 spaces per dwelling.
- 4+ bed houses – 3 spaces per dwelling.

However, in areas of high accessibility (as would be applicable to the application site), the JLSP indicates that developments should achieve an average of 1.5 spaces per dwelling across the site. In this case, the provision of 41 parking spaces for 28 dwellings would average at 1.46 spaces per dwelling.

While not objecting to the application on parking grounds, the LHA opine that the provision of a single parking space for the two-bed dwellings on plots 9-13, 18 and 19 will cause vehicles to park on the footway, thereby narrowing access for prams and mobility impaired users and has the potential to encourage parking in and around the turning head. The LHA consider this to be a “highway amenity” issue rather than a safety or capacity issue.

Whilst the LHA’s comments regarding parking provision are noted, it is also the case that the average provision of 1.46 spaces across the development is only very marginally below the 1.5 space average recommended by the JLS. The site occupies a location which is highly accessible by modes of transport other than private car and it is noted that the supermarket and public house to the north provide convenient amenities within comfortable walking distance. Following completion of Clifton View Phase 2, the site will also be readily accessible to Shepherd Road (and connecting streets extending into St Annes Town Centre) on foot and by bicycle. It is also recognised that affordable housing units are accepted as having lower levels of car ownership than market dwellings and so will generate less parking demand. Moreover, while it may be possible to increase the level of frontage parking provision across plots 9-14 to provide two in-curtilage parking spaces for each of those dwellings, this would also require the removal of all soft landscaping (trees, lawns and hedges) within those gardens and so would result in a heavily over-engineered and dominant hardstanding frontage to that run of properties which would undermine the positive aspects of the soft landscaping scheme and detract significantly from the scheme’s design in conflict with policy TR3 d) of the SANDP and Q7 & 10 of ‘Building for Life 12’.

Given the above, and on balance, it is considered that the scheme makes adequate provision for vehicle parking in accordance with the objectives of SANDP policy TR3, FLP policies GD7 and T5, and paragraph 105 of the NPPF.

Infrastructure contributions and viability:

Paragraph 34 of the NPPF indicates that “plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

The number of dwellings proposed by the development exceeds the 10-unit threshold where contributions towards: (i) affordable housing, (ii) open space, (iii) education; and (iv) healthcare facilities can be sought in accordance with the provisions of policies ENV4, H4, INF2 and HW1 of the FLP respectively.

The development is submitted by a Registered Provider and so includes the provision of 100% of the 28 dwellings as affordable housing to meet the definition in Annex 2 of the NPPF. Accordingly, the minimum 30% level of provision required by policy H4 (which equates to 8 dwellings in this case) would be significantly exceeded.

In terms of open space, the proposed dwelling mix would require a minimum of 704 sqm of public open provision in accordance with FLP policy ENV4. As this level of provision falls below the 0.2 hectare (2,000 sqm) threshold for on-site provision in policy ENV4 below which commuted sum payments for the enhancement of existing open space will be sought in lieu of on-site provision, an off-site contribution of £28,000 (equivalent to £1,000 per dwelling) would normally be sought to meet the requirements of policy ENV4.

With respect to education, LCC's School Planning Team have advised that, while no contribution is sought towards the provision of new primary school places, a predicted shortfall in the provision of secondary school places in 5 years' time results in a contribution towards the delivery of 1 secondary school place being sought from this development. Based on current rates this contribution would be £24,185.

There has been no response from the Fylde and Wyre Clinical Care Commissioning Group on the application following consultation with them on 17.03.20 and so no contribution towards the provision of healthcare facilities has been requested in connection with the scheme.

Viability:

Criteria a) – i) of FLP policy INF2 identify the types of infrastructure that developments may be required to contribute to. The opening sentence of the policy makes clear that these contributions are "subject to viability" and a similar caveat is included in the wording to policies H4 and HW1 of the FLP.

Paragraph 57 of the NPPF indicates that "where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

The "recommended approach in national planning guidance" referred to in paragraph 57 of the Framework is set out in the 'Viability' chapter of the NPPG. All references to the 'NPPG' below are in relation to that chapter.

In this case, the applicant has indicated that the provision of 100% affordable housing as part of the development means that the scheme is unable to support other financial contributions towards public open space (£28,000) and education (£24,185) as those off-site contributions would have an unacceptable impact on the viability of the scheme. A viability appraisal (VA) has been submitted in support of that conclusion.

As set out in paragraph 010 of the NPPG, "viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. [...]. Viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."

The commentary below summarises the applicant's position with respect to the contents of the VA in relation to the five key elements highlighted in paragraph 010 of the NPPG. Reference is also made to other paragraphs of the NPPG which include further details regarding the calculation of each element.

Gross development value (GDV) – The GDV given in the VA is based on a scenario where all 28 of

the proposed dwellings are sold at market value, rather than affordable housing value arising from the split of shared ownership/affordable rented dwellings proposed. As per the recommendation in paragraph 011 of the NPPG, the market value figures that feed into calculating the GDV are based on market evidence from average sales prices achieved on other developments nearby (specifically Clifton View and Richmond Point).

Costs – These include: i) build costs benchmarked against the Building Cost Information Service (BCIS), with the £ per sqm figure given for the development falling at the lower end of the BCIS benchmark range for the North West; ii) abnormal costs associated with sewer diversions, piled foundations and ground gas protection measures; iii) site-specific infrastructure costs (e.g. access roads, utility connections etc.); iv) finance costs based on a 15 months build programme; and iv) professional fees. No planning contributions are factored into the development costs (so as to demonstrate the outcome when factoring in a zero figure for planning contributions).

Land value & Landowner premium – Paragraph 013 of the NPPG indicates that “benchmark land value should be established on the basis of the existing use value (EUUV) of the land, plus a premium for the landowner [which] should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land” (EUUV+). Paragraph 014 of the NPPG indicates that “existing use value should be informed by market evidence of current uses, costs and values” and clarifies that “under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.” In this case, the benchmark value given in the VA is based on a market valuation of the site from a local estate agent.

Developer return – Paragraph 018 of the NPPG indicates that “for the purpose of plan making an assumption of 15-20% of [GDV] may be considered a suitable return to developers in order to establish the viability of plan policies. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk.” In this case, the VA is based on a developer profit of 12.5% on GDV – this being referred to in the VA as the “minimum return any developer would expect to include if the dwellings were to be developed and sold at completion”.

Based on the above costs, revenues and a developer profit of 12.5% on GDV the VA concludes that, in the event the dwellings were sold at open market value with no planning contributions, the scheme would generate a deficit equivalent to 11.18% of GDV. Expressed another way, this would be equivalent to a developer profit of 1.32% on GDV (in place of the 12.5% return mentioned in the VA). The applicant indicates that, while this position would not be acceptable to market housebuilders, Registered Providers can absorb this risk on the basis that a financial ‘break even’ point will be achieved over a fixed period for the proposed affordable housing tenures.

The structure of the VA captures the five key elements referenced in paragraph 010 of the NPPG. While the calculation of GDV is based on open market values rather than affordable housing values (and so does not account for grant funding to the Registered Provider as advised in paragraph 011 of the NPPG), the use of open market value to calculate GDV is considered to present a robust scenario which sets out the maximum return that could be expected to be achieved from the development. The summary of build costs contained in the VA is in line with BCIS values and abnormal costs are proportionate based on those known to occur across the rest of the site as evidenced in the appraisals for Phases 1 and 2 of Clifton View. Similarly, costs for external works and professional fees are commensurate with the figures presented in other viability appraisals.

The main issue with the VA is the manner in which it addresses benchmark land value. In particular, the use of a market valuation for the site does not accord with the approach for calculating

benchmark land value (the EUV+ method) set out in paragraphs 013-016 of the NPPG. At present, the “land value” figure given in the VA accounts for 17.19% of the gross development cost. Set against this, however, it is noted that, at 12.5%, the allowance for developer profit falls between 2.5% and 7.5% below the range deemed appropriate for plan-making purposes in paragraph 018 of the NPPG and that the development costs stated in the VA do not include any allowance for contingencies (which would normally equate to *circa* 3% of the total cost). Moreover, given the overall deficit arising from the scheme the current “land value” figure given in the VA would need to be lowered by 58.49% to deliver a profit of only 12.5% on GDV – a scenario that is also likely to yield an EUV+ below the benchmark land value in any case. Accordingly, even if the “land value” figure currently given in the VA were altered to a significantly lower value, it would still be unviable for the scheme to make any planning contributions.

In addition to the above, it is noted that abnormal build and land remediation costs (amongst other matters) resulted in viability issues affecting the level of contributions received from the market-led housing schemes on Phases 1 and 2 of Clifton View. In particular, it was accepted that Phase 1 could deliver only 10% affordable housing, education contributions and a reduced level of on-site open space provision due to viability constraints (with highway, public realm and travel plan contributions attached to the permission for the supermarket). For the same reasons, Phase 2 delivers only 15% affordable housing, education contributions and reduced on-site open space.

Summary and balancing of contributions:

For the reasons given above, officers are satisfied that the applicant has demonstrated it is unviable for the development to make any off-site financial contributions towards public open space and education (totalling £52,185) for the purposes of FLP policies ENV4 and INF2. As the scheme will provide 100% affordable housing (which is above and beyond the 30% policy requirement in H4), the main issue to consider is whether the absence of financial contributions towards education and open space is offset by the over provision of affordable housing arising from the development.

The central location of the site between Phases 1 and 2 of Clifton View means that it is intrinsically linked to those developments. A total of 132 dwellings have been constructed on Phase 1, with 13 of these (10%) comprising affordable housing units. Planning permission for 146 dwellings on Phase 2 is in the early stages of construction and this will deliver a total of 22 (15%) affordable housing units. While education contributions on Phases 1 and 2 were secured in full for those developments, a reduced level of affordable housing provision has been accepted on viability grounds. This has resulted in a total shortfall of 48 affordable housing units across Phases 1 (26 units) and 2 (22 units) against the 30% requirement in FLP policy H4.

In order to comply with policy H4, the proposed development would normally be expected to deliver 8 dwellings (30% of 28) as affordable housing. However, as 100% of the dwellings would comprise affordable housing in this case the development would deliver a surplus of 20 affordable housing units on the site above and beyond the normal policy requirement. This surplus would greatly assist in offsetting the 48 affordable housing unit shortfall that has arisen due to viability issues on Phases 1 and 2 of Clifton View by increasing the level of affordable housing provision across site MUS4 to a total of 63 dwellings – an average of 21% across the three separate phases of housing. Accordingly, when the 100% affordable housing provision to be made by this development is balanced against the full education contributions that have been secured on Phases 1 and 2 (and that demand for only 1 additional secondary school place arises from this development) and the areas of open space delivered by those developments, it is considered that the benefits of securing 100% affordable housing on this part of the site outweigh any harm arising from the absence of contributions towards education and public open space. In these circumstances, it is considered that priority

should be given to the provision of affordable housing arising from this development rather than other infrastructure contributions.

Other matters:

Housing mix:

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

The proposed housing mix includes 6 x 1 bed units; 14 x 2 bed units; 6 x 3 bed units; and 2 x 4 bed units. Accordingly, as 26 dwellings – equating to 93% of the total – would be delivered as 1-3 bed homes, the scheme surpasses the housing mix requirements of policy H2 with respect to dwelling size.

In terms of the second requirement relating to the provision of specialist accommodation for the elderly, the development includes a total of 6 plots across two house types – equating to 21% of the total – that are designed to be compliant with optional technical standard M4(3(2a)) of the Building Regulations relating to wheelchair adaptable dwellings. For clarity, optional technical requirement M4(3(2a)) of the Building Regulations requires that “the provision made must be sufficient to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs”. Accordingly, the requirement in policy H2 is for the designated M4(3(2a)) dwellings to be built to a specification where their physical structure is capable of being adapted in the future with minimal retrofitting (i.e. that the buildings are capable of being easily adapted in the future without the need for major rebuilding works or extensions etc.). The dwellings do not need to be built ‘as adapted’ at this stage.

As set out in paragraph 0.3 of Approved Document M of the 2010 Buildings Regulations (as amended), optional requirement M4(3) “only applies where a condition that one of more dwellings should meet the relevant optional requirement is imposed on new development as part of the process of granting planning permission.” Accordingly, an appropriate condition has been imposed to require the 6 dwellings identified on drawing no. 01 Rev K as being “Part M CAT 2 compliant” to be constructed so that they comply with that standard. With this condition in place the development will comply with the requirements of FLP policy H2 relating to the provision of specialist accommodation for the elderly.

Contamination:

FLP policy GD9 states that development will be encouraged on previously developed land that may be contaminated as result of previous uses provided that three criteria relating to: a) evidence of satisfactory site investigation; b) the stability of surrounding areas; and c) evidence of remedial and mitigation measures, are met.

The application is accompanied by phase 1 ground investigation report which includes the following conclusions:

- There is the potential for asbestos contamination associated with the demolition of the

former buildings and existing crushed concrete material on site. The overall risk to human health is considered to be moderate. Further allowances should be made for contamination testing to demonstrate the land is acceptable for the proposed use, or soils suitable for re-use. An allowance should be made for a 600mm thick clean capping layer in all garden and soft landscaped areas. No topsoil currently exists on site and allowance should be made for importing clean topsoil in all proposed gardens and soft landscaped areas.

- The overall ground gas risk is considered to be moderate to high due to historic site use (made ground), surrounding land-use (backfilled ponds) and natural strata (peat with high organic content). An allowance for ground gas protection measures should be made. All houses should be fitted with a methane membrane fully sealed at joints and service penetrations, with a beam and block floor slab with 300mm high void and fitted by specialists with a vigorous regime of independent inspection and testing.
- Ground conditions are anticipated to comprise made ground to approximately 1m overlying loose Blown Sand to approximately 3m, Tidal Flat Deposits of peat, clay and silt to approximately 16m and stiff Glacial Till deposits to at least 25m. Accordingly, allowance should be made for: i) Piled foundations for 100% of the proposed plots; ii) Beam and block floor slabs; and iii) Soakaways are unlikely to be feasible; shallow groundwater is anticipated at 1-2m.

The Council's EHO has reviewed the Phase 1 investigation and considers the conclusions and recommendations to be acceptable. The EHO suggests a condition requiring the recommendations in the phase 1 study to be implemented in full and further details of monitoring, remediation, sampling and verification submitted before development begins, including those relating to gas protection measures. Accordingly, a suitable condition has been imposed to deal with contamination in order to meet the objectives of FLP policy GD9.

Flood risk:

FLP policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development, as required by the NPPF (paragraph 157). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

FLP policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible. Where discharge is allowed to a surface water sewer, policy CL2 indicates that evidence must be provided to demonstrate that capacity exists within that sewer, including relevant authorisation from the appropriate infrastructure provider.

The application is accompanied by a flood risk assessment and indicative drainage strategy which includes the following conclusions:

- **Flood risk** – The site is located within flood zone 1 and therefore at the lowest risk of flooding from fluvial and tidal sources. The risk of flooding from all other sources is very low or negligible.
- **Surface water drainage** – Ground conditions are unfavourable for infiltration/soakaway as a

means for discharging surface water runoff. As the site is brownfield, post development surface water runoff should be restricted to 50% of the current discharge rate, including an appropriate allowance for climate change. This reduction in discharge rate will be achieved by a controlled flow restriction and utilising attenuation storage. There is a culverted watercourse running between 800m-1000m from the site which has the potential to accommodate surface water discharge via a connection through the adjacent development.

- **Foul water drainage** – There are existing public sewers in the area owned and maintained by United Utilities. There is a combined sewer which runs under Heyhouses Lane and could provide an appropriate point of connection for the development via the adjacent site once those sewers are adopted by United Utilities.
- **Flood mitigation measures** – Finished floor levels of the buildings should be set at least 150mm above surrounding external ground to direct overland flows away from the dwellings and towards adjacent landscaped areas.

Both the Lead Local Flood Authority (LLFA) and United Utilities (UU) have been consulted on the application. UU indicate that the principles of the drainage strategy set out in the submitted flood risk assessment are acceptable to them and recommend a condition requiring the submission of a final drainage strategy to follow the same principles. While the LLFA have not commented on the application, they have accepted similar drainage principles for Clifton View Phases 1 and 2 and as the submission of a detailed drainage strategy can be secured through condition there are no site-specific reasons to suggest that an appropriate means of disposal for foul and surface water could not be achieved in accordance with FLP policies CL1 and CL2.

Ecology:

Section 1 of FLP policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species. Paragraph 170 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity.

The application is accompanied by an ecology survey which includes the following conclusions:

- The site is dominated by bare ground and ephemeral vegetation as well as scattered scrub, which is widespread throughout the site. Two large spoil mounds of rubble are present which vegetation is beginning to colonise. A low number of young, scattered trees are also present. The site's scrub and scattered tree habitats present opportunities to support nesting birds, therefore a nesting bird check should be undertaken up to 24 hours prior to commencement if site clearance works are to be undertaken during the nesting bird period of March to August inclusively.
- The site does not contain any mature trees or habitats that provide bat roosting opportunities or locally significant commuting and foraging routes. Royal Lytham & St Anne's Golf Club Biological Heritage Site (BHS) located 1km to the south west of site, and agricultural land 0.5km north provide more suitable opportunities for bat species locally.
- The site falls within the Impact Risk Zone (IRZ) of Ribble Estuary SSSI. Residential development of 10 units or more is listed as a risk category with regard to this SSSI. The Local Authority is required to consult with Natural England with regard to potential impacts on the SSSI as a result of the proposed residential development. However, due to the small nature of development proposals, the isolation of site and the recent completion of residential development adjacent to the north of site, no impacts to international, national

or locally designated wildlife sites are anticipated as a result of the proposals.

- A number of opportunities for further habitat enhancements which will benefit biodiversity are recommended. These include: i) Enhancement in the form of bat and bird boxes and bug hotels within landscaped areas at an appropriate height and aspect; and (ii) replacement tree planting and creation of landscaped areas using native and berry bearing species.

GMEU have been consulted on the application and confirm their agreement that the site does not support any important habitats and is considered to be unlikely to support any specially protected or priority species. GMEU also opine that biodiversity enhancements can be delivered through the creation of garden spaces for the proposed dwellings and the tree/hedge planting arising from the soft landscaping scheme. The only condition recommended by GMEU relates to restricting the removal of existing vegetation during the optimum bird nesting period between 1 March and 31 August unless the absence of nest sites has been demonstrated by a suitable survey. An appropriate condition has been imposed in this regard.

Natural England have also commented on the application, indicating that, for residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). Natural England advise that, if the LPA can be satisfied that the proposal can conclude no likely significant effects, there is no further need to consult them.

GMEU have undertaken this screening exercise on behalf of the LPA and advise as follows:

- "The application site at the centre of the new, mixed-use community created at Heyhouses Lane on the previously developed site of the former Government Offices. It is located in the northern part of Lytham St Anne's, approximately 1.5 km northeast of St Anne's town centre and 3.5 km from Lytham. Due to the small nature of development proposals, the isolation of site and the recent completion of residential development adjacent to the north of site, no impacts on European designated sites are considered likely. Increases in recreational disturbance on the Ribble Estuary from such a small scheme located in an already built-up and well-established residential area are considered to be nugatory. Accordingly the application can be Screened Out as having no Likely Significant Effects on any European sites and no Appropriate Assessment is required."

Accordingly, the proposed development would have no likely significant effects on designated nature conservation sites for the purposes of FLP policy ENV2 a), the development is not located within, nor would it affect any nature conservation sites or ecological networks for the purposes of ENV2 b) and, in turn, no damage would arise under ENV2 c). The submitted ecology survey also demonstrates that the development would not have any adverse effects on any priority species or habitats and appropriate biodiversity enhancements would be made commensurate to the scale of development.

Affordable housing statement and committee resolution:

As highlighted in the response from the Council's Housing Services Manager, there is an outstanding issue with the wording of the "mortgagee exemption" clauses contained on p. 4 of the submitted affordable housing statement which means that the current statement cannot be approved in its present form, though all other matters are agreed. These clauses would come into effect in the event that the applicant defaults on their mortgage or goes into administration and the dwellings are subsequently passed to a mortgagee, chargee or receiver for disposal. The "mortgagee exemption" clauses are standard clauses intended to allow the mortgagee, chargee or receiver to

dispose of the dwellings free from the restrictions in the affordable housing statement subject to meeting certain criteria, one of which requires them to use reasonable endeavours to dispose of the affordable housing units to another Registered Provider.

The LPA and Housing Services Manager are in discussions with Great Places regarding amendments to the current wording of the “mortgagee exemption” clauses in the affordable housing statement and it is considered likely that this will be resolved prior to the committee meeting, where an update will be provided. Until that point, however, the resolution is to delegate authority to the Head of Planning and Housing to grant planning permission subject to the “mortgagee exemption” clauses in the current affordable housing statement being amended to the satisfaction of the Council’s Housing Services Manager. The wording of condition 3 will also need to be updated to refer to the revised affordable housing statement.

Conclusions

The application relates to a central, *circa* 0.6 hectare parcel of the former Electronic Data Systems (EDS) site located between the southern end of Bowden Lane and Shepherd Road, Lytham St Annes. To the north the site is bordered by existing dwellings forming the first, recently completed phase of Morris Homes’ Clifton View development (‘Phase 1’). To the south, east and west the site adjoins an irregularly-shaped parcel of land which benefits from extant permissions (15/0787 and 19/0815) for a further development of 146 dwellings which forms Morris Homes’ second phase of Clifton View (‘Phase 2’).

The wider EDS land is allocated as a strategic housing site (reference MUS4) on the Fylde Local Plan to 2032 Policies Map and the application site benefits from an extant planning permission for a residential development of 30 dwellings pursuant to reserved matters approval 13/0448. Collectively, that approval allows a total of 162 dwellings to be constructed – 132 dwellings by Morris Homes at Clifton View Phase 1 (now completed) and a further 30 dwellings by Hollinwood Homes on the application site (known through that permission as the ‘Worthington Land’). While the latter phase of 30 dwellings has not been brought forward to date, the permission remains extant by virtue of Morris Homes having implemented Phase 1. Accordingly, the extant permission for 30 dwellings on the site represents the ‘fallback’ position for residential development on the land and establishes the principle of development for this purpose.

The current application seeks full planning permission for a residential development of 28 dwellings on the Worthington Land. The development would comprise 22 two-storey houses and a block of 6 two-storey apartments. All of the dwellings are to be constructed by a Registered Provider (Great Places Housing Association) to meet the definition of ‘affordable housing’ given in Annex 2 of the National Planning Policy Framework. The dwelling mix would comprise:- 6 x 1 bed units; 14 x 2 bed units; 6 x 3 bed units; and 2 x 4 bed units. The affordable housing tenure split includes a mix of 12 units for affordable rent and 16 for shared ownership. The mix of dwelling sizes and provision of 6 units designed to provide specialist accommodation for the elderly would comply with the requirements set out in policy H2 of the local plan.

The development would be accessed via a southerly/south-westerly extension of Bowden Lane along a 5.5m wide estate road with 2m footways on both sides. The carriageway would narrow to 4.8m on its western flank before reaching the boundary with Phase 2 where a bollarded link (to be constructed by Morris Homes pursuant to conditions 10 and 2 of planning permissions 15/0787 and 19/0815) will prevent vehicle access through to Shepherd Road via Phase 2. Accordingly, vehicle access to the site will be via Bowden Lane (which links with Main Drive and Heyhouses Lane further to the north). This access strategy replicates that of the 30 dwelling development approved by

application 13/0448 (though the estate road proposed in this scheme achieves a superior design to allow adoption by the Local Highway Authority) and would not give rise to any severe residual, cumulative effects on network capacity or adverse impacts on highway safety. The development's relationship with the pedestrian and cycle link through to Phase 2 would also incorporate sustainable connections and permeability for pedestrian and cycle traffic. Accordingly, a safe and suitable means of access for all users would be achieved.

The layout of the dwellings would follow the highway frontage of the estate road, resulting in a consistent building line and ensuring a mix of hard and soft landscaping which achieves a spacious, garden fronted aspect to the roadside and a continuation of the general pattern, density and layout of development on Phases 1 and 2 of Clifton View. The dwellings would comprise simple, but well-proportioned elevations with generous-sized window openings orientated to address key vantage points and corner aspects both within and outside the site. All buildings would be two storeys in height and finished in red brick walls below grey tiled roofs to follow those of the Clifton View development.

Spacing distances achieved between dwellings would replicate those achieved on Phases 1 and 2 of Clifton View and would ensure that the development has no undue effects on the privacy and amenity of neighbouring occupiers due to loss of outlook, overshadowing or overlooking, while also ensuring a good standard of amenity for future residents. Appropriate levels of car parking and garden space would be provided commensurate with the site's accessible location within the settlement of St Annes.

As 100% of the proposed dwellings will comprise affordable housing, it is not viable for the scheme to make contributions towards open space, education or any other infrastructure provision. This has been evidenced through the submission of a viability appraisal and similar concessions were also applicable to the market housing schemes forming Phases 1 and 2 of Clifton View, where reduced contributions towards on-site affordable housing (at rates of 10% and 15% respectively) and open space provision were accepted on viability grounds (though education contributions were secured in full as part of those developments). As this scheme would make a substantial contribution towards addressing the shortfall in affordable housing provision arising across the EDS site stemming from viability issues on Phases 1 and 2, it is considered that the benefits of securing 100% affordable housing provision on this site would outweigh any harm arising from the absence of contributions towards open space and education in this case.

The site is at a low risk of flooding and has limited ecological value. Appropriate measures can be put in place as part of the development to ensure that future occupiers are not at risk due to contamination or surface water flooding, and suitable biodiversity enhancements would be achieved.

Taken as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the St Annes on the Sea Neighbourhood Development Plan, the Fylde Local Plan to 2032 and the provisions of the National Planning Policy Framework.

Recommendation

That authority be delegated to the Head of Planning and Housing to GRANT planning permission subject to:

i) the applicant submitting an updated affordable housing statement which amends the "mortgagee exemption" clauses contained on page 4 of the current statement dated 3 March 2020 in a manner

that is acceptable to the Housing Services Manager; and

ii) the following conditions (including provision for an amendment to condition 3 to allow for reference to be made to the updated affordable housing statement required by i)):

1. The development must be begun not later than the expiration of three years from 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:

Drawing no. L01 – Location plan.

Drawing no. 01 Rev K – Site plan.

Drawing no. 03 Rev A – Boundary details.

Drawing no. 04 – House types A & B.

Drawing no. 05 Rev A – House types C & D.

Drawing no. 06 – House type E.

Drawing no. 07 Rev A – Apartments.

Drawing no. 101 Rev C – Landscape layout.

Drawing no. 201 Rev B – Planting plan.

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. All (100%) of the dwellings hereby approved shall be provided as affordable housing which complies with one or more of the definitions set out in Annex 2 of the National Planning Policy Framework published February 2019 and shall be made available for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers), in full accordance with the details contained in the document titled “Affordable Housing Statement – Full Planning Application” and dated [*****] prepared on behalf of Great Places Housing Association.

Reason: The application is submitted by a Registered Provider and is made on the basis that the development will deliver a scheme comprising 100% affordable housing. The application has been assessed and concessions in respect of other infrastructure contributions have been made on that basis. The condition is, therefore, required to ensure that the development is delivered in accordance with the provisions set out in the submission and to justify the non-delivery of other infrastructure contributions on viability grounds in accordance with the provisions of Fylde Local Plan to 2032 policies H4 and INF1, and the National Planning Policy Framework.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy

Framework.

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives and visitors;
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
 - e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
 - f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
 - g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
 - h) measures to control the emission of dust and dirt during construction;
 - i) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

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

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

Reason: In order that appropriate investigations are undertaken to determine whether the site (or part of it) is contaminated before any development takes place, to avoid any disturbance of contaminated land while carrying out the development, to ensure the safe development of the site and to secure appropriate remediation of any contamination before development takes place in order to prevent pollution of the surrounding environment in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 policy GD9 and the National Planning Policy Framework.

7. No above ground works shall take place until details of the finished ground floor levels for each dwelling and the ground levels for the external areas of the site, above ordnance datum, 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 new dwellings and between the development and surrounding buildings before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options contained in the Planning Practice Guidance and, where relevant, shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:

- a) Separate systems for the disposal of foul and surface water.
- b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- e) Flood water exceedance routes, both on and off site.
- f) Details of water quality controls, where applicable.
- g) A timetable for implementation, including phasing as applicable.
- h) Details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker

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.

9. The dwellings labelled “house type B” and “1 bed apartments” which are identified as being “Part M – Cat 2” compliant on drawing no. 01 Rev K (6 dwellings in total) shall be constructed to comply with optional requirement M4(3)(2)(a) contained in Part M, Schedule 1 of the Building Regulations 2010 (as amended).

Reason: To ensure that the development delivers a suitable proportion of dwellings that are designed to provide specialist accommodation for the elderly in order to satisfy the requirements of Fylde Local Plan to 2032 policy H2 and to provide an appropriate mechanism to secure compliance with optional requirement M4(3)(2)(a) under Part M, Schedule 1 of the Building Regulations 2010 (as amended).

10. 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.

11. None of the dwellings hereby approved shall be occupied until a scheme for the installation of bat and bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, location, height, aspect and specification of the bat and bird boxes, and a timetable for their provision. The bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements as recommended in section 5 of the document titled "Ecological Assessment" by 'The Environment Partnership' dated February 2020 in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

12. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. 01 Rev K, 101 Rev C and 03 Rev A before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

13. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing nos. 101 Rev C and 201 Rev B shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into the surrounding area, 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.

14. No above ground works shall take place until a scheme for the design, construction and drainage of all new estate roads and associated footways has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full engineering, drainage, street lighting and constructional details. Each estate road and their associated footways shall be constructed in full accordance with the duly approved scheme before any of the dwellings to be served by that road are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for access and circulation of all road users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

15. None of the dwellings hereby approved shall be occupied until a scheme setting out arrangements for the future management and maintenance of all the estate roads and associated footways to be constructed pursuant to condition 14 of this permission has been submitted to and approved in writing by the Local Planning Authority. The estate roads and associated footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of estate roads and footways to serve the development in order to provide satisfactory facilities for access and circulation of all road users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

16. The vehicle parking and manoeuvring areas for each dwelling shown on drawing nos. 01 Rev K and 101 Rev C shall be laid out and made available for use in accordance with the details shown on the approved plans before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and amenity, and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.

17. None of the dwellings hereby approved shall be occupied until a scheme for the provision of bicycle parking on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) the number of bicycle parking spaces to be provided;
- b) the siting, size, design and materials to be used in the construction of any bicycle store(s); and
- c) a timetable for the provision of the bicycle parking spaces and store(s).

The bicycle parking spaces and store(s) shall thereafter be constructed and made available for use in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4, and the National Planning Policy Framework.

18. The bin stores for each of the apartments on plots 21-26 shall be constructed and made available for use in accordance with the details (including their size, siting and design) indicated on drawing nos. 01 Rev K and 101 Rev C before each associated apartment is first occupied, and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for the storage of refuse and recycling receptacles in the interests of the amenity of future occupiers and to achieve an appropriate appearance for these storage facilities in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

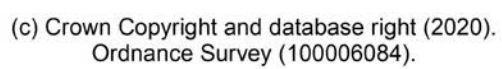
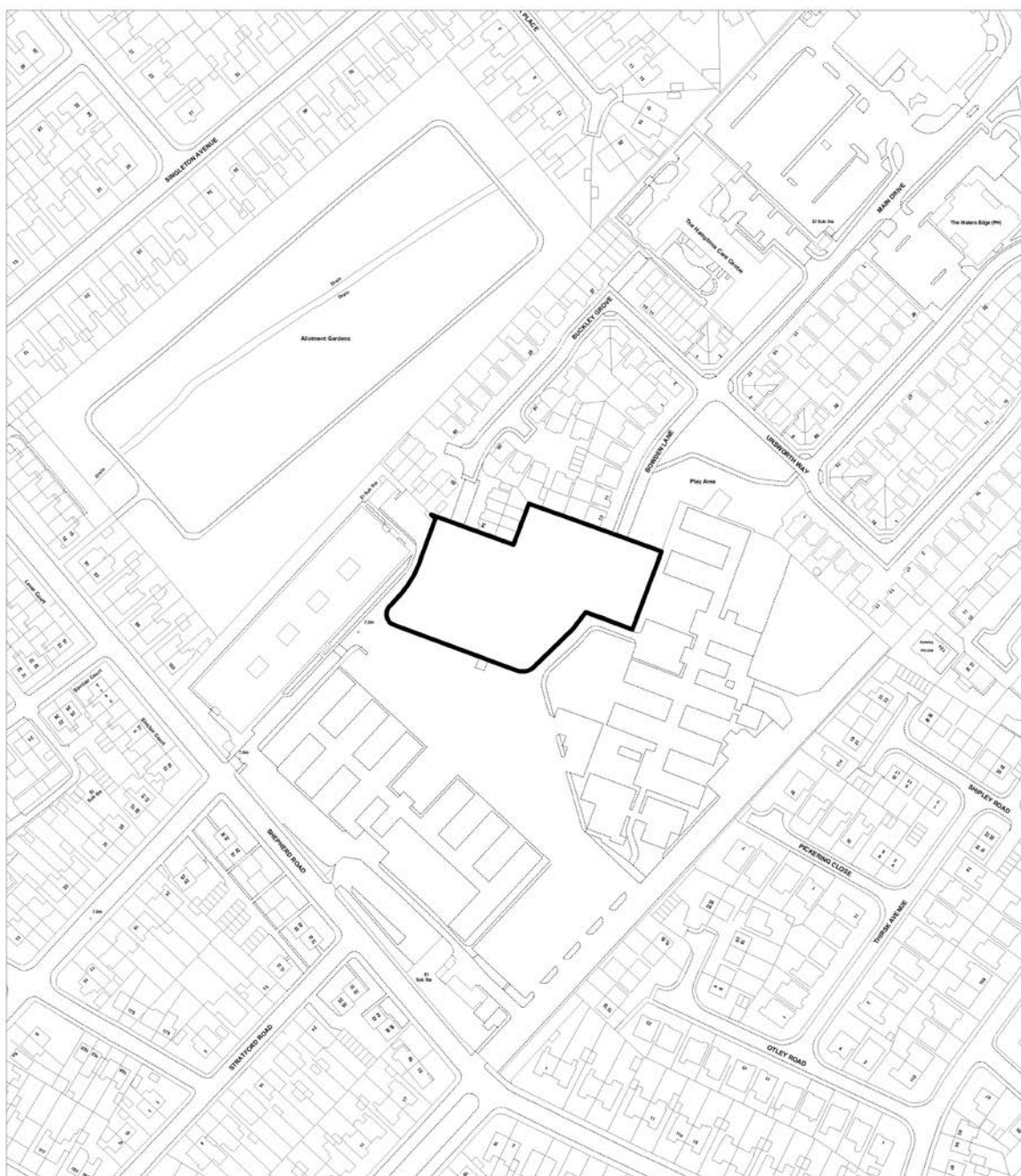
19. Before the dwelling on each associated plot referred to in a) to c) is first occupied, the following

windows in those dwellings shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed:

- a) The first floor en-suite bathroom window in the south facing (side) elevation of plot 4 (house type C).
- b) The first floor en-suite bathroom window in the east facing (side) elevation of plot 5 (house type E).
- c) The first floor bathroom window in the north facing (side) elevation of plot 28 (house type B).

The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between future occupiers of the approved dwellings and other neighbouring properties in order to ensure a high standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.



Scale
0 10 20 30 40 m

Typical view across the site



Typical development on the wider site



Item Number: 5

Committee Date: 24 June 2020

Application Reference:	20/0284	Type of Application:	Full Planning Permission
Applicant:	Mr J Rutter	Agent :	
Location:	FBC SNOWDON ROAD DEPOT SITE, SNOWDON ROAD, LYTHAM ST ANNES, FY8 3DP		
Proposal:	SINGLE STOREY SIDE EXTENSION TO PARKS BUILDING TO PROVIDE ADDED OFFICE SPACE AND WELFARE FACILITIES INCLUDING PROVISION OF ADDITIONAL VEHICLE AND CYCLE PARKING		
Ward:	KILNHOUSE	Parish:	St Anne's on the Sea
Weeks on Hand:	8	Case Officer:	Alan Pinder
Reason for Delay:	Not applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks planning permission for an extension to an existing Parks Department building located within the Fylde Borough Council's Snowdon Road depot. The extension would provide additional office and welfare facilities for use by the Parks Department and other Snowdon Road based council employee. The principle of this extension would accord with the allocation of the site under Policy EC1 of the Fylde Local Plan to 2032 and Policy E4 of the St Annes Neighbourhood Plan which promotes the establishment and retention of Class B1 and B2 uses in such designated employment sites.

The design, scale and appearance of the extension accord well with the existing character of the site, and its siting is such that it would not unduly impact on the visual amenity of the locale or the amenity of nearby residential properties. The parking areas lost through the construction of the extension are more than replaced through the provision of additional spaces elsewhere in the site which will be secured by a planning condition. Accordingly the development accords with Policies EC1 and GD7 of the Fylde Local Plan to 2032, and Policy E4 of the St Annes Neighbourhood Plan. The application is therefore recommended for approval.

Reason for Reporting to Committee

As the application is submitted by Fylde Borough Council the application does not fall within the Council's approved 'Scheme of Delegation' and is to be determined by the Planning Committee.

Site Description and Location

The site is Fylde Council's Snowdon Road Depot which is located on Snowdon Road in St. Annes and is a former waste disposal site. It is located on the north side of Snowdon Road at the junction with

Everest Road and is bounded to the west by two pairs of semi-detached two storey dwellings, to the east by factory and offices buildings, to the north by the grounds of Blackpool Airport, and to the south by other industrial buildings. It forms part of Snowden Road Industrial Estate, which is an existing employment site designated in policy EC1 of the Fylde Local Plan to 2032.

The site is occupied by the council's refuse services, fleet maintenance department, coastal rangers, and parks department. Within the site are two large industrial type buildings; one in use for fleet maintenance and the other being a ground maintenance building for use by the parks department.

Details of Proposal

This application seeks planning permission for the construction of an extension onto the grounds maintenance building to provide additional office space and welfare facilities. The extension would replicate the profile of the existing building in terms of height, depth and roof slope, and effectively increase the length of the building by 14 metres. In terms of external materials and appearance these are to match those of the existing building.

Relevant Planning History

Application No.	Development	Decision	Date
15/0130	PROPOSED ERECTION OF BUILDING FOR GROUND MAINTENANCE DEPOT	Granted	10/04/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 01 May 2020 and comment:

"The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.

This is FBC's Technical Services Application. App 14) States - current use is for parking FBC's refuse trucks and operational vehicles. Planning Statement 16) states - Some of the operational vehicle parking has been rationalised and taken up within the existing compound by altering the site layout.

Highways have made no Objection, but consideration must be given to adjoining / nearby residents by way of Condition relating to on-site only parking of FBC's vehicles, protecting resident's amenity.

The submitted changes improve the working conditions for the staff at Snowden Road and this must be a good thing."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They comment that:

“LCC Highways does not have any objections regarding the proposed single storey side extension to parks building to provide added office space and welfare facilities including provision of additional vehicle and cycle parking, 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 then suggest a condition is imposed to ensure that the parking areas are marked out and retained for parking.

Neighbour Observations

Neighbours notified: 01 May 2020
Number of Responses None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities

Other Relevant Policy:

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

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 site is located within the settlement area of Lytham St Annes as defined by Policy GD1 of the Fylde Local Plan to 2032, and is located on land designated as part of an existing employment area by Policy EC1 of that Plan. These are the key policies for assessing the principle of the development. The details of the scale, design and other aspects of the proposal are assessed against Policy GD7 which deal with the general design of all development proposals,

The site is also within the area covered by the St Annes-on-the-Sea Neighbourhood Plan and so that is a relevant policy consideration. In that Plan Policy GP1 designates the site within the settlement boundary where development is to be directed, and Policy E4 promotes small scale employment development subject to it not having harmful impacts on relevant planning considerations.

Principle of development

Policy EC1 of the Fylde Local Plan to 2032 is supportive of development that retains the use of the site at Snowdon Road Industrial Estate in use classes B1, B2 and/or B8. The use of the existing building falls within use classes B1 as offices and B2 as general industrial uses. The proposed

extension would provide additional facilities principally for use by the Parks department, but also by other Snowdon Road based council employees, and would comprise of additional office space, extended welfare facilities (e.g. showers, WC's, kitchenette, drying room), interview room (private meetings), and a large multifunctional room for staff training, corporate briefings/meetings, and use as a day to day 'break out' room. These uses fall within Use Class B1(a) but could equally be considered to be of a scale that is ancillary to the lawful B2 use of the site. Either way, the principle of the proposed development and its intended use accords with policy EC1 of the Fylde Local Plan to 2032, and Policy E4 of the St Annes Neighbourhood Plan.

Visual impact

The proposed extension would be built onto the southern end of the existing parks building and replicate the profile of that relatively recent building in all relevant respects (i.e. height, depth, roof profile). Its external materials of construction would also match those of the existing building. Accordingly the design and appearance of the extension would be in keeping with the character of the site as a whole.

To the north (rear) of the site are the grounds of Blackpool Airport which is situated in Green Belt land and therefore a 'sensitive land use'. However, there is an existing landscape buffer between the application site and the airport land in the form of a line of mature hedging that provides a measure of screening. This notwithstanding the southern aspect of the proposed extension is such that any views from the north would be effectively unchanged due to the intervening existing Parks building.

To the front of the site is a mix of residential properties and other industrial type buildings. From this aspect the extension would be viewed against a mix of industrial development that form the remainder of the Snowdon Road employment site. The extension will not be overbearing in this context and is a sympathetic extension to the existing industrial accommodation on the site.

Overall it is considered that within the context of its surroundings the proposed extension would not have an adverse and unacceptable visual impact on the visual amenity or character of the locale, and as such will accord with the criteria of policy GD7 of the Fylde Local Plan to 2032 that relate to design and visual impact, and the criteria of Policy E4 of the Neighbourhood Plan that assess this aspect.

Neighbour amenity

The closest residential properties No.1 Snowdon Road, located approximately 44 metres west of the proposed extension, and No.2 Walter Avenue which is also approximately 44 metres distant on the corner of Snowdon Road and Everest Road. The proposed uses within the extension are not of a type that would generate noise and/or odours and so overall it is not considered that the proposal would cause any detriment to the amenity of the occupiers of these properties. The distance of separation and location of the extension is clearly sufficient to ensure that there are no overbearing or other such impacts. Accordingly the development would accord with the criteria of policy GD7 and Policy E4 that relate to neighbour amenity.

Highway impact

The proposed extension would be sited on land that currently provides a vehicle parking area. However the proposed site layout indicates that a new parking area with 12 spaces will be created towards the north eastern corner of the site to compensate. County Highways have been consulted on this aspect and have raised no objections to the scheme, opining that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, subject to a condition requiring the new parking area to be marked out in accordance with

the proposed site layout and thereafter retained.

The proposed works are to improve the facilities available on site rather than to specifically increase the capacity of the site and so its demand for parking spaces. The proposal involves the loss of some 4 spaces to accommodate the extension, but these are replaced through the provision of additional spaces by the rationalisation of the use of the yard area elsewhere to ensure that there are no policy concerns over the parking and wider highway safety matters.

Conclusions

This application seeks planning permission for an extension to an existing Parks Department building located within the Fylde Borough Council's Snowdon Road depot. The extension would provide additional office and welfare facilities for use by the Parks Department and other Snowdon Road based council employee. The principle of this extension would accord with the allocation of the site under Policy EC1 of the Fylde Local Plan to 2032 and Policy E4 of the St Annes Neighbourhood Plan which promotes the establishment and retention of Class B1 and B2 uses in such designated employment sites.

The design, scale and appearance of the extension accord well with the existing character of the site, and its siting is such that it would not unduly impact on the visual amenity of the locale or the amenity of nearby residential properties. The parking areas lost through the construction of the extension are more than replaced through the provision of additional spaces elsewhere in the site which will be secured by a planning condition. Accordingly the development accords with Policies EC1 and GD7 of the Fylde Local Plan to 2032, and Policy E4 of the St Annes Neighbourhood Plan. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- a) Location Plan - Drawing no. TS18019-01
- b) Proposed Block Plan - Drawing no. TS18019/02
- c) Proposed Site Plan - Drawing no. TS18019/04
- Proposed Elevations & Floor Plan - Drawing no. TS18019-007

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

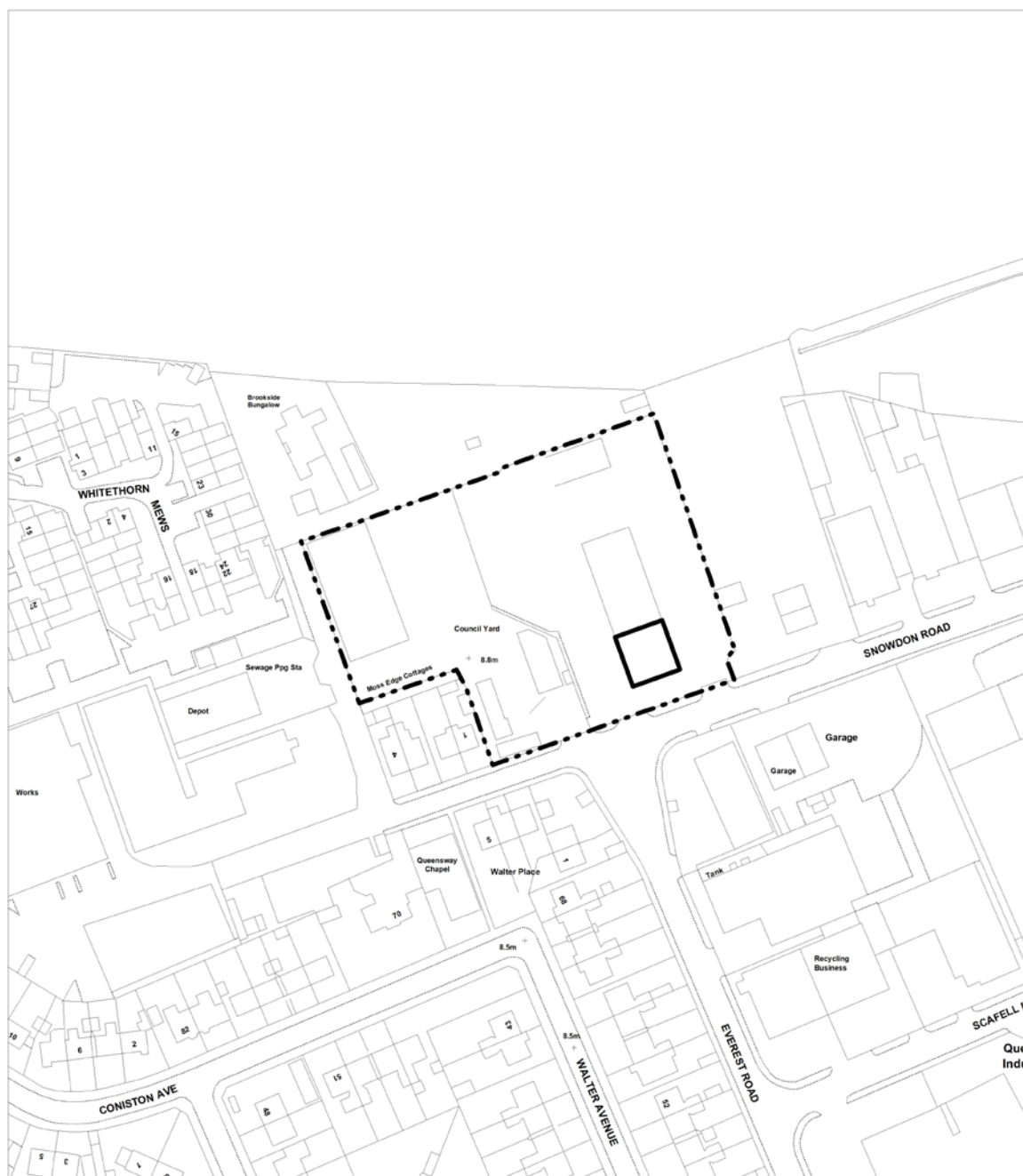
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework


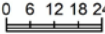
3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. The 12 No. additional car parking spaces indicated on the approved proposed site layout (drawing no. TS18019/04) shall be marked out in accordance with the details shown on the approved plan and made available for parking prior to the first use of the extension hereby approved, and shall be retained available for that purpose at all times thereafter.

Reason: In order to ensure the provision of adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T5, and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0284	Address FBC Snowdon Road Depot, Snowdon Road, Lytham St Annes	Grid Ref. E.3331 : N.4307	Scale 0 6 12 18 24 m 

View of depot site from highway



Extension is proposed to side of this building



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	24 JUNE 2020	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 decision on the following appeals between 8 May and 12 June 2020.

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 8 May 2020 and 12 June 2020. The decision notices are attached to the report as an appendix for reference.

Rec No: 1

25 February 2020 19/0844

KIRKHAM CONSERVATIVE CLUB, RIBBY ROAD,
KIRKHAM, PRESTON, PR4 2BB
INSTALLATION OF FOUR 7M LIGHTING COLUMNS TO
BOWLING GREEN

Written
Representations
Case Officer: AP

Fylde Dec. Level COMM

Appeal Decision: Allowed: 03 June 2020



Appeal Decision

Site visit made on 26 May 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2020

Appeal Ref: APP/M2325/W/20/3245634

Kirkham Conservative Club, Ribby Road, Kirkham PR4 2BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Neilson Robertson against the decision of Fylde Borough Council.
 - The application Ref 19/0844, dated 16 October 2019, was approved on 15 January 2020 and planning permission was granted subject to conditions.
 - The development permitted is the installation of four 7m lighting columns to bowling green.
 - The condition in dispute is No 5 which states that: "The lighting affixed to the columns hereby approved shall not be operated or illuminated between 21.00 hours and 08.00 hours on any day, and shall only be operated during the months of March – October (inclusive)."
 - The reason given for the conditions is: "To ensure the amenity of nearby residents is not unduly harmed by light spillage from the installed lighting columns in accordance with the requirements of para 180 of the NPPF."
-

Decision

1. The appeal is allowed and the planning permission Ref 19/0844 for the installation of four 7m lighting columns to the bowling green at Kirkham Conservative Club, Ribby Road, Kirkham PR4 2BB granted on 15 January 2020 by Fylde Borough Council, is varied by deleting condition No 5 and substituting it with the following condition:

5) The lighting affixed to the columns hereby approved shall not be operated or illuminated between the hours of 21.30 hours and 08:00 hours on any day, and shall only be operated during the months of March – October (inclusive).

Background and Main Issue

2. Permission was granted in January 2020 for the erection of 4 lighting columns around the bowling green associated with Kirkham Conservative Club. This was subject to a number of conditions including one which prevented the lighting being used between 21.00 hours and 08.00 hours on any day and that it could only be used between March – October inclusive. The appeal seeks to enable the use of the lighting until 21.30 hours during those months. At the time of my site visit the floodlighting had not been erected.
3. The main issue in the appeal is the effect that varying the hours of illumination would have on the living conditions of nearby residents.

Reasons

4. The bowling green for which the floodlighting has been approved is surrounded on three sides by residential properties. Given the limited space around the bowling green itself and the shallow rear gardens, the dwellings, especially those on Ward Street, are close to it. All of the dwellings appeared to have habitable room windows on their rear elevations, facing the site, although given the boundary treatments, the bowling green is only visible from the first floor windows.
5. Given the close proximity of the surrounding housing it is not disputed that the hours of operation / illumination of the floodlighting needs to be controlled. In addition, I note that in order to minimise light spillage to the surrounding properties consideration has been given to the design and height of the floodlights to ensure that the light shines down rather than across.
6. The appellant has indicated that the floodlighting will only be used at the start and end of the bowling season as for much of the season the days are long enough to allow bowling to take place without the need for any artificial lighting. Moreover, even when it will be necessary for it to be used it is stated that the lighting will only be switched on when the natural light fades, not for the entire match.
7. However, it is indicated that the additional time is required as some matches do not start until 19.15 hours and games can last for a couple of hours. Whilst I note the Council's suggestion that the club starts the matches earlier, to ensure they are finished by 21.00 hours, the appellants evidence makes clear that the times matches start is fixed by the league and it is not possible for individual clubs to change the time.
8. In support of their case, a technical lighting assessment was submitted by the appellant as part of the application. Although, I note the comments by a local resident regarding this, it was assessed by the Council and they have not disputed its methodology or its findings. Nevertheless, the impact of the additional 30 minutes is largely a matter of judgement.
9. Whilst the condition allows the floodlighting to be used over an 8 month period, I see no reason why it would be used other than when bowling matches are taking place. It is not possible to predict exactly how often the floodlighting will be used beyond 21.00 hours, as it will be subject to numerous variables including weather conditions, start times, and how long any individual match lasts. However, it is clear from the evidence that it will only be for a limited number of weeks each year. Moreover, as it will only be required when teams have home matches, it is unlikely to be used every day in those weeks.
10. In the light of this, I am satisfied that for the majority of the year the floodlighting will not be used. Bearing in mind that when it is used it could be on until 21:00 hours, I am not persuaded that an additional 30 minutes would give rise to it having a significant adverse impact on the living conditions of nearby residents.
11. The Council have suggested that as the surrounding housing is modest in size, it is more likely to be occupied by the elderly and/or families with young children, both of whom are more likely to go to bed early. However, there is no evidence to substantiate this suggestion regarding the local demographics.

Furthermore, whilst young children may generally go to bed early, I am not persuaded that elderly people are more likely to go to bed any earlier than the wider population. Moreover, whilst young children usually go to bed early, throughout much of the summer they will be going to bed when it is still daylight and so an additional 30 minutes of floodlighting is unlikely to cause significant disturbance to sleep patterns.

12. Therefore, I consider that varying the hours of operation/illumination to allow the floodlights to operate until 21:30 hours would not have an adverse impact on the living conditions of nearby residents. Consequently, I will vary the condition to enable use until this time as I consider that this would still ensure the proposal complied with Policy GD7 of the *Fylde Local Plan (adopted October 2018)* which seeks to ensure that developments do not adversely impact on the amenity of neighbours. It would also comply with paragraph 180 of the *National Planning Policy Framework* which seeks to limit the impact of artificial light on local amenity.
13. For the reasons given above I conclude the appeal should be allowed and that the planning permission should be varied as set out in the formal decision.

Alison Partington

INSPECTOR